

**CRIME CONTROL, POLICING AND SECURITY IN THE UNITED ARAB
EMIRATES**

KHALIFA RASHID MOHAMMED AL-SHAALI

*A thesis Submitted for the Degree of
Doctor of Philosophy in Law
At the University of Wales at Aberystwyth
May 1999*

DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed(Candidate)

Date.....24/5/99.....

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references. A bibliography is appended.

Signed.....(Candidate)

Date.....24/5/99.....

Signed.....(Supervisor)

Date.....24.5.99.....

STATEMENT 2

I hereby give consent for my thesis, if accepted, to be available for photocopying and for inter-library loan, and for the title and summary to be made available to outside organisation.

Signed.....(Candidate)

Date.....24/5/99.....

ABSTRACT

This thesis originated in the researcher's interest in mapping the effect on the internal security of the UAE of the economic, political and social changes that have occurred since federation in 1971, as well as exploring future threats to security. Having worked in senior positions within the security field in the UAE for many years, the researcher has experienced and studied these changes, and the many threats to security which in some cases are only beginning to emerge clearly.

The thesis sets out the historical background to the political, economic, social and security development of the UAE. This is followed by an examination of the reliability of the official criminal statistics in the UAE, and specifically whether they provide an accurate picture of the state of security in the UAE. The thesis then identifies the underlying threats to security in the UAE. The thesis examines the concepts of internal security and social control, and explores the role of informal and formal organisations with respect to social control. The thesis examines informal and formal social control in the UAE and the changes that have occurred particularly since Federation, and asks whether their positive contribution to the internal security of the UAE is under threat. Several questions arise as to the role of the police – what is that role, and is it changing? Are the police currently serving social needs, and how might they be reformed and so operate more effectively in the field of crime control? The thesis also asks whether the administrative system has a clear strategy for dealing with the threats to security.

The conclusions and recommendations of this thesis specifically address solutions designed to overcome the major threats to the security of the UAE, and to eliminate obstacles to the development of an effective crime control strategy in the UAE. Proposals to remedy the shortcomings of the various law enforcement organisations are also advanced. All these recommendations are intended to ensure a safer society in the UAE.

TABLE OF CONTENTS

	Page
ABSTRACT	II
TABLE OF CONTENTS	III
TABLE OF ANNEXES	XI
ACKNOWLEDGMENT	XII
INTRODUCTION	1
CHAPTER ONE: THE DEVELOPMENT OF LAW ENFORCEMENT IN THE UNITED ARAB EMIRATES: AN HISTORICAL BACKGROUND	6
Introduction	6
1.1 SOCIAL AND POLITICAL STRUCTURE	6
1.1.1 Demography since the 18th century	9
1.1.2 Economic and Political Treaties	12
1.1.3 Conflict between Petroleum Companies and Its Effect on Security	15
1.1.4 The Pre-Federation Era	16
1.2 SECURITY (<i>Amn</i>) IN THE EMIRATES PRIOR TO INDEPENDENCE	17
1.2.1 Law enforcement in Tribal Law	18
1.2.2 Security in the Emirates Prior to the Emergence Of Law Enforcement Organisations	20

1.3	THE EMERGENCE OF LAW ENFORCEMENT ORGANISATIONS	23
1.3.1	The Emergence of the Judiciary	24
1.3.2	The Establishment of the Police	32
	1. Dubai Police	34
	2. Abu Dhabi Police	34
	3. Ras Al-Khaimah Police	35
	4. Ajman Police	35
	5. Sharjah Police	35
	6. Um Al-Qaiwain Police	36
	7. Fujairah Police	36
1.3.3	The Emergence of the Criminal Justice System	37

CHAPTER TWO:

POLITICAL, ECONOMIC, SOCIAL, AND LEGAL DEVELOPMENTS IN THE UAE, AND THEIR EFFECT ON SECURITY

		39
	Introduction	39
2.1	POLITICAL CHANGES	40
2.1.1	Effects Of Political Changes on Security (<i>Amn</i>)	50
2.2	ECONOMIC CHANGES	53
2.2.1	The Discovery of Oil	57
2.2.2	Effects Of the Economic Changes on Security(<i>Amn</i>)	59
2.3	SOCIAL DEVELOPMENT	62
2.3.1	Education	65
2.3.2	Health Care	66
2.3.3	Social Care	67
2.3.4	Changes in Personality and Behaviour	67

2.3.5	Effects of Social Developments on Security (Amn)	69
	1. Demographic changes	69
	2. Juvenile delinquency	70
	3. Increase in Divorce	70
	4. Increase in Crime	70
2.4	CRIMINAL JUSTICE SYSTEM	70
2.4.1	Adversarial and Inquisitorial Models of Criminal Justice	72
2.4.2	The Police	72
2.4.2.1	The Authority of the Police and Police Powers	73
2.4.2.2	Controlling Police Misconduct	78
2.4.3	Public Prosecution	80
2.4.3.1	Duties of the Public Prosecutor	81
2.4.4	The Criminal Courts and the Judges	83
2.4.4.1	Type and Structure of the Courts	86
2.4.5	Conduct of Trial	88
2.4.6	Sentencing and the Prison System	92
2.4.7	Filtering and Diversion in the Criminal Justice System	93
2.4.8	Conclusion	96

CHAPTER THREE:

OFFICIAL CRIMINAL STATISTICS AND THE STATE OF SECURITY IN THE UAE

	Introduction	98
3.1	CRIMINAL STATISTICS	100
3.2	ANALYSIS	104
3.3	THE CREDIBILITY OF THE OFFICIAL STATISTICS	106

CHAPTER FOUR:

THREATS TO THE INTERNAL SECURITY OF THE UAE 109

Introduction	109
4.1 ORGANIZED CRIME	111
4.1.1 Conditions Conducive to Organised Crime	1112
4.1.2 Organised Crime in the United Arab Emirates	114
4.2 IMMIGRATION AND RESIDENCE CRIMES	117
4.3 RELIGIOUS RADICALISM	120
4.3.1 The Wahabies/Salafayeen	122
4.3.2 Al-Okhwan Al-Muslemeen	122
4.3.3 Shi'as	123
4.4 HUMAN RIGHTS VIOLATIONS	125
4.4.1 Other Forms of Discrimination	127
1. Shaikhism	127
2. Unjust Classifications	128
4.5 INTER-EMIRATES BORDER DISPUTES	132
4.6 RACIAL MAJORITIES IN THE POPULATION STRUCTURE	134

CHAPTER FIVE:

SOCIAL CONTROL, FORMAL CONTROL AND THE

MAINTENANCE OF INTERNAL SECURITY (*Amn*): THEORETICAL

APPROACHES 135

Introduction	135
5.1 SOCIAL CONTROL	139
5.1.1 The Family	141

5.1.2	The School	145
5.1.2.1	The Preventive Role of the School	146
5.1.2.2	The Remedial Role of the School	147
5.1.2.3	Mis-education and the path to Delinquency	147
5.1.3	Cultural Associations	149
5.1.4	The Mass Media	150
5.1.5	Entertainment and Sports	153
5.1.6	Religion	154
5.1.7	Conclusion	159
5.2	THE CRIMINAL JUSTICE SYSTEM	159
5.2.1	Islamic Criminal Law	162 ✓
5.2.2	The Justification of Punishment	168
5.2.3	Accountability of the Police in the Criminal Justice System	172
5.2.3.1	Police and Internal Security	176
5.2.4	Conclusion	177
5.3	THE POLITICAL SYSTEM	178
5.3.1	The Legitimacy of the Political System as a Factor in Internal Stability	179
5.3.2	Legitimacy in the Islamic Political system	180
5.3.3	Legitimacy in the Western political system	183
5.4	THE ECONOMY AND INTERNAL STABILITY	185

CHAPTER SIX:
INFORMAL SOCIAL CONTROL IN THE UAE 188

Introduction 188

6.1 RELIGIOUS RESTRAINT 188

6.2 THE FAMILY 192

6.3 SCHOOLING 197

6.4 WEALTH AND WELFARE 200

6.5 THE MASS MEDIA 204

CHAPTER SEVEN:

FORMAL CONTROL IN THE UAE: THE POLICE 206

Introduction 206

7.1 THE UAE POLICE IN SEARCH OF A DEFINED
ROLE 206

7.2 THE ROLE OF THE POLICE 207

7.2.1 The Early Police Role 210

7.2.2 The Police Role Since Federation 210

7.2.3 Reform 216

7.3 POLICE DISCRETION 217

7.3.1 Under-Policing 220

7.3.2 Over-Policing 221

7.3.3 The Control of Police Discretion 222

7.3.4 Conclusion 224

7.3	POLICE TRAINING	225
-----	-----------------	-----

CHAPTER EIGHT:

	CONCLUSION AND RECOMMENDATIONS	230
--	--------------------------------	-----

	Introduction	230
--	--------------	-----

8.1	EFFECT OF ECONOMIC DEVELOPMENT ON SOCIAL CONTROL	230
-----	---	-----

8.2	THE CRISIS IN THE SECURITY SYSTEM	234
-----	-----------------------------------	-----

8.3	SPECIALISED POLICE TRAINING	236
-----	-----------------------------	-----

	Recommendations	236
--	-----------------	-----

8.4	CRIME CONTROL SYSTEM: A CHOICE BETWEEN CENTRALISATION AND DECENTRALISATION	237
-----	---	-----

8.5	A CHOICE BETWEEN 'BUDEAUCRACY' AND PROFESSIONALISM	238
-----	---	-----

1.	Decentralisation	241
----	------------------	-----

2.	Expansion of Police Judicial Authority	244
----	--	-----

3.	Demilitarisation of the Police	245
----	--------------------------------	-----

4.	Privatisation	246
----	---------------	-----

8.6	CRIME PREVENTION	247
-----	------------------	-----

8.6.1	Specific Crime Prevention Objectives	249
-------	--------------------------------------	-----

1.	Family Affairs	250
----	----------------	-----

2.	Juvenile Delinquency	250
----	----------------------	-----

8.7	CRIME DETERRENCE	251
-----	------------------	-----

ANNEXES

	BIBLIOGRAPHY	254
--	--------------	-----

BOOKS	254
1. Books in English	254
2. Books in Arabic	257
THESES AND ESSAYS	261
PERIODICALS	262
NEWSPAPERS AND MAGAZINES	264
LEGAL/ADMINISTRATIVE REPORTS AND DOCUMENTS	264
INTERVIEWS AND MEETINGS	266

TABLE OF ANNEXES

Map Of Oman Peninsula (1890)	1
Saudis, Omanis, and Abu Dhabi Border Claims (1913 - 1954)	2
Chart of the Gulf of Persia, showing the Emergence Of Settlements On The Coast Of Oman (1830)	3
Weapons As Part Of Omani National Dress	4
Questionnaire - Credibility Of The Criminal Statistics In The UAE	5
Questionnaire - Inmates Of Sharjah Prison (Arabic).	6
Tribal Distribution On UAE Map	7
Intermingling of Borders	8
Ministry of Interior Organisational Chart	9

ACKNOWLEDGEMENTS

I had the privilege and the honour to work with my supervisor Professor. Christopher Harding, who was generous throughout the study with his invaluable guidance, constructive comments and tireless effort. I must thank him for his wisdom, experience and above all his encouragement without which this work would have not seen the light of day.

I wish also to extend my gratitude to the staff of Aberystwyth University Library and the National Library for their help and assistance.

My gratitude to friends both in Britain and the UAE, who were generous with their time and assistance and have given me the encouragement to complete this work.

Finally, I am grateful to my parents, wife and children for their patience, understanding and support throughout the period of this study. I pray to God to reward all those who encouraged me to achieve my objective.

INTRODUCTION

Controlling crime is the responsibility of all sectors of society. Certainly, it is the duty of every individual to take all measures to assure his own security, as well as the safety of those who legally come under his protection such as his children. Moreover, crime deterrence measures within society are beyond the ability of the individual. In this case, the state is under an obligation to deter and control crime so as to ensure the security and safety of society. In other words, the safety and security of a society are the collective responsibility of both formal and informal organisations and groups.

Confusion as to what the term security actually means arises when people adopt a very narrow meaning, defining it in terms of measures taken by agents of the state to control crime or enforce law and order in a society. However, the term 'security' in the English language is derived from the words secure and securance - the action or means of securing, assurance, security. Security also means the condition of being protected from or not exposed to danger; safety¹. Thus, the term security has a much wider meaning than is often given to it.

The Arabic word for security in most Muslim countries not only has a wider meaning, but also layers of meaning. In Islamic societies, the actual measures and means adopted to control crime and law enforcement are considered only one part of the security process of a society, so that general crime deterrence and prevention, and the rehabilitation of criminals come under the scope of security. In other words the terms security, safety and peace are all integrated under the concept of 'security'.

In line with the above definition, the researcher had therefore to consider this wider Islamic/Arabic meaning of the term security when examining crime related problems in the UAE. Moreover, he had to consider this wider meaning so as to remain close to the Arabic word '*Amn*' (the observance of peace, security, and safety within a society). '*Amn*' embraces social, political, religious, and psychological aspects of

¹ The Oxford Universal Dictionary, Volume II. pp. 1926 and 1927, (1974).

society as well as the relationship between individuals and the state. Thus, within the Islamic notion, internal security and political stability are inseparable issues.

Today's remarkable achievements in the fields of science and technology have not been matched in the field of crime control. Crime is increasing in many societies and getting out of control in others. In many societies, people are experiencing the disintegration of the social fabric due to sudden social, economic, and political changes. These changes ultimately affect the internal stability/security of society, and therefore, demand remedial action. Remedial action has been successful where there has been a clear vision (strategy), specified objectives and a methodical execution of social, political, economic, and societal policing.

In the case of the UAE, the magnitude of the social, political, and economic changes affecting society is far greater than in most other Gulf States, and certainly there is no similar experience in western societies. The different sectors of the UAE society have grown so rapidly, and without proper planning, and have finally produced dangerous social phenomena that threaten the internal security of the UAE. In the wake of modernisation and accelerating development, the UAE crime control / law enforcement apparatus has not been able to keep pace with these changes and developments. It has found itself outdated and facing ever increasing and changing forms of crime.

Failure of the core elements of informal social control, such as schools and the family, to perform their role has added a new dimension to the problems facing the internal security of the UAE. This failure has led to the creation of more and more rules, regulations, and laws to reorganise and strengthen the internal security system. Unfortunately, these measures have also failed, because they were mainly a reaction to minor criminal activities. Attention should have been focused on the root of the problems. That is, the main criminal, social, and political phenomena that produced the criminal activities in the first place.

This thesis concerns the maintenance of '*Amn*' - the internal security of the United Arab Emirates and the role of informal and formal social control in this process. The aim is thus to explore the various elements of formal and informal controls in regards

to their effectiveness and their contribution to crime control. Along with defining and determining those threats that endanger the internal security of United Arab Emirates society, the following questions will be examined:

What are the influences behind criminal phenomena in the UAE?

Are crime levels in the United Arab Emirates under control or not?

Does the formal crime control apparatus really control the level of crime?

Do the various informal social groups within society contribute to crime control?

Does the administrative system of governance have a clear internal security vision (strategy) and clear set objectives?

What can the law enforcement apparatus do to control crime?

Organisation of the Thesis

In order to achieve these objectives, this study is divided into eight chapters.

Chapter one provides historical background on the formation of the social and political structure of Emirates society. It highlights some of the early political and economic treaties as well as the conflicts that shaped this part of the world. As the main concern of this thesis is to examine the issue of internal security, this chapter examines security (*Amn*) in the Emirates prior to independence, as well as characteristics of security (*Amn*) under tribal law. This chapter also studies the emergence of law enforcement organisations in the UAE, particularly the emergence of the judicial authorities. The last section of the chapter examines the establishment and development of police forces in the various emirates prior to federation.

Chapter two studies the political, economic, social, and legal, development that have shaped Emirates society and affected its internal security. It begins with an examination of political changes, followed by an analysis of their effects on the

internal security of the UAE. This is followed by an economic history covering the rise and later decline of the pearl diving industry that was the main source of income for the people of the Emirates prior to oil exploration. The chapter then covers the major economic changes brought about by the discovery and production of oil as well as their major effects on security. Finally, the chapter examines the social transformation of the Emirates, and the emergence of legal codes along with their effects on security (*Ann*).

Chapter three examines the contemporary state of crime control measures along with the extent and pattern of crime in United Arab Emirates. It focuses on the official criminal statistics as they represent the official point of view on the state of security. The chapter questions the credibility of the official statistics and whether they reflect the true picture of the state of internal security in the UAE.

Chapter four examines the threats to the internal security of the United Arab Emirates. It concentrates on the forms of criminal phenomena that have the biggest impact on the internal security of the UAE. Some of the perceived threats are the outcomes of circumstances that are particular to the UAE.

Chapter five examines social control as an element of crime control, including its contribution to society's internal stability. It contains a brief discussion of the development of the criminal justice system both in Western and Islamic societies. The legitimacy of Islamic *Shari'ah* law, and the probable causes behind the departure from *Shari'ah* law are also examined in this chapter. The last part of this chapter focuses on the police as part of the criminal justice system. Their legitimacy and the effect of the political system's legitimacy on public acceptance of the police are also examined.

Chapter six examines the major elements of informal social control in the UAE such as religious restraint, family, education organisation (school), mass media, and wealth and welfare. The discussion of the contribution of these various elements to the internal security of the UAE constitutes a large portion of this chapter.

Chapter seven deals with the developments, setbacks, and the present status of the police in the UAE. It will be seen that in the absence of a formulated internal security strategy, the search for defined roles and objectives for the police remains confused. This chapter examines the training methods presently used by the police force and questions whether these methods are assisting in the progress and readiness of the police to counteract the dangers of crime and contribute to the internal stability of the UAE.

Chapter eight sets out the conclusions and recommendations of the study. This chapter re-examines the effects of economic developments on the elements of social control that were once considered the major contributors to the internal security and stability of the UAE. This chapter then presents the researcher's recommendations to improve the internal security system, to ensure good policing, better crime control and better security (*Amn*) for the United Arab Emirates.

Problems Encountered

The researcher did not encounter difficulties in finding the necessary social, political, economic, and criminological literatures during the theoretical part of this study. The real difficulty was trying to obtain social, economic, political, and criminal information, related to the internal security of the UAE because the administrative system forbids the release of such information. The release and publishing of such information, even for research and study, is considered a violation of departmental rules. Therefore, the researcher had to depend on the official criminal statistics and, with some difficulty, on the archives of the official departments. Most of this information was supported by interviews with senior officials. Another important source for this study was the 'Majlis', which is a traditional meeting where issues are debated. If properly directed, the Majlis can serve as the Delphi approach, and many Majlis were conducted for the purposes of this study. The researcher also initiated small studies and surveys in order to improve the reliability of data and to cross-reference some of the official information.

CHAPTER ONE

LAW ENFORCEMENT IN THE UNITED ARAB EMIRATES

Introduction

The consensus among social scientists² is that desert inhabitants in general have common customs and traditions because they are subjected to similar environmental and living conditions. However, when referring to the inhabitants of the Arabian Peninsula, who are mainly of Bedouin origins, this consensus reflects neither the fundamental elements of their cultural similarities nor their unity. This is not because the inhabitants of the Arabian desert are different, but because environment and living conditions are not the only important factors. Indeed, it is their common ethnic origins and common religion that in the end have produced a unified nation in terms of customs and traditions³.

While the main concern of this section is to focus on the internal, security (*Amn*), and political structure of the Emirates, it should be realised that historically, the Emirates cannot be segregated from the rest of the Arabian Peninsula culture. Therefore, it is relevant and necessary that the predominant social and political condition of this whole region be explored.

1.1 SOCIAL AND POLITICAL STRUCTURE

The Arabian Peninsula is a region with almost uniform geographical features and climatic conditions. Thus when referring to a particular part or region within this peninsula, such as Oman or the Oman Peninsula, one can expect to find similar conditions.

As previously mentioned, the main concern of this thesis is to concentrate on a particular part of the Arabian Peninsula presently known as the United Arab

² Hagi, Mamdooh, *Ajman* (Arabic) p. 45. For more details see, Mohyedin Saber and Lowais Kamil, *The Bedouin and Bedouism* (1965) (Arabic).

³ Ahmad Uthman, *Al Hayat Newspaper*, Issue No 11847, 30 July 1995, p. 22.

Emirates. In the past, this region was known by many names, the most common being Oman. The geographic boundaries of the Oman Peninsula extend from Ras Musandam (north) to Khor Al-Edaid (west), parallel to the coast of the Arabian Gulf where most of the major cities of the United Arab Emirates' are to be found. The other coast of the Oman Peninsula extends from Ras Musandam (north) to Ras Al-Hed (south), parallel to the Gulf of Oman and the Arabian Sea. On this coast, most of the cities of the Sultanate of Oman are located.⁴

Historically, the Oman Peninsula (the present United Arab Emirates and the Sultanate of Oman) was known as *Magan*. There is some argument among historians as to the exact definition of the word *Magan*, however according to Naser Al Aboode (the Director of Research and Studies Centre in Sharjah) the term *Magana* or *Makana*, means the Land of Copper. He adds:

“Archaeologists and historians believe that this region is where the Magan civilisation flourished around 3000 BC to 2000 BC. Archaeologists are quite sure that Magana was in fact the present United Arab Emirates and Oman.”⁵

Moreover historical sources refer to the Oman Peninsula with names such as Qade, Qa-De, Qa-Do-O and other. According to Akkadian script, all these names refer to the Oman Peninsula.⁶

Later in the course of history, the region appeared with different names especially when, “the Arabian Gulf was under the influence of Al Chaladean in 500 BC and later, Persian influence, where the Oman Peninsula was referred to as Maka”.⁷ On the other hand, the Greek geographer Strabo (64 BC- 21 AD) referred to the Oman peninsula as *Oman* or *Omana*.⁸ Islamic historical sources reveal that Arabs of Yemen ruled the Oman Peninsula in pre-Islamic times, before the arrival of the Al-

⁴ Annex 1, Map of Oman Peninsula, The Library Reference Atlas of the World by John Bartholomew, F.R.G.S. (1890) p. 42.

⁵ Al Aboode, Naser *Studies of UAE Heritage and Antiques* (1990) (Arabic) p. 43.

⁶ Thomson R.C and Mallowan, M.E The British Museum Excavation at Nineveh 1931-32, *Annals of Archaeology* (1933), pp. 78-96.

⁷ Sray, Hammed Mohammed 'History of Oman' *Journal of Social Affairs*, Issue 43: 53 (1994).

⁸ Interview with Al-Aboode, Naser Research and Studies Centre, Sharjah.

Azed tribe from Yemen following the collapse of Ma'arib Dam.⁹

In the early Islamic period, Oman was the birthplace of the Al Ebadiyah school of thought. This school emerged in the first half of the Second Century Hijree (Eighth century AD) following a disagreement between Abdulla Bin Ibadah and Abdul Malik Bin Murwan (the Umayyad in Damascus Caliph) over the succession of the caliphate. When the rebellion of Abdulla Bin Ibadah was finally crushed, he fled to Oman where he established the Al Ebadiyah Imam school of thought that was dominant in Oman until the emergence of the present Al Busaeedy sultanate.

From an Islamic point of view, the Imam style of government which originated in Oman, was not only the closest to perfection in term of social justice, but also a style of ruling that lasted for a longer period of time than any other Islamic form of rule. It was a style of governing which acknowledged the principle of consultation (*Al Shura*), and called for the election of the Ruler by the people, rather than for the succession of father to son.¹⁰

Despite the fact that the Imam system in Oman was intermittent, nonetheless, every time it emerged, it was stronger than before because it was accepted by most sectors of the society. To them, it was the ideal system, which guaranteed their individual rights and at the same time limited the Ruler's capacity for oppression. The Imam system in Oman was finally ended when the Ya'arebah state collapsed. Thus, the Ya'arebah state that began in 1624 when Imam Nasser Bin Murshed accepted the Imam at the insistence of Seventy shaikhs, ended with Imam Ahmed Bin Saeed (the head of the present Al-Busaeedy dynasty). This also marked the end of the Imam system in Oman.¹¹

In 1723, the Oman Peninsula was politically divided as a result of tribal war. Two factions, the Bani Hannah and Bani Ghafer had engaged in armed conflict over rights

⁹ Al-Andalosi, Ibn Saeed *Joy of Singing in the History of the Arabian Peninsula* (1987) (Arabic) p. 18.

¹⁰ Jamal Zakaria, *History of the Arabian Emirates During the European Expansion From 1507-1840* (1960) (Arabic) p.126. See also, Aysha Al-Sayar and Husain Obaid Ghubash *The State of Ya'arebah*. (1975) (Arabic).

¹¹ Aysha Al-Sayar, *The State of Ya'arebah* (1975) (Arabic).

of guardianship over the newly crowned (and under-age) King Saif Bin Sultan II. Consequently, tribes in the region had no alternative but to side with one of the two factions. As the conflict continued, the participant tribes in the war of Oman gradually became stronger and later separated from the main factions they originally supported. At the end of the civil war, a series of separations and the establishment of various sized autonomous regions politically fractured the country.¹²

The Emirates' tribes also had no alternative but to be dragged into this factional conflict. Their participation in the war of Oman was through their support of either of the two factions. During the conflict, their own tribal leaders led them, and when the war ended those leaders later became the Rulers of the different Emirates.

It was not however until the second half of the 18th century that the Emirates began to emerge as strong political entities in their own right. The beginning of the 19th century was also the time during which two strong alliances begun to emerge. In this context, Dr. Faleh Handal states:

“Originally, there were four main Emirates, Al-Qawassim (consisting of the present day Emirates of Sharjah, Fujairah and Ras Al Khaimah), Bani Yas (consisting of the present day Emirates of Abu Dhabi and Dubai), Ajman and finally the Emirate of Um AL-Qayween. Then in 1833 the Emirate of Dubai separated from the Emirate of Bani-Yas. The Emirate of Fujairah soon followed the path of Dubai and separated from Al-Qawassim in 1866. Finally, the Emirate of Ras Al Khaimah separated from the Emirate of Sharjah in 1869 increasing the total number of Emirates to seven, as they stand today.”¹³

1.1.1 Demography Since the 18th Century

When referring to the inhabitants of Arabia or to Oman, it is difficult to differentiate between urban Bedouins and desert Bedouins. The main reason for this is because both urban and desert Bedouins have common origins and roots. In addition, both still preserve their tribal traditions. Nevertheless, the few social scientists and historians who managed to reach the Emirates in the past, divided the inhabitants of

¹² Al Salami, *Abdulla Humid Wonders of Oman* (1995) (Arabic) p. 104.

¹³ Faleh Handhal *Historical Directory Of The U.A.E from 1866* (1982) p. 607.

the Emirates into Bedouins and urban dwellers.

The Bedouins are those who lived in the desert and travelled endlessly with their camels and cattle in search of grazing land. They were known for their agility and mobility, since they had very little furniture to carry¹⁴. The individual Bedouin had nothing except a tent of wool to protect him and his family from the heat and cold winds of the desert. In no time their tents, as well as their camp, could be set-up or dismantled when it was time to move. Their mobility explains why they were scattered all over the Arabian Peninsula, Sinai, north and east of Africa. They approached cities and settlements in their vicinity, often but not always to escape the unbearable summer climate of the desert. Occasionally, they raided cities and settlements that were not related to their tribe or with which they had no peace treaty. At the same time, some of the Bedouins adapted themselves, settling and establishing villages around oases and small valleys. However, many of those settlements were interrupted by sudden departures because of the Bedouin's love for freedom and their refusal to be tied down to a certain place. Despite their limited contact with civilisation, the Bedouins have managed to maintain their Islamic customs and traditions.

The urban inhabitants (*hadhers**) of the Arabian Peninsula lived in small scattered settlements. The Emirati *hadhers* lived in the coastal towns. Their inhabitants were migrants from the interior desert regions of the Arabian Peninsula, and others who had migrated from the Iranian coast of the Arabian Gulf.¹⁵ Historians disagree on when the cities of the Emirates were founded but it seems they have existed for a few hundred years. Furthermore, in his book, *'The Gazetteer of the Persian Gulf'* J.G. Lorimer described these Emirates settlements in great detail in the early 20th century,

¹⁴ The researcher's father Mr. Rashed Al-Shaali (died in 1996 at the age of 87 years) revealed; "that he and his brothers gathered once to request their father for his permission to allow them to build stone houses instead of the tent which was made of palm tree leaves" He added; "My father did not accept our request by saying that; "Building a stone and mud house in the present house is a humiliation." He added; "With the present houses you can move to any place you wish to, but if you build stone and mud houses, you are stuck with it and may be compelled to follow the Ruler's order and sometimes his humiliation".".

* People who live in the settlements.

¹⁵ Slot, B.J *The Arabs of the Gulf 1602-1784* (1993) (Arabic edition) p. 28.

suggesting their long-standing existence¹⁶.

Although the inhabitants of the Emirates could be divided into Bedouins and hadher there was in fact little distinction socially and culturally between them. In this context, Dr. Faleh Handal states:

“The Emirates’ society was homogenous and analogous in terms of environment, social structure, economic conditions and living style. Furthermore, it was analogous in term of social classes, standards of development, social problems, prevailed customs and traditions, language, and dress. At the same time, people of the Emirates were closely related in a society where consanguinity determined not only loyalty, but also their racial origins. Thus, it ensured that people of the Emirates belonged to closely knitted tribal groups and families, integrated within a unified Arabian nation with Islam as their sole religion.”¹⁷

The geographic location of the Emirates in the Arabian Gulf added a new dimension to its importance in the twentieth century. This importance was further signified as the Emirate of Al-Qawassen (a maritime power) controlled both coasts of the Arabian Gulf including the Strait of Hurmoz. The Emirates could neither be shielded from global political and economic developments, nor could the integrity of its geographic boundaries be maintained, especially when the ultimate goal of European foreign powers was to reach the Indian sub-continent and circumvent the Ottoman monopoly on European trade with the East. For Britain:

“Trade in the Arabian Gulf was their ultimate goal. Therefore, the British government had wished to be the master and the sole controller of exports to the Gulf. Consequently, it was the policy since 1778 and remained so for the duration of their presence.”¹⁸

British East India Company reports revealed that its representatives were constantly complaining of serious competition mounted by Arab traders, especially Emirates’ traders. Indeed, The British challenged and refused to share their trade with intruders as their ships transported goods and merchandise from India to the Arabian Peninsula and east Africa.

¹⁶ Lorimer, J.G. *The Gazetteer of the Persian Gulf* (1970). vol. 1-7

¹⁷ Faleh Handhal ‘The Roots of the People of the Emirates’ (Arabic) *Journal of Social Affairs*, 1994, issue 43, p. 133.

1.1.2 Economic and Political Treaties

Britain could only control the coastal territories of the Emirates by military force, and to do so it had to embark on a series of military campaigns in 1805, 1809 and 1818 among others.¹⁹ Following these military campaigns, and to further improve British trading rights and security, several treaties were concluded between the British government and the Rulers of the Emirates.

The first of these treaties was the General Treaty of Peace that was concluded on 8th January 1820 by which the term "Pirate Coast" was replaced with the term "Trucial States" and accordingly, the term "Emirates" was changed to the "Trucial Emirates." No sooner was the first treaty concluded, than various other treaties and mandates by the British resident followed. However, most of these treaties were soon violated when new issues of concern to the British emerged. Thus, as British concerns changed, new treaties relative to those interests and concerns had to be signed with the Rulers of the Emirates. Consequently there were many treaties and agreements signed between the two sides of which the Permanent Conciliation Treaty of 1853 and The Abolitionism Treaties of 1837, 1839 and 1856 were just some.

The Permanent Conciliation Treaty Of 1853 was signed by the shaikhs of the Emirates with the British resident in the Gulf. The main objective of this treaty was to end naval hostility in the Arabian Gulf and therefore, to protect British transient trade. While this treaty was similar to earlier treaties, it safeguarded Britain's interests and protected its merchant fleet. The treaty also prevented the Emirates' fleet from reaching their territories on the Persian coast of the Arabian Gulf. Consequently, Arabian rule gradually contracted, leaving the Iranians finally to impose their authority on the coast of the Arabian Gulf.

Although slavery in its American-European form was not practised in the Emirates, nevertheless, the slave trade was practised in the form of the sale and export of slaves to third party countries. The Abolitionist Treaties of 1837, 1839 and 1856, eventually

¹⁸ Abdul Amir, *Amin British Interests in Persia* (Arabic) (1967) p. 117.

¹⁹ Lorimer, J.G. *The Gazetteer of the Persian Gulf*, vol. 3, pp. 1017-1018.

abolished the slave trade in the Emirates and moreover, forced slave traders to comply with restrictions on bringing slaves from Africa or selling them to other parties.

Perhaps the most important of all the one-sided political treaties and agreements signed by individual Rulers of the Emirates with the British government was the treaty concluded in March 1892. By the terms of this treaty, Britain undertook to control the external affairs and to protect the coastal territories of the Emirates. Furthermore, contrary to its previous recognition, Britain formally referred (as indicated by official British documents) to the Emirates as “ Independent Petty States”. Thus, by inter-relating the Emirates external affairs with British protection, Britain excluded foreign competitors, especially the French, Turkish and Germans from the region.²⁰ At the same time, by this treaty, the Emirates had finally tied their sovereignty and foreign policy to British protection.

In addition to political treaties, economic treaties and agreements had similar importance in affirming Britain’s domination of the Emirates. Commenting on this policy, Dr. Mohammed Al-Iydarooos states:

“Following exclusive British political control, the period that followed 1903 onwards marked the beginning of total British economic domination of the Arabian Emirates. The basic principle of this policy was based on an economic monopoly, where all activities whether petroleum related or others had to be awarded to British companies.”²¹

During World War II the British government could not neglect the importance of the Emirates regarding aviation. Britain adopted an expansionist plan to utilise Emirates' land to establish aviation facilities such as Sharjah airport in 1932, Kalba airfield in 1937 and Dubai airport in 1938.²² These aviation facilities not only added to the strategic importance of the Emirates during the war, but also contributed to the social and political changes that followed World War II, and were vital to Britain throughout its withdrawal from Aden and the Indian sub-continent.

²⁰ Al-Bahamah, Hussain *The Modern Arabian Gulf States* (1975) p. 37

²¹ Al-Aidarooos, Mohammed Hassan *Political Developments in the U.A.E* (1983) (Arabic) p. 81.

²² For more details refer to Fattmah Al Sayegh *The Arab Emirates and the British Airline to the East From 1929-1952* (1995) (Arabic).

After World War II, the United States of America emerged on the international arena as a political and military rival to Britain, especially following Mussadeq's revolution in Iran. The USA preferred to share political and economic influence in the region with Britain. However based on its long term experience in the Oman peninsula, Britain preferred to retain exclusive control of the Arabian Emirates or what were known then as the Trucial States or Coast of Oman, in addition to the Sultanate of Oman.

Britain based its continued hegemony on the Emirates being politically stable. However, this assumption had to be backed up with a series of treaties with its Rulers that secured pledges from them. In fact, it secured its first pledge from the Ruler of Sharjah in 1922. By the terms of these economic treaties, Britain monopolised the Emirates' economy with an exclusive concession for the exploration, production and exportation of oil.

The driving force behind all of these political and economic treaties and agreements had been to enforce Britain's domination of the Emirates. By the terms of these treaties, the Emirates had lost not only their economic sovereignty, but also more importantly, their independence for years to come. Thus, "Foreign Representation" and "Under-Protection" remained for years the two most common phrases by which Britain deprived the Emirates of their independence.

In the aftermath of World War I, the participant oil companies in the Iraq Petroleum Company agreed to a treaty known as The Red Line Treaty.²³ This treaty called for fresh concessions from the former Ottoman Empire states, which should be equally divided among shareholders of the Iraq Petroleum Company. In the early 1930s, Britain produced 80% of Arabian Gulf oil, while Americans produced around 14%." However, as the Americans began to dominate Saudi Arabia and Iran politically and economically (especially when Standard Oil of California secured concession rights in Saudi Arabia on the third of May 1933), this ratio soon changed in favour of the Americans.

²³ Aidaroos, Mohammed Hassan *Political Developments in the U.A.E* (1983) (Arabic) p. 216.

1.1.3 Conflict between Petroleum Companies and its Effect on Security.

The amount of petroleum wealth stored beneath the Emirates' land and on the border with Saudi Arabia in particular, was no secret to British and American petroleum companies. Since American interests in the Gulf region were preceded by a strong and long term British presence, the Americans did not try and overstep any borders, especially those of the Emirates, which was considered to be an exclusive British zone. Therefore, various Saudi attempts, even those that seemed commercial in appearance (oil exploration) but nevertheless related to Saudi military action, were soon repelled by the British.²⁴

Conflicts of interest, border disputes and unrealistic Saudi demands soon affected British-Saudi relations. In fact, the failure of the Damam Conference on January 28, 1953 was a clear indication of unstable relations resulting from serious differences between the two sides. In retaliation to the hostility between the two sides, the Amir of Al Ehssa Bin Jalawy prepared a Saudi force in 1952 lead by Turkey Bin Utaishan to occupy the Buraimy region. On August 31, 1952, the Saudi force reached Al Hamasa village (part of the Sultanate of Oman) on the border of the Emirate of Abu Dhabi. The main objective of the Saudi force was to influence the Rulers and people of the region to accept and grant their loyalty to the leadership of Bin Saud.

Soon after the arrival of Saudi forces, local tribes of the Emirate of Abu Dhabi and the Sultanate of Oman mounted a joint force to counter and expel the aggressor. The British government on the other hand, preferred not to use force to expel Saudi forces from the area, instead it submitted a protest to the Saudi government, a move that prepared the ground for the Cessation and Arbitration Treaty to be signed in 1954 between the two sides.

The outcome of the reconciliation committee was the withdrawal of both Turki Bin Ataishan's forces (Saudi) and the Oman Coastal forces to undisputed zones, and the formation of a symbolic police force to maintain law and order in the disputed areas. Though prohibited from interfering in tribes' internal affairs, the police force

²⁴ Al-Feel, Mohammed Rashed Border Disputes between the Arabian Gulf Emirates, p. 40. *Journal of the Gulf and Arabian Peninsula* 8:40 (1976).

remained as border observers between Saudi Arabia, Oman and the Emirate of Abu Dhabi.

In protest at the Saudi representative's attempt to bribe a member of the arbitration committee, Dr. Charl De Fisher from Belgium submitted his resignation, a move that provoked Britain to decide to settle the dispute by itself. However, the border incident did not affect American-British relations since both sides respected each other's interest in the region. Their mutual understanding of the dangers involved with Russian expansion in the region led the American foreign secretary in 1957 to declare:

"The matter of disagreement over borders of the Persian Gulf region will have no effect on American-British relations, and that the U.S. government is keen to resolve those differences in order to counteract Soviet expansion in the Middle East."²⁵

Thus, the border dispute between various Emirates and Saudi Arabia was the direct result of a conflict of interests between the oil companies in the region. At this time, it was also obvious that the dispute could be solved only when the two major powers decided to consider their mutual uppermost interests in the region rather than just their oil interests.

1.1.4 The Pre-Federation Era

The way of life in the Emirates, both socially and economically, changed significantly following the decline of Oman as a political power dominating the Oman Peninsula and the emergence of tribal monopolies. Similarly, the decline of the natural pearl industry and of the maritime and related trades, which were once considered the main sources of income in the region, caused additional damage to the economic conditions in the Emirates. These rapid political, social and economic changes gained momentum, especially after the announcement by the British government that its forces would withdraw from east of Suez and that it would terminate its treaties with countries in the region by the end of 1971.²⁶

²⁵ Bader Al Deen Abbas Unpublished lecture notes, *Arabian Gulf Conflicts* (1986) pp. 417-418.

²⁶ Al Bahamah, Hussain *The Modern Arabian Gulf States* (1973) p. 57.

Since there was no organised and recognised political body in the Emirates capable of protecting and defending their interests at the time of Britain's withdrawal from the Gulf region, the Emirates were once again the focus of regional powers aiming to fill the gap. In this context, the President of the U.A.E said, "Thanks be to God that we did not give other powers in the area a chance to fulfil their ambition of demolishing us"²⁷. The aspirations of the surrounding powers included the Saudi claim of almost 50% of UAE territories²⁸.

Many attempts at unification had been made before the United Arab Emirates finally emerged as an independent state. The original federation was to consist of nine Emirates - the Emirates of Bahrain, Qatar, Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain, Ras Al Khaimah and finally the Emirate of Fujairah. However, the independence of Bahrain on August 14, 1971 and of Qatar on September 1, 1971, soon interrupted the proposed large federation. As a result, the remaining six Emirates - the Emirates of Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain and Al-Fujairah - were left to form a federation on December 2, 1971, and were later joined by the Emirate of Ras Al Khaimah on February 10, 1972.

1.2 SECURITY (Amn) IN THE EMIRATES PRIOR TO INDEPENDENCE

The previous section concentrated on the political and social formation of the Emirates. Its main objective was to reveal the social and political changes as they occurred from the beginning and up to the formation of the state in its current form. The scarcity of research materials dealing with the prevailing security (Amn) conditions means there is no alternative but to depend on general written sources about the area and to extract information relating to security (*Amn*) aspects. Because there is little published information available, it is important to support the study through several interviews with individuals who were involved with major events in the Oman Peninsula. Meanwhile, British archives and documents provide valuable detail regarding the establishment and objectives of police forces in the Emirates. In fact, the British documents are useful in the search to reveal security (*Amn*)

²⁷ Interview with Shaikh Zayed Bin Sultan AL-Nehayan. Abu Dhabi TV, 1993.

²⁸ Al Rayes, Reyadh *The Conflict of Oil and Oasis* (1975) (Arabic) p. 285 and the maps of Saudi Arabia's claim Annex 2

conditions prior to unification. The main objective of this section however, is to concentrate on the periods of major economic and social change and to highlight their effects on tribal law.

The Islamic religion that was adopted by the Arabs of the Oman Peninsula in the seventh century not only influenced inherited customs and traditions, but also refined them to suit their domain. For this reason, tribal law, which was based on the Islamic religion and governed by its rules, had organised relations relative to the inherited customs and traditions. Therefore, it is not surprising that for many generations the Bedouin and the urban inhabitants of the Emirates had considered tribal law to be the ultimate authority in their disputes and had struggled to preserve and maintain their cultural identity. Thus, the major events that re-shaped many parts of the world had little effect on this part of the world to the extent that, “The two world wars of this century largely passed the Trucial States by.”²⁹

While the historical events are known, one wonders if the conquering foreign powers actually intended to remain permanently in the region. All that mattered to the Dutch, Portuguese, Turkish or even British was to secure strategic locations on both sides of the Arabian Gulf and more importantly, to ensure safe passage for their merchant fleets through the Arabian Gulf and the Strait of Hormuz. Indeed, Lord William Bentinck, the General Ruler of India, summarised British policy when he stated that the main concern was trade in the Gulf, and that as long as that was not disturbed, it was not important which state dominated its coasts.³⁰

1.2.1 Law Enforcement in Tribal Law

In Bedouin tribal society, the individual is solely responsible for his safety and that of his family. He is the first element in the overall security of the tribe. By combining together, the various tribes form clans that create a security boundary and a line of defence against other clans. Yet, despite their mutual differences and wars, the clans can unite if any one of them is threatened by external aggression.

²⁹ Henderson, Edward *This Strange Eventful History* (1993) p. 15.

³⁰ Bulloch, John *The Gulf* (1988), translated by Daham Musa Alatawneh p. 69. also see, B. J. Slot *The Arabs Of the Gulf 1602-1784*, translation of Aaydah Al-Khoori p. 382.

This direct relation between the members of a single tribe provided a great deal of security for the individual Bedouin, thus eliminating his need for an organised law enforcement force to protect his wealth and family, provided they remained within the tribe's geographical territory.³¹

Peace treaties between tribes were an additional means of further improving security (*Amn*) conditions. Through a tradition known as 'Murabee', the safety of individuals was guaranteed as they crossed their enemies' territories. In other words, Murabee was a form of protection offered to individuals as they crossed others' territories. According to this tradition, if two tribes were engaged by a peace treaty, then any person, even a child could escort individuals (an enemy of the other tribe) to cross safely the other tribe's territory. This person (enemy) would not be harmed as long as a tribal member accompanied him from the tribal party to the peace treaty.

The Ruler and a few of his very close relatives represented political authority in Bedouin tribal society. The Ruler was (and is still) known as a Sheikh. His political authority was not absolute since a judge (*Qadhi*) shared a great deal of this authority with him. While the Ruler derived his authority on the basis that he was God's vice-regent, the judge on the other hand derived his authority for being a knowledgeable and devout individual who was capable of interpreting God's commands and orders. In reality, this qualification enabled the judge to be the ultimate authority; even when the Sheikh himself was a party to a dispute.

Like any law enforcement authority, individuals were needed to carry out the task of maintaining law and order. Slaves and other individuals were used for this purpose, and were authorised to carry weapons issued to them by the Ruler, to act in his name, and were required to strictly follow his orders. The Ruler and the judge depended on socially recognised citizens for advice and often consulted trade leaders who were familiar with the rules and customs that governed many trades. It was important for them to be familiar with these rules and customs to be able to solve disputes that occurred between members of the community.

³¹ Annex 7, Map of the U.A.E indicating the major tribes' regions.

Besides the Ruler and the judge, tribal leaders also had status. The leader's status in the society was determined by many factors such as the size of the tribe, his financial capabilities and wealth (the number of camels or ships he owned). The power of tribal leaders led to the emergence within individual emirates of an independent authority similar to guilds in Europe.

1.2.2 Security in the Emirates Prior to the Emergence of Law Enforcement Organisations

Notwithstanding the emergence of settlements that were originally no more than temporary cottages established by pearl divers on the coast which later became permanent settlements, the Emirates' society was an extension of Bedouin society that developed gradually around water sources and natural ports.³² Although, tribes and clans formed the first level of security (*Amn*), nonetheless, security could only be improved when two or more clans allied together. A clear example of such coalitions can be seen through the alliance between Bani Yass, which contained tribes of different origins, and Al Qawassim, which contained mainly those tribes that settled in the northern Emirates.

Unity among tribes within a single clan soon expanded to contain several clans influenced by mutual interest rather than blood relations. But these coalitions were soon weakened as a result of political disputes, the emergence of new settlements and conflicts of interest between the tribes. These factors forced many tribes to join existing settlements and to accept the leadership of these settlements. Eventually, settlements were large enough to form into different Emirates (as they are today).

Forts, towers and fences, some of which are still in existence today, were constructed to surround cities (such as Sharjah) and secure city boundaries. Although a settlement could provide some security (*Amn*) for its inhabitants, nonetheless, a sense of insecurity was clearly present which affected daily life. This sense of insecurity greatly increased as the individual moved away from the town and its environs. The feeling that they may be attacked or robbed by a stranger at any moment influenced even the way that individuals dressed. A clear example of this is the traditional

³² Annex 3, *Chart Of The Gulf Of Persia 1830*

Emirates' costume in which weapons, a sword or a dagger, and later firearms, are displayed prominently and were considered a necessity rather than a commodity.³³ Life in the past was simple and unsophisticated. "The economic conditions were simple. In any case they did not create cupidity or grudges that forced people to crime."³⁴ The few disputes that arose were often solved among themselves by understanding and peaceful means.

With the guidance of the Holy Qura'an and the practices of the Prophet Mohammed "Peace be upon him" among his followers, mediators were used to solve disputes before they were raised to higher official authorities, thus reducing the workload on these authorities. The decisions of mediators were generally respected within their communities and considered to be binding if they did not violate religious tenets. Social and religious values were strong among society members and helped to maintain a low rate of crime. In this context, Shaikh Humaid Bin Ahmad Flaw (a retired judge) stated:

"The cases which were referred to us for decision were not very important. They were either divorce or family affairs cases related mainly to inheritance and properties. During my service I did not face a difficult case. Even when a manslaughter occurred, the people tried to minimise their differences (between families and tribes) and solve problems as soon as possible,"³⁵

Although society was safe from organised crime in its present form, aggressive disputes between various tribes continued to occur until the early 1950s. Revenge was the direct reaction to these violent disputes, was used by every tribe, and was considered to be a fair and legal reaction. Moreover, customs and traditions encouraged the individual to defend himself against aggression and not to depend upon or involve his family and tribe. An offence against a child or woman was the only case that could acceptably be raised to the Ruler, while a mature person was considered a coward if he complained either to his family or to the Ruler. Rape and

³³ Annex 4, photo.

³⁴ Abdulla Abdulrahman *The Emirates In Its Peoples' Memory* (1989) (Arabic) p. 87 [interview with retired judge Shaikh Humaid Bin Ahmed Flaw and Shaikh Mijrin Bin Mohammed, p. 47].

³⁵ Abdulla Abdulrahman *The Emirates In Its Peoples' Memory* (1989) (Arabic), Interview, Shaikh Mijren and Flaw p. 47.

other offences involving chastity were dangerous cases if they became public, and were usually solved through blood feuds. Mediators on the other hand, had a good chance of reaching an agreement in such cases by arranging marriage or high compensation, thereby keeping such disputes within the families concerned.

Economic conditions prior to and during the 1930s were good, especially compared to the later era of hunger and poverty. The collapse of the pearling industry during the 1940s brought the people back to poverty. The reality of hunger and poverty was clear.

“Most of the people could hardly bear the harsh and difficult economic conditions. They tried to survive by co-operating and sharing everything they had with each other. But to some it was not only difficult it was impossible. Families disappeared because of starvation.”³⁶

Such hard economic conditions forced the authorities to mitigate the punishments regarding financial related crimes.

Alcohol is forbidden by the Islamic religion, so Emirates society was kept safe from alcohol related crimes. However, in the late 1950s when alcohol was introduced and used by expatriates, judges were faced with alcohol related crimes that had rarely been seen in the Emirates. Consequently, punishment of eighty lashes in accordance with the Islamic law (*Shari'ah*) was specified by the authorities to minimise the rate of alcohol related crimes. The people of the Emirates knew narcotics, in the form of Hashish during the 1950s, and a few people used it as an ingredient in traditional medicine. Its harmful effects were soon however noticed by the authorities and punishments similar to that for alcohol were specified. The Political Agent representing Her Majesty's Government on the other hand, was not aware of any form of punishment which could be imposed against the trade in narcotics.³⁷

The first official interest in narcotic related problems was shown during the 6th meeting of the Trucial Council on 23 December 1954. It seemed from the

³⁶ Abdulla Abdulrahman *The Emirates In Its Peoples' Memory* (1989) (Arabic), Interview with Rashed Bin Ali Al-Maktoom pp. 157-162.

³⁷ Tuson, Penelope *Records of The Emirates 1820-1958* [British Archive Editions] p. 222.

discussions at that time, that the Emirates (and Dubai in particular) had started to suffer from the use and trade of narcotics because of the expatriate inhabitants.

1.3 THE EMERGENCE OF LAW ENFORCEMENT ORGANISATIONS

Before 1723, Greater Oman, including the Emirates, had the essential legal and economic components of a modern state. The legislative, judicial and executive authorities of the state were in accordance with prevailing customs and traditions.

Following the separation of the northern part of the Oman Peninsula (as a result of war between Al-Qhaferia and Al-Hanawia) and the emergence of two major factions (Bani Yass in the west and Al-Qawassim in the east), the regional tribes were forced into alliances with either faction. As a result of these events, tribal authorities shifted relative to the new conditions imposed by the regional divisions. At the end, each of the two factions (Al-Qawassim and Bani Yass) formed a separate tribal authority that contained all the elements of an independent political authority.

This condition did not last for long, as the Emirates began to emerge in the form of small political entities having the capability for tribal independence. Bulloch notes that these states were independent throughout history, partly because of historical circumstances which minimised the influence of foreign domination.³⁸ Authorities were soon established within these small political entities to fulfil legislative, judicial and the executive roles. In spite of their simplicity, these authorities were still very effective, because they were derived from the actual security (*Amn*) needs of the people, regardless of their origins and ambitions.

Development of the law was achieved through the domination of Islamic legislation (Shari'ah) over tribal law. In a small and unsophisticated society such as the Emirates where the demands of change were minimal, a basic legislative authority was all that was needed to meet society's requirements. Within tribal society, Rulers, citizens, judges and trade mediators all assumed the responsibility of implementing customs and traditions, within their jurisdiction. Once people became accustomed to

³⁸ Bulloch, John *The Gulf* (1988) translated by Daham Alatawneh p. 2.

various customs and traditions, these became binding rules and sometimes written laws. It should be pointed out here that the main tribal alliances namely, Bani Yas and Al Qawassim were attached to specific Islamic factions (*Malki and Hanbali Math'hab*), and therefore, considered these two factional doctrines as the main source of their religious criminal jurisdiction. Consequently, contemporary legislators were obliged to remain within these factional doctrines when considering the religious source of the present criminal law.

The executive authority was represented by the Ruler who had the responsibility of implementing the rules with the aid of his assistants. Since life was simple and people were accustomed to familiar rules, the executive authority had little trouble in extending its authority as and when needed. The Ruler used to increase or decrease the number of his assistants relative to the needs at the time. Mr. Rashid Bin Ali Bin Maqtoom (81 years old in 1989) said of his father's profession in the past:

“My father was a form of minister (representing the Ruler) in Umm Al-Quwain. The responsibilities of this post in those days were to take charge of food stocks (stores) beside collecting what was known as Al-Hasselah (a form of taxation imposed by the authorities on pearling ships in return for protection and other social services) on behalf of the Ruler.”³⁹

1.3.1 The Emergence of the Judiciary in the Emirates

Judicial authority in Islam is one of the main responsibilities of the Caliph (Ruler) and in this context, Dr. Mahmood Mohammed Hashim states:

“No doubt, the judicial authority is entrusted to the Caliph. Thus, he has the choice of occupying this post himself or appointing someone else to act on his behalf. He also has the choice of dividing this authority among a number of his deputies, so each one of them can be delegated a portion of this authority.”⁴⁰

In tribal law anyone could be a Judge, provided that he was capable, knowledgeable and that he knew the rules. In fact, the judge could be the Shaikh of the tribe, or one of his assistants or even a member of another tribe (in such a case he was a mediator

³⁹ Abdulla Abdulrahman *Emirates in its People's Memory* (1989) (Arabic) p. 156.

⁴⁰ Mahmood Hashem *The Judiciary and the Evidentiary System* (1988) (Arabic) p. 29.

rather than a judge). When asked about his role as a mediator, Mr. Ali Bin Hussain Al-Manaee (82 years) said:

“I was one of those men who were known for their wisdom, logical approach and competence for solving social problems and differences. Therefore, we were chosen to be equitable mediators and to act justly in those situations. Shaikh Abdulla Bin Salman was one of those men, who was known for his vast knowledge of Al-Fiqh (the science of jurisprudence) and Shari’ah (Islamic law). He was later appointed a judge in Al-Ma’areedh*.”⁴¹

When referring to the practical application of judicial authority in the old Emirates society, one realises that this authority harmonised the relationship between the Islamic law (Shari’ah) and tribal law. This harmony between the two legal authorities was perhaps a result of the great knowledge and skill of the judges and mediators, who often continued to function in those capacities (representative of Shari’ah) for the people even when the ruling authority had rejected them.

At the same time, the Ruler acted as a judge and ruled in some disputes. The Ruler even appointed a few judges and transferred some disputes to Shari’ah judges and to various trade mediators. Besides the Ruler and local judges, the Emirates judicial authority was further strengthened through well-known scholars of Shari’ah who arrived from Saudi and the Persian northern coast of the Gulf.⁴²

The familiar structure of official law courts (both civil and Shari’ah) with their special halls and chambers was not known to the people of the Emirates until the 1960s. “Judges in the past received litigants and cases of dispute for hearing either in their houses or at their place of work and trade.”⁴³ When courts emerged for the first time in the Emirates of Dubai, Sharjah and Abu Dhabi, the British court was located in the residence of the British representative. At that time, the British court had jurisdiction over British subjects and non-Muslim foreigners, whereas the Shari’ah

* Village in Ras Al Khaimah.

⁴¹ Abdulla Abdulrahman *The Emirates In Its Peoples' Memory*, Interview with Ali Husain Al-Manaee [82 years old in 1989] Ras Al-Khaimah.

⁴² The Ruler of Ajman as well as other former Judges and old people have acknowledged this fact during interviews.

⁴³ Interview with Mohammed Abdulla Al-Shaiba-Son of former judge (80 years old).

courts had jurisdiction over native-citizens and those cases related to Islamic Law (*SHARIA*).⁴⁴

Ahmed Mohammed Ghunaim (a general prosecutor) states:

“To fully understand the law (which is undoubtedly an active social phenomenon), it is not sufficient to study the existing legislation alone. However, the soul of the law and its objectives must be appreciated in order to justify its study as an ever-changing phenomenon throughout history. Its reflections through minds and thoughts of philosophers and thinkers must be explored, as their ideas are the shadows and colours that enhance our knowledge and clarify the overall picture.”⁴⁵

In general, the Arabian Gulf societies are of the same nature with almost identical economic activities and tribal laws. However, these elements alone do not explain their similarity. In fact, it was the absolute domination of Islamic law (Shari'ah) which lasted until the 1960's of this century, which with its morals and values, dominated the customs and traditions of these societies and rendered them almost identical. Thus, it can be stated that in the old Emirates society, judicial authority did not have any distinct characteristics of its own. Often, judges enjoyed a greater legitimacy than the Ruler for two distinct reasons:

Firstly, because the public assumed that a judge was a knowledgeable person who knew the Islamic law and who ruled accordingly. In fact, it was this distinct characteristic alone that placed the judge in a higher position of authority than the Ruler. Besides judges, mediators and various trade leaders also enjoyed similar status, owing to the fact that their experience and knowledge were vital to judges. Their rulings were greatly respected, especially when issued by those who were known for their honesty and wisdom.

Secondly, because Judges and trade leaders often retained their posts not because they were chosen by the ruling authority, but because of their knowledge and experience. For this reason, they (judges and trade leaders) were able to perform their

⁴⁴ Al Bahamah, Hussain *The Modern Arabian Gulf States* (1975) pp. 128, 129.

⁴⁵ Ghunaim, Ahmed Mohammed *Development of Judicial Thought* (1972) (Arabic) p. 3.

duties with greater flexibility and without pressure or interference from the Ruler. In fact, this freedom of ruling acquired by tribal law was a judicial requirement derived from Islamic law (*Shari'ah*), known as *Hisbah* and *Madalem* that highly valued judicial independence.

Like many other activities, the judicial role within Emirates society did not change over the years because of the geographic isolation of the region from the rest of the world. Moreover, the strong attachment of the people in the region to Islamic values which were the light in the soul of society, provided the necessary protection against possible changes and contributed to stability.

Nevertheless, the Islamic ethic that was represented by those unsophisticated judges, did not remain stagnant in the face of changes that occurred. When migrating desert dwellers turned to professions such as fishing, pearling and market trading, this versatile system did not import rules to organise these activities. But it developed general guidelines in the form of mediation and decisions of trade-leaders. Moreover, it recognised customs and traditions that governed various trades and professions. Thus, it recognised the decisions of trade-leaders provided they did not conflict with religious tenets.

Because the Islamic *Shari'ah* acknowledged many judicial bases in existence in the Arabian peninsula prior to Islam, the Emirates judicial system had a foundation which contained different elements. The judicial system in the Emirates was influenced by three main streams, tribal law, Islamic law (*Shari'ah*) and finally customs and trade traditions, and each of these streams had an input into the emergence of the pre-modern judicial system.

It is difficult to determine the beginnings and the stages of the development of tribal law. The interaction between tribal law and the political system is such, that separating society from tribal law would be impractical. Moreover, it was tribal law that provided Rulers with their only legitimacy to exercise authority as head of a tribe. Tribal law was based mainly on judicial precedents and on the rulings of accredited mediators. Their rulings were recited (narrated) among the tribes and finally the customary law (*Urf*) developed that framed those precedents in a body of

law⁴⁶. No doubt, a judge or mediator's conscience had a great affect on judgements and rulings being passed. Tribes and individuals sought rulings only from those who were known for their justice and fairness. Indeed, it is interesting to see the way the Shaikh of a typical tribe administered his daily affairs. In this context, Edward Henderson observed that:

“It is fascinating to watch a capable Ruler dealing with his people in his way, off the cuff and in public. He has to have a ready answer to each question or request, and at times, he has to make what are really life and death decisions. The Shaikh of a normal tribe has to decide on the spot what is to be done in cases of murder, or war, or feuding. The settled Shaikh has his Qadhis (judge) to help him, but the true nomad does not have professional help, unless he has tied himself in some form of alliance or allegiance to the nearest settled chieftain or uses him as a referee as is sometimes the custom. He will also use Urf (customary law) which is akin to Islamic law,”⁴⁷

Tribal law did involve a judiciary prior to the emergence of Islam in the region. Its rules were not written down, nor were its legal bases codified so it could be implemented in the rest of the country. Tribal law was never stable throughout the ages. In a legal sense:

“The Judiciary prior to Islam, was a form of mediation that mediated between divided opponents in order to prevent those minor differences from turning into armed conflicts and eventually into war which could last for years. Therefore, we cannot define the Judiciary prior to Islam in the same way as we do today, or even in the Islamic era.”⁴⁸

After being convinced by the righteous and clear values of Islam, the Arabian tribes of the Oman Peninsula finally adopted the Islamic religion.

Although worshipping and practising occupy an important part of religion, Islamic is a way of living that organises all aspects of life. Islam has opened wide the gate for individual creativity, innovation and national progress, provided that they remain

⁴⁶ Al-Saleem Sulaiman, *The Judicial System in the Kingdom of Saudi Arabia* (1971) (Arabic) p. 4, unpublished manuscript, Reyadh, Institute of General Administration.

⁴⁷ Henderson, Edward *This Strange Eventful History* (1993) UAE p. 35.

⁴⁸ El-Augi, Mustafa *Lessons in Criminology*, 2nd edition (1987) (Arabic) p. 564.

within the framework provided by the law contained in the verses of the holy Qura'an, in the orders of the prophet Mohammed "Peace be upon him", and in the guidance of the wise Caliphs that followed.

Indeed, it was the clarity of the Islamic law as a derivative of the Holy Qura'an that encouraged the people of Arabia to accept this law. This meant that individuals in Arabian society knew their rights and duties for the first time after a long period. Justice was the main basis of the Islamic religion. And Islamic law emerged as a reformer of tribal law (with most of its inherited values, customs and traditions) so that Islamic law became the general framework for all other laws regardless of their origins and roots. Testifying to this in the context of the Arabian Gulf societies, Dr. Husain Ahmed Al-Baharna stated that, "Most of the legal disputes were settled in accordance with the principles of Islamic Shari'ah law, except in certain cases where the local customs were considered."⁴⁹

Neither time nor international changes have had a major effect on the Islamic law (which is inscribed in the holy Qura'an and in the prophet's Hadeeth) or on tribal law. These have remained unchanged despite the many additional rules that were introduced and added to the *Shari'ah* by many Islamic countries (such as the Ottoman State) and other Arab countries.⁵⁰

Following the British colonial domination of the Coastal Emirates, "The British Government reserved the right to retain the judicial authority that concerned ruling of disputes among non-Muslim foreigners."⁵¹ Thus, the British courts that were established in the Emirates ruled only in those cases that involved foreigners.

As the nomad people of the desert moved towards the coastal settlements, new trades and professions began to emerge. Fishing, pearling and market trading were among those professions that attracted them and suited their new environment. As a result, these newly emerged trades and expanded professions soon established their own

⁴⁹ Al-Baharnah, Hussain *The Modern Arabian Gulf States* (1975) p. 17.

⁵⁰ Al-Muhmasani, Subhi *Legal Systems in the Arab States* (1957) (Arabic) p. 176.

⁵¹ Al-Baharnah, Hassan *The Modern Arabian Gulf States* (1975) pp. 128-129.

terms, customs and rules among the community of common trade. In fact, these customary rules were later developed to form the basis of additional principles.

Naturally, the existing legal system of the Emirates was influenced by the changes in society. Consequently, for judges and mediators alike, existing principles of law were insufficient to meet the demands of the new flourishing trades. Thus, they had to consider these newly developed customs as part of the overall legal system.⁵²

The Emirates society in the past utilised neither law courts nor recorded legal pronouncements, as is the case today. Yet those judges whom we may classify by our standards today as unsophisticated, actually performed their judicial duties very effectively and to the best of their ability. At this stage it might be useful to refer by way of an example, to the judicial system of one of the Emirates. The other Emirates in the Gulf exercised the same system, with some differences in the date of conversion to the modern judicial system.

Ajman Emirates was one of the earliest Emirates. Tribal law dominated its society since its beginning which was with a few settlers living on fishing, later joined by the present ruling family, who were the (Nuaim) tribe leaders. Ajman's internal history⁵³ reveals many disputes and events among the ruling family. Among those events were the elections of the Ruler by the people of Ajman. At a later stage Ajman established good ties with the Saudis, and became a member of the Mowahideen (Wahabies) Alliance. The judicial system of Ajman was a good example of the mixture of tribal Law and (*Shari'ah*) Islamic Law.

The first modern court of Law in Ajman started⁵⁴ with the secondment of Judge Muhammad Al Tandi from Egypt (Al Azhar). In an interview with His Highness Shaikh Humaid Bin Rashid Al-Nuaimi, Member of the Supreme Council and Ruler

⁵² Interview on 2 May, 1995 with Mr. Jummah Humaid [captain in charge of fleet of fishing boats], 80 years old).

⁵³ Hagi, Mamdooh *Ajman* (undated) (Arabic).

⁵⁴ Interview on 13 May, 1995 with Mr Jawdat Al Barghothi former director of the Ruler's office in Ajman.

of Ajman, his highness was requested to highlight the aspects of judicial system as it existed in the Emirate of Ajman⁵⁵. He said:

“Besides a few lay people known as (Mutaw‘ah) (religious people) who were involved in judiciary in Ajman, there were the mediators who specialised in certain aspects of social life. I still remember a few of these Muttawahs such as Hamad Bin Qanim, Hamed Bin Harib and Abdulla Al-Shaiba, in addition to Rashid Bin Saif Al-Hamarani as a mediator who specialised in all matters concerning pearling disputes...In addition to local jurists and mediators, there were Arab jurists from various parts of the region, who arrived in Ajman, such as Shaikh Mohammed Abu Al-Huda from the Persian coast and Judge Abdulkarim Al-Bakri from Najd.”

When His Highness was asked about the stages of litigation in the past, he said:

“Although my father used to decide some cases while diverting the remaining cases to other judges. Nevertheless, the majority of disputes between members of the community were solved through mediators and never actually reached law courts or the judge. In most cases, the judge’s decision was acceptable to the parties involved. If for one reason or another a decision was rejected by either party, they still had the chance of seeking out another judge for a decision. This second decision either agreed or disagreed with the original decision and came with an analysis of the first and second decision. At the same time, it was possible for aggrieved parties to sue the Ruler himself and receive a fair decision from a judge. As I recall; my father himself was once a party to a dispute, where his opponent was one of his citizens; and the citizen received a fair decision from Shaikh Abdulkarim Al-Bakri.”

His highness was asked if the Judges in Ajman had handled cases efficiently? He stated that:

“The society was small enough to allow its members to know each other. The Judges were no exception. Most of the cases were decided without complications. In any case the society through its heads could appeal to the Ruler to revoke the judgement of the judge or the Ruler himself, this decision could be taken in a (Majlis) meeting.”

⁵⁵ Interview on 21 May, 1995 with His Highness Shaikh Humaid Bin Rashid Al-Nuaimi, Member of the Supreme Council, Ruler of Ajman.

1.3.2 The Establishment of The Police

British archives reveal that the petroleum company (*Petroleum Consultation Limited*) operating in the field of oil exploration in the Trucial States with its main office in Sharjah, had requested the British authorities on 30-12-1948⁵⁶ to recruit armed personnel as guards. The British authorities in the Coast Of Oman on the other hand suggested the establishment of a small government force (*Small Government Levy Force*) in Sharjah with an operational range that covered the same geographic territories as the Petroleum Company⁵⁷. At first, the Chief Of Staff (Britain) did not approve the requirement of the British political resident in Sharjah.

GHQ Middle East Land Forces informed the Ministry of Defence London and C-In-C Mediterranean and East Indies stations, as follows.

“We recommend that until development of British interests warrant institutions of local protective measures, any emergency should be met by flying in British troops to Sharjah where RAF station can accommodate approximately 300 men and we are arranging accordingly.”⁵⁸

On March 1, 1949, the Ministry of Defence- London- Chief of Staff Committee discussed the matter and decided the following:- According to item (4)⁵⁹, although the chief of staff considers that an emergency can be most effectively and economically provided for through arrangements to fly in small parties, the need does obviously exist for some protective force in the form of armed guards, to be immediately available. This is necessary to give initial protection until the troops arrive. It would also be of value in preventing calls for assistance in the event of minor disturbances, which might place an undue strain upon British troops in view of their other numerous commitments. The chief of staff also indicated that the force would be more effective if it is trained and officered by British personnel.- On May 6, 1949, senior officers from the Arab Legion and the Foreign Office UK⁶⁰ discussed the subject of the formation of the force where the opinion of Brigadier Glubb was

⁵⁶ Tuson, Penelope *Records of the Emirates* p. 126.

⁵⁷ *ibid*, p. 129.

⁵⁸ *ibid*, p. 125.

⁵⁹ *ibid*, p. 130

⁶⁰ *ibid*, p. 134

requested as an expert on the Arabian region and the Bedouins. This meeting supported the formation of the Oman Force, and the participants discussed many specific details, giving the impression that the order for the formation of the force was to be issued soon.- On January 24, 1950, the Foreign Office and the Treasury Chamber agreed in principle to the establishment of a body of armed police in the Trucial Coast and the cost to be borne by the Foreign Office.

Following the agreement of the Treasury Chamber and the Foreign Office. The British Authorities in the Gulf made arrangements to execute the order and to inform the Shaikh of Sharjah as soon as the authorities were ready to recruit the levy personnel and to inform the other Shaikhs of the Emirates when convenient.⁶¹

The Levy force was established in accordance with the Draft King's regulations, which states that: 1- There shall be established and maintained in the Trucial States a Levy force which shall be under the control and the direction of the Political Resident in the Persian Gulf. The force shall be known as the Trucial Oman Levies.2- The force shall be employed in any part of the territory of the Trucial States. The Draft King's regulations in its articles outlined the main objectives of the established force and detailed the duties of the force members. The main objectives can be summarised as follows:1 -To maintain peace and good order in the Trucial States.2 -To provide an escort for British Political representatives.3 -To execute the warrants, orders and serve any summonses or notices when requested by any of His Britannic Majesty's Courts for the Trucial States, Bahrain, Kuwait, Qatar or Muscat. The Trucial Oman Levy force started its operations on January 1, 1952 and was commanded by Major J.M. Hankin -Truvin. The force continued to maintain its main role of protecting the British interests with some limited law enforcement duties. The limits of the force with respect to its law enforcement obligations were clearly defined by the Political Resident's order to the Commandant of the Trucial Oman Levies. Article 3 of this order stated that: " Except in an emergency, the force shall not operate within a town which is the capital of a Trucial State Ruler or within the

⁶¹ *ibid*, p. 135

place* of a Ruler without the specific instructions of the political officer or his representative".⁶²

During interviews with some officers and former employees of the Trucial Oman levies, they were asked if they could remember any form law enforcement tasks been carried out by the Levy Force within the major cities during their service. The majority of them could not recall any participation of this force in such activities. Their only experience was when they were ordered to intervene in case of war or expected war between the tribes, and when they were ordered to capture those individuals wanted by the court in another town. In any case, the Political Resident or his representative had to issue such an order after consultation with the particular Ruler.

Since the Trucial Oman levies were in fact an extension of a military organisation of a colonial power, this in itself imposed some restriction of movement upon members of the force, thus providing the Ruler's personal guard with opportunity to act freely in the field of law enforcement. Therefore, in view of the limitations and restrictions imposed on the levy force in the Emirates, the political resident in the Emirates received signals from the British authorities to encourage the establishment of local police forces. In this way the Rulers of the Emirates established their own police forces, to be commanded mainly by a British officer. These police forces were:

1. Dubai Police

The British Deputy established this police force in 1957 following a suggestion in the Emirates. Initially, a British officer was deputised from the Oman Coast Scout Force to conduct basic training of the force. Later, in 1958 another British officer was deputised to command the police and who remained in service until 1975. Four officers, three British officers and one Jordanian officer who was assigned to traffic control assisted him. The remaining officers were assigned to the department of investigation, administrative affairs and mobile force (Riot) division.

2. Abu Dhabi Police

* The word 'place' refers to an area controlled by the Ruler.
⁶² *ibid*, p. 140.

This was established in 1958 following the return of few numbers of officers* from their basic training with the Oman Coast Scout Force. The duties of this force were limited to safe guarding the Ruler's palace, markets and pursuing fugitives in cases of tribal disputes.

3. Ras Al-Khaimah Police

The Ruler of Ras Al-Khaimah established this police force in 1962 and it is considered to be the first organised police force in the Emirate of Ras AL- Khaimah.⁶³ The initial police force consisted of a number of soldiers and non-commissioned officers appointed by the Ruler and was granted a limited authority. Unable to continue due to lack of funding, the force was then reformed three years later. In 1965, following a suggestion by the British Deputy, an organised police force was established and commanded by a British officer. The duties of this police force were limited to traffic control and criminal investigations that were mainly political investigations. Drivers and vehicles licensing were assigned to the municipality while passport and immigration affairs were directly assigned to the Ruler.

4. Ajman Police:⁶⁴

The two sons** of the Ruler of Ajman who obtained their basic training in the Trucial Oman Scouts (TOS) and two non-commissioned officers who obtained their basic training in Dubai police, established this police force in 1967. The duties of this force were limited to public safety and traffic control, whereas passports and immigration affairs were assigned to the special department that was directly controlled either by the Ruler himself or his deputies.

5. Sharjah Police

This was established in 1967 and was known as the department of Police and Public security (*Amn*). It was commanded by a British officer and assisted by local personnel. The duties of the police at the time of its establishment were:- Prevention

* Former Minister of Interior Hamodah Al Dhahiri was one of those officers who established the Abu Dhabi Police Force.

⁶³ Interview with Retired Brigadier Abdul Wahab Karoo (former Deputy Commander of Ras Al Khaimah police).

⁶⁴ Interview with Retired Colonel Rashid bin Humaid bin Khamis, Dawood Bilal and Salim Tarish from Ajman Police

of crime.- Detection of crime.- Prosecution.- Apprehension of offenders.- Recovery of stolen properties.- To maintain public safety.- To remain a unit of the Armed Forces in emergency situations.

The British style of policing was clearly visible in the duties and responsibilities performed by the police in the Emirate of Sharjah. Such characteristics were the direct result of the colonial presence in the Emirates. Therefore, in addition to its above mentioned duties, this police force had the task of political espionage with its own special department known as the Special Branch.

6. Um Al-Qaiwain Police

Administrative assistants from Dubai police and the Trucial Oman Scout force established this in 1967. The duties of this force were limited to guarding and traffic control in addition to the pursuit of criminals and those involved in disputes.

7. Fujairah Police:⁶⁵

This was established in 1969 with the aid of the Abu Dhabi police. An officer* from Abu Dhabi police was deputised to support this force to perform its basic duties that were limited to guarding and traffic control.

In conclusion, it should be noted that the absence of a system of public prosecution and of a Ministry of Justice in the Emirates, and the fact that most of the police commanders were British, have led to the development of the British style of policing. The implementation of this style meant that police officers performed the task of public prosecution in the courts.

The development of Emirates society following the economic changes was so rapid that it surprised both the Rulers and the people. These sudden changes engaged the authorities in developing activities and trying to meet day-to-day security requirements and demands. Therefore, in the first few years after federation in 1971, police forces in the individual Emirates continued to perform their standard tasks

** Abdulla and Saeed.

⁶⁵ Interview with Retired Brigadier Commander of Fujairah Police.

* Saeed Samsom.

without a specific federal strategy to determine their goals and objectives.

In view of the importance of this topic, the federal security (*Amn*) organisations will be examined in more detail in the coming chapters.

1.3.3 The Emergence of the Criminal Justice System

As stated above, the sudden economic changes felt in the UAE came as a surprise to both the ruled and rulers since there was no organised bureaucratic system that could accommodate the requirements of a society in rapid transition. The sudden growth in the economy provided economic and social opportunities that attracted both legal and illegal enterprises to emerge in the Emirates, the result of which was large-scale cultural, social and economic change with consequent problems for security. Some of these problems, such as financial related crimes, illegal emigration and narcotics, were new to the Emirates.

The existing judicial and law enforcement organisations were neither suitable nor adequate to deal with the ever-increasing problems. The higher political and administrative authorities had no alternative but to modify the existing legal rules and organisations, and had to promulgate new laws, rules, and regulations to meet the new circumstances. The promulgation of new laws at the federal level was a continuation of what individual Emirates had done to develop their administrative and judicial systems. Many of the changes were merely reactions to the developing crisis. With hindsight, the higher political and administrative authorities should have had engaged in forward planning and developed a preventive approach that might have saved the UAE from some of its present social and security dilemmas.

One cannot deny that there were elements of an integrated criminal justice system in each Emirate before federation. However, criminal justice as a 'system' with defined bodies only emerged in the Emirates after the creation of the UAE as a state. This 'system' began with the creation of bodies integrating the police, public prosecutor, and the courts. At first, these bodies continued to function under existing rules and regulations. With the passage of the time, these organisations formulated the specific

rules necessary to govern their own conduct, with the involvement of the legislature.⁶⁶

Reviewing the historical debate concerning the criminal justice system in the United Arab Emirates, one finds that it was a sensitive subject.⁶⁷ The political and administrative authorities had shaped the new laws so that the system adopted a mixture of functions that fulfilled tribal and political requirements but which did not necessarily presume the innocence of the suspect or guarantee equality between the parties.⁶⁸ Thus, the emerging criminal justice system maintained class domination in a way similar to that described in the 'Power' model of criminal justice mentioned by King⁶⁹:

- Reinforcement of class values.
- Alienation of defendant.
- Deflection of attention from issues of class conflict.
- Differences between judges and judged.
- Paradoxes and contradictions between rhetoric and performance.

⁶⁶ Interview with state Minister who revealed that " Due to the shortage of the legislation body, every Minister during the first era of federation was legislating for his Ministry" (name and title is not to be disclosed) Sharjah 25-3-1999.

⁶⁷ Interview with Khalifa Saif Al Muhairi, former general public prosecutor (UAE) 13-3-1999, who believed that the Islamic model should dominate the legislation of the judicial system. Thus, the western models like due process and crime control are a sort of superficial and artificial ways of conducting justice.

⁶⁸ The due process model.

⁶⁹ Examining the different models stated by Davies Croall and Tyrer, *Criminal Justice*. P.21. Referring to King M. the framework of criminal justice, London: Croom Helm: 13.

CHAPTER TWO

POLITICAL, ECONOMIC, SOCIAL AND LEGAL DEVELOPMENTS IN THE UAE AND THEIR EFFECT ON SECURITY

Introduction

History is a gigantic mirror that reflects both good and bad images of the past. Within its reflections, the contemporary viewer is provided with a vision of the future. Although events of the past have long vanished and been overshadowed, they can provide those who consider them with knowledge and guidance, and so create better opportunities and a stable future for coming generations. The ancient civilisations of this area have been resting for centuries in a graveyard of forgetfulness, covered beneath desert dunes, separated from today's observer by a huge mountain of neglect.

Very little is known about the prehistory of the Emirates. This is not because there were no events to be recorded, but simply because history was rarely recorded in the predominately illiterate society of the region. What little is known today about the history of the Emirates society has usually been distorted by authors' personal interests. On one side stand the colonial authors who defended the imperialist point of view and rejected the rights of indigenous people to safeguard their country against the invaders. These colonial authors considered those who rejected domination by imperialist powers as pirates, thieves and murderers. On the opposite side stand the nationalist authors whose aim was to prove that the colonists themselves were the true thieves and murderers.

Since security (*Amn*) in any society is a function of many variables, it is therefore necessary to discuss how security (*Amn*) issues arose in the Emirates. The first part of this chapter will focus on some of the political events, which are important in terms of their effects on the security (*Amn*) of the Emirates. The first part will also consider some current events and discuss their effects on current security (*Amn*) conditions. The remaining parts of this chapter will consider economic and social changes as well as the emergence of legal codes. The results of these changes will also be discussed and related to the security of Emirates society.

2.1 POLITICAL CHANGES

The modern history of the Emirates began in July 1497⁷⁰, when Vasco de Gama sailed from Lisbon with the ambition of reaching the treasures of India via the Arabian Sea and the Arabian Gulf. For the next century and a half, the Portuguese dominated the coastal regions. Then in January 1650, Oman won freedom from the Portuguese after a long and bloody struggle, led by Imam Nasser Bin Murshed and later by Sultan bin Saif and Saif bin Sultan.

As far as history textbooks reveal, the eviction of the Portuguese from Oman and the Arabian Gulf was not based on any one reason. In fact, wars among the various colonial powers eventually weakened each one of them particularly the Portuguese. Moreover, attempts by various European powers to attract regional alliances with the British and the Persians soon strengthened their position and weakened that of the Portuguese. In addition the subjugation of the Portuguese by the Spanish had considerably weakened their strength and reduced their presence in the region. However, the decisive factor associated with the eviction of the Portuguese from Oman were the Arabs of Oman. With their bloody struggle, they not only evicted the Portuguese from Oman, but also emerged as a strong naval power dominating the neighbouring seas and the coasts of India and Africa⁷¹.

According to Arabian tribal Law, all tribes ought to ignore their differences and unit in the face of invaders. Indeed, this was true when they united under the flag of the Yaarubi (*Imamat*) leadership to expel the Portuguese from Oman. Their liberation war not only gained them freedom but also improved their fighting techniques in both desert and naval warfare. By using western war technology they were seen by Europeans as pirates.⁷² The power of the *Imamat* became such that it made the powers in the region seek their alliance. Later, this power had a considerable effect especially in the unity of Oman during the fall of the *Imamat* in 1719 and the rise of Al-BuSaeedy family.

⁷⁰ Lorimer, J.G. *Gazetteer of the Persian Gulf* (1970) Vols. 1 and 4 of the Arabic edition

⁷¹ Al Sayar, Aysha *The State of Ya'arebah* (1975) (Arabic). For more information see Slot, B.J. *The Arabs of the Gulf* (1993).

⁷² Al Qasimi, Sultan *The Myth of Arab Piracy in The Gulf* (1988).

As a result of the defeat of the Portuguese, other European colonial powers (British, Dutch and French) soon considered the Arabian Gulf to be a region for their interests, and competed with each other for domination. At first, none of them could attain superiority in the region but in the end, the British achieved suzerainty. They enjoyed temporary domination of the Gulf region through the British-East Indian Trading Company, and after seven years of war with the French (1756-1763). During this war, the British constantly attempted to prevent the French from reaching Muscat, Persia, Baghdad and the Indian sub-continent⁷³. In 1800, the French once again returned to Oman, this time with a new strategy⁷⁴ and with a larger naval presence, but by 1808⁷⁵ Britain was able to overcome the French threat.

When the Al Mowahidin (*Wahabies*) emerged in Saudi with the intention of spreading their political and religious message to Oman, they tried to persuade most of the tribes under the leadership of the Al- Qawassim faction to support their activities in Oman. Soon, the movement gained momentum and spread throughout the northern part of Oman (from Dubai to Ras Al Khaimah). This prevented the Bu-Saeedies from further advancing towards the South, while allowing the Al-Qawassim and their allies to strengthen their domination of the Arabian Gulf. In the meantime, Al-Qawassim with their allies formed a considerable maritime force with sufficient power to control both coasts of the Gulf. Moreover, they imposed taxes on every ship which embarked from seaports within their domain in return for their protection.

Naturally, the British did not accept this domination of the Gulf by the Arabs. To the British, it was a violation of their imperial mandate. Consequently, they launched several military campaigns to eliminate this challenge and regain their supremacy. While some of those campaigns were purely British, others were combined British-Omani campaigns. The Omanies had their own territorial ambitions in the northern parts of Oman. In 1806, the Omanies under Sayed Saeed, in a move to demonstrate to their British allies their ability to control the northern parts of Oman, launched a military campaign⁷⁶ to subjugate the northern parts of Oman⁷⁷. However, Sayed

⁷³ Al Khososi, Baderudin *Studies in the Modern History of the Arabian Gulf* (1984) (Arabic) p.43.

⁷⁴ Al Aqad, Saleh *Political Developments* (1965) (Arabic) p. 79.

⁷⁵ Lorimer, J.G. *Gazeteer of the Persian Gulf*, Vols 1 & 4 of the Arabic Edition.

⁷⁶ Al Qasimi, Sultan *The Myth of Arab Piracy in the Gulf* (1988) p. 84.

Saeed failed to destroy Al Qawassim and their allies, and this forced the British to resume their own military operations with the objective of dominating both coasts (the Arabian and Persian coasts) of the Gulf.

Using the pretext of piracy, the British renamed the Gulf the Piracy Coast. Moreover, they associated the Arabs of the Gulf and especially the Arabs of Al-Qawassim with piracy. Under the same pretext, the British launched consecutive campaigns to eliminate this so-called piracy.

In 1805, the British under the command of Captain David Seton attacked Ras al-Khaimah the capital of the Al-Qawassim, and their allies. This campaign was followed by a second military campaign in 1809 led by Commander Captain John Wain. The third campaign of 1819 was a combined attack by the British and Al-Busaeedi forces under the command of William Grant. As a result of those military campaigns many treaties were signed of which the General Treaty of Peace was the last. By the terms of that treaty, the Piracy Coast was renamed the Trucial Oman Coast in 1820.⁷⁸

Inland Oman was of no interest to the British unless it had a significant effect on the stability of the coast. To the British all that mattered was the safety of the trade routes around the Gulf coast itself, which was under the influence of various Shaikhdoms, tribes and scattered settlements. Dr. Nadham Al Abasi notes:

“With the exception of the British, the Western countries in the beginning of this century showed no signs of interest in the Arabian Peninsula. At the same time, the British interests were mainly directed towards the coastal line as strategic points of support for their naval routes to India”.⁷⁹

Meanwhile, the tribes in Oman, unaffected by the emergence of the British who had no noticeable effect on life either on the Oman Trucial Coast, or inland, continued to

⁷⁷ Al Qasimi, Sultan. *The Myth of Arab Piracy in the Gulf* (1988) p 84.

⁷⁸ See Al Khososi, Baderudin *Studies in the Modern History of the Arabian Gulf* (1984) (Arabic).

⁷⁹ Al Abasi, Nadham (undated) Publications of the Arabian Gulf Study Centre in the University of Basra, *Social Study Section* pp. 76-199.

attack each other using traditional tribal warfare.

As mentioned before, the emergence of Al-Wahabies (*Muwahideen*) as a religious movement in Arabia and their subsequent alliance with Al Qawassim had noticeable effects on those regions that were outside the British sphere of influence. In fact, it affected customs, traditions, religion as well as tribal law. The principal ideology of this movement when it first emerged was religious. Its main interests were the purification of Islam and the eradication of regional socio-cultural practices that contradicted the basic principles and beliefs of Islam. However, their intense ideology and faith soon produced a strong opposition to their movement especially from the *shi'as* whose dogma sanctifies the graves of their saints such as *Ahlul bait*⁸⁰ (the descendants of Ali ibn Abi Talib)⁸¹ and their religious leaders (*Imams*).

The Al-Muwahideen also faced determined opposition from the Egyptians, who were driven by both political and religious reasons. The political reasons lay with Mohammed Ali's aspiration to gain religious leadership over the holy cities of Mecca and Madina from control of Al-Muwahideen. For him to attain religious leadership and consequently political leadership he had to control the holy cities.

Although, the Al-Muwahideen was militarily defeated in 1818 after the fall of Al-Duriyah their capital to the Egyptians, they nonetheless retained their religious influence and strength in the region. Based on the renown of their leader (Mohammed Bin Abdul Wahab), their movement continued to receive support throughout the Arabian peninsula and in particular the North of Oman that was under the influence of their main allies the Al-Qawassim.⁸² Hence, because of that presence (in addition to the British and the Egyptians) the Oman peninsula was heavily engaged in ethnic and ideological conflict resulting in devastation among its various tribes. None of the competing parties (the British, Muwahideen and the Egyptians) could maintain superiority for a sufficient period to enforce law and order in the region. Therefore, the majority of the tribes and settlements in the region had to

⁸⁰ Ihsan, Ilahi Dahir *The Shi'as and The Sunnis* (1985) (Arabic) p. 56.

⁸¹ The Cousin of the Prophet Mohammed peace be upon him.

⁸² Jamal Zakaria *History of the Arabian Emirates During the European Expansion* (1960) (Arabic) pp. 435-479.

depend on themselves for security. Occasionally a less strong tribe or settlement required the help of outside forces such as the British, Muwahideen and the Egyptian to defend them against aggression.⁸³

British colonialism in the Emirates had both positive and negative effects. On the one hand, the British provided internal security and political stability. On the other hand, one can not overlook the real motives behind the British interests in some of their interventions. Some of these interventions, such as the apportionment of power into small autonomous territories (for example British approval for the separation of Fujairah and Kalba from the Al Qawassim)⁸⁴ were designed purely to serve its colonial interests.

However the positive side of such interventions was the stability they provided. Their forcible intervention in tribal disputes, and their eventual success in solving most of them, prevented many wars from occurring in the Emirates. The British intervention in 1952 during the border disputes with Saudi also had its merits. Without the firm British stance, anything could have happened since the Emirates were not in a position to safeguard Buraimi and the other territories claimed by the Saudis⁸⁵. So, regardless of the motives behind the British interventions and the suspicions raised by some historians as to the exact reason behind their interventions, it cannot be denied that the maritime truce policy was successful in maintaining peace in the Arabian Gulf.⁸⁶ The British presence in the Emirates therefore provided some form of political stability.

But, political changes in the Arab world in the form of liberation movements during the 1940s and 1950s soon accelerated the political changes in the Emirates. Perhaps the most influential of all these liberation movements was the 23rd July 1952 revolution in Egypt led by the late President Jamal Abdul Nasser. The political changes in the Emirates were also influenced by the revolution in Oman, which was

⁸³ *ibid*, p. 93.

⁸⁴ Tuson, Penelope ed. British Archive Editions, *Records of the Emirates* Vol 9, pp.177,178.

⁸⁵ Jamal Zakaria *History of the Arabian Emirates* (1960) (Arabic) pp. 349-356 and Henderson, Edward *This Strange Eventful History* (1993) pp. 205-232.

⁸⁶ Jamal Zakaria *History of the Arabian Emirates* (1960) (Arabic) p. 349.

initiated by the Immamat of Al-Abadiah and reached the Dhofar region in 1957⁸⁷.

The uprising in South Yemen in the 1960s against British colonialism and the eventual independence of the Yemen soon threatened the British presence throughout the Arabian Peninsula. In this context, Dr. Taryam observes that:

“Throughout the Gulf region, people eagerly followed the news of the fighting and riots. The political awareness among the people of the region was high as the people of the Emirates and elsewhere in the region considered themselves part of the anti-British struggle. As a result, many groups in the region positively co-operated with the revolutions and helped to smuggle arms to the liberation fighters.”⁸⁸

The Arab League's concern for the affairs of the Arabian Gulf began in 1964, when the Ruler of the Emirate of Sharjah requested the Arab League to send a delegation to assess the Emirate's needs.⁸⁹ This communication between the Ruler of Sharjah and the Arab League did not please Britain, who considered the Arab League's direct involvement in the affairs of the Gulf totally unacceptable. The British authorities required the Arab League's involvement to be channelled through the Trucial States Development Office, which was established in 1965. Consequently, the British authorities in the Emirates imposed strong pressure on every Ruler advising them not to receive the Arab League delegation. Meanwhile, the Rulers of Bahrain and Qatar conveyed the British threat and its consequences if the other Rulers in the region decided to receive the Arab League delegation. Despite the British threats, the Arab League delegation finally reached the Emirates in 1964, headed by the Secretary-General of the Arab League Abdul Khaliq Hassonah. Upon arrival, the people of all the Emirates welcomed the delegation, and wherever they went the delegation were met with celebrations and anti-British slogans and banners. Britain on the other hand, carried out its threat, when in 1965 it deposed the Ruler of Sharjah Shaikh Saqr Bin Sultan Al Qasimi for inviting the Arab League. This fuelled discontent at the British presence and further escalated the already tense situation, which was ready to explode in street riots and clashes.

⁸⁷ Allen, C.H. *Oman: The Modernization of the Sultanate* (1987) pp 67-69.

⁸⁸ Taryam, A.O. *The Establishment of the UAE* (1987) p. 26.

⁸⁹ *ibid*, p. 48.

On January 16th, 1968, the British Prime Minister announced in the House of Commons the British intention to withdraw from eastern Suez by the end of 1971. Following this announcement and in response to this decision, the Rulers of the nine Emirates (Bahrain, Qatar, Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Quwain, Ras al Khaimah, and Fujairah) were encouraged by the remaining Arabian Gulf states, the Arab League and the British government to form a federal state. The main objective of the proposed federation was to fill the gap that would be created as a result of the British withdrawal from the region. Moreover, the proposed federation would meet the internal security requirements of Gulf societies that, as a result of 150 years of British domination, lacked both the infrastructure⁹⁰ and the national political authorities capable of assuming leadership and establishing law and order. To the Emirates, the British withdrawal and the absence of an authority capable of protecting its northern border meant that the gate to the country was wide open to immigrants from neighbouring countries such as Iran, Pakistan and India. Based on the Arab League reports on 10th of November 1964, some researchers still believe that the British authorities intentionally allowed large-scale immigration to occur in order to destabilise the newly established federation.⁹¹

Before the proposed nine-member federation, there were other attempts at unification by the local Emirates. The first of those attempts was in 1968 when the Emirates of Abu Dhabi and Dubai agreed to unite. However, since the main idea of federation was to include as many Emirates (total of nine Emirates) as it could, then the two-member federation soon had to expand. After three years of hard negotiations among the nine Emirates, Bahrain and Qatar declared themselves independent states on 14th of August and September 1st, 1971. The other seven Emirates were left to form their own federation on December 2, 1971, with the declaration of the United Arab Emirates.

The sudden British withdrawal from the Gulf, and in particular from the Emirates, was a cause of fear and concern not only for the Arabs of the Gulf who were left to

⁹⁰ Al Rayes, *Reyadh Conflict of Oil and Oasis* (1975) (Arabic) pp. 55,68,71.

⁹¹ For Example, Sayed Naufal *The Political Conditions of the Arabian Gulf Emirates* (1972) p.143.

face the unknown, but for the whole region. The major concern to the Arabs was the intentions of the neighbouring states. This concern intensified, especially after the Iranian claim for the State of Bahrain. The Arabs, and the whole region, were also very concerned about who would be the next guardian of the Gulf? In particular, who was capable of keeping the Russians out of this vital region? In a move to protect its vital interests in the region, the United States of America leased Al Jafeer seaport in Bahrain, and began to show their presence by patrolling the waters of the Arabian Gulf⁹².

Although these international changes had important influences on the Emirates, internal changes in the Emirates before federation were equally important, affecting not only the formation of the Federation but also the failure of the nine-member federation.

In 1966, the ruling family of Abu Dhabi held a meeting in the United Kingdom chaired by Sheikh Zayed (the brother of the then Ruler). During this meeting, they discussed the internal affairs of the Emirate of Abu Dhabi, as well as the Ruler's inability to manage the Emirate, especially with the new political and economic developments. These matters were also discussed with the British Political Resident in the Gulf Mr.H.G. Balfour. He was authorised to inform the Ruler Sheikh Shakhboot Bin Sultan Al Nehyan, of the ruling family's decision to remove him from power and to appoint Sheikh Zayed Bin Sultan Al Nehyan instead. Sheikh Shakhboot finally accepted, knowing that he had no other choice, and was eventually sent to exile in Iran via Bahrain. The news of this peaceful changeover was greatly welcomed by the people of Abu Dhabi. The other Emirates also acknowledged and supported the new Ruler since they were hoping that the new Ruler had the ability to develop his Emirate and support the unification of the Emirates.

With reference to the 1971⁹³ constitution of the United Arab Emirates, one must

⁹² Bulloch, John *The Gulf* (1988) pp. 38,60.

⁹³ Section 5 of the Provisional Constitution.

The organs of the federal government are:

- 1 - The Supreme Council
- 2 - The President of the Union and his Deputy

realise that this constitution is still a provisional one. The permanent constitution was supposed to be implemented following a transitional stage of two years. The current constitution is a rigid constitution since amendments to this constitution cannot be made easily, and it remains an obstacle to any modification to the system.

The Federal National Council (F.N.C) is one of the supreme federal authorities. Unlike the French parliament before the revolution, which met in a tennis court (Le jeu de paume) and refused to be disbanded despite King Louis XVI's order that it should adjourn permanently, the UAE Federal National Council was forced to adjourn due to a delay in the issuance of a commencement decree. Consequently, the Federal National Council has not yet been able to use its constitutional authority to call for ordinary session after the expiration of the President's deadline. According to the constitution, as one of the supreme federal authorities, the Federal Council of Ministers has the authority to call the Federal National Council for extraordinary sessions during the annual council break. However, the Federal National Council has not been called by the Federal Council of Ministers for extraordinary session except twice. The first time was during the October 1973 war, and the second time was after the Israeli invasion of Lebanon.⁹⁴ Although there have been many other regional crises such as the Soviet invasion of Afghanistan, and the serious internal security disturbances in Kuwait, Saudi and Bahrain, the F.N.C has not been called for sessions. This has continued even when the crisis was directly related to the internal security of the Emirates such as the Iraqi threat to the U.A.E and Kuwait a few days before the infamous invasion of Kuwait.

The executive authority represented by the Council of Ministers is another authority that has not exercised its mandate. Since cabinet ministers are mainly from the Ruling families, this cabinet has remained almost unchanged since the establishment of the Emirates in 1971. The only changes to the cabinet have occurred as a result of death, the resignation of the Minister or presidential desire. In this context, Peterson observes that:

3 - The Federal Council of Ministers.

4 - The Federal National Assembly.

5 - The Federal Judiciary.

⁹⁴ Federal decree No.40, for the year 1973 and Federal decree No.66 for the year 1982.

“In the UAE, greater mobility has been occasioned by the need to accommodate ruling-family members and other qualified candidates from all seven Emirates, as well as by the change in the philosophy that reserved nearly all cabinet positions for ruling families.”⁹⁵

With the cabinet’s limited authority and its ability to perform ordinary services only, it is obvious that the important and vital matters fall under the jurisdiction of the Supreme Council of the Union. The Presidential Council is the major authority dominating issues concerning internal and external affairs due to the difficulty of calling the Supreme Council members for frequent meetings. As Peterson states:

“Given the rarity with which the Council has met in the recent years, the President acts virtually alone. He has the authority to appoint the Prime Minister, the Deputy Prime Minister and the other members of the cabinet.”⁹⁶

While Peterson did not identify the constitutional authority given to the President, which to our knowledge is unconstitutional but in practice, Peterson is correct in his previous statement. In the UAE it is generally believed that:

“The present system is achieving all the success required for the developments. The President of the country Sheikh Zayed Bin Sultan Al Nahian, had been able to cover the weak points of other authorities due to his personal ability as a leader. He worked hard to unite the country and established a state from almost nothing. He is acceptable because of the love of the people for him and for the progress he achieved under his leadership.”⁹⁷

Despite the important regional events in the last three decades that have directly effected the U.A.E, the political authorities have neither developed the political system nor consulted the constitution, which is the minimum requirement to legitimise their actions. In fact, political decisions continue to be performed in a tribal fashion despite the constitutional provisions. In order to have a stable and secure society in the United Arab Emirates, it is essential to change the current system soon to avoid the destructive consequences that are currently appearing in

⁹⁵ Peterson, J.E. *The Arab Gulf States* (1988) p 17.

⁹⁶ *ibid*, p. 93.

⁹⁷ Hamdi Tammam, *The Leader and the March* (undated) (Arabic) pp. 319-329

neighbouring countries. The minimum demand is to allow government institutions such as the Federal National Council, the Federal Council of Ministers and the Judicial Authorities to carry out their role according to the constitution. As the President of the Federal National Council once stated:

“It is natural that what the public demands and our demands also is to have a permanent constitution... and people to have more freedom and participation. In fact, these are the fundamental requirements of any nation...”

2.1.1 Effects of Political Changes on Security (*Amn*)

It is difficult to identify precisely the effects of all the political changes on security (*Amn*) conditions in the Emirates prior to unification in 1971. Certainly, Emirates society has been affected by beliefs that are deeply rooted in the mentality of its people. Indeed, it is beliefs such as the ability of individuals to assume the Ruler-ship of an Emirate by force, that posed the most serious threat to the security (*Amn*) of society. For about two centuries Emirates society has experienced a situation where most of its Rulers were killed by their relatives. For example from 1793 until 1928, thirteen Rulers ruled the Emirate of Abu Dhabi, relatives killed nine of those Rulers, two were removed from power and only one of them died of natural causes.

The overall effects of political changes on security (*Amn*) can be summarised in the following points:

1. Emirates society inherited tribal law and with this heritage it inherited the concept of revenge as a legitimate right owed to the victim or his family forever. Revenge did not vanish completely after unification in 1971. It continued to exist in some areas despite the authorities' efforts. The negative effects of this antisocial phenomenon on security (*Amn*) can still be seen today, especially as the authorities prefer to step away from most cases that involve revenge and therefore, allow the disputing parties to solve their cases in accordance with tribal tradition.⁹⁸

⁹⁸ Ras Al Khaimah police archive, and Interview with Colonel. Al Za'abi in 1996.

2. The Western colonial powers were often engaged in conflicts and wars among themselves over the control of this region. Their differences were normally solved in accordance with civilised standards imposed upon them by their culture and international conventions. On the contrary, their wars and conflicts with the local population (who opposed the presence of Western colonialism) were judged by different standards. These conflicts involved many forms of inhumane treatment, atrocities and mutilation of prisoners of war, committed by the colonisers. Jamal Zakaria reports:

“as the Portuguese navy sailed towards the town of Khorfakan, it met the usual resistance from the local population. The Portuguese finally managed to overcome local resistance and in the process of doing so, they burned houses and mutilated their prisoners by cutting off their noses and ears”.⁹⁹

The aftermath of these atrocities was fierce resistance by the local population. The same reaction occurred among the Chechan towards the Cossacks in 1819.¹⁰⁰ The organisers of the Chechan struggle were forced to adopt a religious approach in order to create religious fanaticism against the colonial aggressors who carried the cross and claimed to be the sons of Jesus. Consequently, those prevailing customs and traditions that demanded that retaliation against any aggressor should not exceed legitimate moral and religious standards, ceased to operate. Hence, retaliation against the colonialists was directly related to the concept of revenge for each crime committed by the aggressors. At the same time, the scope of the revenge was extended to include individuals who were related to the colonial aggressor without consideration to whether he was involved in the act of aggression.

3. One result of the armed struggle against the colonial powers was the deterioration of security (*Amn*), because a large portion of the local male population were unable to carry out any form of work other than warfare. Many of them turned to robbing and raiding as a means of existence, because their armed struggle could not generate sufficient income in such a poor

⁹⁹ Jamal Zakaria *History of the Arabian Emirates During the European Expansion From 1507-1840* (1960) (Arabic) p.450.

society for the individual to support themselves and their family. Also, robbing and raiding were considered legitimate occupations by tribal law despite their prohibition by Islamic law.

4. Wars and conflicts that accompanied the religious differences among the various tribal groups deepened the religious fanaticism. Moreover, these differences provided the various religious leaders with the opportunity to legitimise many acts that were in fact prohibited by the Islamic religion. Therefore, an act such as tribes raiding each other if they did not belong to the same faith (Sin'nah, Shea'at, Al-Muwahideen etc.) became an excusable act.
5. Besides the armed struggle against the coloniser, there were armed groups (gangs) that emerged as specialised gangs in marine piracy.¹⁰¹ Consequently, the waters of the Arabian Gulf became famous with names of those gang leaders who terrorised both local and foreign merchants and pearl dealers at sea.
6. After each and every war against the coloniser there was the problem of unemployment among the former Portuguese mercenaries (Indians and Balloch). Many of those former mercenaries turned to criminal acts as a source of income.
7. Following the implementation of the General Treaty of Peace in 1820 by which the Piracy Coast was renamed the Trucial Coast, all parties enjoyed a period of stability in the Emirates. There is no doubt that this stability had a positive effect on overall security (*Amn*) conditions in the Emirates.
8. During the time of the revolutions in Yemen and Oman, the Emirates experienced an increase in arms smuggling. This further escalated security (*Amn*) problems in the Emirates.
9. Despite having total control of the Emirates and especially the Northern

¹⁰⁰ Johnson, Paul *The Birth of the Modern World Society 1815-1830* (1991) p. 274.

¹⁰¹ Al Qasimi, Sultan *The Myth of Arab Piracy in the Gulf* (1988) pp. 91, 100.

borders, the British forces and the Oman Scout Force which was under the direct control of the British Armed Forces, allowed massive immigration from neighbouring countries (Iran, Pakistan, and India) to the Emirates. This disturbed the population structure of the Emirates society and created an additional security burden.

10. The Iraq-Iran war and the Soviet invasion of Afghanistan were directly responsible for a massive stream of illegal immigrants into the Emirates, creating what many people consider to be the most serious threat to the internal security of the Emirates.
11. One of the outcomes of the Iranian revolution was the emergence of pro-Shi'at fanatical groups in all the Gulf countries. Recently, some of the Gulf countries (in particular the State of Bahrain and the Kingdom of Saudi Arabia) have experienced political crimes which are related to those fanatical groups. Many of these groups also have branches in the Emirates, and they remain a constant threat to the internal security of the Emirates.
12. The political authorities in the Emirates acknowledge neither the seriousness of the political changes nor their effects on the internal security.
13. The absence of public participation in the formulation of important decisions, makes the political system in the Emirates susceptible to criticism and instability.

2.2 ECONOMIC CHANGES

Most economists suggest that the causes of economic crisis are "limited resources and unlimited social demands." This was clearly the case in the old Emirates society, especially for those who experienced the harsh economic conditions of the past. The Emirates has passed through many stages of economic change, though it is difficult to determine exactly when they occurred.

The early economic changes in the old Emirates society began with the gradual migration of many Bedouins from the desert to the coast.¹⁰² In a society where economic resources were very scarce, the Bedouins had no alternative but to leave the desert region and move to the coast in search of survival. To those who migrated to the coast, the sea not only provided them with an opportunity to communicate with the outside world but also an alternative way of life. This new environment, with its emphasis on trade and professional skills such as pearling and fishing, caused the Bedouins to adopt new customs and traditions. A pearl diver who had lived through the early years of the twentieth century observed in an interview, "There were some Bedouins among the workers of the diving ships, some of them were excellent divers."¹⁰³

In addition to the migration of many Bedouins to the coastal areas, the other major change in the economy of the Emirates was the growth of the pearl trade that started at the end of the nineteenth century.¹⁰⁴ The growth in the pearling trade led to economic growth in the whole society, and the trade soon became a significant source of national income. As well as attracting many Bedouins to the coastal areas, the growth of pearling also attracted colonial powers to the region, for it had become one of the best pearling fields in the world. "Pearls were the most important thing that attracted the Portuguese to the Gulf."¹⁰⁵

Pearl diving as a profession consisted of many steps, though the most difficult and most dangerous step was to get the shells from the seabed. The whole diving operation required the combined effort of the diver and his assistants since no diver could perform the task alone. The diving season lasted for four months every year while the commercial trade in pearls continued for the rest of the year.

The peak of the Pearl trade was in the early years of the 20th century. Lorimer notes that, "In 1905, there were around 74,000 persons and 4500 ships involved in pearl diving and its related trades. The total export of pearls for that year was worth

¹⁰² Henderson, Edward *This Strange Eventful History* (1993) p. 61.

¹⁰³ Interview with Mr. Humaid Al Madhani, 90 years old diver.

¹⁰⁴ Mursi, Mohammed *The UAE* (1987) (Arabic) p. 103.

¹⁰⁵ Bulloch, John *The Gulf* (1988) p. 155.

1,434,399 Sterling pounds.”¹⁰⁶ On this huge scale, there is no doubt that pearl diving was not only a source of national income, it was a social system.¹⁰⁷ Pearling benefited early nineteenth century Emirates society. It created opportunities for major economic change, directly affecting social life and gradually re-shaping the tribal society.

The flourishing pearling trade brought new customs and traditions. A tradition known as “*Torog/Salfeh*” was established, in which every guild selected the most experienced and knowledgeable person among them to act as head of the guild. When a dispute occurred among members of a guild, it was brought to the Rulers attention and he in turn consulted their guild head. This practice marked a departure from the original system of ruling that had dominated tribal society.

While the prosperity of the pearling trade improved the living standards of the people it also provided the people of the Emirates with a chance of learning about the world around them. They travelled to other parts of the world, and others travelled to the Emirates. The prosperity of the pearling trade brought wealth to the old settlements. Where they had once consisted of groups of huts made of palm tree leafs they were now made of stone and mud. And, as signs of wealth began to appear within these settlements, they soon attracted less fortunate tribes to attack them and loot the outskirts of the settlements. Hence, forts and boundary walls that surrounded entire settlements had to be constructed to protect them against such attacks.¹⁰⁸

The prosperity of the pearling industry soon turned the Emirates into a major pearling market where sellers and buyers could meet and conclude their business. Merchants from India and other parts of the world used to stay in Dubai during the period when the pearling ships (Qufal) returned to land. The Emirate of Dubai emerged as the trade centre of the Gulf and a transit port for incoming Asian goods. To further improve trade activities the Ruler of Dubai abolished customs duty¹⁰⁹ and turned Dubai into a free trading zone. At the beginning of the twentieth century, Dubai’s prosperity attracted many merchants and traders from the Iranian coast in

¹⁰⁶ Lorimer, J.G. *Gazetteer of the Persian Gulf* (1970) Vol 5 p. 2568.

¹⁰⁷ Al-Sabagh, Ibrahim Rashid *Pearling* (1983) (Arabic) p. 10.

¹⁰⁸ Al Shaibani, Moayad Al Ittihad Newspaper (28-4-1995) p. 14.

addition to those who some time ago had left the Emirates and settled on the Iranian coast. The Iranian merchants and traders used the opportunity to establish their businesses and eventually settled in the Emirates.¹¹⁰

Although these changes largely improved the economy and raised the standard of living among the expatriate residents, yet the local Arabs of Dubai remained mostly outside these economic developments. Dr. Mohammed Mursi observed: "The local Arabs who can be regarded as the aristocrats of this society limited themselves to fighting, pearling, fishing and the dhow trade."¹¹¹

In the 1930s the pearl trade collapsed, as a result of the recession which followed the Wall Street Crash, and the development of artificial pearls (or Japanese pearl as it was called in the Gulf). As much as the prosperity of the pearling trade had been a great benefit for the Emirates, the collapse of the pearl trade was a disaster. "Their way of life, relying as it did on pearling, was now becoming impossible"¹¹².

The decline of the pearling industry had a drastic effect on the Gulf societies. Its effect was particularly strong on those for whom the trade was their only means of survival. With their economic resources, cities such as Dubai were able to survive the fall of the industry, but not for very long as the full effects of the decline began to emerge. In an interview, Mr. Abdulla Bin Bader, talked about the economic conditions:

"My father used to work in the market and when the business was good he could earn a living. When the business went down, we had no chance because of fierce competition from Iranian and Indian labourers in Dubai. I left Dubai to seek employment in Kuwait, then Saudi, Bahrain and finally Qatar. The kind of jobs, which I could not do in my country because of my social status, I was happy to do when I was there. In the late 1950s, I decided to come back to the Emirates and so did many of us."¹¹³

¹⁰⁹ Mursi, Mohammed *The UAE* (1987) p. 104.

¹¹⁰ Many families immigrated from Persia to the UAE at this time. These families still maintain their original family names.

¹¹¹ Mursi, Mohammed, *The UAE* (1987) (Arabic) p. 108.

¹¹² Henderson, Edward *This Strange Eventful History* (1993) p. 61.

¹¹³ Interview on 12 June 1995 with Abdulla bin Bader, 60 years old from Dubai.

Dr. Abdulla Omran (former Minister of Justice) made a similar observation:

“With the slump of the pearling trade a great number of workers from the Emirates and Oman left to work in the oil rich states of the Gulf. At first, they left individually and later were joined by their families who were seeking a better standard of life and educational opportunity for their children.”¹¹⁴

It is clear that certain Emirates were more fortunate than others. Besides other factors, the geographic location of some Emirates caused a considerable change in their economic prosperity. For example, the economic changes in the Emirate of Sharjah were partially due to the presence from 1932 onwards of the British Royal Air Force, although the benefits spread to other Emirates. As Dr. Mohammed Mursi notes: "The 1932 agreement concerning Sharjah airport affected not only the Emirate of Sharjah but much of the Trucial Coast." ¹¹⁵

Illegal gold trafficking from Dubai to the Indian sub-continent, which had started during the pearling trade, became a booming business, creating new business opportunities for local businessmen in Dubai and their Indian and Iranian partners. By the mid-1960s, this trade had become so famous¹¹⁶ that Dubai creek was packed with smuggler's dhows and multi-engined boats which were designed to escape the Indian Navy patrol boats.¹¹⁷ The gold trade also attracted many workers from different parts of the region especially from India, Pakistan and Iran to work on the merchant ships. Some of them eventually settled in Dubai and the neighbouring Emirates.¹¹⁸ Not all of those workers were simple sailors and workers. Many of them were professional criminals nurtured in their countries in gold smuggling and many other criminal activities.¹¹⁹

2.2.1 The Discovery of Oil

Most of the above economic changes affected the Emirates society in one way or other. However, many of the economic changes brought about by trades such as

¹¹⁴ Taryam, A.O. *The Establishment of the United Arab Emirates 1950-85* (1987) pp. 18,19,21.

¹¹⁵ Mursi, Mohammed *The UAE* (1987) (Arabic) p. 106.

¹¹⁶ Bulloch, John *The Gulf* (1988) p. 15.

¹¹⁷ *ibid*, p. 119.

¹¹⁸ Taryam, A.O. *The Establishment of the United Arab Emirates 1950-85* (1987) p. 21.

¹¹⁹ Interview with Saif Al Shaali and Mohammed Al Marzooqi on 12-6-1995

gold smuggling, were limited to certain geographic areas and to specific periods of time. The discovery of oil was different.

The exploration of oil in the Arabian Gulf States in general, and the Emirates in particular, was a turning point for these societies. Amal Al Adhbi observed:

“The exploration of oil in that area (the Gulf) at the beginning of this century and later its production made those countries almost dependent on it as their sole commodity. Its remarkable economic value greatly enhanced their national income which in turn increased the individual’s share of this income....”¹²⁰

Throughout the history of the Emirates, foreign interest was practically negligible. The social and economic conditions of the Emirates are proof that even those who had interest in its territory (land and water) did not bother to develop the region to meet even the minimum requirements of any society. Nevertheless, the magic of oil soon turned “Those burning sands with their magnificent silver face into black gold”¹²¹, and made this region one of the most important places in the world.

Oil exploration in the Emirates began when a company called Petroleum Development Trucial Coast Ltd (established in the United Kingdom in 1939) was granted a concession by the Ruler of Abu Dhabi in 1939. In the following years and prior to the exportation of the first shipment in 1962, many other companies were also given concession rights within the territory of Abu Dhabi. The revenue from the export of crude oil to the international market increased sharply from 705,656.00 Pounds Sterling in 1962 to 2.277 Billion Pounds Sterling in 1975. The United Arab Emirates current production capacity is 2.5 Million barrels per day with estimated oil reserve for 173 years compared to the United States estimated oil reserves for 7 years and Canada for 13 years. Therefore, the United Arab Emirates currently holds second place in oil reserves and fifth in gas reserves.¹²²

The discovery of oil in 1962, which came after 150 years of poverty and economic

¹²⁰ Al Adhbi, Amal *Immigration to Kuwait from 1957-1975* (1972) (Arabic) p. 451.

¹²¹ Al Rayes, Reyadh *The Conflict of Oil and Oasis* (1975) (Arabic) p. 22.

¹²² Ministry of Information UAE 1994, *Business Monitor International* pp. 94-95.

retardation took the people of the Gulf, both the ruled and the Ruler, by surprise. Currently, the Emirates economy is not heading in the direction planned by the central authority (the Ministry of Trade and Commerce). Commenting on the current course of the economy, the Minister concerned said:

“The economic performance achieved last year (1993) was far from the general economic policy which should have been adopted in order to control population growth and at the same time be able to produce both qualitative and quantitative changes in the structure of the labour force.”¹²³

2.2.2 Effects of the Economic Changes on Security (*Amn*)

Just as the political changes outlined previously have affected security (*Amn*) in the Emirates, the economic changes have also had their effects. These effects could be seen very clearly during the pearl boom as well as during the decline of this trade. They were also visible during the 1960s when the Emirate of Dubai emerged as the centre for gold smuggling to the Indian sub-continent. However, the discovery of oil has produced a transformation, not only of economic conditions, but also of the infrastructure of society, and of the people themselves.

The overall effects of the economic changes on security (*Amn*) can be summarised in the following points:

1. The prosperity of the pearling trade led to massive migration from the desert and increased the size of coastal towns and villages. As a result, daily problems and disturbances grew beyond the control of the Ruler alone. The Ruler therefore had to be assisted by individuals known as '*Mutarziah*' to perform various law enforcement tasks and to carry out his legal and administrative orders.
2. During the diving season (from 1st May to 15 September), the majority of men were involved in pearl diving activities except the disabled, the very few who worked in professions other than diving, and of course the Ruler and his assistants. Therefore, coastal towns and villages had very little activity.

¹²³ Al-Khaleej Newspaper, Thursday, June 22-1995, Issue No 5880, pp. 1 and 13.

Women on the other hand, had to carry extra responsibilities and perform many tasks that were normally performed by men.

3. The prosperity of the pearling trade and therefore the growth in wealth of the settlements induced many robbers and surrounding tribes to attack and loot the outskirts of these settlements, as well as abduct slaves to sell them in other towns.
4. In addition to towers and fences that were constructed around some coastal towns during the prosperity of the pearling trade, there was also an increase in the number of armed guards (*Mutarziah*) who were employed to carry out various tasks of law enforcement and crime control.
5. One of the main characteristics of *Al-Qafal* (the return of the pearl diving ships) was the considerable increase in the trading activities between foreign pearl merchants (especially from India) as they met ship owners and pearl dealers (*Al-Ta-wa-weesh*). The Ruler's deputies and employees were also very active during this time to collect the Ruler's share from each ship that was involved in pearl diving. As the trading activities between the pearl merchants, dealers and ship owners increased, financial misunderstandings and differences also increased, necessitating the intervention of trade mediators.
6. The decline of the pearling trade in the Emirates and the economic depression that followed was directly responsible for deterioration in security (*Amm*) conditions. The prosperity of the pearling trade had attracted people to the coastal settlements from the desert and from outside of the Emirates. Its decline became a security (*Amm*) burden.
7. The extreme poverty that resulted from changes in the economic conditions led many Bedouin tribes to revert to raiding and looting.
8. One of the benefits of the pearling trade was the establishment of a suitable economic infrastructure, including port facilities and local experience. This

economic infrastructure later contributed to the growth of the gold trade between the Emirates and India. Despite the fact that the gold trade began as a legal trade, at a later stage it took on an illegal form and attracted many professional gold smugglers from India and Pakistan as well as many native people. With the Emirates as a main base for gold smuggling operations to the Indian sub-continent, the increase in criminal activities such as robbing of gold shipments and killing of sailors soon caused public concern in the Emirates.¹²⁴

9. The high standard of living in the Emirates that followed the exploration of oil was directly responsible for legal and illegal immigration into the Emirates from neighbouring countries such as Iran, India and Pakistan. Illegal immigration is a major security (*Amm*) problem, and a nightmare for law enforcement organisations. Among the illegal Immigrants are professional criminals linked to organised crime groups operating abroad, and specialised in narcotics and other criminal activities.
10. Economic uncertainties revealed by economic specialists are a cause for some concern about future political stability. The current economic trend as revealed by official reports, clearly conflicts with federal policy and remains in conflict with the requirements of social development. At the same time, the current statistics reveal the continuing problem of unbalanced population structure and growth. Moreover, there is a further increase in the gap between social classes in the society. The current increases in the rate of inflation, and the growth in the service sector, mean that very little income is going into the treasury, and production remains unable to counter balance this deficiency.
11. Despite the high national income, the economic and financial systems do not consider the presence of lower classes (both natives and expatriates) society living on social security and very low incomes. In addition, the incomes of most illegal immigrants are very low to the point that forces us to admit the

¹²⁴ Interview with Mr. Mohammed Al-Marzoqi, Mr. Ibrahim Al-Marzoqi and Mr. Saif Mohammed.

presence of very poor classes in the UAE.¹²⁵

12. The rapidly growing economy raised unrealistic expectations in the streams of immigrants into the Emirates. Although one must recognise their important role in the construction and developments of the Emirates, they remain a security burden. Their different origins, ethnic backgrounds, religion, customs and traditions, will always remain a potential threat to the future stability of the UAE.
13. In a growing economy such as the U.A.E, the problem of unemployment has not yet raised concerns in the society, but employment opportunities for UAE nationals are still well below expectations.

2.3 SOCIAL DEVELOPMENT

The transformation of the Emirates society from an old to a modern society went through two stages of development. These two stages of development can be clearly distinguished as those which occurred prior to the exploration of oil and those which occurred after the exploration of oil.

In the first stage,¹²⁶ the society suffered from social isolation imposed by economic conditions, customs, and traditions and later by colonialism. The economic resources of the society were insufficient for any significant social improvements. Therefore, social developments of the society were hardly noticed. If there was any period of economic development it existed only for a very short period and would then soon disappear as resources declined.

The second stage of the social development of the Emirates began with the exploration of oil in some of the Gulf States. The prosperity of the Gulf States that followed this exploration, persuaded many local people to immigrate to these states. As they began working for the oil companies in the Gulf States, they managed to

¹²⁵ Ministry of Information UAE 1994, p.14.

¹²⁶ Khalil, Ma'an , *The Effect of Oil on the Acceleration/Deceleration Of Developments In Arabian Gulf Society*, Journal of Social Affairs, (1990) Vol. 7 p. 149.

contribute to the economy and prosperity of the individual Emirate by remitting their wages. However, the change in the economy that was achieved by those contributions is very minor when compared to the prosperity of the Emirates after federation on December 2, 1971.

If "social development" refer to an organised administrative conduct which promotes development and the establishment of a prosperous society, and "social change" indicates an uncontrolled phenomenon with unpredictable results, then, it is appropriate to call the period which preceded the exploration of oil as a period of social change, and the period that followed the discovery of oil as a period of social development.

By far one of the most important achievements of the federation was its elimination of the obstacles that prevented the development of the society both economically and socially. Therefore, once those obstacles were overcome, the economic benefits on social conditions were soon obvious. Some social scientists question the effect of oil on social conditions in the Gulf societies, suggesting that:

"We have no doubt that even without oil, the social developments were bound to occur in those countries (Gulf states). Oil was a secondary factor and only accelerated the process of development."¹²⁷

The application of this statement to the United Arab Emirates is questionable, since nothing changed the economy of the society as much as oil did and no other factor brought about greater social change. With the discovery of oil not only did most of the traditional professions disappear, but also dress changed, customs and traditions faded away, and the population structure of the society was totally overturned. Today, as a result of oil, more than 70% of the population are foreigners whereas few had even visited this society prior to the discovery of oil. Perhaps, the most difficult task the authorities are facing today is the attempt to preserve some of its traditional trades. Those trades that were once a way of living, are gradually fading away in the wake of modernisation.

¹²⁷ Rif'at, Ibrahim *Social Changes And Developments In The Gulf States* (1985) (Arabic) p. 32.

The effect of oil on the Emirates society can be seen by a simple comparison of what the Emirates was like in the early sixties (prior to federation) and what the Emirates are today. The achievements in the fields of education, construction, health care and social affairs establish beyond any doubt that oil was and continues to be the driving force.

The main objective of this section is to consider the effects of social changes on the issue of security (*Amn*) in the UAE. As previously stated the social transformation of the Emirates occurred in two separate stages. Although, the changes that occurred during the first stage of social development had some influence on security (*Amn*) nevertheless, it is the changes that followed the production of oil that have had the greatest effect on security (*Amn*).

Despite the fact that there are countless reports and statistics by experts on the achievements of the United Arab Emirates, this section will examine specific fields such as education, health care and social care. These fields are chosen not only because they directly affect the individual citizen in the Emirates society but also because it is much easier to identify and compare changes in these sectors. Before reference is made to reports and statistics, the following words of Dr. Abdulla Taryam (Minister of Justice and former Minister of Education and a former Minister for Higher Education) are a clear statement of the magnitude of the changes that have occurred: "The economic and social experiment in the United Arab Emirates is unique."¹²⁸ Similarly, Edward Henderson¹²⁹ who had come to the Emirates in 1948, observed:

"When I first came to it in 1948, the coast looked very different from the way it does today...It was a wide landscape of sand and mud-flat dotted in some parts with bushes and trees...The creeks which were deep enough to take the country craft...had become the *raison d'être* for small ports whose low white buildings and palm-branch huts clustered round the water's edge... It advanced and grew at breathtaking speed, not without the difficulties which accompany all human endeavour. The exciting acquisition of new wealth created new expectations immediately...The fact that these

¹²⁸ Taryam, A.O. *The Establishment of The UAE 1950-1985* (1987) p. 254.

¹²⁹ Henderson, Edward *This Strange Eventful History* (1993) pp. 11, 237.

great expectations have been so largely met in so short a time is a triumph.”

2.3.1 Education¹³⁰

Until the mid-1960s there were no regular schools in the Emirates and the few schools which existed were financed by the state of Kuwait. In 1971 a panel of experts from UNESCO and other Arab states such as Iraq and Egypt, prepared an educational programme and a strategy that determined the educational requirements of the Emirates.

As a result of this strategy, the education sector grew to 129 public schools in 1971, with a further increase in 1979¹³¹ to 250 public schools. By 1993, there were 534 public schools with 250,534 students, and a further 289 private schools, which accommodate 34.4% of total students in the Emirates.¹³² Whereas there were no nursery schools before federation, by 1993 they accommodated 16,974 children. Besides the regular schools, there are now many specialised institutes and 7 technical schools, which started with a single school established by the Board of Development before federation.

Higher education¹³³ on the other hand, began in 1977 with the establishment of the United Arab Emirates University. At the time of its establishment the University had very few colleges, mainly in the humanities and social sciences. By 1994, the same University has campuses throughout the Emirates, with many additional colleges and departments such as the School of Medicine and College of Engineering.

After federation in 1971, the United Arab Emirates had to deal with the problem of illiteracy¹³⁴ (there was a 57% illiteracy rate). In an effort to eliminate illiteracy by the year 2000, the Government launched a national campaign that managed to establish 126 literacy centres by the year 1988.

¹³⁰ Humaid Al Bana *National Strategy to Improve the School Curriculum in the UAE*, (1990) p. 21.

¹³¹ United Arab Emirates, Ministry of Information publications, 1993 p. 108.

¹³² *ibid*, p. 113.

¹³³ *ibid*, p. 109.

¹³⁴ Humaid Al Bana, *National Strategy to Improve the School Curriculum in the UAE* (1990) p. 64.

The brief survey above shows that prior to the discovery of oil, the Emirates was lacking a basic education system. After two decades the Emirates is able to provide its citizens with the best in education. Thus the above figures not only indicate the magnitude of development caused by the exploration of oil but also show that the present citizens of the Emirates have benefited considerably from the developments in the field of education.

2.3.2 Health Care

The Ministry of Health note that “It was normal to see the spread of many epidemics all year round. Many people died because of smallpox, leprosy, cholera and so many other diseases...child death rate was very high”.

The first hospital in the Emirates was¹³⁵ Dubai Hospital, established in 1948 by the British Government with the aid of the seven Emirates. The British authorities financed the hospital to serve the people of the seven Emirates. Hospital records show that the occupancy during the first five years of its establishment was as follows:

<u>Year</u>	<u>New Cases</u>	<u>Daily Attendance</u>
1948	4201	6308
1949	3741	6360
1950	4234	6685
1951	5946	9014
1952	6511	10245

In 1972, there were seven hospitals, compared to 26 in 1987. By 1993, there were a total of 35 major hospitals, 96 health care centres and 25 local clinics. The mortality rate in any society is a fair indication of the standard of its health care services. The Ministry of Health note that:

¹³⁵ Tuson, Penelope *Records of the Emirates* pp. 665-678.

“The positive impact of the developments in socio-economic and health status is demonstrated by an ever declining mortality rate for all age groups. According to internationally approved standards, parental, infant and under-5 child mortality rate has reached levels comparable to those recorded by the more developed countries.”¹³⁶

2.3.3 Social Care

Before unification the Emirates could not provide any form of social care because of its limited resources and harsh economic conditions. The only social care available to the people then was to care for each other by virtue of their religion and the commands of the prophet Muhammad (peace be upon him) who advised his followers that: “None of you [truly] believes until he wishes for his brother what he wishes for himself.” However, because religion alone could not enforce these obligations in the face of great poverty, there was a need for tribal law. According to tribal law an individual should sustain his elderly relatives and see to his/her needs. In addition, the head of the tribe or the society should supervise these social activities and if necessary penalise those who do not fulfil their social and religious obligations.

Like any other rural society, the United Arab Emirates had to pay the price of civilisation and modernisation on its society. As a result of modernisation, social ties slowly began to loosen and the elderly, disabled and others began to suffer. Fortunately, the Ministry of Social Affairs which was among the first to be formed, has made great efforts. It provides financial support to more than 90 public associations. It also provides a monthly allowance (according to financial aid reports) to those in desperate need including the elderly, orphans, and unmarried women.

2.3.4 Changes in Personality and Behaviour

The brief review of achievements in the fields of education, health care and social care are intended to show the extent to which development in the United Arab Emirates has occurred since oil. Indeed, the oil revenues have brought about the changes that are witnessed today. Through these examples, the effect of economic

¹³⁶ UAE Ministry of Health Publication (1993) p. 3.

changes on the development of social conditions can be seen. However, as stated earlier, economic change did not only affect social conditions, but also the personality (mentality) of the individual members of the society, and in order to understand fully the effects of social change on internal security, this aspect must be considered. By stating important elements of the mentality that prevailed before the discovery of oil, the change that followed the exploration of oil in the mentality and behaviour of individuals may be seen.

Some aspects of the personality that had developed over centuries were:

- Absolute faith in God in the presence of the Islamic religion provided the individual with satisfaction with what was available and consequently a deeper self-satisfaction.
- In the presence of harsh economic conditions, the individual depended on himself, his family and the tribe that he belonged to.
- The individual was assessed and valued based on his professional, mental and physical capabilities.
- The concept of challenge dominated the personality on individual, tribe and clan level.
- Individuals felt a strong sense of responsibility towards others (the nearest and henceforth).
- Obedience to general rules, whether religious or social.

Following the discovery of oil, new, disturbing aspects of personality and behaviour emerged:

- Reduction in the influence of religious values, and increased adherence to materialism created a sense of discontent and insecurity about the future.
- Assessment of the individual was no longer based on his personal capabilities but rather on his tribal belonging.
- The availability of essential needs without any effort generated a sense of carelessness and idleness.
- Rebellion against the values and the customs of the society following the imbalance in rights and duties made the young continue to demand

everything without having any sense of obligation.

- The tendency of the authorities to satisfy the people by providing them with essential needs, made many of them (particularly the young) fully dependent on the authorities or their parents to provide them with everything.

2.3.5 Effects of Social Developments on Security (*Amn*)

It is clear that the Emirates with its economic capabilities and resources has managed to overcome many obstacles and problems that obstructed development. As a result, the Emirates has managed to provide its people with the essential needs, thus protecting them from the triad of poverty, illness and ignorance. Despite this considerable achievement, better results could have been achieved if the authorities had developed a comprehensive strategy that acknowledged crime control and crime prevention as well as social aspects. Security (*Amn*) research studies indicate that many disturbing phenomena that directly affect internal security began to emerge following social developments in the Emirates. Some of these disturbing phenomena are outlined below:

1. Demographic changes ¹³⁷

Unlike most countries of the world where state organisations are calling for deceleration in the rate of population growth, the UAE and other Gulf States are calling for acceleration in the rate of population growth. Ideally, this growth in population should not disturb society's social, political, economic, and security (*Amn*) environment. In the UAE, this has not happened. The demographic conditions today are unique and constitute a dangerous phenomenon. Officials such as Fahim Al Qassimi (the Secretary General of the Gulf Co-operation Council) describe the present population structure as a time bomb for which a solution must be found.¹³⁸

A glance at the population structure of the UAE before and after the federation shows how this structure is unique. The population of the Emirates¹³⁹ in 1968 was 180,184, and expatriates formed only 37% of the total population. In 1968, the

¹³⁷ Ministry of Information UAE 1994, Annual Report on Government, Economy, the Business Environment and Industry with Forecast through end 1995, p. 14.

¹³⁸ Al Khaleej newspaper, Vol. 5074, 2nd April 1993.

¹³⁹ Clark, J.I. and Fisher, W.B. *Population of the Middle East and North Africa* (1972) p. 265.

nationals in the poorer five Emirates (Sharjah, Ajman, Um-Al-Qaiwain, Ras-Al-Khaimah, and Fujairah) represented more than 80% of the total population. Today, according to the 1996 census, the total population of the UAE is over three million, and nationals represent less than 20%, with a male to female ratio of 2:1.¹⁴⁰

2. Juvenile delinquency

The number of juvenile delinquency cases in the Emirates is constantly increasing. In 1993 there were 2,078 cases, whereas in 1984 there were 593 cases¹⁴¹. The same study also indicated that the percentage of delinquent juveniles among the native population reached 65% of the total number of recorded cases.

3. Increase in Divorce

The disintegration of the UAE family as a result of the abrupt social changes has led to a considerable increase in divorce cases. According to one of the latest statistics,¹⁴² divorce and separation were as follows:

<u>Year</u>	<u>Number of Divorce and separation cases</u>
1991	7659 cases
1994	10600 cases

4. Increase in Crime¹⁴³

- A considerable increase in illegal immigrants as well as illegal residents.
- Emergence of financial crimes with violence at both an individual and group level.
- Emergence of new forms of crime that seldom existed in the Emirates society such as narcotic related crimes, money laundering and dishonoured cheques.

2.4 CRIMINAL JUSTICE SYSTEM

Responsibility for criminal justice in the UAE does not lie exclusively within one Ministry. Yet, the Ministry of the Interior and Ministry of Justice have overriding

¹⁴⁰ Ministry of Planning, UAE.1996.

¹⁴¹ Al Khaleej Newspaper No. 6073, January 1996.

¹⁴² Ministry of Social Affairs archives. Dubai office, UAE 1996.

¹⁴³ UAE Ministry Of Interior, Annual Security Report, from 1975-1995.

responsibilities in this area. Since 1995, when they were re-arranged and expanded in Ministerial Decree No. 3 for that year, the duties of the Ministry of the Interior have included the following: to secure the federation from internal threats; to establish, organise and supervise the federal security forces; to co-ordinate and improve co-operation between the police forces of the federation; to supervise law enforcement, order and local administration of the permanent capital of the federation; to undertake all affairs concerning citizenship, passports, immigration, and visa requirements; to supervise the work of the Civil Defence; to control illegal immigration and smuggling across the State's boundaries both on land and by sea, to protect the marine environment from pollution, and to protect important, vital and petroleum establishments on land and in sea.

Despite the absence of an explicit security (Amn) strategy in the above, the outline and objectives of such a strategy can be identified from the Minister's guidelines and various official announcements¹⁴⁴. During an interview with the State's official newspaper (Al-Ittihad), the Minister of Interior highlighted some of the dangerous phenomena that affect the internal security of society such as narcotics, illegal immigration, smuggling, and juvenile delinquency. According to the Minister's statement, in order to guarantee internal security and stability, the strategy must encompass the following fundamental issues: recognition that the internal security and stability of the society are affected by political, economic, military, technological and cultural factors; responsibility for internal security and stability must be accepted by all parties, official and private organisations alike as well as by individual citizens.¹⁴⁵ The Minister also emphasised the importance of improving relations with the public, the need to determine present and future threats and to establish plans and to specify the methods of confronting those threats. Particular reference was made to improving the various law enforcement organisations, related schools, institutes and colleges, to providing special assistance to the security, social and criminal research centres, and to preparing law enforcement organisations to deter crime with modern methods.

¹⁴⁴ Al- Ittihad newspaper, 20th August 1994, p. 9.

¹⁴⁵ The word "threat" in this and the statements immediately below refers specifically to threats to security and does not encompass the idea of crime prevention.

As we shall see later in Chapter 7, crime prevention is one issue that has been overlooked in these statements of the roles and objectives for the criminal justice system. Many other important issues such as the enforcement of law and order, the defence of constitutional institutions, public liberties, freedoms, and rights have also been ignored. Though the term 'To secure the federation from internal threats' is the closest to giving effect to these expectations, nevertheless it remains a vague statement. A declaration of the issues referred to above would transform law enforcement organisations from defenders of the king to defenders of human rights.

2.4.1 Adversarial and Inquisitorial Models of Criminal Justice

Criminal Justice systems may generally be said to follow either the inquisitorial or the adversarial approach. The UAE system is based on the Egyptian system, which in turn followed the French approach in many respects. Thus, the system followed in the UAE may generally be said to be inquisitorial, although the Islamic system is also influential. There is a general lack of research relating to the operation of the criminal justice system in the UAE. However, it is not only the UAE that suffers in this way:

“Systematic observation, interview and questionnaire research has simply not been published in relation to many inquisitorial jurisdictions – and certainly not translated.”¹⁴⁶

Most of the questions and issues raised in this section are therefore in need of research if there is to be a proper basis for evaluation and reform.

2.4.2 The Police

The police in the United Arab Emirates are a civil organisation and are part of the Ministry of Interior. As in many countries of the world, the police in the UAE play a central role in the criminal process. The police in the UAE are structured¹⁴⁷ in a way that suits the semi-federal or confederate status of the states within the UAE. The organisational structure is as follows (see the organisational chart in Appendix 1):

¹⁴⁶ Field, S. “Judicial Supervision and the Pre-Trial Process” from S. Field & P. Thomas eds. *Justice and Efficiency: The Royal Commission on Criminal Justice* (Blackwell, Oxford 1994) at p.121.

¹⁴⁷ Federal decree No.3 for 1995 Ministry of Interior organisation chart, Annex 5

- Federal police departments, which are part of the Ministry of Interior. These include the coastguard, police aviation, civil defence and administrative departments such as those for training, administration and finance.
- Local police departments, which come under the supervision of the federal Ministry of interior and the federal judicial authorities. These include the police of the six Emirates. (Abu Dhabi, Sharjah, Ajman, Um al Qawain, Ras Ul Khaimah, and Fujairah)
- The Local police department of Dubai, which belongs to the local government of Dubai.

2.4.2.1 The Authority of the Police and Police powers

The police in the UAE are authorised to exercise their administrative duties (licensing, traffic regulation, immigration, residence and other administrative matters) in accordance with police regulations, which gain their authority from executive regulations. The police also exercise judicial duties (arrest, detention, search, seizure, and the investigation of crime) under the supervision and superintendence of the judicial authorities (the public prosecutor and the court). After sentencing, the judicial authorities, through the public prosecutor, use the police to enforce punishment. The police therefore consider themselves to be both an arm of the executive authority, and an arm of the judicial authority.

While the academic debate on policing in the West is extensive, there has been much less debate on policing in the Gulf or in the Arab world¹⁴⁸, as we shall see below in the section on police discretion (Chapter 7). The international debate is informative, in particular it identifies significant points within the exercise of police powers and potential problem areas – discretion, accountability, powers of arrest, detention and interrogation, access to legal advice and remedies for police misconduct. Yet, when discussing policing and police powers and these potential problem areas, one should consider the particular features of the UAE - the unique population structure, the

¹⁴⁸ El Auji, Mustafa, *Lessons in Criminology, Crime and the Criminal*. (1987) p.526.

political structure of the state, the socio-economic conditions, and the adoption of modern/western laws alongside traditional regulations and customs.

The police in the United Arab Emirates have inherited tribal authority from the traditional system of policing used in pre-Federation society. At that time, the Ruler used his followers and hired people (Mutarzeyah) to enforce law and execute judgements. The Constitution still authorises Rulers to exercise authority over the police within the territories of his Emirate¹⁴⁹. This authority includes the power to initiate and terminate criminal investigations. The exercise of police power in the UAE is therefore subject to this traditional authority of the Ruler as well as to the codes of criminal and penal procedure that are based on the Egyptian (French) codes. It is essential at this stage to examine the powers of the police as specified in the Code of Criminal Procedure¹⁵⁰.

The receiving of information and reports

Article 35 of the Code obliges the police to receive information and reports concerning crimes and to conduct any necessary investigation. Article 37 obliges the public in general to inform the police or the public prosecutor if they become aware of the commission of any crime. Article 38 places the same obligation on public officials and people entrusted with public service when their awareness arises during the performance of their duties. Failure to report is an offence for which the punishment might be a fine or imprisonment, but which is usually a warning from the police.

The Code does not specify the precise form that the information or report should take - it might be verbal or written or by telephone or by any other means - so as to ease the flow of information about crime to the police and the judicial authorities. However, because members of the public report many matters to the police that are not part of their duties (for example, reporting a lost camel) this increases the workload on the police.

¹⁴⁹ The UAE Constitution, Article 117.

¹⁵⁰ See Al Mansoori, Ahmed Eid Mohammad "The Law of Arrest and Similar Procedures: A Comparative Study" Unpublished Ph.D thesis (University of Edinburgh, 1997)

The conduct of initial investigations and the verification of reports

Article 35 of the Code obliges the police to conduct any necessary investigation to verify the facts reported to them and to safeguard any evidence. This includes ensuring the safekeeping of crime exhibits and conducting the inspection and questioning of the people seen at the scene of the crime. The authority given to the police by Article 35 is limited. For example, Article 35 does not authorise the entry and search of houses without warrant, unless it is with the owner's permission.. Article 40 authorises the police to hear statements from people who have information on criminal matters and the culprits and to question suspects about that information. However, Article 40 states that, "they may not take oath from eyewitnesses or experts unless it is probable that their testimony may not be available subsequently."¹⁵¹

Written Records (Minutes) of the investigation and verification

Article 36 provides that when conducting investigations and verification of reports, the police are obliged to make a written record. Such record should specify the time, date and location of the occurrence, as well as signatures and addresses of the witnesses, the accused, and any experts. The police should also seize relevant material found at the scene of the crime and send them with the documents to the public prosecutor¹⁵².

Police power of arrest

The police have the power of arrest in two situations. The first¹⁵³ is where the accused is present and there is sufficient evidence that he has committed one of the following:

- felonies
- misdemeanours that are punishable with a sentence other than fine, where the accused is found red-handed.
- misdemeanours that are punishable other than with a fine, if the accused is under police surveillance or if it is probable that the accused may abscond.
- misdemeanours of theft, fraud, breach of trust, severe trespass, resistance of the public authority by force, infringement of the public morals and offences

¹⁵¹ Code of Criminal Procedure, Article 40.

¹⁵² Code of Criminal Procedure, Article 36.

¹⁵³ Code of Criminal Procedure, Article 45.

related to weapons, ammunition, liquor and dangerous drugs.

The second¹⁵⁴ condition is where the accused is found red-handed, either during the commission of the crime or shortly after its occurrence.

Article 48 of the Code also gives people other than police and other law officials the power of arrest without warrant. It provides "Whoever witnesses the culprit red-handed in an act of crime or misdemeanour, shall surrender him to the nearest public authority member without the need to a warrant of arrest". In both cases, the lawful arrest of the accused authorises the police to search and check his body, clothes, car, and house for any evidence related to the crime or necessary for the investigation.¹⁵⁵

Articles 51 to 64 of the Code specify the requirements and limits of search and seizure during the initial investigation by the police. Article 52 provides that if the accused is female, a female must conduct the search. Article 55 provides that the house of the accused may not be searched except to look for things related to the crime in respect of which evidence is being sought. The Article continues: "However, if during the search, it incidentally appears that there are things the possession of which is considered a crime, or that help in revealing the truth of another crime, the police shall seize them."

Articles 71 to 79 relate to search and seizure by the public prosecution. Article 73 provides that wherever possible the search of an accused's house should take place in his presence or in the presence of anyone who represents him.

Article 47 provides that a policeman or officer shall hear the statements of the accused immediately after his arrest and charge, and also provides that "if he fails to produce any proof of his innocence, he shall send him within forty eight hours to the competent public prosecution." The police may therefore detain the accused for 48 hours for the purpose of questioning and investigation. This initial questioning of the accused during the investigation and verification of the report should not be confused with the formal interrogation of the accused that is the duty of the public

¹⁵⁴ Code of Criminal Procedure, Article 42.

¹⁵⁵ Code of Criminal Procedure, Article 51,53,55,61.

prosecutor¹⁵⁶.

In general, the formal interrogation of the accused may not be delegated¹⁵⁷, though Article 69 provides an exception where time may run out and the interrogation is necessary to discover the truth (for example, if the accused is dying)¹⁵⁸. Al Mansoori notes that the reason why interrogation may not generally be delegated is because of its importance as possibly leading to a confession and therefore requiring specific safeguards¹⁵⁹. In practice, however, the initial questioning by the police is often decisive.

The Code does not establish specific conditions relating to this initial period of questioning, for example relating to periods of rest and the provision of food and refreshment. However, Article 2 of the Code (which also provides that no person may be sentenced unless he has been convicted in accordance with the law) states: "The accused shall not be molested physically or morally, nor shall any person be subjected to persecution or maltreatment which humiliates his dignity." In the experience of the author, Article 2 is not always strictly observed, and complaints of maltreatment are fairly common. The control of police misconduct will be considered further below.

The issue of access to legal advice is relevant here. The Code does not refer to the defendant's lawyer until the point at which the case is referred to the public prosecution from the police. At this stage, the Code provides that the defendant's lawyer shall be enabled to attend the investigation with him¹⁶⁰. However, in practice, even during initial police questioning a request by the accused to have his lawyer present would normally be granted, but it is unlikely that the lawyer would be allowed to intervene during questioning. The French origins of the UAE Code can clearly be seen in the above. Within the French system it is only when the stage of *mise en*

¹⁵⁶ Code of Criminal Procedure, Article 104

¹⁵⁷ Code of Criminal Procedure, Article 68.

¹⁵⁸ For further discussion see Al Mansoori, Ahmed Eid Mohammad "The Law of Arrest and Similar Procedures: A Comparative Study" Unpublished Ph.D thesis (University of Edinburgh, 1997) at p.40.

¹⁵⁹ See Al Mansoori, Ahmed Eid Mohammad "The Law of Arrest and Similar Procedures: A Comparative Study" Unpublished Ph.D thesis (University of Edinburgh, 1997)

¹⁶⁰ Code of Criminal Procedure, Article 100

examen is reached, that the rights of the accused become stronger¹⁶¹.

The financial bail for the temporary release of the suspect comes under the jurisdiction of the public prosecutor,¹⁶² not within the police jurisdiction. Nevertheless, the police may release a suspect on bail during the initial investigation if another citizen guarantees his return to the police when required. No money is payable in this situation. When making decisions about bail, the police have a wide discretion in weighing all the circumstances - the social, economic, and political status of the suspect, as well as the crime committed and the ability of the guarantor to fulfil his guarantee. The Code does not offer any guidelines or regulations regarding bail from the police station. Normally, UAE citizens will be granted bail except where the offence is serious, in which case the person requesting bail will be directed by the police to the public prosecutor. Normally, expatriates will require a credible guarantor if they are to be released on bail.

2.4.2.2 Controlling police misconduct

There are various legislative controls on police conduct. Article 26 of the UAE Constitution provides that "Personal liberty is guaranteed to all citizens. No person may be arrested, searched, detained or imprisoned except in accordance with the provision of law. No person shall be subjected to torture or to degrading treatment." Article 2 of the Code of Criminal Procedure also provides that:

"No sentence may be imposed on any person unless he is convicted in accordance with the law. Also no arrest, search, restraint or detention can be imposed upon any person except in the cases and under the conditions provided for by the law. And no restraint or detention shall take place except in such places and for such periods as provided for in the warrant issued by the competent authority"¹⁶³.

¹⁶¹ Bell, J. Boyron, S: and Whittaker, S. "Principles of French Law" (Oxford University Press, 1998) at p. 130

¹⁶² Code of Criminal Procedure, Article 111-117.

¹⁶³ Code of Criminal Procedure, Article 2

Where the police do not comply with procedures, civil and criminal action is possible. With regard to the criminal responsibility of the police, Articles 234 to 247 of the Penal Code impose punishments on those who do not comply with the law when exercising their duty. For example, Article 240 provides that any public officer or individual to whom a public service is assigned who, in cases other than those provided for by the law, arrests, confines or detains any person, shall be punishable by confinement. Furthermore, Article 245 imposes a fine of ten thousand Dirhams or confinement of one year on an officer who treats any person with cruelty, in a manner as to cause to said person shame and disgrace or bodily injury.

Civil action can be taken against the police, by bringing an action to the civil courts, as the police are part of the executive authority. However, such actions are very rare. People mainly try to solve their problems with the police through mutual agreement and personal contacts.¹⁶⁴

One of the most important controls over police misconduct is the judicial supervision by the public prosecution who insists on compliance with the Code of Criminal Procedure. Where there has not been compliance, the Public Prosecutor may refuse to accept the evidence, in which case the suspect may be released for lack of evidence. In cases of non-compliance, the court may decide to exclude the evidence, and this may lead to the acquittal of the suspect. Article 221 provides that "The procedure shall be null if the law expressly provides for such nullity or if it involves a defect which renders the purpose of the procedure unattainable." So, even where evidence has been obtained illegally or improperly, the court will not necessarily exclude it. The Codes do not provide further specification or guidelines as to when evidence should be excluded. Such matters are left to the discretion of the Court. In exercising this discretion, the main factor is whether the exclusion serves the interests of justice, and the reliability of the evidence is also taken into account when making the decision whether or not to exclude. The issue of the exclusion of evidence is regarded as of such importance that the court can order exclusion even without a demand by the

¹⁶⁴ Records of the Judicial department of Ajman shows no record of civil action against the police for the last ten years.

defendant, and the issue of exclusion can be raised at any stage of proceedings by either party¹⁶⁵.

The police¹⁶⁶ frequently complain that the Criminal Procedure Code ties their hands and prevents them from carrying out their law enforcement activities effectively. On the other hand, it is clear that in the UAE as in many countries, innocent people are suffering from wrongful police conduct and abuse of power. Therefore, the conflicting needs of different parties must be balanced, and civil liberties should always be taken into consideration by the law enforcement agencies. The police in particular must adhere to the rules and regulations that govern their activities. However, these rules and regulations do not and cannot cover every occurrence that faces the police in the street. The police therefore have some discretion, which expands and contracts in accordance with the changing state of security in the UAE¹⁶⁷.

There is a careful balance to be struck between the liberties of the individual and the protection of society. The researcher's interviews with policemen and officers would *suggest* that this balance has been maintained - the public prosecution and the court are a fair assurance of individual liberties, while the police, supported by the executive authority and the Ruler of the Emirate, guarantee society's protection from crime. Is this optimism on the part of the police justified? In the absence of empirical research within the UAE on police powers, arrest, search and seizure, questioning and interrogation, detention, and prosecution, it is difficult to answer this question with assurance. Yet, the lack of detailed regulations and safeguards regarding the initial police investigation and questioning makes abuse more likely. And, as we shall see below in the consideration of police discretion, there is some evidence of discriminatory policing.

2.4.3 Public Prosecution

After the police, the public prosecution is the second body within the criminal justice

¹⁶⁵ Jawdah Hussain Jihad "Explanation of the UAE Criminal Procedure Code" (Arabic) (Al Bayan Press, Dubai, 1994) pp.332-350

¹⁶⁶ Questionnaire on police power. 25 policemen and officers from street police. (police centres directorate)

¹⁶⁷ El Auji, Mustafa, Lessons in Criminology, Crime and the Criminal. (1987) p.526.

system that comes into contact with the suspect. As in most Arab countries, the police and the public prosecutor in the UAE share great responsibility in the initial stage of criminal prosecution.¹⁶⁸

The UAE constitution states that “The Union shall have a Public Prosecutor who shall be appointed by a Union decree issued with the approval of the Council of Ministers, assisted by a number of members of the Public Prosecutor’s office”.¹⁶⁹ Article 5 of Federal law no. 35 for the year 1992 provides that “the public prosecution is part of the judiciary and shall assume the enquiry and prosecution in the crimes according to the provisions of this law”. Federal Law provides that the General Public Prosecutor is answerable to the Minister of Justice¹⁷⁰.

2.4.3.1 Duties of the Public Prosecution

The Constitution and legal codes state that the public prosecutor is the chief representative of the society in the criminal process, and is responsible for activating and prosecuting all criminal lawsuits.¹⁷¹ Thus, the duties of the public prosecutor include the following: investigation of the crime and interrogation of the defendant; the presentation of the case in court; bringing appeals against court decisions; execution of sentences on convicted persons; supervision of temporary detention of those imprisoned for financial dues; and supervision of juvenile detention centres. Investigations and search and seizure of material related to the crime¹⁷² are normally delegated by the public prosecutor to the police, except in serious cases. Where duties have been delegated, a member of the public prosecution shall specify those matters that are to be investigated, and the action to be taken¹⁷³.

In instigating and prosecuting criminal actions, the duty of the public prosecutor is to uphold the law and to act in the interests of justice. As Al Mansoori states, “For this reason, even though the public prosecution is considered as the litigant in the penal

¹⁶⁸ Mohammed Al Amin Al Bishri, “Criminal Justice System”. Journal of Police Science,(Arabic) at p. 121.

¹⁶⁹ The UAE Constitution Article 106.

¹⁷⁰ Federal Act No.3, Article 56

¹⁷¹ The UAE Constitution Article 106, Article 55/1,56/1 of the Judicial Authority Law, Articles 35 and 44 of the Supreme Federal Court.

¹⁷² Code of Criminal Procedure, Articles 71-79.

¹⁷³ Criminal Procedure Code, Articles 68,69.

action, its role in the litigation should be characterised as being to act justly and honestly in the public interest.”¹⁷⁴ The Public prosecutor therefore has full authority to decide that it is unjust to continue the case, returning the prosecution petition back to the police and releasing the suspect.

The public prosecutor has sole authority for undertaking inquiries and prosecutions in those criminal cases that come under federal jurisdiction because they threaten direct harm to the interests of the State. For example, crimes relating to internal or external security, forgery of official records or seals of any of the Union authorities and counterfeiting of currency are taken by the public prosecutor before the Higher Federal Court.¹⁷⁵

The authority of the General Public Prosecutor extends into the area of executive and administrative authority, when the Code of Criminal Procedure authorises his supervision over the conduct and discipline of judicial personnel. These personnel include: policemen, officers, and under officers; policemen and officers of the coast guard; passport officers; police sea and airports officers; civil defence officers. The General Public Prosecutor is also the chief prosecutor in disciplinary prosecutions of senior officials within the federal judicial and administrative authorities, including judges and public prosecutors.¹⁷⁶

Any evaluation of the public prosecution in the UAE must consider the reasons for which the system was introduced. Prior to federation (1971), the police were responsible for both the investigation and prosecution of cases. The system of public prosecution was introduced with federation in order to establish effective supervision over the conduct of the police and also to bring independent judgement and objectivity to the decision to prosecute. How effective is the public prosecution’s supervision of the police?

¹⁷⁴ Al Mansoori, Ahmed Eid Mohammad “The Law of Arrest and Similar Procedures: A Comparative Study” Unpublished Ph.D thesis p.25,26.(University of Edinburgh, 1997)

¹⁷⁵ The UAE Constitution Article 99/6.

¹⁷⁶ The UAE Constitution Article 99/5.

The public prosecution relies greatly on the experience and expertise of the police and delegates most of their duties to them. Once the duties have been delegated to the police, it is difficult to supervise their performance. Although there is no empirical research data on this point, there have been occasions when the public prosecutor has decided to take no further action in cases because of police misconduct¹⁷⁷. The general perception of the police is that the public prosecution has led to the release of more suspects through the discontinuation of cases. The feeling of some police officers is that the real enemy is not the criminals but the public prosecutor and the courts. In general, the public prosecution perception is that they are acting in the interests of justice, and protecting society's general interest in encouraging respect of human rights.

2.4.4 The Criminal Courts and the Judges

The Judiciary in the United Arab Emirates is organised by Articles 94 to 109 of the UAE Constitution. The impartiality and independence of the judiciary are emphasised in Article 94 which provides that the "justice is the basis of the rule. In performing their duties, judges shall be independent and shall not be subject to any authority but the law and their own consciences". As we have seen, Islamic doctrine also holds judges in high esteem and attaches great importance to their independence and impartiality. The clearest statement of this is found in the message of the third Caliph Umar ibn-El Khattab to a newly appointed judge (the words in brackets are explanations of the text by M. Cherif Bassiouni):¹⁷⁸

"Equalize (be equal) between the parties before you (and let equality be manifest) in your expression (demeanour) and in your judgement.

Your judgement (meaning also your attitude and disposition) should not be the basis for the noble (meaning powerful) to hope for your favor, and for the poor (meaning the weak) to despair from your justice... Beware of anger, anxiety, monotony, disgust, and do not be biased against or for anyone even if he be your ally (friend).

Just judgement is rewarded by God, and rendering good judgement is

¹⁷⁷ Ajman Police, Criminal Records Section Archive, 1998

appreciated by the people.”

However, the UAE Constitution declares that the Ruler of the Emirate has a dual responsibility as part of the legislative authority (Supreme Council) and at the same time responsible for the internal affairs of his Emirate. The Constitution would therefore appear to recognise the traditional power of the ruler to intervene in disputes, even when such disputes are in the courts¹⁷⁹. Intervention is therefore a reflection of the fact that traditionally the judge shared the responsibility for governing with the ruler or head of the tribe. As Kamali writes¹⁸⁰:

“In Islamic legal theory the judge represents the authority of the imam (head of state)...[b]ut even when the Imam appoints a judge, he does not forfeit his right to act as judge himself. For administration of justice is one of the basic obligations of the Imam...

The head of state is entitled to issue instructions to the judges and there need be no conflict between the independence of the judiciary and the right of the head of state (or those who represent him such as a superior judge) to advise, consult and instruct the judges as and when necessary and appropriate.”

What is the effect of these religious and constitutional injunctions? How independent in practice is the UAE judiciary? Certainly the higher classes, represented by the Rulers and the political and administrative authorities, do intervene in the judicial process. In several cases, judges' contracts have been terminated when their rulings did not please the higher authorities. These cases send a warning to other judges to keep their rulings in line with the expectations of the higher authorities.

It appears to be the case that judges weigh the social status of the offender before

¹⁷⁸ M. Cherif Bassiouni 'Sources of Islamic Law and the Protection of Human Rights in the Islamic Criminal Justice System' from M. Cherif Bassiouni ed. 'The Islamic Criminal Justice System' (Oceana Pub. New York, 1982) at p.32

¹⁷⁹ UAE Constitution, Article 117. See Chapter 7, section on Police Discretion, for a discussion of whether the Constitution authorises the Ruler's interventions.

¹⁸⁰ Mohammad Hashim Kamali "Appellate Review and Judicial Independence in Islamic Law" from C. Mallat ed. "Islam and Public Law" (Graham & Trotman, London, 1993) at pp.60-66

passing judgement so as to avoid his displeasure where he has a prominent status. Moreover, judges are aware that the bodies responsible for executing any punishment (the police and public prosecution) will hesitate to act against such a defendant to force him to comply with the judgement. The judges are particularly vulnerable to pressure and to fears of pressure, because most are expatriates from other Arab countries who are enrolled either on short-term contracts or who are seconded from their countries. Their pay and allowances in the UAE are far better than what they would receive in their own countries. There is therefore a strong incentive for them to satisfy the higher authorities in order to continue their service.

However, it must be acknowledged that the situation is improving. Intervention in the judicial process is less common than it was in the past and is increasingly regarded as unacceptable, especially where it is motivated only by the status of the person and not by the justice of the case. The question of independence is definitely made more complicated by the almost exclusive reliance on expatriate judges. Until its senior members are UAE citizens, the judiciary is unlikely to become a powerful, independent and respected institution.

It was stated previously that the criminal justice system continued to use laws that prevailed before the federation in 1971. Moreover, not all the courts in the Emirates were federal in the first few years after federation, and the judicial systems of Emirates like Dubai and Ras Ul Khaimah are still not federal. The federal legislator had to settle these disputes which were endangering the emergence of the whole federation, by accommodating such systems. "The local judicial authorities in each Emirate shall have jurisdiction in all judicial matters not assigned to the Union judicature in accordance with this Constitution".¹⁸¹ At the same time, the Constitution left the gate open for the Emirates to join the Federal system, providing that "All or part of the jurisdiction assigned to the local judicial authorities in accordance with the preceding Article may be transferred by Union law issued at the request of the Emirate concerned to the primary Union tribunals."¹⁸²

Prior to Federal Law No.3 of 1996, the public prosecutors used to transfer all criminal

¹⁸¹ The UAE Constitution Article 104

¹⁸² The UAE Constitution Article 105.

cases to the criminal courts. This law stated that, “ With the exception of crimes which come under the jurisdiction of the federal high court, the Shari’a courts, in addition to their previous duties, shall be solely authorised to deal with the following crimes; **Hudood** The divine ordinance crimes; **Qassas** and **Deyah** compensation or blood money crimes; narcotics crimes and their equivalents; and the crimes of juveniles.” Based on this law, Shari’a punishments apply to these crimes. The establishment of Shari’a courts with exclusive jurisdiction in these cases would appear to have created a parallel system of courts. However, in practice, the criminal courts have continued to deal with such cases, but with the addition of a Shari’a qualified judge to legitimise the court as a Shari’a court. The Shari’a qualified judge ensures that there is no contradiction between the court’s decision and Shari’a law.

There has been no empirical research on this development. Therefore, a *Majlis* of qualified legal people was held to discuss the effect of this law on the court’s procedures.¹⁸³ The conclusions were as follows. The proper implementation of Federal law No. 3 for 1996 would require the restructuring of the whole judicial system because it is built on secular foundations, having been taken from Western sources without regard to Shari’a law. Most of the judges as well as the clerks and many lawyers are not expert in Islamic Shari’a law.

2.4.4.1 Type and structure of courts

Federal law no.3 of 1983 classified federal courts in the UAE into three types: the higher federal court; the higher federal appeal court; the federal court of first instance.

The federal criminal courts of first instance include the Misdemeanours Court and the Felony Court. The Misdemeanours Court is composed of a single judge who oversees misdemeanours and minor contraventions that are transferred to it from the public prosecution. It is situated in the federal capital and in the capitals of the member Emirates, and can be established in other Emirates cities. The Felony Court is composed of three judges in every first instance court, and specialises in felony crimes transferred to the court from the public prosecutor. More than one felony court

¹⁸³ A *Majlis* was held to discuss the matter with two senior judges, three public prosecutors, and two lawyers. Ajman 3-3-99 (Attendants requested not to disclose their names and titles)

can be established in every court department. In addition to being a court of first instance, the Felony Court also hears (sees) felony cases at the appeal stage. In exceptional cases, the Criminal Department of the Higher Federal Court also sits as a court of first instance. This happens where the crime directly affects the interests of the Union, for example, crimes relating to internal or external security, forgery of official records or seals of any of the Union authorities and counterfeiting of currency. The court is composed of three judges, and its decisions cannot be appealed.

The Federal Criminal Appeal Court is composed of three judges and specialises in appeals against the decisions of the first instance courts. It is situated in the federal capital and the other Emirates capitals, and can establish hearings in any place within its territories. Article 230 of the Criminal Procedure Code provides that, “The accused and public prosecution may appeal against judgements issued in penal actions by courts of first instance.” Article 234 provides that in order to bring an appeal, the defendant must lodge a memorandum with the clerk of the court of appeal within fifteen days from the date of judgement. Article 234 also provides that the public prosecutor has thirty days within which to appeal.

The Cassation Criminal Court has a supervisory role over the other criminal courts, including the court of appeal, to ensure their compliance with the law. Article 244 of the Criminal Procedure Code identifies those cases in which the public prosecution or defendant may challenge by cassation, judgements issued by the court of appeal in a felony or misdemeanour. Challenge is possible in the following cases: if the judgement is based on a violation, misapplication or misconstruction of the law; if a nullity occurs in the judgement and affects the judgement; if the judgement is groundless or if the grounds are inadequate or ambiguous; or, if two contradictory judgements have been passed in a single incident.¹⁸⁴

Challenges to the cassation court are made by presenting a report containing the grounds of the challenge to the clerk of the court within thirty days of the

¹⁸⁴ Criminal Procedure Code, Article 244.

judgement¹⁸⁵. The cassation court can reverse the judgement in favour of the convict if it is satisfied by the evidence in the record that the judgement involves a defect concerning public order or is based on a breach of the law, misapplication or misconstruction. Reversal is also possible if the cassation court is satisfied that the court which issued the judgement was not legally constituted or has no jurisdiction.¹⁸⁶ The cassation court can also remit cases for re-trial where appropriate, for example where the judgment has only been reversed in part.¹⁸⁷

2.4.5 Conduct of Trial

In terms of the conduct of the trial, the inquisitorial system means that the trial judge will have a full dossier that makes up the case to be considered at the trial. As has been said of trials in France, "The judge will take the lead in questioning witnesses who are called by the court rather than the parties, with lawyers for the parties pursuing their lines of questioning after the initial questioning by the judge".¹⁸⁸ This contrasts with the adversarial system in which the two opposing sides (prosecution and defence) present their evidence before a neutral umpire (the judge), and in which the court (judge and jury) does not act as an investigative body.

Criminal trials in the UAE show elements of both the inquisitorial and adversarial approaches¹⁸⁹. The mixture of the different approaches is clear when on the one hand the legislator insists that the trial be by oral argument. However, the public prosecutor is also required to prepare a written argument (pleading) in cases of felonies and dangerous misdemeanours.¹⁹⁰

One of the features of UAE trials that reflects the adoption of the inquisitorial approach, is the provision for the victim of the offence to bring a civil action against

¹⁸⁵ Criminal Procedure Code, Article 245

¹⁸⁶ Criminal Procedure Code, Article 246.

¹⁸⁷ Criminal Procedure Code, Article 249.

¹⁸⁸ Robin C.A. White, "The English Legal System in Action" Third edition, (Oxford University Press, 1999) at p.45.

¹⁸⁹ Criminal Procedural Code, Article 209, "The judge shall award a verdict in the case according to the satisfaction constituted by him, yet he may not base his judgment on any evidence if it is not presented before the parties at the session in his presence."

¹⁹⁰ The judicial orders of the public prosecution of 1995, p. 101. UAE, Public Prosecution Orders.

the accused, the hearing of which takes place within the criminal trial.¹⁹¹ If the criminal court decides that hearing the civil action requires a special investigation and might delay judgement in the criminal case, then the court can remit the action to the competent civil court¹⁹².

The Islamic school is also a significant influence.¹⁹³ For example, according to the Islamic school, "whoever makes a claim has to prove his claim, whoever denies a claim has to swear an oath."¹⁹⁴ Therefore the prosecution bears the burden of proof in establishing the guilt of the defendant, and the defendant is required to take an oath to deny before God the claim against him. The prosecution is required to prove beyond any doubt that the crime has occurred and that the defendant committed it.

Article 158 of the Code provides that the parties to the trial shall be summoned to appear before the court one day before the session in the case of contraventions, three days in the case of misdemeanours and ten days in the case of felonies. Article 159 provides that the writ of summons shall state the charge and the Articles of the Code on which it is based.

At the trial the court starts its own investigation, assuring the balance of power of the parties in accordance with four specific features of the trial: public sessions¹⁹⁵, oral arguments, attendance of the parties, and a full record of the procedures.¹⁹⁶ The trial opens with the accused giving his name, profession, nationality, place of residence and place of birth¹⁹⁷. The charge against him is then read out. The public prosecutor then presents the case contained in the file or dossier, and states the punishment

¹⁹¹ Articles 22-29 of the Criminal Procedure Code

¹⁹² Article 26 of the Criminal Procedure Code

¹⁹³ Penal law, Article 1. "The provision of Islamic *Sharia* shall apply to crimes liable to the punishments provided for by the Divine Ordinance, or to the payment of compensation or blood money, while crimes liable to castigation and chastisement and the corresponding penalties shall be determined according to the provisions of this law and other penal laws".

¹⁹⁴ Hadith, saying of the Prophet.

¹⁹⁵ Article 161 of the Criminal Procedure Code provides that, "A court's hearing shall be public; however, the court may for the sake of public order or public morals order that the case, in all or in part, be heard in a closed session or prevent certain groups from appearance therein."

¹⁹⁶ The Federal Supreme Court. Appeal 26. Year 1994, 61-11-1982. The publication of the important decisions. p.171.

¹⁹⁷ The following procedures for the start of the session are set out in Article 165 of the Criminal Procedure Code.

requested¹⁹⁸. The accused is then asked whether he is guilty or not guilty of the charge. If the accused confesses, the court may decide that his confession is sufficient and pass judgment against him without hearing the witnesses¹⁹⁹, otherwise it will hear the prosecution witnesses.

The order of trial is such that first the prosecution witnesses give their evidence, followed by the accused "if he so wishes", and finally the defence witnesses. Witnesses are first examined, then they may be cross-examined by the other parties (including the plaintiff of civil rights if there is a civil action), and finally they may be re-examined to clarify any answers they gave on cross-examination.²⁰⁰

While the above process of examination, cross-examination and re-examination closely follows the adversarial approach, inquisitorial elements are also present. For example, Article 168 states that the court shall prevent the witness from being subjected to any question or action "that may confuse his thoughts or intimidate him." The active role of the judge in the investigation is also shown in the power of the court to direct any question to the witnesses that "it considers necessary for the disclosure of the truth."²⁰¹ Moreover, Article 179 of the Criminal Procedure Code provides that, "A court may, while hearing the case, take the initiative to order the introduction of any evidence it considers necessary for disclosure of the truth". Article 180 of the same law provides that, "The court may at [its] own discretion or at the request of adversaries appoint an expert or more in the case and if it is necessary to appoint experts..."

These Articles show that the judge has discretion to call for additional evidence if he believes it is required, and that the judge is more than an observer and umpire in the proceedings. With reference to the kinds of evidence that may be used, the consensus is that the court/judge may use any or all of the following evidence:²⁰²

¹⁹⁸ The plaintiff of civil rights in the civil action is also able to present his case at this stage.

¹⁹⁹ Except where the crime is punishable with the death sentence in which case the court proceeds with the inquiry (Article 165).

²⁰⁰ Article 166 of the Criminal Procedure Code.

²⁰¹ Article 168 of the Criminal Procedure Code.

²⁰² For more details on the evidence law in the UAE, refer to Federal Law number 10 for the year 1992.

- The confession of the suspect that he committed the crime. In this case, the court "...may consider his confession to be sufficient and pass a verdict against him without having to hear the witnesses..."²⁰³.
- Giving evidence is a religious duty, "...Conceal not evidence; for whoever conceals it, his heart is tainted with sin..."²⁰⁴. It is also a legal²⁰⁵ obligation. The judge therefore has a wide discretion to impose punishment on those who abstain from saying whatever they have seen or heard.²⁰⁶
- Expert evidence. "If the assistance of a doctor or other experts is required for the investigation to prove a certain situation, the prosecutor shall order his deputation to submit a report on the assignment entrusted to him..."²⁰⁷
- Written documents, as written evidence is one of the important sources of proof in both civil and criminal cases.²⁰⁸
- The written record (minutes) of the interrogation, showing the process of confronting the suspect with their suspicion and with the other evidence in the case (for example, witnesses and their statements).
- Written minutes relating to the physical inspection of the crime scene and of suspects, and particular items from the crime scene, and the testimony of people questioned there.
- The law recognises legal presumptions such as – persons under 14 are not criminally responsible, and may not be challenged even where there is strong evidence of responsibility. Judicial inferences are also recognised as evidence in their own right, but are subject to challenge.
- The oath is regarded as primary evidence, especially in cases of personal affairs and crimes between relatives when other evidence is limited.

After the witnesses for the prosecution and defence have been heard, the public prosecution, other parties and the accused may speak "and in all cases the accused shall be the last person to speak."²⁰⁹ When the court finds that it has seen and heard enough to reach a decision it closes the session and moves to the next stage of the

²⁰³ Criminal Procedure Code, Article 165.

²⁰⁴ The holy Qura'an, Sura 2, Ayah 283.

²⁰⁵ Articles 36,70,88,89-95 and 165-178 of the Criminal Procedure Code.

²⁰⁶ Articles 253-261 of the Penal Law.

²⁰⁷ Article 96 of the Criminal Procedure Code.

²⁰⁸ Article 27-34 of Federal Law 10 of 1992

trial known as the legal deliberation. The aim of the legal deliberation is to allow the court time so that it can exchange opinions and establish its decision based on what it has seen and heard of the arguments and evidence. The requirements for the legal deliberation are specified in several Articles of the Criminal Procedure Code and are as follows:

- The law prohibits judges who did not participate in the trial from attending the review.
- The review is secret.
- The decision following legal deliberation is normally taken on the basis of a majority of the judges' votes. The decision of the judges must be unanimous where the appeal court has cancelled an earlier judgement of not guilty and in cases where the sentence is capital punishment.

2.4.6 Sentencing and the Prison system

In the UAE those responsible for the criminal justice system have not placed much emphasis on rehabilitation and have instead relied heavily on imprisonment as the principal means of protecting society against crime. Of course, the reliance on imprisonment is not confined to the UAE. Many countries face the problem of increasing prison populations and deteriorating prison conditions with their negative consequences for any rehabilitative objectives. It is therefore believed that improving conditions in the prisons will serve the purposes of correction and rehabilitation, in addition to maintaining the protection of society.

UAE penal law includes many non-custodial penalties.²¹⁰ For example, Article 110 provides that the court may sentence the defendant by prohibiting him from going to public places or from residing in specified places, by placing him under supervision, by obliging him to do certain work, or by deportation from the UAE. Yet, despite these alternatives to custodial sentences, judges and public prosecutors complain of the shortage of places where defendants may undergo rehabilitation. Consequently, the majority of those people sentenced end up in prison, with very few in the

²¹⁰ Article 169 of the Criminal Procedure Code

²¹¹ Penal Law, Articles 110,120, 136,138,141.

rehabilitation/correction centres.²¹¹ This situation demonstrates the need for better utilisation of the non-custodial penalties provided for in Article 110. Moreover, consideration should be given to developing rehabilitation opportunities with other public and private organisations as long as security measures are taken. This might serve two main aims: the rehabilitation and preparation of the individual to rejoin the society with a trade; and a reduction in the number of inmates in prison.

In 1992, the UAE issued Federal Law no.43 relating to punitive and correction organisations.²¹² The law renamed prison and jails punitive and correction centres, taking into account the United Nations Standard Minimum Rules For the Treatment of Prisoners, which were intended to improve prison conditions and encourage the inmates to learn a profession.²¹³ The law represents an important development for the UAE as it recognises the right of prisoners to treatment and rehabilitation, including education and training.

The General Directorate of Punitive and Rehabilitation Organisations is part of the Ministry of Interior. However, the judicial authority in general and the public prosecution offices²¹⁴ around the Emirates are obliged to supervise these organisations. The administration of these organisations (by the police) is supervised and superintended by the judicial authorities through annual and surprise inspections. The Criminal Procedure Code provides that “Members of public prosecution shall have the right to enter the punitive facilities located within the jurisdiction of court circuits in which they work, to ensure that no one is detained unlawfully, and they shall have access to the registers...”²¹⁵.

2.4.7 Filtering and Diversion in the Criminal Justice System

The criminal justice system in the UAE, like many others in the world, operates like a filter or funnel with a far greater number of suspects entering the system than emerge

²¹¹ There are only three correction centres in the country, the total capacity is will below practitioner's expectations.

²¹² Federal law 43 for the year 1992 concerning the punitive organisations.

²¹³ Al Khani, Mohammed Reyadh. The Bulletin of Criminology, Vol. 4, April 1993. (Arabic) pp.20-25,

²¹⁴ Federal law 43, Article 4.

at the far end. In the first place, a Majlis of criminal justice practitioners estimated that 40% of offences do not come to the attention of the criminal system. A review of sentencing and criminal statistics for one year (1997) in Ajman showed that out of 3,472 people for whom criminal files were prepared by the police²¹⁶, 1,700 were transferred to the public prosecutor. The remaining 1,772 were released. Of the 1,700 transferred to the public prosecutor 1,454 were tried in the courts. And of these, 1038 were convicted of an offence, representing just 29% of the original 3,472.²¹⁷

The police may release suspects following informal caution or an assurance from relatives that they will watch over the suspect. The public prosecution also release suspects where they decide that the evidence presented by the police is insufficient, or where there are procedural errors, or where the public prosecutor thinks that a caution and warning would be sufficient action. The courts also release suspects on the ground of weak evidence or procedural error. They may also judge that no further action should be taken, taking the view that the experience the suspect has had or the time he has served in detention has been a sufficient punishment in the circumstances. In addition to the above grounds of release, tribal connections may also result in the release of some suspects, especially during the early stages of the police investigation. Furthermore, the Ruler of the Emirate may also intervene to have a suspect released.

In view of this filtering and diversion, one important issue is the extent to which the social and demographic characteristics of defendants who pass through the criminal justice system to sentencing, match those of the UAE population as a whole. Who is filtered out of the process? Details of those suspects released by the Police before the judicial prosecution process may indicate issues that require explanation. A study of the prison's population and comparison with the UAE population in terms of nationality and ethnicity may also raise questions about discrimination and fairness

²¹⁵ Criminal Procedures Code, Article 320

²¹⁶ Not all of these cases would have been referred to the public prosecution. Some would have been discontinued by the police.

²¹⁷ These numbers are taken from the criminal statistics of the Ministry of Interior for the year 1997, and from the records of the criminal section of Ajman Police. Some of the figures are estimated as a result of the basic input figure of the criminal records and the output of the people sentenced and transferred to the prison and rehabilitation centre. Moreover the public prosecution statistics for Ajman for 1997 were taken for cross referencing.

within the criminal justice system or within society. Moreover, to what extent are native citizens of different socio-economic and political classes equally represented in these prisons?

With reference to release by the police, the records of different police stations indicate that over 50% of the releases were made for one of the following reasons: the suspect is related to the police officer; the suspect is from the higher social, economic or political classes; or, the police had been contacted by one of the higher classes to release the suspect. With reference to the review of sentencing and criminal statistics, it might be assumed that where the native population is approximately 20% of the total population, the proportion of suspects who were native citizens would also be approximately 20%. However, of the 3472 suspects only 268, or 8% of the total were native citizens. Native citizens are also under-represented in the prison population, comprising less than 12% of those in prison in 1997, and most are from the lower social and economic and political class.²¹⁸

Finally, the prison statistics for Ajman also show that the poor and weak are the majority of those sentenced. While 12% of the prison population were native citizens, the other 88% of the 1038 were mainly Indians, Pakistanis, Bangalis, and Iranis, from the labouring class. It would appear that being rich and having social, economic, and political status may help individuals to avoid being sentenced to imprisonment. Of course, this is a broad statement, more research is necessary, and many qualifications have to be made. For example, the offence of homicide probably falls outside this pattern.²¹⁹

What explanations might account for these findings? It might be argued that the various population groups who make up the contemporary population structure of the Emirates do not come from the same social environment, nor do they believe and observe the same values. Therefore, their conduct does not necessarily harmonise with the state's laws, rules, and regulations. Although such explanations might contribute to the situation, the findings provide strong evidence of discrimination, and are supported by the research findings on police discretion that are discussed in

²¹⁸ Ajman prison records and crossed referenced with the public prosecution annual report of 1997.

²¹⁹ Chapter three, section 3.3. The credibility of the official statistics.

2.4.8 Conclusion

In the absence of a solid research base, it is difficult to reach definite conclusions in this area. There are important questions to be answered. Some commentators with backgrounds in adversarial systems have expressed support for *the principle* of judicial supervision on the grounds that it is designed to ensure a full and impartial investigation – not only building the case for the prosecution, but also uncovering any evidence that may be in favour of the accused.²²⁰ This argument raises the question of whether the defence lawyer or the police acting under judicial supervision is better placed to carry out an early investigation that reveals evidence favourable to the defence. The adversarial position emphasises the importance of the defence lawyer.

“The pivotal role of lawyers in the criminal justice system is often overlooked. In an adversarial system, those who assess the criminal justice system too often concentrate on the system weighed against the defendant. Yet the most effective due process safeguard is a strong defence team.”²²¹

Indeed, one question often raised about inquisitorial proceedings by those who work in adversarial systems is whether the idea of judicial supervision of the police is, “largely rhetorical, a dangerous disguise for untrammelled police control of investigations.”²²² Field suggests that the answer to this question requires consideration of a number of issues. First, are public prosecutors trained in the same way as other judges “with the same duty to seek out inculpatory and exculpatory evidence in search of the truth”? Second, what are the relationships between the public prosecutor, the defence lawyer and the police? In particular is there mutual trust between the defence lawyer and the prosecutor? With reference to the German and Dutch inquisitorial systems, Field concludes:

²²⁰ Field, S. “Judicial Supervision and the Pre-Trial Process” from S. Field & P. Thomas eds. *Justice and Efficiency: The Royal Commission on Criminal Justice* (Blackwell, Oxford 1994) at p.120

²²¹ Padfield, N. “Text and Materials on the Criminal Justice Process” (Butterworths, London 1995) at p.170

“Where cultural commitment to teasing out all relevant evidence or basic competence is lacking in a prosecutor..., or a defence lawyer lacks the time or inclination to read the file carefully..., or does not trust the prosecutor...the system will not work effectively. The prosecutor’s assessment of the case will be too dependent on initial police constructed information.”²²³

With reference to the French system, Field suggests that in addition to the question of the public prosecutor’s commitment to impartiality, there also appears to be a question concerning the access of defence lawyers to the official file or dossier.

To what extent are the above concerns applicable to the criminal justice system in the UAE? In the first place, there can be no doubt as to the relevance of these questions. It would appear that public prosecutors are largely dependent upon the police investigation, particularly in less serious offences or where the evidence of guilt is overwhelming and unchallenged. Nevertheless, the public prosecutors would appear to be committed to ‘burning their blood’ in seeking the truth. Moreover, their basic training as well as their supervised field training confirms the importance of their impartiality and their fidelity to the principles of truth and justice.

However, the issue of the relationship between the public prosecutors and the defence lawyers is undoubtedly a problem. Defence lawyers claim that their requests for access to the file or for certain investigations to be carried out are often ignored, and that therefore the file is too dependent upon the police’s ‘construction’ of the case. Defence lawyers also claim that their requests for bail are often ignored. The situation is made worse because a significant number of the defence lawyers are expatriates who used to serve as public prosecutors and judges, but who were removed as a result of the ‘Emiratization’ (nationalisation) of the judicial system. As with many of the other issues raised in this section research is needed in order to build an accurate picture of the operation of the criminal justice system in the UAE.

²²²Field, S. “Judicial Supervision and the Pre-Trial Process” from S. Field & P. Thomas eds. *Justice and Efficiency: The Royal Commission on Criminal Justice* (Blackwell, Oxford 1994) at p.126

²²³ *ibid.* at p.127/8

CHAPTER THREE

OFFICIAL CRIMINAL STATISTICS AND THE STATE OF SECURITY (AMN) IN THE UAE

Introduction

Since the formation of the United Arab Emirates federation, crime has increased dramatically. The type of crime has also changed and new crimes have emerged in the Emirates as a result of the openness of the society and its thrust towards modernisation. The requirement for teachers, engineers, doctors, and other skilled and unskilled labour to compensate for the shortage in native manpower not only dramatically increased the population of the UAE over a short span of time, but also introduced different cultures and new forms of crime.

In the absence of reliable criminal statistics and scientific methods for the collection and recording of data, the annual crime statistics published by the Ministry of the Interior remain the most reliable and only available data²²¹. However, for many reasons, these figures do not reflect the true picture of crime in the UAE. One of the main reasons for this is the unavailability of comparative statistics. Also, there are many crimes which, because of their nature, are not reported to official organisations.

It is important to acknowledge that in the first few years of its existence, the Ministry of the Interior in the UAE lacked a dedicated office with the scientific methodology and trained staff to collect and analyse criminal data. Unfortunately, the office has not improved over the years and has yet to reach the required standard.²²²

A brief look at sequence of collecting criminal data by the Ministry of the Interior²²³ might clarify why their efforts still fail to produce a reliable overall picture of crime in the UAE. The following is the sequence for collecting and reporting information

²²¹ Farrington, David *Self-Reports Of Deviant Behaviour: Predictive And Stable?* Journal of Criminal Law, Criminology and Police Science 64:93 (1973). According to David Farrington, only one third of crimes committed in the USA are reported to the Police.

²²² Statement of the newly appointed General Director of Crime Deterrence Department Brigadier. Hassan Ibrahim concerning his effort to improve this department, Abu Dhabi 1996.

to the Ministry of the Interior:

1. Reported crimes and complaints to police stations, centres, directorates, and general directorates are supposed to be recorded and registered in accordance with the directives of the General Directorate of security Affairs in the MOI.
2. The directorate of security in every Emirate as well as Al-Ain and the Eastern Region collect criminal information and fill in the appropriate forms and send them twice daily to the General Directorate of security in the Ministry of the Interior. The criminal information in these forms normally includes details such as the type of crime, the time and place of its occurrence as well as particulars of both the accused and the victim. These reports are released to the entire General directorate daily for information.
3. Annually, the Ministry of the Interior publishes criminal statistics in the form of a crime report to law enforcement organisations and other concerned institutes. At the same time, other police organisations in the country publish their own crime reports among other administrative, social, and traffic reports.

The above sequence shows that reported information is being passed through unnecessary channels before it reaches the office concerned. This not only complicates the process of gathering criminal information, but also makes it open to external interference. In order for criminal statistics to become more realistic, every police station, directorate and centre should have a direct link to central criminal office, so that all reported crime is directly and immediately transmitted to this office. This would prevent any alterations being made by the local authority, as happens at the present time.

During an interview in 1997²²⁴ with a senior police official from the Ministry of the Interior, the researcher pointed out some of the unrealistic crime figures in the published annual reports. He especially pointed out the fact that the figure recorded

²²³ Field study by the researcher in numerous police units and General Directorates in UAE, 1996.

²²⁴ At his request, the name and position of the interviewee was omitted due to the sensitivity of the issue.

for certain types of crimes committed in a comparatively small Emirate such as Um Al Qaiwain was greater than the figures recorded for one of the biggest Emirates in terms of size, population, and amount of activities.²²⁵ The senior officer was eventually persuaded that the published statistics were unreliable and incorrect. According to many police officials, some police organisations are reluctant to show the actual number of crimes committed in their area. Instead, they are more concerned with showing that they have improved crime control, even if that means reporting reduced figures.

Many others share the researcher's view of the credibility of the UAE official criminal statistics. During a seminar titled "The Effect of Fasting In the Month of Ramadhan on the rate of Crime",²²⁶ Dr. Ahmad Al Najjar, the former head of the Criminal Research Centre (CRC) in Abu Dhabi, disputed the credibility of the published crime statistics and claimed that only 5% of the actual total number of crimes are reported to the police. Therefore, according to Dr. Ahmad Al Najjar, the actual number of crimes for 1995 was closer to 785,780 than to the reported figure of 39,289. Dr. Mohammed Al Rukn, who was chairing the panel, disagreed with this statement, saying: "I am not certain about the criminal statistics in UAE society, but Dr. Ahmad's assumption of crime figures, seems to be more than internal security statues of the society".

3.1 CRIMINAL STATISTICS

Many researchers believe that in all societies, the official statistics do not reflect the true picture of crime. In this context, Dr. Abdulla Al Awadhi states that:

"The main reasons for doubting the reliability and validity of criminal statistics for either comparative and historical purpose or for gauging the actual amount of crime being committed at any time are threefold:

- 1-They arise from changes in the law itself;
- 2-From changes in the attitude of the public; and,

²²⁵ For more information refer to Abdulla al Awadhi, *Population Change And Recorded Crimes In The UAE From 1972-1992*, PhD dissertation (1996) p. 297.

²²⁶ Seminar chaired by Dr. Mohammed Al Rukn on 22-1-97, Jurists Association, UAE Sharjah.

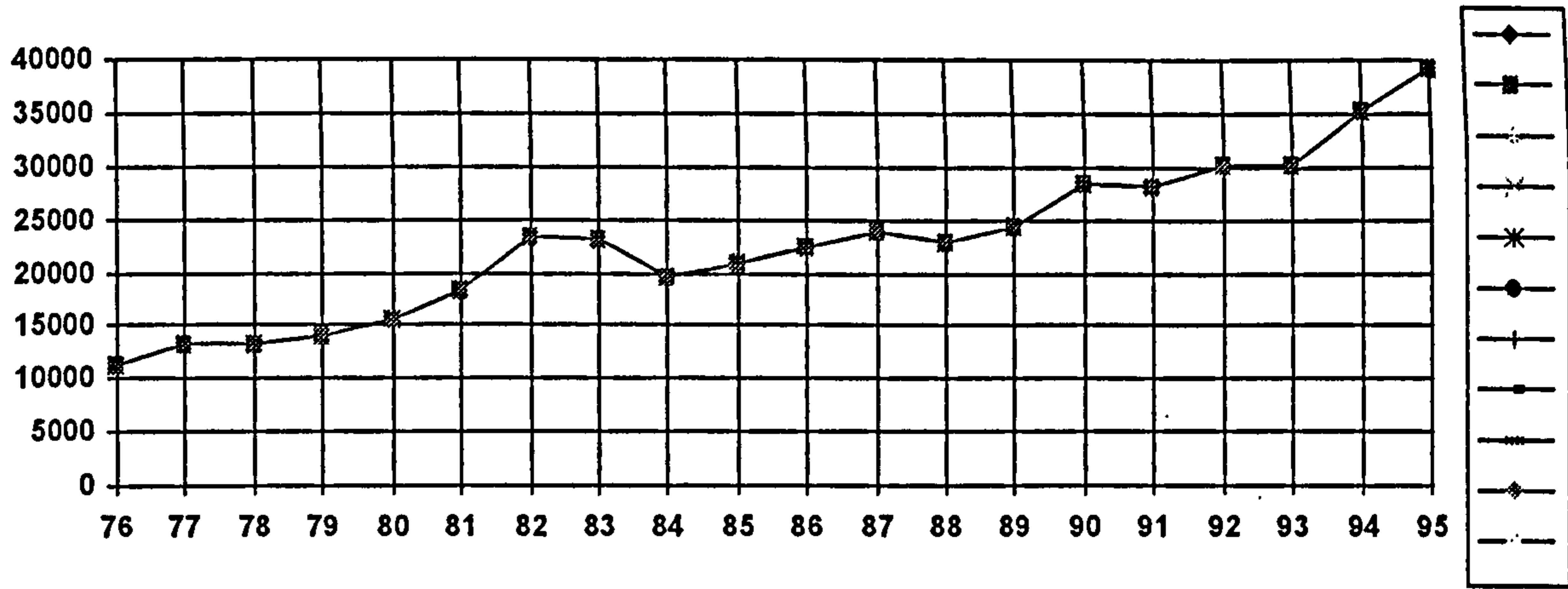
3-From changes in police procedure.”²²⁷

Despite the many criticisms of the reliability of official statistics in general, they remain an essential source for criminological research. Hence it is beneficial to this study to refer to consider some of the official criminal statistics in order to provide an overall picture (from an official perspective) of the state of security (Amn) in the UAE.

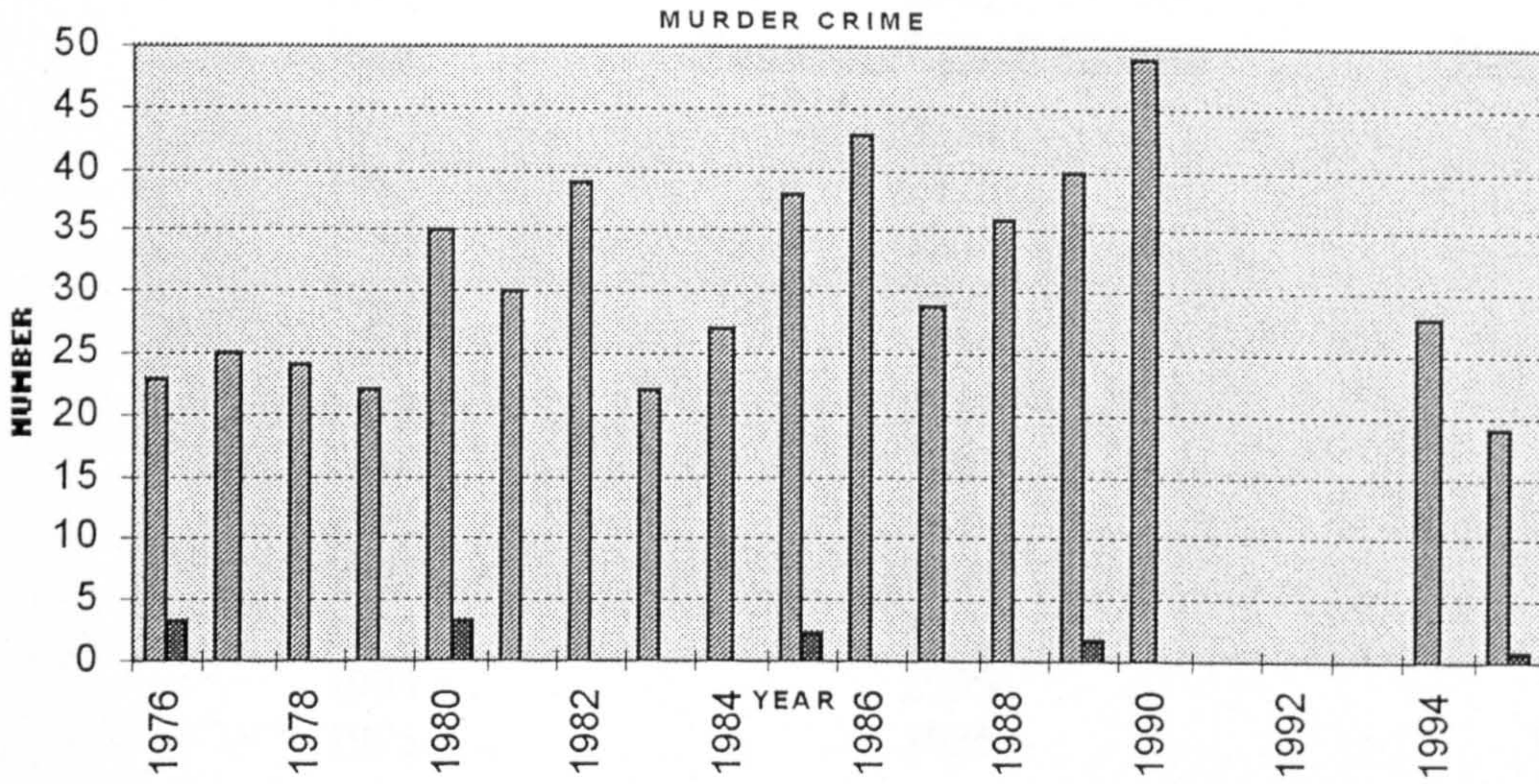
The following charts and graphs summarise the type and volume of crime reported to the police in the UAE from 1976 to 1995:

<u>Year</u>	<u>Number of crimes</u>	<u>Rate/100000</u>
1976	11331	1556.4
1977	13092	
1978	13360	
1979	14049	
1980	15656	1501.0
1981	18434	
1982	23443	
1983	23037	
1984	19538	
1985	20835	1284.5
1986	22340	
1987	23929	
1988	22760	
1989	24347	1167.2
1990	28540	
1991	28113	
1992	30092	
1993	30232	
1994	35338	
1995	39289	1785.9

²²⁷ Al Awadhi, Abdullah. *Population Change And Recorded Crimes In The United Arab Emirates From 1972 To 1992*, PhD dissertation (1996) p. 103.



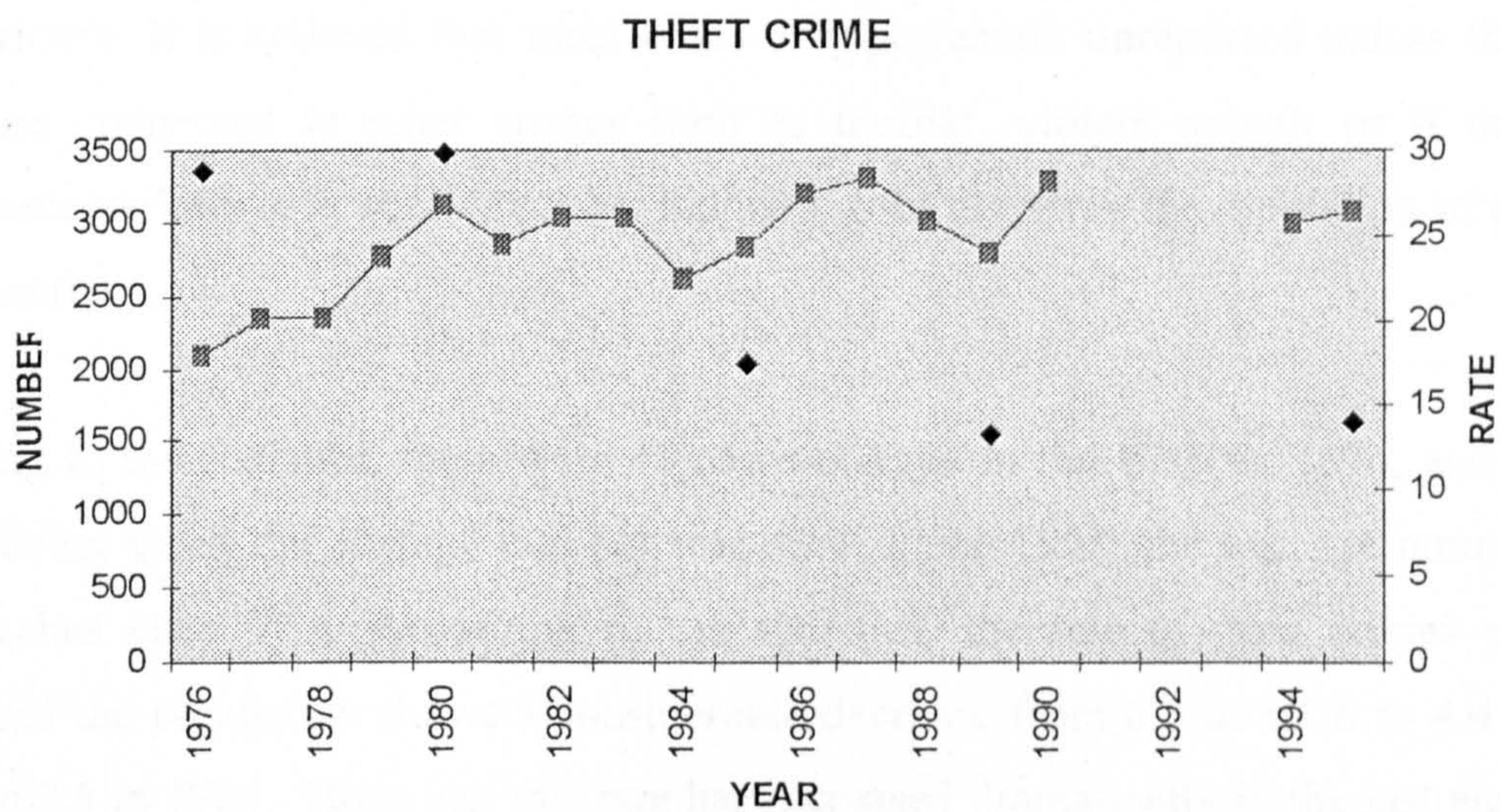
<u>Year</u>	<u>Number of Murder Crimes</u>	<u>Rate/100000</u>
1976	23	3.1557
1977	25	
1978	24	
1979	22	
1980	35	3.355
1981	30	
1982	39	
1983	22	
1984	27	
1985	23	2.34
1986	43	
1987	29	
1988	36	
1989	40	1.91
1990	49	
1991	N/A	
1992	N/A	
1993	N/A	
1994	28	
1995	19	0.86



<u>Year</u>	<u>Number of Rape Crimes</u>	<u>Rate/100000</u>
1976	48	6.5858
1977	47	
1978	43	
1979	60	
1980	57	5.46
1981	58	
1982	44	
1983	44	
1984	40	
1985	47	2.89
1986	63	
1987	42	
1988	79	
1989	63	3.02
1990	179	
1991	N/A	
1992	N/A	
1993	N/A	
1994	89	
1995	77	3.5

<u>Year</u>	<u>Number of Theft Crimes</u>	<u>Rate/100000</u>
1976	2101	28.82
1977	2341	
1978	2341	
1979	2766	
1980	3121	29.9
1981	2843	
1982	3029	

<u>Year</u>	<u>Number of Theft Crimes</u>	<u>Rate/100000</u>
1983	3040	
1984	2624	
1985	2826	17.4
1986	3205	
1987	3303	
1988	3028	
1989	2789	13.3
1990	3293	
1991	N/A	
1992	N/A	
1993	N/A	
1994	2995	
1995	3085	14.02



3.2 ANALYSIS

Referring to the above charts and statistics, despite fluctuations in the number of crimes, nevertheless, the rate of crime between 1976 and 1995 shows a steady decrease. The following points may be made:

1. The number of crimes reported to police between 1976 and 1995 showed an overall increase. For example, the number of crimes in 1976 was 11,331, in 1985 20,835 and in 1995 39,289.
2. The rate of crime per 100,000 of the population gradually decreased from 1,556 in 1976 to 1167.2 in 1989. After 1990 the rate started to increase and reached 1785.9 in 1995.

3. Murder has its own characteristics and has not increased along with the increase in population. The murder rate per 100,000 therefore showed a considerable decrease from 3.15 in 1976 to 0.89 in 1995.
4. Considering the social circumstances of the UAE, the crime of rape remains one of those crimes that can not be fully explored and for which precise figures cannot be given. The main reason for this is that in many cases the victim tries not to inform the family about such an assault. Even if the family does come to know about the rape, they often prefer not to disclose the event in order not to ruin the victim's future, despite the effect of the rape on the victim. It is believed that most cases of rape remain unreported unless they are connected to other crimes such as murder, violent assault or if they become known in society so that hiding it does not serve the reputation of the victim.

According to the statistics, there were 48 cases of rape in the UAE in 1976, and in the following years the average number was 49.3. Since 1988, the average number per year has been 97.4. According to the statistics, the rate of rape crimes per 100,000 of the population shows a considerable decrease from 6.5 in 1976 to 4.4 in 1980 and 2.8 in 1985. However, this rate has increased dramatically in the last eight years, perhaps as a result of the unbalanced male to female population structure (153/100).²²⁸

As a comment on the above figures, it is believed that far more rapes are committed than the criminal statistics suggest. In an attempt to determine the credibility of the criminal statistics of the Ministry of the Interior, the researcher will focus on this particular crime during meetings with criminologists and experts.

5. The number of thefts has increased for the last twenty years from 2,101 in 1976 to 3,085 in 1995, but the average has remained around 2,870. On the other hand, the rate of theft per 100,000 of the population has decreased from 28.8 in 1976 to 14 in 1995.

²²⁸ Al Musharekh, Abdulla The Marks of Crime in the UAE, Unpublished Paper for the Security Co-operation Seminar, Sharjah. (1992).

The official statistics suggest that the only logical explanation for the increase in the number of crimes in the UAE is the sharp increase in population from 728,833 in 1976 to 2,200,000 in 1995. The overall picture therefore seems satisfactory as the rate of crime has continued to decrease, though it has increased between 1989 and 1996, while the population has remained steady at around two million.

3.3 THE CREDIBILITY OF THE OFFICIAL STATISTICS

So far, it has been suggested that the credibility of the official criminal statistics is questionable. For the sake of this study, it is important to try to determine the actual crime figures, and to provide further explanation as to why the real figures are higher than those published. To do so, a questionnaire was prepared using the Delphi approach²²⁹. A wide range of people were interviewed and asked to complete this questionnaire. Selection of the groups was done to ensure a wide spectrum of the society was included, and also to include individuals known for their knowledge, honesty, good judgement and above all their impartiality. The majority of the individuals selected were members of the justice system.

For the purposes of confidentiality, the individuals had the choice of writing their name or not. Also, the individuals were grouped according to their professions as follows:

- Official judges
- Public prosecutors
- Police officers
- Employees from the private sector
- Lawyers

The results and comments of the participants in the questionnaire point to the following conclusions:

²²⁹ See Annex 5, Questionnaire – Credibility of the Criminal Statistics.

1. The participants unanimously agreed that like official criminal statistics world wide, the UAE criminal statistics do not reflect the true picture of crime in society.
2. Considering the nature and brutality of murder and of other violent assaults, in addition to factors such as the size of the society, relations between members of the community in every Emirate, village, city, and even the capital, such crimes can not be covered or overlooked. Therefore, most crimes of this nature are reported to the police, and brought to the attention of the concerned judicial organisation/s.
3. The crime of Rape was a contentious topic among the participants in the study. Their opinions about the percentage of rapes reported to the police varied considerably. Occasionally, some participants changed their minds when they had listened to the opinions of other participants. Although the answer fluctuated between 25% and 60%, the majority believed that only 40% of the total number of rapes are reported to the police. The Judges and police officers suggested that most of the housemaids and expatriate females working in both the private and public sectors, who are raped, avoid reporting their cases to the police because of their fear of losing the case through judicial procedures that will ultimately result in the termination of their work contracts.
4. The official figures for reported thefts was another issue that caused disagreement between the theoretical and practical criminologists. However, the general consensus was that minor offences are intentionally overlooked to reduce the load on criminal justice organisations. It is believed that people do not report minor theft offences because they want to avoid lengthy and time consuming investigations that might also involve media publicity and that often do not lead to positive results. Therefore, the majority believe that the published statistics represent only 60% of the total number of thefts committed in the Emirates.
5. Since narcotic related crimes receive maximum attention from both informal and formal organisations, it is believed that the published figures represent

70% of the actual figure, but that narcotics trafficking is hardly reported.

The results obtained from applying the Delphi method to the four most dangerous crimes in the UAE society, suggest that the official statistics need to be revised upwards to render them more realistic. The suggested increases are as follows:

- A. 40% to be added to the total crime figure.
- B. 1% to be added to the figure for Murder and violent assault.
- C. 40% to be added to the figure for theft.
- D. 60% to be added to the figure for rape.
- E. 65% to be added to the figure for narcotics crimes.

CHAPTER FOUR

THREATS TO THE INTERNAL SECURITY OF THE UAE

Introduction

Threats to any society come in many forms including economic, social, psychological, criminal, military, and security threats. Regardless of the particular threat, they all have negative effects on stability and internal security. This chapter will consider those threats that directly affect the internal security of the UAE. The question might arise as to why this chapter would not examine the many types of crime that dominate the UAE criminal statistics, such as juvenile delinquency, narcotics, prostitution, rape, financial crime, and others. The answer to this is that these crimes are in fact the outcomes of underlying threats. The aim of this chapter is to focus upon the roots of the crimes and the social phenomena that produce such criminal activities.

It is important both to reveal the present threats and also to anticipate others that might in future threaten the internal security of the UAE. This is necessary in order to determine what the objectives of crime control and law enforcement strategy should be, and to reveal the obstacles that might prevent the strategy from achieving its set objectives.

The present social, political, economic, and security (*Amn*) conditions that have been explored in the previous chapters, have resulted in haphazard crime control research that lacks focus and strategy. It is the time to consider the study of security (*Amn*) as part of the social sciences; in order to emphasise societal requirements, to examine the contribution of crime control and law enforcement organisations to social development, and to examine the link between formal and informal social control.

Over the years, many methods have been developed to evaluate, predict, and anticipate present and future internal security scenarios. One of the methods of prediction often used by many experts in this field is known as the Judgmental Method. In view of the present state of internal security in UAE, unreliable official criminal statistics, and the deliberate hiding of criminal information by the

authorities, this method of evaluation and prediction seems to be the most appropriate.

The Judgmental method utilises the personal judgements of experts in social sciences, criminology, economy and other related subjects in order to arrive at a considered opinion as to what the future security (*Amn*) condition will be, based on the current situation and the known variables. One of the most famous variations of this method is the Delphi Technique. This technique gathers many experts together to examine and debate a specific issue as a basis for analysis and conclusion. By repeating this operation many times, either with the same panel of experts or with others, a fairly reliable prediction can be achieved.

In the process of collecting the information that was necessary for this study, the researcher faced many obstacles. The main problem was the lack of access to official records necessary for the authentication of important information and presumed 'facts'. Although, the researcher himself is a member of a law enforcement organisation and maintains good relations with most of those in charge of crime control establishments, he still encountered many difficulties. The reason for this is that the higher administrative authorities in the UAE prohibit publication of certain statistics and information in order to avoid any disturbances to internal security and stability. In the face of such obstacles, the researcher had no option but to depend on alternative sources for authentication of the information gathered. Some of these sources depended on his personal experience as a member of the law enforcement establishment for more than 26 years. Also, as a native of the UAE, he had witnessed most of the security (*Amn*), political, economic and social events during the sixties up to the present. Interviews with former and present officials both in the UAE and outside were also important to test the credibility of the information gathered.

The threats that will be focused upon in this chapter may or may not have defined terminology according to the penal law or criminal statistics of the United Arab Emirates. Moreover, some of these threats may not have a direct equivalent in other societies, especially where they are the outcome of circumstances unique to the UAE.

4.1 ORGANISED CRIME

Despite general agreement on the dangers of organised crime, there is still no agreement on its definition. One of the reasons for this is that organised crime has emerged in different environments²³⁰, each with its own criminal heritage.²³¹ The Americans define organised crime as “business enterprises organised for the purpose of making economic gain through illegal activities”.²³² As a definition, this seems to cover most parts of organised crime when the law is the only criterion for criminal acts. However, the definition does not take immoral acts and behaviour into consideration. In addition, the definition does not consider the enormous ability of criminal enterprises to pervert the course of justice, as well as their ability to penetrate society using the cover of legitimate enterprises. In view of the expansion of such activities, it is therefore necessary to set a new definition to cover all aspects of organised crime. A definition that seems more appropriate is “The illegal or immoral acts practised by a group of people in one or more societies and in an organised way, including under a legitimate cover, for the purpose of making economic gain.”

Some of the early forms of organised crime were in the form of families governing certain areas distributed in such a way that every family respected the rights of other families to govern their own areas. Within this system, every family had its own guards and weapons in order to enforce its law and order among the people of its area. Among these families, power and wealth were the criteria for the domination of the strongest family over the others. As independent families, they were the legislators and the executive authorities of their areas. Differences between the independent families did not prevent the development of rules that were designed to allow coexistence of rival families. This system was so organised that “The Mafia in Sicily in the early 19th Century represented an alternative and unofficial system of

²³⁰ Italian Mafia, Japanese Kalyakosa, North and South American groups and the Nigerian group.

²³¹ Eitzen, S. & Timmer, D. *Criminology* (1985) p. 241.

²³² *ibid*, p. 247

law, order, power, and economic opportunities in the absence of strong and official mechanisms for the provision of these things.”²³³

The importance of organised crime today, particularly in the narcotics field, is beyond question:

“for ‘producer’ and ‘user’ nations alike, there can now be little doubt that one of the gravest challenges to democratic society and the rule of law is the international trade in illegal narcotics particularly cocaine and opiates. Complex well-organised criminal operations control a world narcotics market worth, at a conservative estimate, some US\$ 300bn annually. Crime spawns crime; high prices on the street for refined cocaine, heroin, and the like are often met from the proceeds of a sustained mini-crime wave conducted by the user. With extraordinary profits at stake, the narcotics trade has been accompanied by a wave of corruption affecting governments, law enforcement agencies and military forces in many countries. And at the bottom of the heap are found the cocaine and heroin addicts - ample testimony to the human cost involved.”²³⁴

4.1.1 Conditions Conducive to Organised Crime

Organised crime that began in modest and local form, today stands as a monster that threatens the infrastructure of many societies in the world, and modern global criminal enterprises are part of most societies. Yet, certain conditions are particularly conducive to the establishment and success of organised crime. These conditions can be summarised as follows:

(a) A Debilitated Criminal Justice System

In general, organised crime flourishes in societies where criminal justice organisations have lost control of law enforcement. The main areas within society where organised crime operates are therefore the poor, black or expatriate communities, the undeveloped and unimportant²³⁵ areas of the society.

²³³ Hobsbawm, E.J. *Studies in Archaic Forms of Social Movements in the 19th century* (1959). Also see Eitzen, S. & Timmer, D. *Criminology* (1985) p. 241.

²³⁴ Editorial, *Journal of International Security*, Volume 7, Issue 11/12, November/December 1997, p. 386.

²³⁵ This expression is used to indicate law enforcement organisations' normal way of thinking when classifying areas of society and directing their resources .

(b) A Free Market Economy

In the former Communist block, organised crime was very limited, but in many of those countries today, in particular Russia, organised crime is a huge problem. The free market economy with its emphasis on human liberty and freedom from regulation provides the most fertile ground for organised crime, permitting worldwide criminal organisations to practice illegal activities under the umbrella of legal commercial enterprises. These activities can take many forms such as companies, political parties, social associations, syndicates and councils. Often, criminal organisations use these legal enterprises for money laundering, currency counterfeiting and illegal transactions between countries, thus legalising illegal activities.

(c) Excessive Social Freedom

Official authorities differ in their supervision and control of social freedoms in their societies. Legislatures may choose to expand or curtail social freedoms in the interests of the society. Prostitution, narcotics and gambling are some of the activities in which organised crime is most active, that are permitted in some societies as legitimate tourist enterprises.

(d) Corruption of Officials

Organised crime often depends on corruption in crime control organisations and on corrupt government officials to ease its illegal activities. The process of paying-off officials is much easier in poor societies where the average income of a person hardly covers his basic needs.

(e) The Presence of Ethnic Minorities in a Society

Many societies are comprised of peoples of different races and origins. For political or social reasons, some groups remain out of the general stream of the society. Such groups normally defend their rights by developing their own security measures and encouraging their members to develop loyalty to the ethnic sub-culture in order to survive. An example of these groups is the Nigerian ethnic group that lately demanded its share of the oil revenues in Nigeria.²³⁶

²³⁶ Al Khaleej Newspaper, UAE, 28 April 1997.

4.1.2 Organised Crime in the United Arab Emirates

Despite the fact that most of the conditions that are conducive to organised crime are present in the United Arab Emirates, neither officials nor crime control organisations have ever admitted its presence. The unlimited ability of organised crime to mutate has indeed misled many senior police officers into stating that the UAE is free from organised crime.

However, it is no secret that international criminal enterprises are wearing the coats of foreign investments and knocking on the doors of the UAE Chamber of Commerce. It is also possible that they are receiving the warmest welcome to establish their business under the cover of legitimate commercial organisations.

Surprisingly, other concerned organisations are taking the same approach as the crime control organisations and denying the presence of organised crime. They prefer not to disclose the facts, believing that this type of information disturbs the internal security of the society. One might accept the claim that blocking certain facts from the public can be justified on grounds of security (*Amn*) provided that the crime control organisations have the ability to control organised crime. However, one cannot accept this claim when crime control organisations are unable to fulfil their obligations because they lack the skills required to discover these types of crime. In fact, when crime control organisations are unable to maintain control, then they should reveal the facts to allow the public to be aware of these threats and take precautions. It is also advisable for crime control authorities in such a situation to seek assistance from other specialised organisations. Many security experts²³⁷ believe that the restrictions on releasing such information do not serve any useful purpose, but are an obstacle to research. In the absence of a defined security (*Amn*) strategy, and given the fact that organised crime is spread widely in some sectors of the UAE, according to police records²³⁸, then the release of such information seems an appropriate action for crime control and other concerned organisations to take.

²³⁷ This is the opinion of many police officers from the criminal departments in UAE police directorates. Names, ranks and positions are not published.

It was mentioned above that criminal organisations have the ability to mislead the criminal justice system by legitimising their activities through legal enterprises. In some of the Gulf States there is a history of what appear to be legitimate activities on the outside while in reality they are cover-ups for criminal organisations²³⁹. In the UAE during the late 1960s and early 1970s, Gold smuggling was a form of organised crime that flourished between the UAE (and in particular Dubai) and India. In fact, some of today's wealthiest people in the UAE were members of the gold smuggling trade, which had networks in many countries. Consequently, some legal enterprises that stand today as part of the financial structure of UAE economy are indeed the result of money laundering in the past.

In addition to gold smuggling, illegal trading in labour permits during the 1970s allowed enterprises to gather substantial profits. Fictitious companies utilised what are known as group visa permits to facilitate the entry of huge numbers of labourers for charges of five thousand Dirham (\$1300) per person. The records show that companies without obvious commercial or trading activities were able to bring into the country about ten thousand persons a year.²⁴⁰

Both the gold smugglers and the labour visa traders legitimised their activities and laundered profits into legal business such as buildings, banks and other commercial enterprises.²⁴¹ The trade in labour permits shows that organised crime is especially dangerous when there is a collision between national interests and the interests of desperate individuals and powerful organisations which the authorities are helpless to resolve. The problem of an unbalanced population structure is a continuing one. According to one of the officials from Ministry of labour and Social Affairs, "The present circumstances are dangerous. There is no hope of balancing the population structure in the UAE society. Issuing new laws by the official authorities reduces the rate of deterioration, but there are hidden powers which legalise this destructive phenomenon."²⁴²

²³⁸ Narcotics, prostitution, and murder (Mafia members assassinations) cases in different Emirates were recorded. For more information refer to Ajman police archive.

²³⁹ Al Bayan Newspaper, 20th February 1998, UAE, Dubai.

²⁴⁰ Archive, Ministry of Works, Abu Dhabi office, UAE (1995).

²⁴¹ Archive, Ministry of Commerce, Abu Dhabi, UAE (1995).

²⁴² Interviews with Mr Sultan Saeed (Director of Residency in the Ministry of Works, and 12 other official labour inspectors in October, 1996.

Smuggling people from India, Afghanistan, Pakistan, Iran, Bangladesh, and other countries into the UAE and other Gulf States is another well organised activity that is well supported by an active network of collaborators scattered in and around the UAE and other Gulf States. The process of smuggling people into the UAE begins from camps located outside the UAE such as in the coastal port of Bandar Abbas on the Iranian coast. In these camps, individuals willing to risk their lives and money are gathered in camps ready to be sent via speedboats to the coast of the Sultanate of Oman. On this side, the newcomers are received by guides waiting to guide them through coastal areas to the mountains that separate Oman from the UAE. Once there, expert guides lead them into the UAE through mountain villages. The process of handing over from one guide to another continues to the final stage of this journey, whereby the last guide takes them through villages and country roads to their set destinations. The price paid by infiltrators for this journey varies according to service provided. Assurances of work and stay in a legal company or a farm away from the eyes of the police increase the cost.²⁴³

One of the new features of the UAE, in addition to the presence of many nationalities working there, and growing tourism, is the outward openness of the society along with a thirst for everything new. Tourist enterprises are booming, and prostitution forms the main source of profit for many of these enterprises. Although prostitution is an illegal activity according to the moral aspects and the law of UAE society, it is still practised under the cover of the legal tourist industry.

In a study that reveals the magnitude of this illegal activity, the researcher in 1996 conducted a surveillance task on a selected area known as *Fareej Al Murar*. By examining prostitution activity in the selected area for one week for an average of two hours a day, the researcher found that over three hundred prostitutes of different nationalities lived in the surrounding small motels, offering their services for 500 to 2000 Dirhams (\$150 to 600) a day. One of the prostitutes agreed to be interviewed by the researcher. During the interview, she said:

²⁴³ This information is taken from official investigation records at Police Aviation General Directorate, Sharjah, UAE, 1997.

“I came to the UAE on a visit visa sponsored by the motel. I already completed 21 days in the same street paying about 6000 dirhams to the motel (about 50% of her income) from my prostitution activity, both inside and outside of the motel... The motel is full of girls doing the same job.”

When she was asked what would happen to her if she did not pay 50% of her income to the motel, she replied, “We are being watched and our price is fixed. Some of us have been punished by the Boss because of lies.” When asked about her future plans, she said that she was planning to get a permanent stay visa preferably through marriage.

4.2 IMMIGRATION AND RESIDENCE CRIMES

Before the exploration and discovery of oil, illegal immigration was not controlled by rules and regulations, but by living conditions in the UAE. Since then, economic improvements and the emergence of the Federal State have opened the gates wide for both legal and illegal immigration. The authorities justified their failure to control immigration by claiming that the growth and development of society needed this work force. In the late 1970s however, crime control organisations began to realise the level of illegal immigration, and acknowledged the lack of co-ordination between their organisations and the Ministry of Labour and Social Affairs. Consequently, in a move to control this phenomenon, they began to revise the old labour laws and to introduce new laws. Those who lived off the illegal trade in labour were forced to comply with the new laws and to find alternative means of establishing fictitious enterprises.

The magnitude of the immigration problem in the UAE can be seen from official reports such as those issued by the Ministry of Work and Social Affairs. One report states that a total of 265,746 people²⁴⁴ were allowed to enter the UAE from 1993 to 1996. This figure represents approximately 9% of the UAE's total population. In an effort to reduce the number of illegal residents as well as foreigners, the Ministry of

²⁴⁴ Directorate of Immigration and Naturalisation, 1993 statistics (total number of entry permissions according to these statistics was 594,373, excluding from this figure a total of 328627 visit visas, therefore the remaining total is 265,746 entry permissions.)

Interior in 1996 issued an 'Amnesty law', pardoning all illegal residents provided they left the country within a specified time frame. As a result, over one hundred and fifty thousand (150,000) illegal immigrants departed from the UAE over three months, although some officials believe that this figure represents only 30% of the total number of illegal residents. These figures suggest that as many as 455,000 illegal residents were present in the UAE during the first half of 1996, which means that 15% of the total population were illegal and not accounted for during the national census in 1996.

Illegal immigration will remain a threat to national security (*Amm*) as long as the living conditions in neighbouring countries remain lower than the UAE. A glance at these conditions confirms the belief that the United Arab Emirates will remain the priority destination for those seeking a better standard of living.

For example, the nearest of these countries to the UAE is the Islamic Republic of Iran, which forms a transit point for immigration, but is also a main source of legal and illegal immigrants to the UAE²⁴⁵. The Iranian population is increasing by 250 persons per hour, and the total population has increased from 31.3 million in 1973 to 62.2 million in 1992. With this rate of increase, the Iranian population is expected to reach 107 million by the year 2015.²⁴⁶ According to the Institute of International Strategic Studies, every year about 600,000 young men become eligible for compulsory military service and the same number of young men leave the army. Therefore, every year, the Iranian government has to find jobs for over 800,000 of its young men.

It is very doubtful that this can be achieved, given the present economic conditions in Iran. Economic and social conditions in Iran today are similar to those that exist in the former communist countries following the collapse of the communist coalition lead by the former Soviet Union. As a result of this collapse, neighbouring European countries such as Italy and Germany are now suffering economically and socially

²⁴⁵ Some crossing points between the two countries (Arabian Gulf and the Gulf of Oman) are less than 30 kilometres across.

²⁴⁶ Al Faris, *We (UAE) and Iran*, AL Khaleej newspaper, 7 April 1997. Also see, IISS, *Military Balance, 1994-1995*, pp. 127-131. Also refer to Institute of Strategic Studies 'The Iranian Military Capability' (1995) (Arabic Version) p. 34.

from legal and illegal immigrants from these countries. The same situation is happening in this part of the world, where economic failure in Iran is beginning to have disastrous effects on the UAE.

The current population structure of the UAE is as follows; 25% of the population are Indians, 20% Pakistanis, 20% Bengalis, 12% Iranians and the remaining 13% are of other Asian nationalities²⁴⁷. In total, they represent 80% of the total population of the UAE, and they provide the backbone of the labour force of the country. The majority of them are ordinary labourers and some are skilled labourers. Inflation and other economic problems in their home countries make their income in the UAE very high compared to their country of origin. They are a source of economic support for their native countries through the transfer of hard currency to their relatives. The negative side effect of this problem however, arises from the fact that they form safe refuge for illegal residents and immigrants. In other words, illegal immigrants from one of these ethnic groups will always have someone to support them and assist them to remain in the UAE.²⁴⁸

As regard to other side effects of this problem, criminal statistics reveal that over twenty-six thousand (26,865) people in this class were convicted of crimes in 1995. This seems an alarming figure if compared to the total number of crimes (45,945) committed by all other nationalities including natives. Although the number of crimes committed by these groups seems high in fact they account for a smaller proportion of total crimes (54.47%) than they do of the population (80%). Nevertheless, these figures can be further reduced through imposing restrictions on granting permission to reside in the UAE. For example, some suggest that permission should only be granted to those who maintain clean criminal records. While this suggestion is acceptable to many people, it has one main drawback, that is the ease by which these records can be falsified. With today's technology, it is not only identification documents that can be changed but also the appearance of a person.²⁴⁹

²⁴⁷ Ministry of Planning Archive, Abu Dhabi, UAE, 1997.

²⁴⁸ During the investigation carried out by the Police Aviation Investigation Department at Sharjah, UAE in 1996, over 90% of illegal immigrants stated that they were joining their relatives at known addresses in the UAE.

²⁴⁹ Dubai Police Archive, 1997.

There are also many who believe that dealing in a civilised way with this class, in accordance with human rights and religious values, may improve the general conduct within this class, which will ultimately improve the security (*Amn*) of the society.

4.3 RELIGIOUS RADICALISM

Most of the historical references suggest that this part of Arabia was considerably more stable after its acceptance of Islam. This society was one of those societies which had no real problems with the social changes introduced by the Islamic religion. More recently however, tribal conflicts over leadership, reinforced by tribal fanaticism,²⁵⁰ have led to unified countries being divided into small entities and Emirates. These conditions continued in Arabia until it was finally unified, during the expansion of the Al Tawheed movement that was lead by the Wahabies²⁵¹ (1740-1813) from their base in Al Dereyah, Saudi Arabia.²⁵²

The argument that religious radicalism should be considered a threat to the internal security of the UAE might not find support in the literature. However, the experience of neighbouring societies has shown that terrorism has emerged as a result of ignoring the expectations of religious groups in society. Today, dissension, insecurity and instability in some societies in this region are the result of the exclusion of some of these groups from political, social, and economic development.

Religious groups in this part of the world are part of the structure of society and they are accepted by the majority of the population. Unlike many of the known terrorist groups in the West and America that might aim at financial and social gains, religious groups in this part of the world always have one main objective, that is, to change the political system of the country.

²⁵⁰ Al Salmi, Abdulla *Wonders of Oman* (1995) (Arabic) p. 93..

²⁵¹ Some believe that this religious, political, military, and social revolution was the spark which ignited other revolution such as the Mahdeyeen in Sudan and Sanoseyeen in North Africa. Also see Anwar al Jundi and others, 1971, pp. 46-62.

²⁵² Al Jundi, Anwar *The Re-awakening of Arabian thinking* (1971) (Arabic) p. 62.

This section will examine three of the religious groups: the Wahabies, Al-Okhwan Al-Muslemeen and the Shi'as. The main reason for concentrating on these three groups is because they have been established in UAE for a long time and have witnessed the fall and rise of many political and religious groups in society. With their well-established foundations, these groups might be expected to cause a serious threat to the stability of UAE society if they managed to receive some external support. As regards to other non-native ethnic groups in the UAE such as Sikhs, Buddhists, and Hindus, they have emerged on certain occasions and carried out violent acts.²⁵³ However, for the time being, they are silenced by the administrative system.

4.3.1 The Wahabies/Salafeyeen

Shaikh Mohammed Bin Abdul Wahab (1703-1791) founded the Al-Wahabeyah as a religious movement in Saudi Arabia. Its support of native forces against colonial powers encouraged the people in this part of Arabia, particularly Al Qawasim who controlled both coasts of the Gulf, to join the movement. Their call for unification had unified most of this region even after the fall of their capital (Al durayeh) to the Ottoman forces in 1813.

Later, the Wahabies military support for the Saudi leader Mohammed Bin Saud (1139-1179H) has provided the movement since then with a strong influence over the affairs of the Saudi kingdom. Therefore, this movement is considered by many to be the reason for the present existence of the Saudi Kingdom and to a lesser degree, the existence of the other Gulf States.

As a movement, the main elements of Wahabism were derived from the teachings of Imam Ibn Taymiyyah (661-728 Hijree), who was a puritanical Sunni. Moreover, Ibn Taymiyyah was a religious zealot who called for what is known as *Jihad*, which means the obligation of a Muslim to fight his own wrong desires as well as other destructive insertions (known as *Al Beda'ah*) in the true faith in Islam. Ibn Taymiyyah also called for a return to the fundamentals of Islam and considered it the only way to political legitimacy. The followers of the teaching of the Wahabism need

²⁵³ Rugh, William A. The UAE: What Are the Sources of its Stability? *Middle East Policy*, Vol. V, No.3, September 1997.

not necessarily be militant, but certainly there is enough in the teachings that justifies violence and defends acts of violence. In spite of the movement being widespread in most Islamic countries, Wahabism has no political leaders in the Gulf States. Religiously however, Shaikh Abdul Aziz Bin Baz of Saudi Arabia guides it.

Lately, in order to avoid rejection by political systems in the Islamic countries, the followers of Wahabism have altered their long standing policy of violence as a mean of removing Shi'ahsm and other religious groups from Arabia. In order to be more accepted as a movement, a wider concept of Wahabism known as Salafeyeen (followers of known ascendant true Muslim leaders).

With Wahabism having a clean criminal record in all of the Gulf States, particularly in the United Arab Emirates, and with the declaration of its followers that they reject violence and militant opposition against political systems, the movement remains inactive for the time being. However, the threat from Wahabism might arise if the political establishment continues to ignore certain fundamental issues such as political participation (*Shura*), social justice, and controlling the violation of religious values by individuals from the Ruling families or by the political system itself.²⁵⁴

4.3.2 Al-Okhwan Al-Muslemeen

In the Arabic language, the term *Okhwan Al Muslemeen* means the Muslim Brothers. As a movement, it is indeed the most organised, well-established religious faction in Islamic countries. It emerged in Egypt in 1928 under the guidance of Shaikh Hassan Al Banna (1906-1949).²⁵⁵ And since then it has gained vast experience in opposing political systems through legal means such as through parliamentary channels, and through informal organisations, such as Mosques, social meetings and sessions.²⁵⁶

²⁵⁴ This assumption is based on social and security experts' opinions during a majlis held in Ajman, UAE on 22-5-1997. The subject of discussion was "*Predicting Future Threats as Outcomes of Social Phenomena*".

²⁵⁵ The international seminar of the Muslim Youth, *Contemporary Factions & Religions*, Riyadh (1989) pp. 21-30.

²⁵⁶ Egypt was and still is famous for its local public cafe (*Maqha*), where many leaders could deliver their speeches in public.

This long tradition of opposition has trained the members of Okhwan Al Muslemeen to avoid direct confrontation with political systems in the Islamic countries, thus, providing them with the ability to penetrate freely the economic, social and religious sectors of the society to gain peoples' acceptance. And although its acceptance in some countries such as Egypt and Algeria has resulted in violent activities, nevertheless, the main distinction between this faction and other factions in the Arabian world is that this faction is a compromising one. The leaders of this movement since Al Banna up to the present leaders such as Al Qaradhawi are known to be open-minded and tolerant to others' opinion even when they differ on fundamental issues.

Although, the ultimate priority of this faction is to reach the Rulership, however, history reveals that every move of this faction is calculated and moves towards the Rulership are forbidden unless the objective is guaranteed. Instead, Al Okhwan Al Muslemeen concentrates on social and educational organisation to select its members who remain one of the strongest source of its success, especially as these individuals are carefully selected to suit the type and the area of its operation. The Al Okhwan Al Muslemeen does not support tribal divisions within society, but it provides social and financial support to people of certain tribes and classes to enable them to reach desired positions, which in the end serves the faction's interests.

Although the political leaders of Al Okhwan Al Muslemeen are unknown, being spread around the world, nevertheless, its religious guides (*Murshid*) are known to law enforcement and crime control organisations. And, since the UAE prohibits establishment of religious or political parties, therefore, neither the political leaders of *Al Okhwan Al Muslemeen* nor its religious guides are known, which renders the task of tracking its activities in UAE more difficult. This forces law enforcement and crime control organisations to seek assistance from more experienced crime control organisations in other countries such as Egypt and Jordan, who have long experienced these types of activities and maintain security records on this faction.

4.3.3 Shi'as

Shi'asim as a political faction was almost eliminated from Arabia by Wahabism. In the past, the insignificant group of Shi'as which remained in UAE did not participate

in any political or social activities. Even, their special religious practices were not allowed and those who risked practising them were often punished by being exiled to Persia, their country of origin. Therefore, regardless of their long stay in the society, they were always considered to be Persians.

At present, Shi'as are expected to form a serious threat to the internal security and stability of United Arab Emirates society. This is so because:

1. The political system at the present time exercises many forms of invisible discrimination against the Shi'a people such as not appointing them to senior government posts, and their termination or early retirement from the army and police forces.²⁵⁷ This treatment adds to the sense of insecurity and alienation among this group.
2. Following the spread of Khomeini's Ideology in Iran, most of the Shi'as known figures who were close to the ruling families have been removed. This has reduced some of the influence and support they had in the UAE.
3. Khomeini's ideology of *wilayat al faqih* (rule by Islamic Juridical Scholars) has relatively little appeal to the Sunnis who make up most of the UAE citizens. However, the militant tactics espoused by the Iranian regime which seeks to spread the Islamic revolution in the Islamic world, appeal to militant Sunni and Shi'as alike.

As a final comment on this section, history reveals that trying to understand Islam only as a religion often causes misunderstanding of Muslim behaviour in certain circumstances. At the beginning of Khomeini's uprising in Iran, the Western and American Intelligence organisations advised the Shah to exile Khomeini, thinking that his exile would solve the instability problems of the Shah's regime. This advice proved to be mistaken. Khomeini returned far stronger than he had been before and was able to remove the Shah not only from his throne but also from Iran forever. Similarly, the emergence of the Islamic Salvation Front in Algeria as a major

²⁵⁷ Ministry of the Interior Personal Affairs and GHQ Personal Affairs, Abu Dhabi, UAE, 1997. According to these sources: Although, Shi'a are less than 10% of Police and Army, yet, Police and

political and military power was also a surprise both to the political and law enforcement organisations in Algeria. Consequently, in the UAE, any of these religious factions mentioned earlier could be a source of rebellion threatening the internal security. Clashes between these factions are always possible, as history has proved. Therefore, radicalism, if combined with violence, will terrorise the society to achieve its ultimate objective that is proving to the public the inability of the political system to secure lives and property.

4.4 HUMAN RIGHTS VIOLATIONS

In the previous chapter it was emphasised that respect for human rights is one of the main elements of internal security and political stability in a society. The United Arab Emirates constitution has included human rights in its main articles not only to signify their importance but also to avoid any future doubts on their implementation. The constitution also restricts amendments to these rights to protect them from unfavourable changes, and allowed only those changes that are in favour of citizens' rights. The national legislature has restricted some of these rights while giving more importance to others, especially those concerning public order and public morality. Nevertheless, some members of the executive authority consider these restrictions as tools to be used where necessary to violate human rights with constitutional approval.

The UAE has not yet signed International Convention Number 87 concerning freedom of association and the protection of the right to organise. Similarly, the UAE has not yet signed International Convention Number 98 concerning freedom of association, the protection of the right to organise and to bargain collectively. The administrative authority justifies not signing these conventions on the basis that it does not believe that these rights should be granted to everybody in the society - natives and expatriates alike. It believes that these rights should be reserved for natives only. The authorities argue that granting these rights to everybody in the society, especially when the natives are in the minority, will create an unbalanced condition and allow the expatriate majority to gain excessive influence. The

army records show that over 50% of those who had their services termination or retired in 1993 were Shi'as.

administrative authorities also argue that the expatriate majorities are from different races, religions, and ethnic backgrounds and have different ideologies, and that these differences might create racial, ethnic or political tensions in the society. The legislature has therefore limited the right of association for both natives and expatriates to official organisations acting under the supervision of law enforcement organisations.

The UAE legislature also overlooked the Universal Convention concerning Equal Remuneration for men and woman,²⁵⁸ considering that the international rights granted to women by these conventions are less than those rights already granted to women by Islam. The authorities believe that exact equality between male and female is not just for many reasons, the most obvious reason being the physical inequality between man and woman. Also, because according to Islam, roles within the family are assigned relative to physical and emotional characteristics, the UAE legislature believes that equality between male and female might subject the latter to harsh and rough circumstances.

Human rights violations in the United Arab Emirates *seem* minor if compared to other societies. International bodies have never reported brutal activities by the official authorities. Occasionally, some violations (often legitimised by various means) are seen by the authorities as necessary in order to maintain law and order. For example, the Ras Al-Khaimah Police Directorate has been authorised by the Ruler of the Emirate to transfer cases of youngsters excessive speeding and driving without a license, directly to the traffic judges. In normal cases, the punishments for such offences is in accordance with the federal traffic law. However, in cases where youngsters are involved, the punishment is modified to include 80 lashes in public in addition to the punishment stated by the traffic law.

In an interview with the general director of Ras Al-Khaimah Police²⁵⁹, he stated that this new traffic law had the approval of the Ruler of the Emirate as well as that of many concerned associations. He also stated that the new law has received

²⁵⁸ Article No. 7 of the Universal Convention of Human Rights, *The Equality Between Man and Woman*.

²⁵⁹ Interview on 7th June 1997 with the General Director of Ras Al Khaimah police.

encouraging responses from people inside and outside the country, including a letter of support from a Magistrate and Chairman of the Juvenile court in Berkshire, UK. The general director also claimed that the number of offences decreased by 60% in the month following the implementation of the new law.

4.4.1 Other Forms of Discrimination

1. Shaikhism

The word 'Shaikh' according to the Arabic language means an old man who is over fifty years of age.²⁶⁰ In contemporary times however, particularly in the Arabian Gulf States, it is used mainly to distinguish a member of the Ruling family or head of a tribe from normal citizens. The word Shaikh is also used in religious circles when addressing a knowledgeable individual in religious affairs. The privileges awarded to Shaikhs from the ruling family are much greater than those awarded to ordinary citizens. I therefore use the term 'Shaikhism' to refer to discrimination based on whether a person is or is not a Shaikh. 'Shaikhism' is a central factor in the social and political classification of a person in society. And although Shaikhs enjoy more privileges than ordinary citizens, they are still subjected to discrimination within their class, especially when it comes to the right of appointment to senior government posts, where family relation to the Ruler of the Emirate is the influential factor.

The principle of appointing Shaikhs to higher posts is becoming a policy, especially when it comes to the post of General Director of Police in the individual Emirates. With this in mind, and acknowledging that the spirit and morality of police personnel are decisive factors in achieving crime control and social stability, one wonders how much this policy is affecting the members of the law enforcement organisations.

In order to reveal the effects of this policy, a short study was conducted on a group of 20 officers attending a promotion course in the Police academy.²⁶¹ In this study the officers were asked one specific question: Do you think that the appointments in higher posts in police organisation should remain reserved for officers belonging to the ruling families? Fourteen out of the twenty officers did not approve of such a

²⁶⁰ Ibn Mandhoor *Arabic Dictionary* (1882) p. 2373.

²⁶¹ Police Training school, UAE Sharjah, 23-26th May 1997.

policy. The majority believed that there is no future for them in the police organisations. One of them stated that, "Opportunities are getting fewer and fewer. We may not find any posts in the police if the same trend continues." While four officers preferred not to talk about the subject, the remaining two officers believed that appointing Shaikhs as directors of police is a good policy. They believed that a Shaikh with his good contacts with the higher authorities can provide better support to police organisations. They also suggested that because a Shaikh is able to make decisions without referring to the central ministry, and has the support of his family, he has no fear of being questioned or blamed, and will therefore serve the police organisation better than a normal officer.

2. Unjust Classifications

Many societies have experienced dissension and civil war for ethnic, tribal, and political reasons.

This part of the world is no different in that self-interest and fanatical loyalty to a tribe or particular Emirate have long dominated the peoples and the Rulers. It seems that at last they have realised that differences and fanaticism must be put aside and that instead they must search for what could preserve their national identity. With the formation of the UAE, many dreams have come true for both the people and Rulers who have for a long time waited for what could unite them as a nation. Both the people and the Rulers soon realised that it is not enough to be united in one country (UAE), but it is also important to strengthen this unification through reinforcement of a single national identity.

The United Arab Emirates society is comparatively new with little experience in unity. It would therefore be easy for this society to drift towards dissension. As pointed out earlier, the UAE being a tribal society still contains fanaticism to family, tribe or Emirate, which can lead to dissension.²⁶² One of the Shaikhs made a statement to a Kuwaiti newspaper in which he strongly rejected the referendum of Cabinet and FNC members requesting reforms to the system. The Shaikh argued that a unitary state means that there are no borders and therefore no Rulers. This

²⁶² Ali, Mohammed Khalifa *The United Arab Emirates: Unity In Fragmentation* (1986) p. 13.

means elections and putting decision-making on finance and revenue in the hands of a central government.²⁶³ To the Shaikh, each demand meant a challenge to his authority and that of his family. For example, "No Borders" meant that he had to give away a part of his land, which he gained after wars and continuous struggle with his neighbours to the federal state. The term "No Rulers" was even worse. It meant losing his ruler over the Emirate. Similarly, the word "Elections" meant that people from the royal families would be downgraded and everybody in the society would have equal political rights.

Thus, in order to understand the importance of reinforcing national identity to safeguard the national security (*Amm*) of the UAE society, it is important to determine first the social classes of this society. In doing so, the threat of dissension resulting from discrimination and violation of the basic human rights will be much clearer.²⁶⁴

UAE society is divided into three main classes. The first of these classes is the one that has political, economic, social and military power (police and army) to secure its position. This class also controls the media, which plays a major role in improving its image and advocating its legitimacy before the people. The next class is the one that closely follows the higher class. Its economic and social status changes relative to the extent to which the higher class or its members needs its support. This class consists mainly of Rulers' followers, merchants, senior officials and senior army and police officers. The third class is the one that forms the majority of the native population of the United Arab Emirates. It comprises mainly employees in both government and private sector where their activity is limited to technical duties and minor social roles. The members of this class are often frustrated by deprivation and always frightened of losing their little income. A portion of this class is also living on Government assistance and charity in a society where if it was equitably distributed, the national income would make personal income the highest in the world.

²⁶³ Hardy, Roger *Arabia After the Storm*, (1992) p. 36.

²⁶⁴ Al Rumaihi, Mohammed *Oil and Social Changes in the Arabian Gulf* (1995) (Arabic) pp. 119 & 120. Also see Salah Al Aqad, *The Oil: Its Effect on the Society and Politics* ((1965) (Arabic) p. 168.

The above social demarcation helps why the sense of belonging to one country among the native citizens of UAE is deteriorating. Unfortunately, this deterioration is increased by discriminatory practices within the higher class, by which its members are classified relative to their closeness to the Ruler of the Emirate. The other classes have also been influenced by this classification. Eventually, under the term of *Tribal Belonging*, the criteria for classification among other classes have become racial discrimination.

Racial discrimination can be found in the Arabian tradition, and existed long before Islam when belonging to certain tribes could grant the members protection and many privileges. Islam forbids any form of discrimination, and in particular, racial discrimination. Allah revealed in the holy Qura'an:

“O mankind We created you from a single pair of a male and female, and made you into nations and tribes, that ye may know each other not that ye may despise each other. Verily the most honoured of you in the sight of Allah is he who is the most righteous of you...”²⁶⁵

Tribal discrimination means “a special tie which misleads the group that they are more distinguished than the others of the same class”²⁶⁶. This unjustified distinction and feeling of superiority of a person or class undoubtedly overturns one important principle in any society - a suitable person for a suitable post. Indeed, in the UAE, tribal discrimination has made belonging to a certain tribe rather than merit, the main condition for appointment to senior government posts.²⁶⁷ As a result, most if not all higher positions in military, police and political affairs are reserved for certain tribes with tribal loyalty to the higher class on the principle of *belonging the subjects to the masters*.

The law defines a native citizen as: “An Arab who lived in one of the member Emirates in (the UAE) in 1925 or prior and continued his normal stay until the enforcement of this law”.²⁶⁸ Although this law is very clear as to who is considered a native citizen, many formal and informal organisations are still practising

²⁶⁵ Qura'an, Sura (Al Hujarat), Ver 49, Ayat.13

²⁶⁶ Enloe, Cynthia *Ethnic Conflict and Political Development* (1973) p. 15.

²⁶⁷ Nordlinger, A. *Conflict Regulation in Divided Societies* (1972).

discrimination especially in the fields of promotion to higher posts and the appointment of new candidates in any senior posts. It is not enough for a person to hold the nationality of the United Arab Emirates to be classified as a true native. He must also have a distinguished tribal name that shows the strength of the individual's nationality. As a result, individuals holding second class citizenship and those who do not belong to distinguished tribes are excluded from full citizenship that grants the holder the basic rights in his country.²⁶⁹

Citizens in the United Arab Emirates are classified in the following manner unless they enjoy special support from one of the ruling families:

1. *Shaikhs*; are those who belong to one of the ruling families, and with their internal classification, they still remain the highest class of the society.
2. *Ashiri*; native but not from the Ruling families.
3. *Ajmi*; those of Persian origin.
4. *Baloshi*; those of Baloshistan origin.
5. *Abd/khadim*; those of African origin.
6. *Baysar*; those from mixed marriages (Arabs with Persian or African).
7. *Shitti*; those of Unknown origin.
8. *Zitti*; those of gypsy origin.
9. *Awadhi, Kallati, Kokhardi, Somali...etc*; a descendant of regions other than Arabia or the UAE.

Those who are classified as belonging to groups 3 to 9 above, even though they hold

²⁶⁸ The Law of Nationality and Passports No. 17 for 1972, revised by Law No. 10 for 1975.

²⁶⁹ Interview with members of Majlis in Ajman, held on 19 May 1997.

UAE nationality, have no other belonging and were born in the UAE, nevertheless are still considered of a lower class than native citizens. Consequently, many of them are forced to seek affiliation with known tribes or adopt other means to avoid discrimination and enjoy some of their rights in the society.

4.5 INTER-EMIRATES BORDER DISPUTES

Those who are not familiar with the political and social conditions of UAE before and after federation might be surprised at the suggestion that the inter-Emirates borders are a threat to internal security. A brief introduction is therefore necessary.

In the past, internal borders in Arabia were of little interest to the Bedouin people. Certainly, no border could stop their travel since the entire desert was their homeland. In fact, they had more respect for tribes' pasture areas than people have today for the borders between countries and states.²⁷⁰ The importance of the internal borders to the Gulf Emirates began as a result of the British interests in some particular parts of Arabia. Later on, their importance grew due to the exploration of oil in these regions. Soon afterwards, conflicts between petroleum companies for the oil exploration rights added a new dimension to the importance of borders between tribes, Emirates and countries in the region.²⁷¹ As a result, tribes, alliances, towns, villages and Emirates have engaged in countless border disputes.

Conflicts of interest among tribes of one Emirate often led to disputes and shifts in loyalty to another, and these conflicts soon created many disputed areas in the UAE²⁷². According to Dr. Al Badi, 'There were thirty-six controversial areas in the Emirates in 1955'.²⁷³ As stated in previous chapters, each Emirate was comprised of many tribes often ruled by the strongest. The internal borders of the seven Emirates were therefore complicated by the changing allegiances and alliances of these tribes.

²⁷⁰ For more information see Mohyedin Sabir and Lowais Kamil *The Bedouin and Bedouism* (1965) (Arabic) pp. 11- 42.

²⁷¹ Litwak, *Security in the Persian Gulf: Source of Inter State Conflict*, Gower (1981).

²⁷² Annex 8, UAE map, Centre of Studies and Documentation, Cultural Centre, Abu Dhabi, UAE.

²⁷³ Al Badi, Mohammed *UAE National Security*, Ph.D. research unpublished, Naser Military Academy, Egypt 1992, p. 134.

The sense of unity within the Emirate could not eliminate tribal loyalty, which often led to aggression and disputes between tribes over rights of ownership of lands, farms and properties. Moreover, this loyalty which involved the whole tribe and sometimes the Emirate often led the parties into armed conflict.²⁷⁴

Because of this intermixture of borders among the Emirates, one could not travel inside the territory of one Emirate without passing through the territories of other Emirates or sometimes Omani territories.²⁷⁵ There are still many cases where villages and towns are shared by more than one Emirate. For example, the southern part of the region of Diba on the East Coast is shared by the Emirates of Sharjah and Fujairah, whereas the Sultanate of Oman controls the northern part. Recently, two violent clashes between the Emirate of Sharjah and Fujairah have occurred over the control of this area. In the last incident, federal forces from both the police and the army had to intervene to stop fighting that had claimed many lives. Similarly, a dispute between the Sultanate of Oman and the Emirates of Sharjah and Fujairah over the control of this village is still active and forms a standing threat to the internal security of the UAE.

On the western side of the Emirates, the generosity of the President of the federal state, the Ruler of Abu Dhabi, may solve border disputes between the Emirate of Abu Dhabi and the Emirate of Dubai. By allowing the Emirate of Dubai to expand to the west and south, some of these disputes are momentarily on hold. With regard to other Emirates sharing common borders, some disputes are still pending in the absence of agreement and their refusal to refer these disputes to the UAE Supreme Court. Therefore, these border disputes will remain threats to the internal security of UAE. As the Minister of Interior once stated: "The present reality indicates that some border disputes are still standing between this or that Emirates. These disputes re-create the tension between the Governments of the Emirate...)"²⁷⁶

²⁷⁴ Colonel Al Zaabi, Cases of military intervention as a result of border disputes, murder and violent assaults and revenge, Ras Al Khaimah Police, UAE, 1997.

²⁷⁵ Annex 8, UAE map indicating location of various Emirates' territories.

²⁷⁶ Al Badi, Mohammed *UAE National Security*, Ph.D. research unpublished, Naser Military Academy, Egypt 1992, p. 136.

4.6 RACIAL MAJORITIES IN THE POPULATION STRUCTURE

Many societies in the world are facing internal security problems because of racial and ethnic minorities. The most distinguished minority in United Arab Emirates society are the native citizens, and the expatriate majorities represented 76% of the total population of the UAE in 1985. In 1997, this figure rose to reach over 80% of the total population.²⁷⁷ According to the latest statistics published by the Ministry of Planning in 1997, the expatriate population structure in the UAE was classified as follows:

<u>Nationality</u>	<u>Percentage</u>
Indians	25%
Pakistanis	20%
Bangladeshis	20%
Iranians	18%
Arabs	12%
Other Nationalities	5%
Total	100%

The fact that the expatriate majority can influence decision making in the UAE is a major security (*Amn*) threat. However, it is not the only threat.²⁷⁸ The biggest threat arises from the fact that these majorities belong to many different Asian countries with different ethnic backgrounds. Consequently, any dispute whether political, ethnic or otherwise between these countries might provoke these majorities and involve them in street warfare in the UAE. Also, one has to wonder that if one or more of the neighbouring countries become involved in a war with United Arab Emirates, then what would be the position of these majorities? And if these majorities support their countries (as expected), then could law enforcement organisations in the UAE control an insurgency of people many times greater in number than the total native population? If conditions seem calm today it is only because the expatriate groups are not organised enough to cause such threats, or are not willing for the time being to be involved in direct clashes with the administrative system.

²⁷⁷ *ibid*, p. 120.

²⁷⁸ For more information refer to Hassan Alkim, *The Foreign Policy of the United Arab Emirates* (1989).

CHAPTER FIVE

SOCIAL CONTROL, FORMAL CONTROL AND THE MAINTENANCE OF INTERNAL SECURITY (AMN): THEORETICAL APPROACHES

Introduction

Since the dawn of civilisation, human beings, as creatures created free by God, have had to struggle against those who would deny them their God given freedom and rights. With the emergence of the revelatory religions, human beings finally gained the opportunity to enjoy what God had provided. This honour demands that human beings fight for their basic rights against all those who would interfere with them. At the same time, it also demands that the state should protect these rights and treat all human beings equally with no discrimination.

The Universal Declaration of Human Rights has added recent emphasis to these values. The Declaration affirms the essential humanity and unity of all humankind in the following words:

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, political or other opinion, national or social origin, property, birth or other status”.²⁷⁹

The Declaration means that man is no longer entirely at the mercy of a king, prince or priest to obtain his rights and freedom. Human rights violations are considered vile and unacceptable by people and by democratic States. Countries violating such rights are frequently subjected to international criticism. Countries with democratic systems avoid inclusion in the annual list of human rights violators both to avoid criticism by international bodies and in response to the ever-growing demands of their people for an honourable life. Non-democratic states are also beginning to respect human rights in their society not only to avoid isolation and criticism by

²⁷⁹ Universal Declaration of Human Rights, Article No. 2, 1948.

human rights organisations but also to please their people and so prolong their hold on power.

Disturbances in society do not start in a vacuum nor do they appear without warning. In most cases they are the natural outcome of the authority's failure to meet the social, political or economic expectations of the people. Occasionally, some disturbances can be related to external interference. However, when the political system insists on blaming external interference for all its internal disturbances and civil unrest, it only shows that the system itself is hiding its mismanagement and wrongdoing. The Albanian civil unrest in 1997 is such an example of the failure of the political system to satisfy the needs of the people.

Regardless of the religious or social system of the society, its main objectives should always be to achieve necessary development, to guarantee human rights and to meet people's basic needs. In his reconstruction and development program, President Nelson Mandela of South Africa wrote that:

“Without meeting basic needs, no democracy can survive in South Africa. We can not undo the effect of apartheid overnight, but an extreme sense of urgency is required because reconstruction and development are major thrust of the peace initiative.”²⁸⁰

This chapter will consider the issue of internal security. It will focus on those elements of society which are believed to be the mainstay of the internal security. However, it is important first to define the notion of internal security.

Traditionally, internal security is understood to refer to the control and reduction of crime, the control of road traffic, maintenance of public order and the provision of public service. A much wider definition of the term security (*Amn*) however is stated by Colonel Mohammed Bin Fahad who defines it as; “The mixture of criminal, economic, social, psychological, military, environmental and all the changes which affect the whole welfare of the society.”²⁸¹

²⁸⁰ Mandela, Nelson *Reconstruction and Development Programme* (1994) p. 15.

²⁸¹ Mohamad Bin Fahad *Aspects of Economic and Strategic Security* (1996) (Arabic) p. 6.

The Islamic concept of security is derived from the wide meaning of the Arabic word “*AMN*”. In the English language the word ‘Security’ is the nearest correct translation of the term “*AMN*”. “*AMN*” has many branches such as: “*IYMAN* ” which means faith and “*AMANAHAH* ” which means honesty; and other words which are related to the security of the person, society, or nation. Consequently, the Islamic definition of the term security is: “The law enforcement activities which maintain order and monitor public conduct in a just way so that people achieve their objectives without disturbance.”²⁸²

This definition is valuable because of its requirement that the maintenance of order be “Just”. The definition therefore recognises that unjust law enforcement activities are a threat to internal security just as crime is. Respect for human rights is therefore conducive to better internal security.

Nevertheless, there is still a question as to what price society is willing to pay for its internal security. At what point can the activities of the law enforcement agencies properly be called unjust? What limits are placed on their activities if they are to be seen as respecting human rights? Fears about maintaining a proper balance between freedom from the state’s intrusion into the lives of individuals and protection from threats to personal security are not recent. Hugh Thomas writing about attitudes towards the establishment of the Metropolitan Police Force in London, noted:

“In England there was much suspicion of these continental practices: ‘They have an admirable police at Paris,’ wrote an Englishman in 1811, ‘but they pay for it dear enough. I had rather half-a-dozen people’s throats should be cut in Ratcliffe highway every three or four years than be subject to domiciliary visits, spies, and all the rest of Fouche’s contrivances.’ When Sir Robert Peel introduced a police force in London in 1829 it was vigorously opposed as betokening despotism.”²⁸³

It is beneficial at this point to differentiate between two schools of thought concerning the promotion of internal security and the prevention of crime. According

²⁸² Al Turkey, Abdulla Bin Muhsen *Security Information*, The Third Scientific Seminar on the Security Responsibility of the Information Establishments, Riyadh 1986, p. 174.

²⁸³ Thomas, Hugh *An Unfinished History of the World*, London 1995, p. 586.

to the classical school, the criminal justice system in conjunction with law enforcement establishments is the main pillar of society's internal security. Consequently, classical criminologists saw the success of crime control as being, "Almost exclusively a function of the efficiency of the criminal justice system".²⁸⁴ Therefore, Dr. Eitzen and Timmer state that: "In spite of all the evidence, conservatives continue to argue that the More Police / More Prisons formula is the most effective of all crime control programs."²⁸⁵

In contrast to the Classical School, the Modern School concentrates on crime itself, and attaches particular importance to the phenomena that lead to crime. Followers of this approach argue that the criminal justice system with its associated law enforcement establishments has no major effect on crime prevention and internal security. They believe that the social, economic, political and psychological conditions that lead to crime must be eliminated in order for any crime prevention program to be effective. Although labelled the "Modern" school, in fact this approach has in the past, been adopted by some Islamic societies.

An examination of the elements identified by both schools of thought, looking for example at religious and social values as well as at crime prevention programs, is necessary if we are to develop a better understanding of the main elements that support internal security in society. How important are these elements in achieving stability, and what is the relationship between them? This chapter will therefore examine the following elements, which support society's internal security:

- Social Control
- The Criminal Justice System (police)
- The Political System

²⁸⁴ Roshier, Bob *Controlling Crime: The Classical Perspective in Criminology* (1989) p. 114.

²⁸⁵ Eitzen, S. & Timmer, D. *Criminology* (1985) p. 571.

5.1 SOCIAL CONTROL

Sociologists have not yet been able to agree upon a precise definition of social control, nevertheless there is broad agreement as to its main elements. For example, while Maclver and Page believe that, "Every means of controlling conduct is an element of social restraint"²⁸⁶, Hassan Al-Sa'ati defines it as, "A social power which has an effective influence on both individuals and groups"²⁸⁷.

Real differences do emerge concerning the role of religion in social restraint. While some sociologists²⁸⁸ believe that religion and religious guidance are merely elements of social restraint, Islamic social scientists see the Islamic religion as the corner-stone of all social restraint because of its control over all aspects of human life²⁸⁹. The latter believe that with this overall control, the Islamic religion is the driving force behind the practices of every Muslim. Indeed for Muslims, Islam governs all of life. When one examines the social status of religious practices among Muslims, it becomes evident that social practices are only part of the overall religious practices.

When examining the mechanisms of social control, sociologists distinguish between formal social control and informal social control. It is generally believed that early societies were controlled informally, and that, over the course of time, the informal mechanisms (religion, customs, values and traditions) were codified into law and put on a formal basis.

However, Ross²⁹⁰ believes that there are only two main categories of social control, namely, ethical and political control. He further sub-divides these two main categories into fourteen means by which the two main categories are influenced: public opinion, law, belief, social intimation, ideal values, education, imagination, custom, practices, art, personality, social values, upbringing and religion. Dr. Hassan Al-Saa'ti reduced Ross's list of fourteen means to six: religion, social values, law,

²⁸⁶ Maclver R.M. & Page, *Society and Social Structure*, translated by Ali Ahmad, pp. 273, 274.

²⁸⁷ Al Sa'ati, Hassan *Social Science* (undated) (Arabic) p. 37.

²⁸⁸ Sutherland, E.H. *Principles of Criminology* (1955) p. 202.

²⁸⁹ Al Saif, Mohammed *Criminal Phenomena* (1995) (Arabic) p. 10.

²⁹⁰ Ross. E.A *Social Control* (1901) pp. 6 -28.

custom, upbringing and public opinion.²⁹¹ Law, although one of the means of social control will be discussed elsewhere in this chapter.

The importance of these means of social control in any society will depend mainly on the basic structure of society and on the effect of the political, social and economic changes that have occurred in the society and in neighbouring societies. The effect of these changes depends on whether they become social phenomena or are just passing events with no permanent effect. Three types of social phenomena may be identified.

Positive social phenomena increase conformity with society's values and achieve the support of the majority so that they become part of the education, religious and other social programs. Negative social phenomena are those social problems and dangerous criminal activities that are normally rejected by the formal and informal organisations, because of its nonconformity with the society's norms. Vague social phenomena are those whose effect is temporarily hidden, but which are active and developing in society so that they are already firmly established by the time efforts are made to control them. Narcotics are an example of a vague phenomenon, having been a normal practice in many societies and in many forms, till the 1960s. At that time for example, narcotics were only listed as priority five in the deterrence list in Egypt²⁹².

Following from the above statements, social control may usefully be understood to be the defence barriers established informally by the society to encourage positive values and to prevent and deter harmful deviation of the people. Informal social control is particularly significant in religious, small, confined, simple and non-industrialised societies, where solidarity among members of the community is essential for survival²⁹³.

The discussion of social control in this chapter will focus on those organisations that

²⁹¹ Al Sa'ati, Hassan Social Science (undated). Chapter on the role of the family p. 37

²⁹² Khalifa Mohammed Khalifa, Lecture, Aviation Base, Sharjah 1989.

²⁹³ Al Mawardi, Ali *The Culture of Life and Religion* (1987) (Arabic) p. 160. Also, Abdul Moni'im Badr *Introduction to Urban Social Science* (1960) (Arabic) pp. 211-212.

encourage and enforce adherence to the rules and values that derive from religion, custom and traditions. However, we should keep in mind that most customs, social values and traditions in the majority of the Islamic countries are still derived from Islam. As Groves has stated

“But insofar as Islam is concerned, the state is a moral community, and a separation between church and state on a magnitude typical of more secular western countries would be unthinkable in, say, Turkey, Pakistan, or Iraq”.²⁹⁴

With regard to the role of social organisations in achieving social control, Dr. Mustafa El-Augi has stated that:

"Prevention from crime is the responsibility of the community as a whole... It is not possible for the authority by itself or any private and public organisation alone to be aware of all aspects and means leading to the prevention of crime".²⁹⁵

Therefore, the whole community shares responsibility for promoting internal security that in turn serves to protect the community against crime. The principal organisations in this respect are the family, schools, cultural organisations (such as the information media, entertainment and sports organisations), and religious institutions.

5.1.1 The Family

Of all of these, perhaps the greatest responsibility lies with the family that embraces the child even before birth. It is now widely accepted that foetuses in their mothers' abdomen feel the effects of the many experiences, and stimuli that affect the mother during pregnancy, and that the personality of the child is thereby affected, even at this early stage.

However, social scientists and criminologists as well as parents, teachers and educational organisations are coming to recognise the connections between home and the social and economic problems that have disturbed societies.

²⁹⁴ Groves, W. Byron and others, *Islam, Modernisation and Crime: A Test of the Religious Ecology Thesis*, *Journal of Criminal Justice* (1987) Vol.15:495 at p. 501.

²⁹⁵ El-Augi, Mustafa *Lessons In Criminology* (1987) (Arabic) p. 201.

President Roosevelt observed; "Home life is the most distinguished fruit of civilisation and the greatest power in the formation of mind and character".²⁹⁶ And, according to Dr. Mohammed Arif; "The family is one of those fundamental social systems and the most important of all basic groups with the highest effective means of social control."²⁹⁷ Such is the importance of the family that the pioneers of sociology directed their attention towards it. According to Count, the family is "The primary cell of society", while Cowly refers to the family as the origins of human neutrality, since it depends upon confrontation as a means of exercising its effect upon social behaviour and character. The family is recognised as the fundamental factor in the formation of human personality from the moment of man's birth up to the stage of his integration into society. The family is a part of the overall social structure, affecting and being affected by society. Hence the social, economic and psychological elements affecting the family will undoubtedly have an important impact upon the formation of a child.

Many studies²⁹⁸ indicate that the social conditions of the family have an enormous influence on the child's behaviour, especially when either parent oppresses the child, or when family matters are not discussed, or when the child is never consulted. Such an atmosphere leads the child to believe that his rights are disregarded. This will motivate him towards materialism and emotional isolation. Together with an increased sense of aggression towards home and other psychological complications, this will propel him towards antisocial behaviour.

When a parent is lost, due to death, separation, absence or divorce, the family suffers a loss of essential support and this also has its effect upon the child. Hence, the children of such families are more susceptible to antisocial behaviour. A study that was carried out in three Arabian countries, and which examined the family background of juveniles committing misdemeanours, provides support for this conclusion. The study found the following:²⁹⁹

²⁹⁶ UAE Police Magazine, Issue 247, Feb. 1991, p. 20.

²⁹⁷ Mohammed Arif *Crime In Society* (1975) (Arabic) p. 543.

²⁹⁸ Mahmood Hassan *Social Services* (undated) (Arabic) p. 438.

²⁹⁹ Tamadher Hassoon & Hussain Al Rifaie, *Problems Associated With The Growth of Cities* (1987)

<u>Status of Sample Members</u>	<u>Percentage</u>
Death of either parents	18%
Divorce	22%
Immigration of either parents	8%
Desertion of either parents	13%
Family includes both parents	39%
Total	100%

A family with little sense of morality and no feeling of obligation towards the principles and moral values of the community is likely to raise an antisocial child. Experts reveal that the rehabilitation of these children may initiate an internal conflict between the immoral culture of the family and the cultural principles of the rehabilitation centre. Such a conflict could itself generate dangerous psychological complications that would in turn require attention.

Dr. Mahmood Hassan notes: "The home must provide the child with a suitable shelter and offer him tranquillity throughout his childhood to keep him away from all disturbances and misinformation".³⁰⁰ Such provision enables the child to obtain the required standard of medical health. It also provides the child with a social structure which enables him to withstand the standards acknowledged by common behaviour, and which promotes aspects of human principles and emotions such as love, fear and anger. Such a home promotes in the child the art of living in a small society, and provides the child with the warmth he needs and deserves.

Taha Abu Al Khayer states that:

"The greatest task of home lies in detaching the child, this time not from his mother's breast, but from depending on others. Thus, liberating him from attachment to the compassion and security found in the home, so that the youth does not lose the spirit of struggle and will be able to work and serve in the field of human relations".³⁰¹

(Arabic) p. 138.

³⁰⁰ Mahmood Hassan *Social Services* (undated) (Arabic) p. 438.

³⁰¹ Al Khayer, Taha Abu *Juvenile Perversion* (undated) p. 323.

These important tasks demand that the family educate the child so that he develops an adherence to common social principles.

The economic status of the family is also a relevant issue. Wealth is a factor affecting antisocial behaviour, yet is not the only motive, as demonstrated by a study of family income and criminal behaviour³⁰² conducted in three cities in different Arab countries. The Table below shows the average income of those engaging in criminal behaviour in those cities.

<u>Average Income \$</u>	<u>Damascus</u>	<u>Tunisia</u>	<u>Riyadh</u>
500 and below	15%	63%	-
500 – 1000	29%	20%	5%
1000 – 1500	36%	7%	5%
1500 – 2000	7%	4%	10%
2000 – 2500	5%	3%	15%
2500 – 3000	5%	1%	20%
Above 3000	3%	2%	42%
Total	100%	100%	100%

Table 2

From the above table, it can be seen that high-income families are less prone to engage in criminal behaviour both in Damascus and Tunisia, but the opposite is true in Riyadh, where an increase in criminality has emerged among families having high income. The study illustrates that while utmost poverty is one of the conditions that lead individuals to abandon their principles and moral values in order to achieve their dream of wealth and success, yet it is clearly not the only one. "Poverty causes crime" is a common saying. But the same can also be said of excessive wealth in so far as it can have a harmful effect upon members of the family, tempting them towards the prohibited pleasures of life, unless they are protected by their wisdom and morality.

Dr. Amna Khalifa³⁰³ suggests that juvenile delinquency as a social problem (in UAE)

³⁰² Tamadher Hassoon & Hussain Al Rifaie, *Problems Associated With The Growth of Cities* (1987) (Arabic) p. 151.

³⁰³ Amna Khalifa & Abdulla Lolo *The Gulf Family* (1996) (Arabic) p. 82.

has been caused by international changes that have in turn affected the structure of society and in particular the value system. According to Dr. Amna Khalifa, this has affected the nature and function of the family, in particular its child rearing and educational functions, ultimately, having adverse effects upon the social conduct of the family members.

5.1.2 The School

School bears almost as great a responsibility as the family for the promotion of security (*Amn*) in society. School as a social organisation receives and embraces the child throughout his tender years when his personality is malleable. Moreover, school is the primary organisation that deals officially with the child after his total dependence upon his parents and members of his family. School helps the child to develop his capabilities, promotes different aspects of his personality, whether mental, spiritual or moral, and implants the seed of goodness so that the child may emerge as an active participant in the development and progress of the community.

The role of the school has assumed even greater importance with the gradual decrease in the family role in education as well as inculcating cultural understanding of children. As indicated earlier, especially with reference to the UAE society, where social, economic and political developments are interlocked and have an impact on the upbringing of children within the family.

“The world of today is experiencing the crisis of conflict between modern and old values, and increasing awareness of the importance of modifying outdated values and reforming a new world based on modern values”.³⁰⁴

In this international social crisis, it is increasingly difficult for parents to perform their educational role effectively. Therefore, the school carries the burden of compensating for this decline in the family’s ability to fulfil its educational role.

The School performs two positive roles with respect to antisocial behaviour: preventive and remedial.

³⁰⁴ Najeeb Iskandar and others *Our Social Values* (1993) (Arabic) p .29.

5.1.2.1 The Preventive Role of the School

As previously mentioned, the family is the ideal environment in which to promote religious and patriotic values in a child in accordance with the ideological capabilities and cultural heritage of the community. Though it is not possible to remove children from the custody of parents who are unwilling to accept this responsibility, it is important that other organisations, especially the school, should compensate for this deprivation.

With its greater economic capabilities, the school can prepare a child to accept ideal principles and to develop in accordance with morals and religious principles. It can sense and respond to the abnormal signs of the antisocial child, while at the same time revealing the positive aspects of his character, so as to promote the best of his abilities and correct his negative feelings. The early efforts of the school, if successfully managed by concerned individuals, will definitely have the greatest effect upon the child and on the community as a whole.

The preventive role demands that individuals in charge of schools, and particularly social advisers, direct a great deal of their effort towards detecting the early signs of antisocial acts, and hence work towards determining suitable corrective measures. Seminars in Asia and the Far East have recommended the necessity of providing schools with both social and psychological services for this purpose. Such services are widespread in the more advanced countries of the world and are an important factor in assisting schools to perform their crime prevention role. Nevertheless, two elements are essential to the provision of such services, the first of which is the financial capability.

Without adequate expenditure, it will be difficult if not impossible to secure the services of members of faculty who are capable and trustworthy of fulfilling such an important task. As Dr. Mohammed Arif reveals, "The success of certain educational programmes cannot be expected without the presence of trained and capable teachers".³⁰⁵ The presence of forty or more students in a single classroom, the poor salaries of teachers, and other administrative problems, demand that the countries of

³⁰⁵ Mohammed Arif *Prevention From Juvenile Perversion* (1963) (Arabic) p. 592.

the world, and particularly third world countries, face the problem with courage and try to formulate an acceptable solution.

The second requirement is that the school must fully understand the importance of developing a child's principles and values, and recognise the child as the very future of society.

5.1.2.2 The Remedial Role of the School

As has already mentioned, the school together with the family can detect the early stages of antisocial behaviour in a child. Co-operation between the school and the family marks the starting point for the remedial role of the school. Children gain and adopt values and principles from their friends, family and from the mass media, the latter being a particularly important factor in high-income societies. Television provides the child with new principles and ideas, sometimes conflicting with those required to be learned in the family or school.

School should look upon the child as clay, which can be shaped, but which can also be cleansed of all impurities whatever their origin. The tender years of a child hold a special importance in many countries of the world, which have adopted a policy of compulsory education. The time spent by the child in learning and education gives the child an opportunity to accept and adopt principles and values, which promote his personality. Therefore, remedial action at this critical age is of particular value, compared to later years when the child might have developed antisocial behaviour.

While society's authority over the family remains relatively limited, its authority over the school is far greater, guiding, guarding and directing the school in accordance with prevailing policy.

5.1.2.3 Mis-education and the path to Delinquency

According to Dr. Mohammed Arif:

"Mis-adaptation of a child to the school is indicated by his aggressive behaviour, bad manners and continuous escape from school and is revealed by many studies, as an alarming sign of

misdemeanour.³⁰⁶

When teachers do not possess the necessary qualities and righteous character to treat children properly and without discrimination, this leads some children away from their education. Some disagreeable encounters by students encourage them to join delinquent groups that offer them a sense of belonging.

The weight of research suggests that the failure of a school to educate a child in accordance with appropriate principles and values has a bad effect on the child, pushing him towards antisocial behaviour and aggression. Dr. Mohamood Hassan has taken a more extreme view of these consequences suggesting: "The school may be considered as an auxiliary factor helping a child to follow the path of perversion".

307

Problems can arise in many different ways. Where teachers are continuously fatigued or under strain, or are unfamiliar with the social consciousness of their students, this will tend to result in a deterioration of the student/teacher relationship. This can create hostility in the student against both the teacher and the school. Ultimately, the student may resort to lies in order to avoid the teacher's anger and to truancy from school. The child will then spend most of his time in the streets in the company of his delinquent friends, and the temptations of the streets lead him towards antisocial behaviour.

Problems may also arise where a student is subjected to the derision of fellow students, perhaps of lower social or economic status. This may lead the student to either adopt aggressive behaviour or to engage in excessive misconduct, dishonesty, stealing and finally to continuous absence from school. This conduct marks the beginning of antisocial behaviour.

Limited intelligence, subjecting the student to the teacher's punishment, or the inability to get along with other students may also lead to considerable hostility on the part of the student towards school, teacher and other students, thus also leading to

³⁰⁶ Mohammed, Arif *Crime In Society* (1975) (Arabic) p. 592.

³⁰⁷ Mahmood Hassan *Social Services* (undated) (Arabic) pp. 454 & 455.

truancy. On the other hand, truancy may also occur where an extremely intelligent student considers his lessons boring and unworthy of his intelligence, and so adopts a careless and carefree approach towards his school and studies.

5.1.3 Cultural Associations

Education is not confined to the school, but is rather a continuous process throughout life. The culture of a society, that is its improvement or refinement by education, plays an important role in promoting internal security. Man's culture and traditions are virtues that are inherited just as money and properties are inherited, and they inspire man in his thinking and behaviour.³⁰⁸

It is logical to argue that the man who is educated to understand his role in life, and who is thereby convinced of the importance of society's customs, morality, and principles, will try to abide by those principles in all aspects of his life. Educational societies, cultural and social clubs have an important role to play in the prevention of delinquency, since they provide recreation as well as the opportunity for communication between people. Social and cultural societies with the ability to sense public feelings and to predict dangers like hunger, injustice or conflict which may confront society can provide guidance and warn against the adverse effects of disobeying society's rules and regulations.

Many clubs and associations cater for those with an interest in arts, music or drawing. Together they encourage individuals to make positive use of their leisure time, enhancing the creative and sensitive emotions, which are far removed from violence, prejudice and aggression. The ability of these associations and clubs to reach people in society is maximised by maintaining a significant presence in the mass media, particularly television.

Parents who themselves live in accordance with society's values and traditions will be able to provide their children with the appropriate knowledge and culture which

³⁰⁸ EL Augi, *Mustafa Education As A Means Of Protection From Perversion* (1985) (Arabic) p. 146.

will protect them from deviating from the right path. Similarly, educational instruction which gains the student's trust and which meets the student's needs, will be more effective in guiding the future generation and thus encourage them to participate in the development of their society and to accepting their various social responsibilities. The younger generation will follow society's rules and regulations when they learn that those rules are a natural form of protective fence for society, which helps to ensure their own security.

5.1.4 The Mass Media

The flow of information within a society is a vital element in the creation and development of its culture. The integrity and safety of the nation is the most important responsibility of the information agencies, which carry the burden of establishing the society's virtue and traditions. Dr. Salamah Mosa suggests that, "Newspapers are the nation's reflection. They reflect the nation's present and its desired future".³⁰⁹ Therefore, their utmost efforts should be directed towards informing society of those virtues and traditions and explaining their importance.³¹⁰ Technology now enables people to communicate in a way, which was not even a dreamed of before the 20th century. These developments have allowed Queen to state that "The world is similar to a small village".³¹¹

This great scientific success in communication has neither been a complete blessing or a complete curse for society. In this respect, technology has been like any other tool discovered for the benefit of human beings. In the hands of the user the tool can either be put to pernicious or positive use. It is essential to ensure society benefits from the various information media and uses them to protect the society from antisocial behaviour.

The question whether the various media have a positive or negative effect on human behaviour has been the subject of considerable controversy. According to Dr. Pember:

³⁰⁹ Salamah Mosa *Journalism Is A Profession And A Mission* (1958) (Arabic) p. 10.

³¹⁰ Al Fuer, Hamza *Security Responsibility Of Information Establishments In Arab States* (1986) (Arabic) p. 214.

³¹¹ Queen, E. *Introduction to the Means of Communication* (1978) p. 164.

"Studies and referendums carried out by a number of researchers are of the opinion that there is a strong relationship between criminal behaviour and the mass media. Violent crime movies lead to an increase in the crime rate relative to the increase in the display of films. Crime movies show crimes as a normal event and a common practice."³¹²

During a crime prevention seminar held at the Police Directorate of Abu Dhabi in 1994, Dr. Al Shamsi suggested that most crime committed in the UAE are directly related to the programmes presented in the media. Referring to a magazine that had a photograph of a beautiful woman on its front page, Dr. Al Shamsi suggested that this raised the suspicion that those responsible were seeking to corrupt the morals of society, and he demanded that there be much tighter control of the U.A.E. media. Although many people believe that using human beings as advertising material is degrading, Dr. Al-Shamsi needs to establish that such magazine practises are affecting human behaviour and how they are doing so.

Other negative effects of the mass media have also attracted attention. Dr. Mohammed Izzat Hijazi has stated that:

"The task of the police and of the judicial system is complicated to some extent as a result of newspaper influence.... Such interference or influence tends to affect the ruling and judgement in the criminal trial involved."³¹³

The O. J. Simpson trial is a dramatic example of the way in which the media can affect the conduct and outcome of the judicial process.

Many countries of the world share the opinion that the various media have negative and harmful effects, especially in relation to the judicial system and criminal behaviour. These countries have imposed regulations on the information media, allowing them a measure of control over their activities.

³¹² Pember, D. *Mass Media In America* (1991) pp. 67 & 68

³¹³ Mohammed Hijazi *Publishing A Crime Newspaper*, National Crime Magazine, Vol. 6, 1963, p. 185.

However, the mass media can also play a positive role. Dr. Hassan Shahatah Safaan argues that,

"The existing way in which crimes are reported by newspapers leads to awareness among the people and the ruling organisations. Such measures alert the public and authorities about the danger of crime. Each tries to study the matter in a proper and a scientific way, to search for the causes and eliminate the malady."³¹⁴

According to Dr. Ghareeb Mohammed Sayed, newspapers help the public not to become victims of criminals³¹⁵ by providing information about crimes and the different means and methods by which they are committed.

Dr. Mohammed Arif has stated that, "It was very difficult to measure the effect of the mass media on the delinquents, as the relationship between the delinquents and society was a complex one."³¹⁶ Research has so far failed to support the view that the mass media are a primary factor in the promotion of crime. In general, the mass media remain a secondary factor affecting criminal behaviour whether in a positive or negative way. Thus, it is generally agreed that the mass media do not generate delinquent behaviour, but rather affect those who are already disposed to it.

In general, prevailing opinion in the civilised world today is in favour of greater freedom for the information agencies, acknowledging that they are committed to an open society. Infringements on their freedom are considered to reflect badly on the authorities, and restriction of information by government is considered to be an offence against society and the information agencies.

The issue of governmental control over the information agencies raises fundamental questions: who decides what is good or bad for society, and who decides what criteria are to be used when determining the boundaries between good and evil? As an answer to these questions, one must recall that inherited customs and traditions form the basis of the society's norms, so that society's norms are the creation of its

³¹⁴ Saafan, Hassan *Criminology* (1961) (Arabic) p. 152.

³¹⁵ Ghareeb Mohammed Sayed *Security Responsibility Of The Information Establishment In The Arab States* (undated) (Arabic) p. 115.

³¹⁶ Mohammed Arif *Crime In Society* (1975) (Arabic) p. 611.

people. In Islamic societies, religious guidance determines the acceptability of all locally produced as well as imported materials. Therefore, it is this guidance which determines what is good or bad for the society.

The developments of satellite broadcasting and the Internet, mean that it is practically impossible to restrict the flow of information to any society. The flow of information, both good and bad is no longer limited to a specific society but can reach every inch of the globe. Therefore, society has no alternative but to depend on preventive methods to immunise itself against the invasion of undesired materials.

5.1.5 Entertainment and Sports

There is a close relationship between entertainment and the mass media, especially television. Entertainment has a significant impact on the individual throughout his life, and the provision of suitable means of entertainment is a great service to society. Despite the fact that many researchers believe there to be a direct link between the active use of leisure time and protection from delinquency nevertheless, in some countries, the need for entertainment, enjoyment and amusement is focused purely on commercial aspects without any consideration of their main purpose. As a result, exploitative sectors within society (particularly in the cities) have promoted the spread of lechery, sin and narcotics in places of amusement for commercial gain. Moreover, with the assistance of communication technology and irresponsible media, criminal networks have become established in what are supposed to be places of innocent amusement for children.

Sports clubs also play an important role in society, promoting physical activity while at the same time providing enjoyment either by actual participation or by being a spectator. Through sports, youngsters have opportunities to show and develop their skills and abilities as well as to increase and discharge their physical energy. They are also able to develop their personalities and independence by participating and learning how to win and lose, by learning how to deal with rules and regulations, and by learning how to control natural feelings of aggression and hostility.

Lately, however, commercial considerations have come to dominate these organisations. Pecuniary gain, rather than sport and recreation, is now the paramount

target. Many clubs depend on their members to provide the income required for their survival. These clubs have concentrated on winning, regardless of the way the victory is achieved, promoting in the youngster's mutual hate and aggression which has resulted in bloody fights. This aggression has extended to the spectators in the stadium and to supporters in the streets. Such clubs have become centres for the presence of fanatics and a source of crime committed on and around the playing field. This has become so common that it is a normal event and a source of pride for the participants. Therefore, instead of promoting health and self-discipline, such clubs have become centres of crime, prejudice and aggression. When asked about troubles at sports matches in an interview, the former commander of the Dubai Police suggested that the word "match" was not appropriate when describing such events, that they were more like fights. He suggested that some of the present generation of sports are taking young people back to ancient Rome when humans and animals fought each other, and when the rules allowed injuries and death to the opponent.³¹⁷

5.1.6 Religion

The Prophet Mohammed (Peace and Blessings of Allah be upon him) said, "I was sent to consummate good morals". Religious beliefs are meaningless and devoid of real content unless a religious organisation and religious establishments support them. Such establishments carry a major responsibility for implanting religious values and beliefs in the souls of human beings.

Research on the extent to which human behaviour is affected by religion has produced conflicting results. Some of the studies can be criticised for having based their investigation on the external appearance of religion, identifying a religious person by the number of times an individual criminal attended a mosque or a church, and failing to take any account of the individual's religious beliefs. In this context, Dr. Mohammed Arif says:

"Religion is both thought and behaviour: that is to say, the religious assessment and estimate must take both aspects into consideration; but it has been seen in the previous studies that they considered only

³¹⁷ Interview, 6th August, 1995 with Brigadier Abdulla Abu AL Hool, UAE.

the external appearance and the outward manifestation of religion... However, we must differentiate between the hollow outer layer of rules... and the deep religious experience that directs and moulds the morals of human beings. ³¹⁸

If the minor differences are left aside, there will be general agreement that all religions strive for the benefit of humanity, to direct man to the path of goodness and away from evil, to encourage self-discipline, self-evaluation and self-awareness, and to warn man away from undesirable selfishness. Dealing with this side of human life, the five pillars of Islam were revealed by Obada Ibn Saamit when he said:

“The Holy Prophet (Peace be upon him) got us to swear fealty and loyalty to Allah, not to call another God but Allah, not to steal, not to commit fornication and not to kill a soul except lawfully (meeting the demands and requirements of justice and fair play), not to commit robbery, and finally not to violate the Hadiths”³¹⁹(the sayings of the Holy Prophet).

Many verses from the Holy Qura'an and the Bible stress virtue and prohibit anything that manifests disrespect for human beings and thus exposes society to disorder and confusion.

The political ideologies, which have evolved under the cover of religion, have distorted this beautiful picture. This distortion has kept people away from religion and all that pertains to it, and has caused great scepticism about religion and religious belief. Even genuine religious movements have not been free from the blemishes of extremism and fanaticism which render discussion futile and useless, sometimes even dangerous. These religious movements, instead of realising their cherished goals and objectives, splinter into factions in the midst of controversies over trifles. They flare up over unimportant issues and thus lose sight of the real teachings. They have addressed themselves to the "task" of mutual extermination and annihilation, and have thus aligned themselves in many cases with terrorist groups. This has provided the ruling class in various countries - Islamic as well as non-Muslim - with the excuse to make them the target of the State's law enforcement organisations and to eliminate and crush them. Thus, in the United States and other western countries,

³¹⁸ Mohammed Arif *Crime In Society* (1975) (Arabic) p. 576.

³¹⁹ Hadeeth from Al-Bukari.

veiled women and bearded men of Arab appearance are considered as terrorists. It has reached the stage that a call for religion, even among friends and colleagues, is thought to be extreme and violent, and the person preaching religion is taken as evil minded and ill-intentioned.

All the revealed religions are unanimous in condemning terrorism and bloodshed. They are a clarion call for peaceful living and respect for humanity. The observance of religious precepts is hollow and empty unless it helps human beings in their quest for goodness. As the Prophet (peace be upon him) says, "Whom so ever his prayer cannot stop him from committing sin and anathema, there is no prayer for him".

Humanity is crying out for someone to guide it on the right path which is the soul of religion, not its mere appearance and outer cover. This would help society to develop the taste for justice and goodness, and to discard the wickedness and vice which is eating into the vital fabric of human life. Preachers should be aware of the fact that the invocation to goodness is not the prerogative of a particular religion or a particular prophet; it is a call raised from Adam, Noah, Abraham, Isaac, Moses, Jesus Christ and Mohammed (may the peace of Allah be upon them). Preachers should know that all the prophets and messengers have brought the same message to humanity - the message of the welfare and amelioration of humanity - and that followers should carry on with this message without prejudice or discrimination.

Religious organisations, with their well-established foundations, and their human and financial resources, have an important role to play in the prevention of crime, leading people towards the goals of peace and prosperity, and making places of worship available for all sectors of society wherever the size of the population permits. Parents for instance, who receive the spirit of goodness and virtue from attendance at their place of worship, may set a better example for their children to follow. It is normally presumed that parents make an effort to generate the same virtue in the minds of their children and the coming generation. Moreover, when parents approach their children through suitable methods, that demonstrate how evil or wickedness is punished in this life and the hereafter; and how God does not accept or like evil from his worshippers, children are inclined to virtue and the adoration of God Almighty. This happens when society calls forth the teaching of such a morality and when the

society enjoys a measure of stability and security (*Amn*).

Nevertheless, religion must not be confined to the place of worship, rather it should reach into every section of society. Young people have the greatest capacity to absorb the spirit of virtue. Parents may not be able to accomplish the task of social guidance, especially as the media have entered the home and reach out to children, propounding values which conflict with those approved by society.

Religious organisations will only achieve their goal if they succeed in encouraging proper religious belief and conduct, if they remain above prejudice and social difference, influencing all sectors of society, the Ruler and ruled, young and old, men and women with the same virtue. And only then will these organisations protect society from the adverse effect of crime. But if we continue to treat religion as a "private matter", and the whole body of religious injunctions as merely a set of rites and rituals and liturgies, then the worship of Allah (God) will remain confined to the places of worship, cut off and isolated from the mainstream of social life, and crime will strengthen its hold and affect the whole of society.

5.1.7 Conclusion

Social control is a complex process involving a combination of the elements referred to in the preceding sections. Separate consideration of the various elements of social control is unreal to the extent that most or all of the elements may be exerting an effect on an individual. When all these elements reinforce a consistent message that encourages adherence to a society's value and principles, then internal security (*Amn*) is promoted. However, when the messages are mixed, confused, contradictory or hostile to society's values, then individual and social breakdown is promoted.

The consistency of the messages being conveyed to the individual plays an important part in the effectiveness of various social controls. However, the consistency of the messages can only be ensured if the majority of these messages are derived from acceptable sources such as defined religions or national beliefs, through socialisation and education.

Informal socialisation by family, school and the mosque in most Islamic societies is

performed mainly in conformity with Islamic values. Moreover, in some Islamic societies Islam is presumed to have a leading role in maintaining good internal security and the low rate of crime. Saudi Arabia for example, is one of these societies where the rate of crime is claimed to be the lowest in the world. The reason for this is that the Islamic values guide every aspect of life from a simple task such as exchange of greeting in the street to more complex ones such as individual's conduct and behaviour in a family, school and society. The United Arab Emirates society is similar to many Islamic societies where Islam is the basis for socialisation. The constitution of the United Arab Emirates states the following: "Islam is the Official religion of the federation and the Islamic law (Shari'ah) is the main source of legislation and the language of the federation is the Arabic language"³²⁰. The United Arab Emirates Ministry of Education state that: the upbringing and raising of nationals should be in accordance with Islamic values"

Classic nineteenth century liberal commentators like Mill argued that immorality *per se* is not necessarily a reason to restrict an individuals behaviour but rather what counted was whether or not the behaviour concerned ultimately causes harm to others. The Hart/Devlin debate this century returned to that question. Devlin argued that public morality was a vital ingredient in society, the cement between the bricks, and that the state had the right to safeguard its existence.³²¹ There can be no doubt that the views of Devlin are closer to those held in Islamic societies, and occasionally agree with those of the political and social leaders in the Western societies and the USA.

What of a society where religion does not play such a unifying role? How is consistency between the various elements of informal control achieved? Who determines the content of the messages they transmit to people? What are the consequences of inconsistency? These are difficult questions. The absence of a strong, unifying force such as religion must place an added burden on the methods of formal control, especially the criminal justice system and political system, and make their work more difficult.

³²⁰ United Arab Emirates Constitution, Article 7, (own translation).

³²¹ Uglow, Steve *Criminal Justice* (1995) p. 19.

However, historically, the mosque "*Masjid*" has performed a combination of roles - political, social, and economic - and acted as the supreme assembly "*Majlis*", legislating and controlling the conduct of the ruling bodies in accordance with the Islamic constitution.³²² Therefore, Islamic religious leaders today believe that Islam through the Mosque "*Masjid*", can play an important role in preventing and deterring crime in the society, provided it regains its original authority in society.

5.2 THE CRIMINAL JUSTICE SYSTEM

The criminal justice system is the "formal" set of institutions responsible for the enforcement of law and order and for maintaining internal security. Although it is widely accepted that the criminal justice system has a more limited role in securing crime control and internal security than was once believed, and that social control is a more important element, the criminal justice system remains one of the most important elements of internal security in a society.

One of the main reasons for this is that the means of social control such as traditions, customs and religion have developed and matured over the years to form the basis of the present rules, regulations and values of the criminal justice system. These traditions and values have enriched the content of the criminal justice system and ensure that it reflects the basic values of society.

The transition from informal methods of social control to the formal criminal justice systems of today can be seen from a brief discussion of the early development³²³ of the criminal justice system and the origins of criminal courts. This early history is especially appropriate because elements of some of these early methods of maintaining law and order are still in use within the UAE.

The survival instinct was the first protective armour for primitive communities. Man's defence of himself, his property, and his honour, against crime was not

³²² Hassan Ayoob *Social Conduct in Islam* (1996) (Arabic) pp. 9-18. Also see Kazim Abdul Karim *The Mosque is a Preparatory School* (undated) (Arabic).

³²³ El Augi, Mustafa *Lessons in Criminology* (1987) (Arabic) p. 547.

organised or co-ordinated. "But nature had created such kind of protection, and as such man could demonstrate his strength, courage and power so much that it would be his protection against any assault".³²⁴

When man felt that his own force was insufficient, he sought assistance to ensure his protection. Thus, he obtained the assistance of his family and relatives, as the family was the first form of nucleus enclosing those who belong to it within a protective fence. When the family increased to become a tribe or clan, a new style of defence developed. Within the tribe, the tribal leader in accordance with the customs and traditions of that tribe settled acts of aggression. Sometimes, exchanges of violence between different tribes were avoided by intermarriages or by means of bilateral treaties. However, these practices did not protect early communities from the evils of crime.

"Protection from crime and the cure of its effects was the joint responsibility of that which was embodied in certain initiatives such as revenge by a group or by blood money or by giving up a person as Ransom or collecting camels and money from members of the tribes as to redeem the aggression and his people".³²⁵

In spite of the fact that revenge is an innate reaction made directly and as soon as possible by the aggrieved, family ties and tribal affiliation made revenge a collective response, especially if the aggrieved was unable to return the aggression either because of weakness or death. Revenge was a method of protection against crime, because one who contemplated aggression against a person or group of people would think of the possible reaction of those whom he intended to assault. However, as a method of protection, revenge had serious limitations. Where their power and capabilities permitted, the aggrieved would frequently return the assault with even greater violence sometimes resulting in wars between tribes. In such a spiral of reaction and counteraction whole tribes might be lost through violence that began with an individual criminal act.

Because of the killing and destruction that man suffered from revenge, he resorted to

³²⁴ *ibid*, p. 17.

³²⁵ Al Qahwaji, Ali Abdulla *Criminology and Penal Law* (1984) (Arabic) p. 26.

blood money that the aggressor or his people would pay to the aggrieved or his people. Blood money took different forms. Either the aggressor himself was offered to the people of the aggrieved to receive the appropriate punishment that matched the committed crime, or compensation was offered according to the social position and ranking of the aggrieved and his people.

Some Native American tribes considered blood money the ideal way to avoid revenge and injury. Ceremonies of offering the blood money were carried out in festive forms, which indicated that man in primitive societies felt the importance of blood money as a protection against the decline of the group towards revenge with its evil consequences for both parties. Another form of blood money was to surrender the felon, whereby his tribe announced that it was not responsible for the action which caused the injury to the victim, and that the tribe would not defend the felon if he were punished. This system was applied to animals and to inanimate creatures in both Roman and old English law.³²⁶

In a later stage of development, the idea evolved that organised punishment was to be imposed on the felon as a result of his committing a crime. Specific penalties were introduced in order to avoid the danger of wars between tribes, arising out of acts of revenge. The punishment on the felon tended to match to an extent the crime committed. If he murdered, he would be killed, if he wounded he would be wounded, and so on.

The introduction of written records allowed codification of laws relating to crime and punishment. One of the earliest codifications was Hammurabi's Law of 2000 BC in Iraq. The Law of Hammurabi, a king of Babylon, manifested a great degree of advancement beyond religious injunctions. It contained 282 articles, and in addition to being concerned with crimes and their punishment, it was also concerned with public functions and with rules of some transactions. The code prescribed the following response in cases of killing: If the accused killed a hostage of the pawn's children, a son of the pawn was to be killed; If a man hit another man's daughter and killed her, his daughter was to be killed as retribution; In consequence of the

³²⁶ Abu Al Wafa, Ahmad *History of Judicial Systems* (1984) (Arabic) p. 26.

demolition of a house where the owner's son was killed, the son of the engineer who built the house was to be killed. With the exposure of laws to the public in such codes, they ceased to be the monopoly of the "Rulers". Kings or priests could no longer adjudicate according to their caprices; judges were bound to adjudicate the case before them in accordance with the written code.

In Arabia, as indicated earlier, tribal law dominated society until the emergence of the heavenly religion (Islam) that expanded to cover what is known today as the Islamic world. Islamic law (*Shari'ah*) homogenised society's daily practices until the later stage of the Ottoman Empire when in 1840 criminal cases were separated from civil cases.³²⁷

5.2.1 Islamic Criminal Law

In Islamic countries the most significant such change has been the partial departure of the Islamic societies from Islamic law (*Shari'ah*) and their adoption of Western oriented laws. The growing harmonisation of different criminal justice systems has faced strong opposition both on ideological and religious grounds. Among those who have resisted for religious reasons have been the Islamic law (*Shari'ah*) supporters in different Muslim countries. They believe that the reason behind increased crime rates is the adoption of western criminal justice in societies whose people have been brought up and educated according to Islamic religious values. They argue that this creates a contradiction between the law and the individual's faith. They also criticise the justice system for being slow in its reaction, whether in punishment or rehabilitation, and argue that the only way to achieve a safe and secure society is to return to the Islamic criminal law (*Shari'ah*).

Islamic criminal law was adopted in the seventh century in Arabia and over nine centuries it expanded to govern all Muslim societies. The major source of legislation for Islamic criminal law (*Shari'ah*) was the Qura'an and other secondary sources. According to the Qura'an, there are only eight defined crimes. The Qura'an also states that criminal responsibility does not arise unless the individual is free to choose and has the capacity to distinguish right from wrong. *Shari'ah*, with the

³²⁷ Al Muhmasani, Subhi *Legal Systems in the Arab States* (1965) (Arabic) p. 176.

Qura'an being its main source of legislation acknowledges these eight defined crimes and further categorises them under three main types.³²⁸ The three main types of crimes have three corresponding types of punishments with different legitimising source for each type according to the Muslim writers. These three main types are as follows:

1. Hudood - "The specified punishment as an absolute right of God 'ALLAH'"³²⁹.

Since these types of punishments were authorised by God (*ALLAH*) therefore, the Muslim has no right to alter these defined punishments either by reducing or increasing them³³⁰.

The majority of Islamic jurists specify six crimes which come under the jurisdiction of "Hudood". Others believe that there are eight crimes of this type, while others believe there to be only four. The six generally agreed upon are: drinking of alcohol, theft, armed robbery, illicit sexual relations, slanderous accusation of unchastity, and apostasy. The punishments defined and determined by the Qura'an for these crimes are part of the Muslim's belief. Indeed, they are the corner stones of the legitimacy of the Islamic criminal justice system. Therefore, the authorities have the obligation to guarantee their implementation whenever they are applicable.

Public opinion in some Islamic societies has shown its desire for strict implementation of Islamic penal law, and particularly the Hudood. The main reason for this demand has been the sharp increase in the rate and number of certain crimes in the society, such as rapes and murders. Those who favour strict implementation of the Islamic Penal Law believe that it is the leniency of the modern penal law that is responsible for the increase of violent crimes.³³¹

³²⁸The Holy Qura'an Ayah / sura 177/2, 47/5, 40/5, 35-36/5, 2-3/24, 4-5/24, 215/5, 92/5.

³²⁹ Abu Zahrah, Mohammed *Crime and Punishment in Islamic Law* (1976) (Arabic) p. 54.

³³⁰ The Holy Qura'an, verse 2/229.

³³¹ Al Khaleej newspaper, issue 11, 12 Jan 1997, special interview with Shaikh Mohammed Mutawaly Sha'arawi (former Minister of Islamic Affairs in Egypt and a well-respected social and religious

2. Qassas - "Retaliation".

This type of punishment in Islamic penal law has two principal bases. The first of these was the legitimacy of revenge that prevailed in Arabia and other societies prior to the coming of Islam. At that time, revenge was considered the right of the victim or his relatives (family or tribe) in the case of death. The second basis for Qassas in Islamic penal law was the community's right to deter criminal acts and thus, to send a clear message to violators that society will prevent violation of its norms.

Unlike the Hudood, the Qassas is not a set punishment that cannot be omitted or changed. The Qassas can be replaced by 'blood-money" *Dey'ah* depending on the will of the victim's next of kin, or in those cases where applying the Qassas as a punishment becomes impossible.

3. Ta'azeer - "A discretionary punishment to be delivered for transgression against God (Allah) or against an individual for which there is neither fixed punishment nor penance (*Kaffara*)".³³²

Islamic legal writers state that the aim of this punishment is discipline, reformation and deterrence.³³³ However, Ta'azeer punishment lapses when the wrongdoer turns himself in penitence to the Judge or the Ruler. The authority and justification for this lies in the Prophet's practice (*Summ'ah*)³³⁴ and the holy Qura'an.

Ta'azeer is a great discretionary power which permits the Judge and the Ruler to accomplish their duties of deterrence, prevention and rehabilitation in the society.³³⁵ In the case of Ta'azeer the punishments available to the authorities range from a simple admonition (*Wa'az*) to imprisonment, flogging, and capital punishment. The death penalty can only be imposed when the court is certain that safeguarding the society's interest requires it.

leader in the Islamic world).

³³² El Awa, Mohammed *Punishment in Islamic Law* (1982) p.97.

³³³ Ibn Farhun *Definition of Provisions* (undated) Vol.2 p. 200.

³³⁴ Bahnas, Ahmad Fathi *Theories of Islamic Criminal Law* (1969) (Arabic) pp .65, 66, 67.

³³⁵ El Awa, Mohammed *Punishment in Islamic Law* (1982) pp. 110-112.

Unfortunately, Ta'azeer punishments were often misused by Rulers during the long period of domination of Islamic penal law. They often utilised Ta'azeer to oppress and weaken their opponents in the process of safeguarding their rule. Islamic penal law will always face the problem of misuse of power and lack of justification, unless the ruling classes are prepared to ensure democracy (*Shura*) and to develop a mechanism whereby each authority is controlled by another in order to prevent them from exceeding their authority.

It is beneficial to consider the reason for the departure from Islamic criminal law as well as the reason for its current revival. Dr. Mohammed Mustafa Shalabi, one of the leading figures in the field of Islamic law studies, reveals that;

“When foreign laws were introduced by the colonisers, other courts were established alongside the Shari'ah courts. The first could seize the duties of the second, leaving only cases of personal status to be seen by the Shari'ah courts...”³³⁶

According to Dr. Mohammed Mustafa Shalabi, both ordinary people and judges found two types of courts: one used written, clear and defined laws which specified certain punishments for certain crimes, whereas the other court (Shari'ah court), adopted canonical law (Math'hab Fighi) that contained different opinions, and gave the judge a wide range of discretionary authority. This lack of defined and precise laws created confusion.

Dr Mohammed Abdul Jawad Mohammed believes that the reason for the departure of the Muslim states from Shari'ah law was their weakness and their attempt to imitate a developed and strong Europe. The Muslim states believed that following the path of the Europeans would enable them to achieve the same level of development. The result, however, according to Dr Mohammed Abdul Jawad Mohammed, was:

“Islamic countries without an identity, which could neither achieve their goal of European civilisation, nor preserve their Islamic

³³⁶ Shalabi, Mohammed Mustafa *Family Affairs in Islam* (1983) (Arabic) p. 32.

heritage and develop it to meet the requirements of modern life”³³⁷.

There are other reasons for the departure from Shari'ah law. Despite the long period in which Islamic criminal law was practised in the Islamic countries, and notwithstanding the great contribution this practice made to justice in those countries, there was undoubtedly some misuse of Ta'azeer punishments by politicians to improve their control over society. False interpretations of religious values were deliberately made for the benefit of Rulers.³³⁸ Probably the main reason for the departure from Shari'ah criminal law was its deficiency of codification, and the lack of correct implementation during long periods when the Rulers utilised the law to serve their personal interests, and the Shari'ah punishments to extinguish political opposition.

During this long period, the Islamic judicial system depended on the abilities and fairness of individual judges. Judges required the ability to understand Islamic legislation* as well as the opinions of all the Imams*. They also required a commitment to fairness and impartiality, and it was the duty of the authority to ensure that the judge satisfied these requirements before appointing him.

Modern efforts to return to Shari'ah criminal law must overcome the difficulty that arises from the wide range of Islamic sources of law, in particular the range of religious opinion on many issues. A further obstacle is that the long period of stagnation after the departure from the Shari'ah has left its rulings very outdated and unable to satisfy present requirements. Developments in crime in the last century have been considerable. Some are highly technical and require a completely new method of study if they are to be understood.

The debate over whether to return to Islamic criminal law or to continue with the present Western oriented law, should start from this principle: regardless of the origin and the source of the law, it should guarantee the maximum possible fairness. This is the aim of Allah, who wants good for all human beings:

³³⁷ Mohammed Abdul Jawad Mohammed *Studies in Islamic Shari'a and Law* (1991) (Arabic) p. 22.

³³⁸ Al-Qahwaji, Ali Abdulla *Criminology and Penal Law* (1984) (Arabic) p. 22.

* There are six famous *Imams* of the *Mathahab* ; Hanbali , Malki, Hanafi, Shaf'i, Shi'i, Ibadhi.

“Allah doth command you to render back your trusts to those to whom they are due; and when ye judge with justice: Verily how excellent is the teaching, which he giveth you! for Allah is he who heareth and seeth all things.”³³⁹

The legitimacy of any law rests on the protection of human rights and liberties. In other words, legislation should not violate human rights.

A complete return to, and adoption of, the early interpretation of the specific phrases and statements of the holy Qura'an that pertain to penal law is not advocated for the reasons indicated earlier. A complete return would also be unwise because the early interpretations of the holy Qura'an may mislead when applied to contemporary circumstances. Instead, what can be done is a purification of all active laws (Islamic Criminal law and Western) with the aim of achieving a general unified theory of law, which can accommodate Islamic law, while at the same time also accepting the requirements of modern legal activities.³⁴⁰

Radical Muslims oppose any such codifying of Islamic law, considering that the only legislator is ALLAH, and that laws that are not part of God's revelation cannot be accepted. However, the fact is that many Islamic societies have developed and legally use the following resources:

The Qura'an (the holy book of Muslims)

The Suna'h (the account of the conduct and sayings of the Prophet Mohammed)

As well as secondary sources such as:

The Ijma'a (agreement of the majority of the religious legal authoritative persons of a society).

The Qeyas (reasoning by analogy), where the situation does not appear to be covered

³³⁹The Holy Qura'an, vers 58/4, English translation of the meaning and commentary p. 228.

³⁴⁰ Al Jamal, Mustafa Toward a General Legal Unified View in the Arab and Islamic World, *Journal of Sharia and Law*, Issue No.6, September 1992, p. 336.

by the Qura'an or Suna'h.

Nobody could claim that these secondary sources are the revelation of Allah, but throughout Islamic history they have been utilised to meet judicial demands. The demands of the modern state can easily be fulfilled utilising legal developments from all over the world, which are designed to advance the good of human beings.

In an effort to satisfy those who resist the use of foreign legal developments, Dr. Al Jamal has suggested that two conditions be fulfilled prior to any adoption of Western laws.

1. The legal text shall be considered illegitimate if it contradicts either the commands or prohibitions of the legislator (ALLAH), or the general aims of the Shari'ah (Maqased Al Shari'a).
2. Priority should be given to the general aims and welfare of the Shari'ah, in the interpretation of other (Islamic) texts.

5.2.2 Justification of Punishment

The actual punishment inflicted on criminals differs from society to society, and also according to the seriousness of the crime committed. Nevertheless, the need for the state to impose an action (punishment, rehabilitation, and correction) on those who commit crime is accepted throughout the contemporary world. Nobody is in any doubt about the importance of the formal organisation's attempt to preserve public order. Many members of the public have no doubt that the continued increase of crime is a direct result of the leniency of punishment and its resulting inability to deter crime. Yet, despite the persistent belief that punishment is the ideal method of eliminating crime from human society, it is difficult to make any reliable determination as to the beneficial effects of punishment. Therefore, several questions arise: what are the aims of punishment? Can punishment be justified, and how does punishment accomplish its objectives?

Theories about the justification of punishment take many forms. According to the Social Contract Theory, (Jean Jacques Rousseau 1712-1778) political authorities came into existence as a result of individuals giving up their natural freedom in

return for the state guaranteeing and defending their civil freedoms and rights. Consequently, crime is a violation of this social contract, and this violation permits the state to impose punishment. Others believe that crime causes damage to the society and that society requires reparation. According to this view, punishment is the means of making reparation. Most religious theories consider punishment to be a right of God, and that punishment is justified because it is done on behalf of God. Therefore, questions about its utility to society or to the individual criminal do not arise.

Debates about the proper use and aims of punishment have occupied human society throughout history. Central to these debates has been the question whether punishment is justified because it produces a benefit in society (detering crime for example) or whether it is justified because justice (or God) demands that the punishment be inflicted (retribution).

There have always been reformers and thinkers who have stressed the necessity of separating punishment from revenge and putting it in the mould of reformation and deterrence. The Greek Philosopher Protagoras (481-411 B.C) said:

"He who understandably punishes should do so not because of what happened in the past, because it cannot be reversed, but to avoid future occurrence so that the criminal or even those who witnessed his punishment will not think of committing a crime in the future."³⁴¹

This concept of punishment is similar to current notions of deterrence, (both general and individual),³⁴² except that Protagoras saw general deterrence being achieved through the witnessing of the punishment. To Plato, punishment was a sort of treatment that reformed the wrongdoer and returned him/her as a normal person to the society. Plato considered that criminals were ill and that punishment was a means by which he might be cured.

Throughout history, human society has suffered from excessively harsh punishment, whether overuse of the death penalty, severe punishment for minor crimes, or

³⁴¹ El Augi , Mustafa *Lessons In Criminology* (1987) (Arabic) p. 33.

³⁴² Cavadino, Michael & Dignan, James *The Penal System* (1993) p. 33.

inhuman prison conditions. In the late seventeenth century, the Priest Marbillon saw that the harsh punishments then being inflicted were not correcting the prisoners, and so suggested that they should be treated and be allowed visits. In 1764, Caesar Beccaria published his famous work "Crime and Punishment" in which he condemned the harsh punishments being inflicted. Howard, Bentham and others also successfully raised their voices for reform of the prisons and penal systems.³⁴³

The growing belief that the criminal justice system was imposing excessive and inhuman punishment prompted a shift towards reform, treatment and rehabilitation as the aims of punishment. The real revolutionary change in thinking about punishment emerged with Philipo Gramatica, the leader of the social defence movement in the 1940's.³⁴⁴ Gramatica argued that crime led to insecurity and disorder in the community. Therefore, the state bore the responsibility of preventing crime, and should concentrate its efforts on the person committing the crime, rehabilitating him and making it possible for him to resume his place in society. Gramatica wanted to divert the attention of criminologists towards the offender. Since then, many countries have made changes in their penal laws and replaced hard labour with imprisonment, influenced by the principles of social defence.

On the question of deterrence, social scientists differ as to the deterrent effect of punishment. Some argue (like Clavert and James Bennett)³⁴⁵, that severe punishment and in particular the death penalty, leads to a reduction of crime, especially of dangerous crime. Others argue that severe punishment does not necessarily lead to a reduction in crime. Ramsey Clark has stated:

"Our emotions cry for vengeance in the wake of horrible crime, but we know that killing the criminal can not undo the crime, will not prevent similar crimes by others, does not benefit the victim, destroys human life, and brutalises society. If we are to still violence, we must cherish life"³⁴⁶.

Furthermore, research indicates that the death penalty does not have the deterrent

³⁴³ Hassan Rabi'i *Crime and Punishment* (1991) (Arabic) p. 499.

³⁴⁴ Al Khamlishi, Ahmad *Criminal Law* (1985) (Arabic) pp. 40-47.

³⁴⁵ Reckless, W. *Criminal Behaviour* (1940) p. 504.

³⁴⁶ Eitzen, S. & Timmer, D. *Criminology* (1985) p. 459.

power argued by its supporters. For example, Schuessler's study on the effect of capital punishment from 1925 to 1949 shows that the death penalty had no effect on homicide rates'.³⁴⁷ While there is a general agreement that punishment for individual (specific) deterrence is justifiable, the concept of general deterrence is more controversial. In many contemporary societies the general view is that there is no justification in harming an individual (physically, psychologically, etc.) in order to deter other members of society from crime.

Public awareness of high crime rates and especially of the dangers posed by street crimes has created great doubts over the shift towards treatment in dealing with criminals and crimes. Consequently, victims of a crime all over the world are demanding more protection against violent crime from governments through harsher sentencing.³⁴⁸ Many politicians have indicated their preference for such a response, and the partial return towards more oppressive punishments has been accepted in some societies. Criminologists, on the other hand, continue to argue that prevention of crime is best achieved through the adoption of short and long-term preventive strategies.

It was indicated earlier that the criminal justice system and criminal law of different societies reflected their different origins, evolving to conform to societies' social, economic and political values. However, the last few decades have seen the domination of Western laws in many third world countries. Consequently, in many of these countries, law is no longer in conformity with social, political and economic values. It is therefore essential that third world countries rethink this wholesale adoption of the Western criminal system, and develop systems which incorporate traditional methods and values but which also utilise the best of modern methods, especially considering western achievements in the field of human rights.

Many third world societies still retain their traditional social values. The courts and individual judges can play a constructive role in reintroducing traditional approaches. For example, they could improve the prospects of an individual's rehabilitation by

³⁴⁷ *ibid*, p. 477.

³⁴⁸ Jan J.M. van Dijk, *Who is Afraid of the Crime Victim*, Keynote lecture at the 7th symposium of the World Society of Victimology, Australia, 21-26 August 1994.

monitoring the rehabilitation process after sentence has been passed. For the same reason, and because of the social position of the judge in Eastern societies, the judge could cut short the formal procedures by mediation, which was regarded as a proper legal procedure before the adoption of the modernised systems.

Notwithstanding the developments of international and Western criminal law, Eastern societies, and Islamic countries in particular, are still more inclined to accept laws and punishments which are related to their own beliefs, values, and traditions, and which therefore help in increasing public acceptance of the process. Moreover, an expansion of public participation in the legislative process through tribal leaders, lawyers and politicians might also help in securing public acceptance and greater protection of human rights, and therefore may ultimately ensure society's stability.

5.2.3 Accountability of the Police in the Criminal Justice System

In most countries of the world the criminal justice system now consists of three major components: police, prosecution, and courts³⁴⁹. However, the main focus of this discussion will be on the role of the police since they have the most direct contact with the public in their day to day activities.

Although criminologists do not deny the role of police as a participant in social control,³⁵⁰ they do believe that the primary duty of the police is to maintain law and order. The police are the physical power of the criminal justice system and the representatives of authority within society³⁵¹. The role of the police can usefully be understood as comprising three main functions:³⁵²

1. The Administrative/Regulatory Function:

This function of the police is concerned with the adoption of strategies and procedures whose purpose is to prevent the occurrence of crime. These measures undoubtedly restrict the freedom of individuals, but are necessary for the sake of providing general security (*Amn*), tranquillity and peace.

³⁴⁹ Cavadino, Michael & Dignan, James *The Penal System* (1993) p. 1.

³⁵⁰ Eitzen, S. and Timmer, D. *Criminology* (1985) p. 389.

³⁵¹ Ramsees Bahnam *The General Theory of Criminal Justice* (1983) (Arabic) p. 89.

³⁵² Wilson, A. *Police Administration* pp. 1-33. (Translation of Shafiq Ismat) (1968).

In their administrative/regulatory function, the police issue administrative orders clarifying for the public those acts which endanger the safety and security (*Amn*) of society and which are illegal. The administrative function also relates to the implementation of all rules, regulations, decrees and instructions issued by other authorities in the society regarding public disorder, and to compliance with those rules. This function also ensures that all necessary deterrent measures have been considered, including the introduction of a law declaring a state of emergency, where additional powers are required to safeguard society.

2. Administrative/Judicial Function:

This second function of the police can be described as an administrative/judicial function. This function concerns the tasks performed after the occurrence of a crime, and includes steps such as investigation, information gathering, conducting laboratory tests, interrogation and questioning of suspects and witnesses, and finally the transfer of the case to the public prosecutor. With this transfer the administrative/judicial task of the police comes to an end.

Countries differ in their approach to the level of authorisation offered to the police, and also in the relationship between the police, the public prosecutor and the judicial authorities. In many countries, police have both administrative/regulatory and administrative/judicial functions, while in others, police only have administrative functions, with a total separation of the two functions. It is also important to realise that in different countries words like "judicial" do not have exactly the same meaning. Although the police role in the U.A.E. has certain functions (interrogation, investigation for example) accepted as judicial, these aspects of the police role are not regarded as "judicial" functions in countries such as England and the USA, where the word judicial has a more limited meaning. Professor Louis A. Radelet states that:

"Policing and other criminal Justice processes in democratic society are public political functions. These processes span the three divisions of government. The legislative body creates the law, the executive branch with the assistance of the police is responsible for the enforcement of the law. The Judiciary interprets the law, passes

judgement on violators and sentences those convicted to correctional treatment of some kind".³⁵³

Generally, the judicial function in the criminal justice system is reserved for members other than the police, and police activity within the judicial field is considered an act under the authority of the court. Therefore the police have to act within this granted authority which at any time can be withdrawn by the authoriser (the court).

3-Social control function:

The third function of the police is a social control function, because the police as an organisation work with other establishments in the society to prevent crime.³⁵⁴ The social control activities of the police are a growing requirement in modern communities where increasing demands are made upon the police, leading to an expansion in police numbers.

In practice, the three functions of the police are not as separate as the discussion would suggest. It is often hard to differentiate between the social, administrative and judicial duties of the police.

To enable the police to perform the tasks set for them by the executive authorities and so fulfil their responsibility of protecting the community, certain important conditions must be met. The police are an instrument of the executive authority, and must obey their orders and follow their guidelines. The extent to which they are able to fulfil their responsibilities depends on the extent to which they receive material support. In addition, they require qualified human resources, capable of performing the required tasks. Where there is an apparent deficiency in police operations, it is essential to discover whether the deficiencies are the responsibility of the police themselves, or whether the system as a whole is at fault.

It is generally accepted that crime prevention, crime deterrence, and internal stability and security are essential for the progress and development of society, and demand

³⁵³ Radelet, Louis A. *The Police And The Community* (1986) p. 379.

³⁵⁴ Reiner, Robert *Policing and the Police* p. 718. Chapter 15 of *Oxford Handbook of Criminology* ed. Maguire, M., Morgan, R., & Reiner, R. (1994).

some sacrifice of peoples' liberty. In this context Dr. Feteri states that: "Crime is an obstacle in the face of development and criminal justice."³⁵⁵

The task of enforcing law and order is such that those responsible for law enforcement must be given considerable freedom of movement. However, in performing their role, the police should always remain within the limits set by the constitutional authorities. Where the police exceed the limits of their authority or use excessive physical force against the people, they commit dangerous infractions that can lead to dissidence and civil unrest.³⁵⁶

Sometimes the public may misinterpret the authority's actions, and this misinterpretation may provoke a spontaneous reaction from the people, to what the authorities consider to be legitimate actions. John Lea and Jock Young identified the sequence of events that result in the collapse of consensus policing in a community. The sequence begins with an increase of discrimination and deprivation in the community. Gradually this increase results in a considerable increase in the level of street crimes in the community. In an effort to gain control, police shift towards what is known as military policing, with the use of force to counteract the increase in crime. Consequently, the level of discontent increases in the community and the level of co-operation between the public and the police is minimised. This reduces the flow of vital information to police. Eventually, the police are forced to depend on bystanders for the information they require. This weakens the police position and leads finally to the collapse of consensus policing.³⁵⁷ The diagram below charts this process.

³⁵⁵ Al Nabhan, Farooq *Deterrence of Organized Crime* (1989) (Arabic) pp. 243, 244.

³⁵⁶ Sieghart, Paul *The Lawful Rights of Mankind* (1984).

³⁵⁷ Cowell David, Jones, Trevor & Young, Jock eds *Policing the Riots* (1982) p. 13.

DISCRIMINATION AND DEPRIVATION
 RISING LEVEL OF STREET CRIME

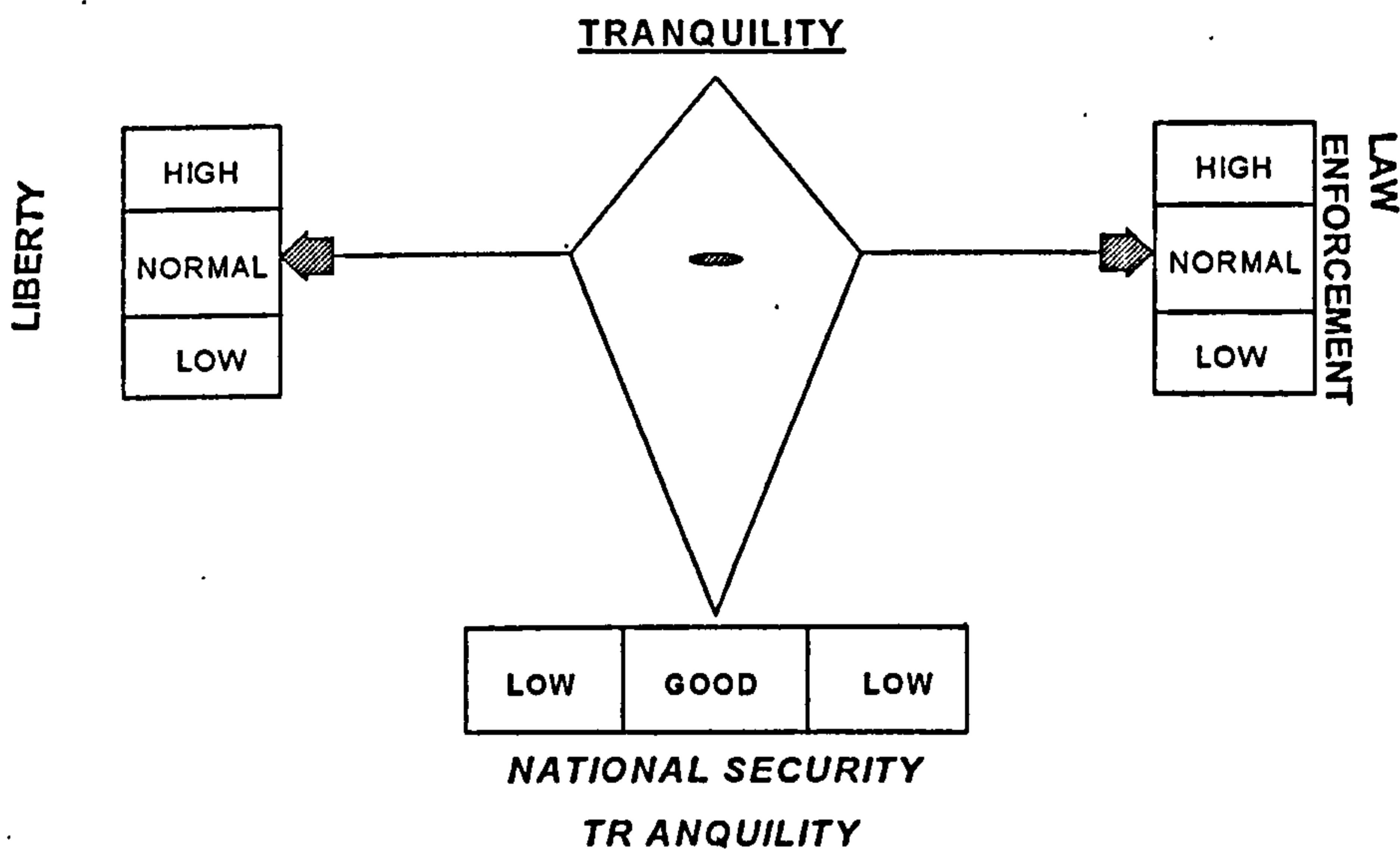
SHIFT TOWARDS 'MILITARY' POLICING

ALIENATION OF THE COMMUNITY

MOBILISATION OF BYSTANDERS

REDUCED FLOW OF
 INFORMATION TO
 POLICE

COLLAPSE OF BASIS FOR CONSENSUS POLICING



5.2.3.1 Police and Internal Insecurity

Today, many societies face conflict as well as difficult political, social and economic changes. Together with the generally negative attitude towards governmental organisations at the present time, this means that the police are facing growing public unease and frustration. It is almost impossible to find a society without security (*Amn*) problems. The rate of crime is increasing and as yet there are no obvious solutions to the problem. The world is experiencing the growth of organised crime,

terrorism, drug trafficking and of technological crimes.

The scale of the problem makes co-operation between police and the community essential if security (*Amm*) in society is to be achieved. It is also essential to improve co-operation between the main components of the criminal justice system. Of all the elements that make up the criminal justice system, the police are the most visible and the most active in fighting to maintain the security (*Amm*) of society. The policemen's shields remain the physical front line of defence against crime.³⁵⁸ Thus, the police are the main targets of criticism for the increased crime rate and for society's insecurity.

It is therefore essential to understand the police as being one part of the criminal justice system and a member of the social system. Change in one part of the system activates change in another. The police are sometimes criticised for mistakes that have been made in other parts, especially within the political system.

Conflicts arise between the police, prosecutor and courts as to achieving the appropriate balance between crime prevention and safeguarding individual liberties. These are essential and healthy conflicts in the interest of civil liberties and human rights. But the system's ability to control crime, enforce law, and therefore guarantee the internal security of society, is being weakened in some countries as a result of excessive concentration on whether or not police have followed proper procedures.

5.2.4 Conclusion

The discretion available to the Police in carrying out their administrative function should be expanded so that it is also available when fulfilling their judicial function. This will enable the police to reduce the load on the other parts of the criminal justice system. Thus, the police will gain greater dignity within society, and will enjoy greater confidence on the part of the community.

Police respect for the law is very important if the claim "the protection of the law" is to be a serious one. Human society has abandoned some of its dignity in order to gain greater internal security. Therefore, unconstitutional conduct by the police is a great

³⁵⁸ The Egyptian Minister of Interior, during a televised interview after the Al-Uqsor terrorist attack.

violation of society's trust. The police must not respond unlawfully to illegitimate action, just as others cannot respond unlawfully.

The police should improve their channels of communication with the public in order to improve community co-operation with the police. Such co-operation can serve the police in identifying and warning of criminal conduct, and so assist the police in achieving their goal of crime control. Indeed, the police can gather information far better through community co-operation, than through any other source, but this requires public confidence that the police are working for the interests of society.

Although, it is essential for the police service to be fairly distributed to cover all classes and sectors of society in designing a tactical stratagem ready to meet all possible danger, it is essential to draw a precise social, political and economic map, and attach priorities to the most important sectors. The police administration should also work within specified legal and administrative restraints. This will enable authorities over the police to measure and evaluate effectively the work of the police officers and of the organisation as a whole. This will help to protect the police as an organisation from illegitimate conduct by its members. The police should also utilise modern technology, select the best equipment and material in order to improve their law enforcement operations. In advanced countries in particular, many of the successful crime control initiatives have been achieved as a result of exchange of information between concerned organisations deriving from research studies.

Security (*Amn*) in society is essential for its development. Thus, all organisations in society are obliged to co-operate and co ordinate their activities in order to avoid contradictory strategies and schemes.

5.3 THE POLITICAL SYSTEM

It is generally believed that political stability and internal security are two sides of one coin. The arguments arise as to which is more important and as to whether one is a precondition for the other? There can be little doubt that a stable political system encourages internal security and is an important element of society's development.

Today, political, social, and economic developments in many societies have resulted in levels of crime that are as destructive as foreign aggression. However, while societies utilise all of their means and resources to safeguard themselves against foreign aggression, the same may not be true when it comes to deterring and preventing the 'invasion' of crime. The effects of crime on society are more harmful than foreign invasion. There is a saying in Arabia, "The attacks of relatives are more harmful." Crime can be considered as society's destructive relative. It is mainly a home made social phenomenon, and sometimes the political system, intentionally or unintentionally, contributes to it by unblended and unbalanced economic development.

Whether the political system makes a positive or negative contribution to crime control has been a concern of social scientists and criminologists. This issue also preoccupies those responsible for crime control and law enforcement people. The former Egyptian Minister of the Interior, General Rushdy stated during a security (*Amn*) conference of the Dubai Police:

"Most of the political system organisations plan and execute their duty without consultation with the law enforcement organisations and when the riot bursts due to the failure of these plans, the police are wrongly blamed".³⁵⁹

5.3.1 The Legitimacy of the Political System as a Factor in Internal Stability

Political systems normally claim credit for the benefits they have provided to the people and should therefore be accountable where there are shortcomings and where society's internal security is disturbed. It is believed that the heart of any political security and stability is its legitimacy, and legitimacy is based on people's acceptance of the right of the system to govern. Absolute acceptance of a political system by the people is difficult in contemporary societies, therefore, majority acceptance can legitimise the political system. Countries differ in how people's acceptance of the political system is achieved, and whether legitimacy provides the basis for that acceptance, or whether it is secured through coercion?

5.3.2 Legitimacy in the Islamic Political System

According to Islamic thought, the acceptance of a person or a political system to govern was based on the fulfilment of certain conditions, and required that a particular process be followed.³⁶⁰

The first of these stages was the selection of a sagacious group known as “Ahl Al Hal wal Aqd”. The general criterion for selection of this group was its conformity to the Islamic virtues that call for morality of justice, fairness, and personal righteousness. In other words it had to conform to the principle of “TAQWA” called for by Islam and manifested by the Qura’an when it said that, “In akramakum indallah atqakum”. Therefore, the selected individuals of this group were the elite of the society known for their straightforwardness, competency, knowledge, wisdom and above all their “Taqwa” that differentiated them from rest of the people in the community.

The second stage of selection was the selection of the leader or the “Imam of the nation” which was accomplished in two steps. The first step was the search made by the “Ahl Al Hal wal Aqd” for the best individual who could lead the nation and who possessed certain characteristics such as medical fitness, age, straightforwardness, competency, knowledge and wisdom. Following the selection of the individual and his speech in the mosque outlining his plans and strategies, the second step was the declaration of fealty “*Bay’ah*”. By this declaration, the people acknowledged the selection of the leader and ultimately stated their acceptance of the political system.

For many researchers, this development in Arabia was a revolution against the dictatorships and kingships that dominated Arabia and neighbouring entities.³⁶¹ No

³⁵⁹ General Rushdy Police Conference on the Development of Police Sciences, April 1994. Dubai, UAE.

³⁶⁰ Shatta, Mohammed *Summary of the Sultanial Rulings of the Mawardi* (1993) (Arabic) p. 8.

- Ahmad, Yusri *Human Rights and the Causes of Violence in Islamic Society* (1993) (Arabic) pp. 59-80.

- Mutwali, Abdul Hameed *Islam and the Principles of Governing* (1990) (Arabic).

³⁶¹ Al Arwi, Abdulla *Understanding the State* (1993) (Arabic) p. 91.

doubt, it was a great move towards an organised political system³⁶² that managed to utilise the strength of tribal law to secure the people's acceptance, and insure legitimacy, human rights, social justice and political participation.³⁶³

Traditionally, the Islamic political system depended to a great extent on the morality of its ruling members to ensure the fair implementation of the power granted to them. In the earliest governments, when religious restraint was powerful enough to persuade Rulers against moral violation, the morality of the Rulers was sufficient to achieve this purpose. At that time the political system was accountable. In cases of wrongdoing, individuals as well as groups could question Rulers. Some Islamic doctrine even permitted the assassination of the Ruler in the event of his refusal to abdicate peacefully. In fact, the Ruler-ship was believed to be the right of a group of people known as "*Alsharwah*"³⁶⁴ who nominated the elected leader. In addition to the accountability of the Ruler to "*Alsharwah*", the system also created a fair and just opposition that could advise the Ruler and call him to judgement through what was known as "*AlShura*."

The Islamic political system has seen eras of legitimate rule in accordance with these principles, as well as eras in which these principles were violated. During the former, security (*Amin*) as well as peace and calmness were the general characteristics of societies, especially during the rule of the Prophet Mohammed (peace be upon him) and the rule of the four Caliphs who followed.

Diversion from the main principles of the Islamic political system marked the beginning of its downfall. Eventually, practices such as the new Imam ignoring the opinion of the Ahl Al Hal wal Aqd, or not acquiring the acceptance of the majority through the declaration of fealty (*Baya'h*) led to political insecurity and bloodshed and ultimately to rejection of the political system itself.

³⁶² Yakan, Fat'hi *Islam: Concept, Movement and Revolution* (1983) (Arabic) pp. 21-30.

³⁶³ Basyoni, Abdul Ghani *Political Systems* (1984) (Arabic) pp. 297-342.

³⁶⁴ Al Sayar, Aysha *The State of Ya'arebah* (1975) (Arabic) p. 33 and Ghubash, Husain Obaid *Oman: the Islamic Democracy 1500-1970* (1997) (Arabic).

Gradually the Islamic system faded out. When the Bu Saeedi Ruler-ship began in Oman, the last vestiges of the Imamate were eliminated, not only from Oman but also from the whole Islamic world, ending centuries of struggle for its survival.³⁶⁵

Today, despite the fact that the Imamate has vanished from Islamic countries, some countries claim that they adhere to the Islamic political system. The main reason for this is to gain the support of the people³⁶⁶ and to avoid the international and national demand for greater political participation and democracy.

Some classical systems have survived in part by allowing a certain amount of political participation. In the Kingdoms of Saudi Arabia³⁶⁷ and Jordan, the King holds supreme authority and dominates the cabinet. At the same time, he allows minimal political participation in the fields of minor public services through an artificial legislative authority. In other countries, acceptance of the political system has been achieved because of the personality of the political leaders, where the leaders enjoy the love and respect of their people, perhaps because of their sacrifices and services to the nation. Such a system tends to emerge during revolutions and after struggles of colonial liberation.³⁶⁸

Throughout history, the Islamic political system depended to a great extent on the impartiality and honesty of its members. In reality, these important qualities were not guaranteed during the latter stages of its existence. Changes to the system were made under the supervision of the ruling classes to suit their requirements and demands. Rulers frequently denied the right of the people to political participation. In some cases, the interpretation of the Qura'an was altered to suit their ambitions. For example, concerning the right of the people to political participation "*Al Shura*", Rulers claimed that consulting the people was not essential but only an option. If they thought that they did not need to consult the public (which was normally the

³⁶⁵ Nabrawi, Fathya & Mohammed Muhana *The Arabian Gulf* (Arabic) chapter 1, pp. 5 & 219. Also see Ghubash, Husain Obaid *Oman: the Islamic Democracy 1500-1970* (1997) (Arabic).

³⁶⁶ Peterson, J.E. *The Arab Gulf States* (1988) p. 7. Also refer to interview with Saudi Interior Minister Amir Nayif ibn Abdul Aziz for Al Arab newspaper, Paris on 1st May 1987.

³⁶⁷ Hardy, Roger *Arabia After the Storm* (1992) pp 18-31.

³⁶⁸ For more information on legitimisation of the political system see Al Mashat *Political Development in the Third World* (1988) (Arabic).

case) they claimed that it was their right to ignore them and to act in whatever way they thought best.

Indeed, it was this practice of ignoring the basic principles of the Islamic political system and introducing new values that prevented the continued evolution of the Islamic political system and ultimately left it outdated.

5.3.3 Legitimacy in the Western Political System

The legitimacy of political systems in western societies (both Europe and USA) is rooted in the ancient democracy of Greece,³⁶⁹ when about twenty one thousand Greeks had control over hundred and ten thousands of slaves.³⁷⁰ Despite the contradictions of their origins, Western political systems have developed so that legitimacy rests on two main pillars: the participation of the people in a democracy, and the supervision of the political system through constitutional means - the rule of law,³⁷¹

The constitution is the main pillar of contemporary Western states. It establishes the institutions that make up the political system and defines their powers and duties. The legitimacy of the political system is defined and measured by the constitution, and therefore any violation of the constitution by any member of the political system is considered illegal. Hence, it is the constitution that guarantees that the authorities (as defined in the constitution) practice only their duties and avoid unnecessary interference in the duties of other authorities.

Democratic constitutions prohibit the granting of the state's functions (administrative, legislative and judicial) to a sole authority because that would create a dictatorship. Instead, the constitution requires that these powers be separated.

³⁶⁹ Mirghani, Shams *Constitutional Law* (1985) (Arabic) p. 184.

³⁷⁰ Interview with Dr Garudy Al Khaleej Newspaper, issue No. 6291, 8 August, 1996, p. 19.

³⁷¹ Ahmad Kamal Ahmad *Social Planning* (1974) (Arabic) pp. 17- 43.

Dr. Abdul Khaliq Abdulla states that:

“In 1990 only 60 countries had a form of democratic rule or believed in political participation. Today, that figure has reached 104 countries. Democratic countries are 100 out of the total number of 175 countries, thus, making the democratic countries the majority. The dictatorships, single and absolute domination of authority, which prohibit the political participation are decreasing and becoming minority in the world.”³⁷²

The nature and extent of political participation determined by the constitution, has a great influence on political stability. Ignoring the right of the people to political participation can lead to a state of unrest. People will find other ways of expressing their opinion and affecting political decisions if they are prevented from participating through normal channels.

The Universal Declaration of Human Rights reveals that:

“Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”³⁷³

The most important achievement of contemporary western democracies has been their respect for human rights, rights that are protected by the European, and International human rights organisations as well as acknowledged in most of the European constitutions.³⁷⁴ The willingness of western states to accept limitations on their power has been essential to the development of human rights. As Paul Sieghart has stated:

“If I am to be protected from the strong who seek to abuse their power over me, only the state is in position, by enacting and enforcing appropriate laws, to limit and constrain those power, and the supreme power is that of the state itself, and it is therefore from this that I need the most effective protection of all. Accordingly, for human rights, all the correlative duties fall on the state: it has to try

³⁷² Abdul Khaliq Abdulla and others, *Human Rights in The Arab World* (1992) (Arabic) p. 40.

³⁷³ Universal Declaration of Human Rights, Article No. 19.

³⁷⁴ Al Midani, Mohammed Amin *The European System for the Protection of Human Rights* (1989) (Arabic) p. 11.

to protect me from everyone including itself."³⁷⁵

Where the political system enjoys legitimacy, operates in accordance with the law and respects human rights, society will tend to enjoy a state of political, social and economic satisfaction. In such an atmosphere, state organisations are eased, thus allowing wider political, social and economic participation that leads ultimately both to greater equality between citizens and to greater internal stability.

It is beneficial briefly to consider the two major economic and political ideologies - Communism and Capitalism - which offered different account of how people would achieve the greatest political, social and economic satisfaction. While Communists believed that economic development through the industrial revolution would lead to political development, capitalists believed that political, economic developments affect each other, and at the end both affect the whole livelihood of the society.³⁷⁶

Communism failed to deliver equality between people. As Crane Berton stated:

“The Russian lives now with extreme inequality in person’s income and in distribution of the consumable; Politician of good position, factory manager, author, and the ballerinas to enjoy the welfare which make the Russian society miss the equality as bad as any capitalist society.”³⁷⁷

Despite the economic development, internal security and low rate of crime that were claimed by crime statistics during the period of communist rule, political stability did not last. Internal security finally collapsed, causing crime rates to reach their highest level. The lesson of the collapse of the former Soviet Union and of the South African apartheid regime is that respect for human rights is the greatest guarantee of political stability, and therefore of society’s internal security.

5. 4 THE ECONOMY AND INTERNAL SECURITY

Many believe that economic factors influence society’s internal security and rate of

³⁷⁵ Sieghart, Paul *The Lawful Rights of Mankind* (1984) pp. 43 & 44.

³⁷⁶ Al Mashat, *Political Development in the Third World* (1988) (Arabic) p. 72.

³⁷⁷ Berton, Crane *The Communist Revolutionary*. Cited in Yakan, Fat’hi *Islam: Concept, Movement and Revolution* (1983) (Arabic) p. 17.

crime as well as the political stability. Some, including Bonger believe that economic conditions are the primary factors determining the type and level of crime. Others argue that economic conditions do not have a direct effect on the rate and level of crime, believing them to be a secondary factor that aggravates the conduct of a person if other conditions are also present.³⁷⁸ Economic changes in a society certainly affect social and political conditions,³⁷⁹ and sudden economic changes where the public are directly affected, can cause unrest and major political disturbances.³⁸⁰

Today, the condition of human rights in the Western societies is good enough to serve as models for other nations to follow. Political stability can be accomplished if a legitimate political system exercises its duties according to the constitution (legality) and makes the maximum efforts to meet people's basic social, political and economic needs. Political, social and economic developments have formed a pyramid of rights and people's basic needs that has changed. Today, basic human needs form the base of this pyramid while human rights form the apex.

Perceptions of what constitute basic needs also differ according to the practices of the political system and people's political socialisation, beliefs and awareness. In societies where people know their rights and they have the ability to stand against the system and demand them, then basic needs will expand from a simple right of life, food and shelter to include political rights. According to Nelson Mandela it is:

“Not merely the lack of income which determines poverty. Enormous proportions of very basic needs are presently unmet. In attacking poverty and deprivation, the RDP aims to set South Africa firmly on the road to eliminating hunger, providing land and housing to all our people, providing access to safe water and sanitation for all.”³⁸¹

Mandela believes that meeting the basic needs in South Africa will develop the people's understanding to demand other rights. According to Bob Roshier the

³⁷⁸ Hassan Rabi' *Crime and Punishment* (1991) (Arabic) pp. 273-275.

³⁷⁹ Hay, Sir Rupert *The Impact of the Oil Industry on the Persian Gulf Shaikhdoms* (1955). Also see Al Rumaihi, Mohammed *Oil and Social Changes in the Arabian Gulf* (1995) (Arabic).

³⁸⁰ Jordan increased the price of bread by 250% in August 1996.

³⁸¹ Mandela, Nelson and others, *The Reconstruction and Development Program* (1994) p. 14.

meeting of basic needs (Affection, status, stimulation, autonomy, security, money, and belief) is in the hands of both the informal and formal agencies such as parents, schools, governments and criminal justice systems. Meeting basic human needs will improve both internal security and political stability. The legality of the political system depends on its wise utilisation of the national income, and on the ability of the authorities to control each other.

In spite of the outstanding differences between capitalist and socialist thinkers as to the definition of social justice and the means by which the final income reaches the normal citizen, they were agreed that social justice is an inseparable part of the social and economic rights acknowledged within international declarations.³⁸²

The people's acceptance of the political system determines its ability to achieve its objectives. Therefore, harmony between political and civil rights is important. People's suspicions are increased where there is political and social alienation. This weakens the unity of society, aggravates economic problems and finally destroys confidence in the system.

³⁸² International Covenant on Economic, Social and Cultural Rights, (effective in 1976) with the participation of 80 states on 1 January, 1984).

CHAPTER SIX

INFORMAL SOCIAL CONTROL IN THE UAE

Introduction

Since economic, politic, religion, and internal security are all part of society's general affairs, then discussing the issue of social controls obliges this section of the research to divert its attention momentarily to consider the relation between security science and sociology. Both are social sciences, and while security science focuses on stability and social harmony within society, sociology covers all social phenomena. Despite this clear relationship between the two sciences, some political ideologies try to depreciate the effect of informal social control on the internal security of society. Some have gone further to claim that social beliefs have an adverse effect on internal security.

In a society such as the United Arab Emirates, heritage, custom, traditions and religion exert a significant influence on individual and social conduct. Moreover, as we have seen in the chapters above, in recent years the United Arab Emirates has experienced substantial and rapid change that has affected the social system of the society. This change has affected key organisations such as the mosque, school and family in such a way as to alter their role within society. In acknowledging these changes, the main concern of this chapter will be to determine how elements of informal social control such as religion, family, education and others affect the security (*Amn*) of the UAE.

6.1 RELIGIOUS RESTRAINT

Despite the differences in origins, races, languages and colours, the majority of the population of the United Arab Emirates are Muslims.³⁸³ The Islamic religion remains one of the strongest factors influencing the morality of the inhabitants of the UAE. Islam in the UAE, as in many other Islamic countries, is not just religious rites,

³⁸³ Major General Dhahi Khulfan Tameem, Commander Dubai Police, security media seminar on the subject of 1996 UAE population census, UAE - Abu Dhabi, November 1996.

rituals, places of worship or part of tradition. Indeed, it is the cornerstone of an individual's practices as well as the cornerstone of the political, social, and economic conduct of the nation as a whole.³⁸⁴

The issue of whether religious belief reduces delinquent behaviour remains controversial.³⁸⁵ Trying to establish whether or not religious commitment decreases delinquent behaviour in any society is not an easy task. This is partly so because religiousness is immeasurable, being connected to one's soul and innermost feelings. Though in one sense religiousness is immeasurable, on the other hand, its effect on the individual's conduct as a whole can be examined.

In order to determine the effect of religion on individual's conduct and whether religion forms any barrier against committing crime, the researcher conducted a study. In the study, two groups of people were selected. The first group of people consisted of 30 inmates from Sharjah Prison who had previous criminal records. A comparative group was chosen consisting of a similar number of people but who had no previous criminal records, and who had never committed a crime. The two groups were asked the same questions that were designed to reveal the effects of religiousness and religious practices on their conduct, and also to determine whether these elements had any effects on them prior to committing the crime for which they had been sentenced.³⁸⁶

The results of the study were as follows:

<u>Practices</u>	<u>Inmate Group</u>	<u>Comparative Group</u>
1 – Praying		
Do Not Pray	10%	5%
Not Punctual (Pray sometimes)	25%	5%
Punctual (Every Time)	65%	90%

2 – Fasting In Ramadhan

³⁸⁴ For more information see Bassiouni, M. Cherif *Sources of Islamic Law, and the Protection of Human Rights in the Islamic Criminal Justice System*, from Bassiouni (ed.) *The Islamic Criminal Justice System* (1982).

³⁸⁵ Marianne Junger and Wim Poder, *Religiosity, Religious Climate, And Delinquency Among Ethnic Groups In The Netherlands*, British Journal of Criminology, Vol. 33, No.3, Summer 1993, p. 430.

³⁸⁶ See Annex 6, Questionnaire – Inmates of Sharjah Prison (Arabic).

Do Not fast	10%	4%
Not Punctual	10%	10%
Punctual	80%	86%
3 – Gambling		
Punctual Gambler	15%	3%
From Time To Time	10%	6%
Very Little gambling	15%	10%
Never Gambled	60%	81%
4 – Substance Abuse (Alcohol Drinking, Drugs, Glue Sniffing)	60%	2%

In addition to results set out in the above table, the study also revealed that out of the group of inmates, only 5 had performed Haj and had done so while accompanying their relatives, and with no intention of purifying their souls. On the other hand, 13 of the comparative group had performed Haj, of whom 7 had accompanied their relatives and 6 had performed Haj on their own. All 13 of this group had the intention of purifying their souls.

When taking practices such as praying and fasting as the criteria for good conduct, the study showed that the difference between the two groups was negligible. In other words, performing certain religious practices such as praying and fasting was not clearly associated with committing less crime. On the other hand, the study shows that behaviour such as drinking alcohol and gambling might be taken as an early sign of deviation. In the past, if a person was brought up in a religious, disciplined environment and lived in a society that maintained its norms, then the slightest abnormal conduct was taken as the beginning of delinquency. For example, a stylish haircut was considered a sign of delinquency till the early sixties in some places in the UAE.³⁸⁷

It is obvious that the above study does not provide a definite answer to the issue of whether religious commitment affects an individual's conduct, and in particular whether it reduces delinquency. However, further light is cast on the issue if we examine conduct and crime rates during the holy month of Ramadhan. Every year throughout the month of Ramadhan, Muslims abstain from food, drink and sexual

³⁸⁷ Interview with Suhailh Saeed (73 years) and others from Ajman, 1997.

activities from dawn to sunset. Islamic scholars, discussing the benefits and objectives of fasting, all agree upon one simple fact summarised by the prophet Mohammed (peace be upon him) when he said: "Ruba sa'imn lay,sa laho min sawmihi illa al jo'o wal atta'sh. A fasting person might not get from his fasting except the hungriness and thirstiness." Therefore, Muslims believe that fasting does not solely mean hunger and thirst. Fasting focuses on the social, moral and psychological reinforcement of an individual's religious convictions.

Hence, in order to see the effects of this religious occasion on people's conduct, reported crimes to police during the month of Ramadhan were examined and compared with average for other months of the same year.

The table below contains the average number of crimes committed during the month of Ramadhan compared with the average monthly figure, between 1991 and 1995.

<u>Year</u>	<u>Month of Ramadan</u>	<u>Total Crimes</u>	<u>Crimes In Ramadan</u>	<u>Average/Year</u>
1991	13 March to 12 April	28113	2085	2342
1992	3 March to 2 April	30092	2164	2507
1993	23 Feb to 22 March	30232	2092	2519
1994	11 Feb to 11 March	35338	2461	2944
1995	1 Feb to 1 March	39289	2408	3274

The above table shows that the number of crimes committed in the months of Ramadhan is less than the number committed in the other months of the year. For example, taking the month of Ramadhan for the year 1995, the total number of crimes committed (2,408) was much lower than either the January total of 3,258 or the March total of 3,200. Do these figures establish that the religious commitment of the people during the holy month of Ramadhan is responsible for the decrease in the number of crimes experienced in that month?

Despite the clear picture presented in the above table that shows a considerable reduction in crimes in the month of Ramadan, nevertheless, we must consider whether there are other reasons for the reduction. Some might argue that since peoples' daytime activities are reduced during Ramadhan, then crimes would also

decrease. As an answer to this question, one should realise that although people are less active in the daytime during Ramadhan, this reduced daytime activity is normally compensated by longer night-time activity. Another point that may be raised is that the physical weakness of a fasting person, because of a reduction in his blood sugar, will make him idle and reduce his reaction to insults and therefore his tendency to retaliate. However the number of crimes remains low during the night of Ramadhan when people are not hungry and blood sugar level are normal. Furthermore, why do other types of crime also decrease though they are not connected to peoples' hunger or blood sugar? These findings suggest that physical weakness and the reduction of general activity during the month of Ramadhan do not explain the decrease in crime. The findings therefore support the suggestion that the explanation for the reduction in the rate of crime lies in religious commitment and the wish of Muslims to be as close as possible to their creator in this holy month of Ramadhan. Other studies offer support for the suggestion that religious commitment may operate as a constraint against crime:

“Religion does seem to constrain delinquency but only where the religious convictions of the individual are reinforced by their social environment.”³⁸⁸

6.2 THE FAMILY

It is strongly believed that in order to preserve the identity of the family in the UAE, it must continue to adhere as it has in the past to the Arabic and Islamic culture. Throughout the ages these two cultures have formed the foundation of the UAE family, and the values of these cultures still control the conduct of the family to a great extent.

The family plays an important role in socialising its members in accordance with society's culture and values. The degree of its effectiveness as a means of socialisation depends mainly on its members and how far they are willing to accept society's values. In fact, the ability of the leading members of the family, especially the parents, to transfer desired values to other members of the family plays a major

³⁸⁸ Stark, Rodney. Kent, Lori. Doyle, Daniel P. Religion and Delinquency: The Ecology of a “Lost” Relationship, *4 Journal of Research in Crime and Delinquency*, January 1982, p. 21.

role in producing healthier generations that are more capable of withstanding destructive and unacceptable interference.

In the past, socialisation within families according to Arabic and Islamic cultures was conducted with little resistance. This was partly due to the fact that societies in this part of the world lacked modern communication and were cut off from developments elsewhere. However, in the late fifties, families in the United Arab Emirates began to be exposed to social, cultural, economic, and political developments taking place elsewhere in the world. These developments have not only affected the values of families but also changed its role³⁸⁹, and have reduced considerably the effectiveness of the family³⁹⁰ in the process of socialisation. As a result, other elements of social control such as school, mosque, information institutes, cultural and sports clubs have acquired a greater influence in the process of shaping the individual's conduct and personality.

Change in the role of family was not limited to this part of the world. In fact, many societies in the world were subjected to similar changes, particularly in the West and America. This deterioration in the role of the family has led many politicians and social researchers to call for improvements in the role of the family, especially as regards to moral education. In this context, Amitai Etzioni has argued that:

“ To rebuild America's moral foundations, to bring our regard for individuals and their rights into a better relationship with our sense of personal and collective responsibility, we must therefore begin with the institutions of civil society... the best place to start is where each new generation acquire its moral anchoring: at home, in the family”.³⁹¹

In small, religious and socially connected societies the success of social control in a society is particularly dependent upon the parental factor. In many early societies the mother was the centre of the family³⁹². Within Islamic societies including the United Arab Emirates, the focus is patriarchal.

³⁸⁹ Lolo, Abdulla and Khalifa, Amna *The Gulf Family* (1996) (Arabic) p. 69.

³⁹⁰ Al Najjar, Ahmad *The Role Of The UAE Family in Socialization* (1996) (Arabic) p. 12.

³⁹¹ Etzioni, Amitai *Rights And the Common Good : The Communitarian Perspective* (1995) p. 14.

³⁹² Wafi, Ali *The Family and Society* (1966) (Arabic) p. 25.

In order to understand the changes in the role of the family in the UAE, researchers have had to concentrate on the actual changes in the structure of society as well as the family. Many important questions have been raised such as: how far have the political, social, and economic changes in society affected the family and modified the role of its members? Has this change in role affected the overall social control and the internal stability of the UAE?

Most studies conclude that the stable, co-operative and extended family which was once dominant in the UAE has gradually been replaced by a smaller, nuclear family. These studies also conclude that the family, which was once dominated by the male member of the family, usually the father or grandfather, has changed towards a greater female participation in the socialisation of the children, particularly the mother.

Research has indicated³⁹³ that the most important cause for the change in the role of the family in the UAE is the decrease in the father's role as controller of the family due to his continuous absences from home (either for reasons of work or to escape from family problems). At the same time the improvement in the level of female education has provided mothers with a better opportunity than they had in the past to influence their children both at home and outside. As some researchers observe:

“While the family's responsibilities are carried by the mother and assisted by the servants, the position of the father as a member of a family in the Emirates' society has declined to have only one role, that is the spending role.”³⁹⁴

This situation has created a sense of confusion, for although social and religious values consider the father as the overall authority figure in the family, in reality the mother became the actual leader of the family. There is no doubt that the mother's responsibility in the socialisation process increased due to the father's absence. Mothers continued to perform this leading role in the first decade following

³⁹³ Ghubash, Aminah Obaid The Role Of The Father In Socialisation (1989), *Journal of Social Affairs*, Vol. 6, issue No. 24, p. 157.

³⁹⁴ Jabr, Muna Juma The Family and Juvenile Delinquency, *Journal of Social Affairs*, Vol. 6, issue No.24, 1989, pp. 87-123.

federation (from 1972 to 1982). However this leading role did not last for a long period of time. It diminished as financial affluence began to influence the overall conduct of the family. The most obvious example of financial influence was the dependency on housemaids (2.2 servants per family).³⁹⁵ This dependency reached such an extent that:

"Most of the families depended completely on housemaids for upbringing of their children, a condition which diminished the family's upbringing role and affected the psychological structure of the child."³⁹⁶

Therefore, and as a result of this dependency, the socialisation of children in the United Arab Emirates society came to depend on imported values and traditions. Moreover, the growing dependency on housemaids meant that one of the most important preventive social procedures could no longer be achieved, defined by Dr. Mohammed Al Saif as, "The follow up of the children's behaviour in the house, school, and community."³⁹⁷

Social control in the UAE up to the late 1960s was efficient mainly because of the size and nature of the society. The relations among and between families played an important role in the implementation of social control and therefore its effectiveness. In a community where all members of the community knew each other and where every member participated in the process of supervision and the safekeeping of society's norms, social control was much more easily achieved. This level of social control was no longer possible in the 1970s. One of the reasons for this was the decrease in the level of male (father and grandfather) control over the children both in the family and in society. In the past, male members of the family could exercise better watch and control not only over their children but also over most of the children in the neighbourhood. The male members of the community then, were directly involved and socially obliged to control those children with bad behaviour. They had to advise, correct and sometimes punish wrongdoers. All of these activities were performed with the overall acceptance of the society and were considered an

³⁹⁵ Farydoon Najeeb, *Crimes of Housemaids in Dubai* (1993) (Arabic) p. 25.

³⁹⁶ Ghubash, Aminah Obaid The Role Of The Father In Socialisation, *Journal of Social Affairs*, Vol 6, issue No. 24, 1989, p. 161.

³⁹⁷ Al Saif, Mohammed *Criminal Phenomena* (1995) (Arabic) p. 51.

essential part of the social system

Other reasons also contributed to the ineffectiveness of social control at the beginning of seventies. The establishment of modern communities, the expansion of cities and immigration to modern cities were among the many changes that soon weakened the strong social control that dominated the early UAE.

To further understand the changes in the structure of the Emirates' family, it is important to know that the family in UAE society went through two rapid stages of transformation. The first stage was prior to federation, when the society was transformed from a patriarchal to a matriarchal family system. The second stage of transformation occurred in the 1980s³⁹⁸ when mothers left their house affairs and the socialisation of the young generation to house maids, either because of their participation in the development of society or because of a lack of understanding of their responsibilities towards the family.

The results of these two rapid stages of family transformation are clear today especially if one considers, for example, the statistics relating to divorce and marriage that have emerged from studies, which show that for every four cases of marriage there is one divorce. These studies also show that 17% of the divorcees were married before the age of 15, and 41% of them were married between ages 15 to 41. Moreover, 60% of the divorcees had only one marriage, 32% had been divorced twice and 6% had been divorced three times. Also, in 59% of all cases, divorce occurred because husbands demanded divorce, whereas in 35% of the cases it occurred because the wives demanded a divorce.

It is cause for concern that the UAE is not only suffering from collapsing roles of family members, but is also facing the collapse of the entire family structure. The once efficient role of family in crime control is beginning to deteriorate. The effects of such deterioration can be clearly seen if one examines the relationship between the rate of juvenile delinquency and divorce. In Chapter 3 it was pointed out that of all cases of juvenile delinquency, 22% of the juveniles had divorced parents. Such a

³⁹⁸ Darwish, Zain Al Abidin The Consequences of Transformation in the Emirates, *Journal of Social Affairs*, Vol 7, issue No. 27, Autumn 1990, pp. 5-42.

high percentage suggests that there is a direct relationship between the rate of divorce and the rate of juvenile delinquency.

Divorce is one example of the deterioration in family ties, and one that seems to have a direct relationship to the increase in the rate of juvenile delinquency. However, divorce is not the only cause of juvenile delinquency. Many researchers have tried to relate this increase to cultural conflict within the UAE family. Although some researchers consider that cultural conflict increases delinquency, this assumption is contradicted by a specialised study of juvenile delinquency in the Emirates³⁹⁹. According to this study, the majority of the delinquent juveniles were from normal families where 75% of them lived with their parents. The study also pointed out that in 52% of cases, delinquent juveniles were from families with native UAE mothers and 41% of them had Arab mothers. The study indicates that cultural conflict within families is not a prime cause of delinquency.

In reality, the family in the UAE as an element of social control faces three major social problems, which lead to delinquency. These problems are:

1. Loose family ties especially among close members of the family.
2. A dependence on housemaids to socialise the younger generation.
3. A high rate of divorce.

In conclusion, if we consider all these problems, as well as cases "in which the family is directly involved in forcing the children towards delinquency"⁴⁰⁰, one can question how effective the family will continue to be as a means of social control, and whether it can contribute to crime control in the UAE?

6.3 SCHOOLING

The roles of the education organisations from nursery to university have been the

³⁹⁹ Al Suwaidi, Easa and others, *The Role of School in Crime Prevention*, Paper Presented to Juvenile Delinquency Seminar, Abu Dhabi, 20-21 May, 1995.

⁴⁰⁰ Jabr, Muna Juma The Family and Juvenile Delinquency, *Journal of Social Affairs*, Vol 6, issue No.24, 1989.

subject of debate among the people of the UAE for some time. This issue gained even more prominence in 1996 when the Assistant Under-Secretary of the Ministry of Education doubted the ability of his Ministry to contribute successfully to the socialisation of the younger generation through the education process. Moreover, the Assistant Under-Secretary emphasised that school as an educational organisation should be concerned only with the teaching of technical skills. However, the UAE constitution states that⁴⁰¹ school is supposed to play a major role in socialisation parallel to its role in education. This dual obligation arose from the fact that the family in the UAE society was not fully capable of implementing desired values in accordance with the new vision of the leaders of the federation. The reason for this was that at the time of federation the family in the UAE suffered from serious literacy problems, and moreover had been out of touch with modern developments for hundreds of years. As a result, schools had the obligation to encourage the development of desired religious, social cultural, economic as well as political, administrative, moral, and security (*Amm*) values. With this strategy, school not only had to fulfil its educational role, but also had the obligation to promote the sense of belonging to the newly established state of the United Arab Emirates.⁴⁰²

Today, the state of education in the UAE seems to be well below desired standards. Many of the objectives of the above strategy have either been neglected or overshadowed by less important goals. Indeed, education has failed to achieve one of its main objectives, to improve the sense of belonging to the federal state among the youth of the country.

An analysis of the school curriculum⁴⁰³ for the three levels of education (primary, elementary and secondary) will make the overall picture clearer. When two of the most common subjects in the school curriculum, (Arabic and Religion) were examined in a study of the values that they are supposed to emphasise, such as the promotion of devotion to the country and a sense of national identity, the results were astonishing. Firstly, religious books never addressed this issue at all. Moreover, this

⁴⁰¹ Educational Strategy Document, Item one, April, 1995, p. 14.

⁴⁰² UAE Constitution, Article No. 17.

⁴⁰³ Mustafa Ismail *National Values Related To The Development Of Youth*, Security Information Seminar, UAE Abu Dhabi, 1996, pp. 20-25.

issue represented only 4.9% of all other values emphasised in the Arabic language books. Secondly, many other important issues were either completely neglected by these books or only superficially touched upon. For example, issues such as the dangers of crime, the effects of crime on human relations in society, the waste of property and human life were totally ignored. Arabic Language and Religious books also ignored the terror effect of crime, its effect on the stability of society and the punishments involved. In addition, narcotics only received superficial attention without addressing its effect on the human body or brain. Even the difficulty and impossibility of treatment were hardly addressed.⁴⁰⁴ Moreover, while most of the social *Majlis* and official institutions send continuous warnings about the dangers of the unbalanced population structure, the education curriculum on the other hand, hardly mentions these important phenomena.⁴⁰⁵ Important security (*Amn*) values and guidance were also completely neglected by these books. According to a study conducted on UAE elementary school books, security (*Amn*) values represented only 1.4% of the total 4344 values⁴⁰⁶ covered by these books. The study also revealed that the school curriculum did not encourage students to co-operate with law enforcement organisation in reporting illegal immigrants and other dangerous law violations.

Thus, when considering the role of school as an element of social control, one is forced to conclude that schools in the UAE have so far made a limited contribution, especially to the prevention of juvenile delinquency. In Chapter 3, it was pointed out that one of the most important roles of school is to detect early stages of juvenile delinquency by means of its social advisors. However, when social advisors in UAE schools are busy with administrative duties, then one comes to know that their predictions as well as their diagnoses⁴⁰⁷ of early stage of delinquency are of limited value.

The role of school as a factor in juvenile delinquency is a topic often addressed by studies and seminars. In one of these seminars it was revealed that the ineffectiveness

⁴⁰⁴ *ibid*, pp. 20-25.

⁴⁰⁵ Shihab, Lutfi *Analysis of the Values in UAE Ministry of Education Books* (1991) (Arabic).

⁴⁰⁶ *ibid*, p. 63.

⁴⁰⁷ Seminar hosted by Ajman TV on 11-3-1997, titled " *The Importance of The Relationship Between School and Home.*" Participants in this seminar were: Khalifa Al Shaali, Abdulla Obaid and the

of school as a means of social control can lead to delinquency among schoolboys. Among the many causes for this delinquency as pointed out in the seminar were: inhumane treatment by schoolteachers, lack of follow up of the student's academic progress, and the difficulty of the academic curriculum.⁴⁰⁸

Analysis of criminal statistics also suggests the importance of school as an element of social control. Such analysis, in the UAE and many other countries, shows that the majority of criminals have low standards of education. According to these statistics, the majority of criminals leave school at an early age either because of a lack of interest in the school curriculum or because they have been punished badly in school.⁴⁰⁹ Statistics in the field of juvenile delinquency reveal that 61.5% of juvenile delinquents are schoolboys, of whom 66% are from elementary schools. Also, 52% of them discontinued education because of their hatred of school, 63% of delinquents were punished and beaten in their school, and 54% of them had failed in elementary school, whereas 52% failed in primary school.

6.4 WEALTH AND WELFARE

The word "poverty" means different things to different people. Virtually everyone agrees that poverty occurs when people have insufficient income. Therefore, in economics, the word "poverty" is normally related to those who live in the lowest classes of the social and economic order. To social researchers however, wealth and poverty are not just economic phenomena but have psychological and social dimensions⁴¹⁰.

Wealth and poverty in any society are still measured on the bases of personal income, type of work and living place. When these three standards are put together they determine the standard of living of a person and his economic status. In a society where there are large numbers of rich people, the society is classified as one

Director of Ajman Department of Education.

⁴⁰⁸ Seminar on Juvenile Delinquency, Abu Dhabi, 20 to 21 May, 1995,

⁴⁰⁹ Tamadher Hassoon & Al Rifaie Hussain *Problems Associated With The Growth of Cities* (1987) (Arabic) p.215.

with a high standard of living. To the poorer classes of the same society, this standard will always be taken as their reference standard, which they try to achieve.

It is a common assumption that those who belong to the poorer classes commit more crimes and therefore they are more criminal than people in the wealthy classes. In reality, people will commit crime regardless of their economic status as long as it pays. People will commit crime as long as they believe that they can not be touched by penalties (punishments) or that if they are punished that this will be lighter than the benefit they normally gain. It is true that the poor commit crimes such as minor thefts, vagrancy, begging, fraud and other crimes that are related to the fulfilment of their basic needs. However, these forms of crime are often effectively reduced by means of welfare. Wealth on the other hand produces its own forms of crime such as organised crime, like money laundering, armed assault, and falsification.⁴¹¹ The main difference between the crimes of the poor and the wealthy is that the wealthy can legally evade the criminal system or influence it to conceal the crime while the poor fall into judicial traps originally designed and executed by the wealthy.⁴¹²

Researchers in the Arab world often blame poor economic conditions for the increase in rate of crime in Arab society. This may be the case in the majority of Arab societies, yet this assumption seems inappropriate when applied to the UAE. The United Arab Emirates, with its unique population structure, requires special research to explore its social and economic dynamics in order to understand the effects of wealth on criminal behaviour. This is so because "The UAE's emergence as a major oil-producing country has brought phenomenal affluence and one of the world's highest per capita incomes to its small number of citizens."⁴¹³

The economic developments in the United Arab Emirates have increased the individual's average income and raised the standard of living of its people to one of the highest in the world. Today, the majority of people in UAE are happy and content with what they have. The federal state (UAE) has managed to provide a much higher

⁴¹⁰ Al-Mabrook, Muhyedin '*Poverty And Crime*'. Paper presented to Crime Prevention Seminar (1986) p. 52.

⁴¹¹ *ibid*, p. 52.

⁴¹² *ibid*, p. 57

⁴¹³ Peck, Malcolm *The United Arab Emirates* (1996) p. 92.

standard of living than that existed prior to federation, and one that is much higher than that exists in neighbouring countries such as Iran, India, Pakistan or Bangladesh. Encouraged by the local mass media, which remind people of the harsh economic conditions of the past and which show social and economic conditions in the surrounding countries, most citizens praise the administrative system for its economic achievements.

In chapter three, it was pointed out that meeting basic human needs would improve internal security and political stability. The UAE has achieved both of these objectives⁴¹⁴. Nevertheless, although for the time being economic conditions in the UAE are fulfilling the expectations of its citizens, the negative effects of this economic boom are beginning to appear. One of the most serious effects of this economic boom has been the increase in the economic gap between the rich and the poor classes in the UAE. If, as stated earlier, the reference point of the poorer classes is the higher classes of Shaikhs and the wealthy, then the question which needs to be considered is whether contemporary conditions can fulfil the future expectations of the lower classes? Also, can they accommodate the expectations of the expatriate class for a better standard of living, political participation, and naturalisation?

Economic conditions have not only widened the gap between rich and poor, but also produced new forms of crimes known as financial crimes. Criminal statistics show that financial crimes have continued to increase over the years to such an extent that they currently represent almost 50% of total crimes reported to police. Many researchers attribute this sharp increase to reasons such as the increase in commercial and trade activities in UAE, the huge gap between the different classes, and attempts by people to fulfil their basic needs.

The researcher conducted a study on a group of people convicted of financial crimes in order to explore further the causes of financial crimes in the UAE, especially among natives. For the purpose of this study, a group of inmates from Sharjah Central Prison were chosen. The questions were designed to find out their economic condition prior to and at the time of the crime. Also, to find out whether their

⁴¹⁴ Rugh, William A. The United Arab Emirates: What Are The Sources Of Its Stability, *Middle East Policy*, Vol. V. No. 3, September 1997.

economic condition was the only motivation for their crime. The group consisted of 32 UAE natives convicted of different financial crimes and who represented the three classes (poor, middle and rich) of the native population. The group was also selected on the basis of including an equal percentage of financial criminals in relation to the categories established by the criminal statistics of the Ministry of the Interior.

The study found that the majority of the convicted criminals passed through similar social, economic, and psychological conditions prior to committing crime. It showed that in 30 of the 32 cases studied, the individuals were unemployed prior to imprisonment. The study also showed that the financial needs leading to the crime were not the same in all cases. Only in 5 cases was the crime influenced by a vital need such as a threat to their life or to the life of a very close relative. In 17 cases, the motive of the crime was to improve life style. In the remaining 9 cases, gambling, drugs, alcohol, sexual needs and other desires were the motivation for the crime.

Besides the above points, the study also showed that excessive wealth in the higher classes creates feelings of envy among some of the people of the lower classes. The majority of the group believed that the wealth of the rich classes of the society was the result of illegal activities. Therefore, over 95% of the studied group legitimised their conduct (crime) believing that when others become wealthy through illegal means, why should they not have the same opportunity. Some individuals even tried to justify their act on religious grounds, claiming that stealing from those who have become wealthy is an acceptable act, especially when the wealthy use their wealth to achieve their ultimate political ambition of being above the law.

Finally, the study showed that of the studied group, 17 felt that their economic status had been and remained an obstacle to their social development. When asked about their social status and whether it had any effect on their conviction, 25 of them believed that the police caught them because of their weak social status, and 29 of them claimed that they were unaware that they were committing a crime.

6.5 THE MASS MEDIA

The question of the mass media's role in crime prevention has lead some criminal researchers to concentrate their attention on a specific element of crime prevention known as security information. Security information is defined by Al Sabah as:

“The information organisation's comprehensive operations that lead to the tranquillity, for the security (Amn) of the individual and the society.”⁴¹⁵

The effect of the mass media on the rate and type of crime, as well as on the criminal justice system was discussed in chapter three. It was concluded then that the mass media play an important role in the process of socialisation, and that their contribution was especially essential to the development of national identity during the first two decades following the formation of the federation in 1971.

For many reasons, the contribution of the mass media to crime prevention in the United Arab Emirates cannot be precisely determined. This is so for a number of reasons:

1. The idea of crime prevention is not included in the thinking of the higher administration of the law enforcement organisations.
2. The Ministry of Information as a conduit for the mass media has no defined information strategy, and is therefore unaware of any crime prevention objectives.
3. In the modern world, the mass media are universal, that is to say that no country in the world is fully able to control the flow of information in or out of the country.
4. There is a lack of co-ordination between the Ministry of the Interior and the Ministry of Information.

⁴¹⁵ Al Sabah, Sulayman *The Relationship Between Information and Security in Arabian Society* (1987) (Arabic) p. 83.

According to the above points, the mass media in the UAE are not participating in crime prevention in accordance with any clear or defined strategy. In this case, the question arises whether present television programs improve awareness and thinking on public security (*Amm*) issues? This question was addressed in a study conducted by Dr. Mohammed Matar and Dr. Saher Rashad from Abu Dhabi Police⁴¹⁶. The study concluded that the most important reasons for television's failure to contribute to thinking on public security (*Amm*) are as follows:

1. The shortage of crime control specialists and experts.
2. The difficulty of obtaining security information.
3. The shortage of financial aids.
4. A lack of co-operation and co-ordination between local and regional information institutes.

An example of the poor contribution made by the mass media to awareness of public security can be found if one considers television. Abu Dhabi Television (a prime station that transmits 24 hours a day) allocated only 356 minutes of its transmission time to security related programs between 1991 and 1995. Taking security-specialised magazines as another example, one finds that there are only five. Local police directorates (Dubai, Sharjah, Ajman, and Ras Al Khaimah) publish four of these magazines and the Ministry of the Interior publishes one. The cover pages of these magazines are usually reserved for photos of state officials and their news. Statements of the general director of police also remain a fixed part of the magazines' main contents. And although these magazines sometimes contain useful information, their importance as security (*Amm*) magazines is often undermined because of their reputation as third-world country security (*Amm*) magazines.

⁴¹⁶ Mohammed Matar and Saher Rashad *The Role of Television in Crime Prevention and Developing Awareness of Security*, UAE, (1996) (Arabic) pp. 9-30.

CHAPTER SEVEN

FORMAL CONTROL IN THE UAE: THE POLICE

Introduction

In their present form, formal organisations in the UAE emerged as part of the political, social, economic, and legal developments that took place in the 1950s and 1960s. Their emergence was necessary to fulfil society's needs and to compensate for the limitations of informal organisations in the field of crime prevention, deterrence, and control. However, since these formal organisations, like those in many developing countries, were under government control, they soon came to be influenced by prevailing bureaucratic and bedoucratic inputs that prevented them from responding effectively to developments in other sectors.

Although formal control organisations consist of many interrelated components such as public prosecution, the courts and the police, the discussion in this chapter will focus on the police. The establishment of the police in the Emirates has already been discussed in chapter one above, so the main concern of this chapter will be to consider the progress that has been made and the present state of the police.

7.1 THE UAE POLICE IN SEARCH OF A DEFINED ROLE

There are many notions and theories concerning the proper roles and objectives of the police. In reality, the selection and pursuit of these objectives can only be accomplished where proper attention has been paid to prevailing social, economic and political conditions and to the mentality of the existing authorities. In the United Arab Emirates at the present time, the following features of the crime control system must be recognised and addressed:

1. Bedoucratic* inherited inputs into the crime control system derived from the tribal and authoritarian political and administrative system.

* Using an out dated criteria on a modern event.

2. An outdated colonial approach to policing.
3. A Confederate administrative crime control system, which is similar to some extent to the American police administrative system.

Given these conditions, demands for a swift transition to a modern method of policing are unrealistic. Instead, it is advisable to consider minor corrections to the system whenever circumstances permit,⁴¹⁷ in order to bypass the restrictions currently imposed by the administrative system which seems determined to retain its traditional approach to crime control.

7.2 THE ROLE OF THE POLICE

Many people in the UAE as well as some officials are confused about the difference between the police and the army. To many, the police and army are two branches of the military force, but with a different uniform. This confusion is a result of the influence of the long-term domination of the UAE police by a colonial power, when one of the many police duties was "to remain a unit of the Armed Forces in emergency situations". During the first years after federation, as a result of this confusion, police organisations in the UAE were commanded mainly by army officers. During the 1990s, this military model has been further promoted by the present Minister of Interior who himself was the Chief of Staff of the Armed Forces. During his term of office, he has appointed many retired army officers and transferred other officers from different branches of the army to head various police organisations and to command law enforcement units in the Ministry of Interior.⁴¹⁸

Besides this militarisation, police organisations are also indirectly influenced by other factors. One of these factors is the interference of the military institute that is represented mainly by the Chief of Staff of the Armed Forces and the Minister of

⁴¹⁷ Under Secretary of the Ministry of Interior During a meeting to review The Penal Law articles that deal with the punishment of illegal immigrants in November 1996, the former Under-Secretary of the Ministry of the Interior stated that the legislative authority will not permit a complete change of the law and, therefore it is always easier to request smaller modifications till the law takes the appropriate shape.

⁴¹⁸ 54 army officers were transferred to the Ministry of Interior between 1993 and 1996 - Ministry of Interior, Officer affairs archive. Abu Dhabi. 1997.

Defence, who both belong to the ruling family and influence decision making within the law enforcement organisations.

The effects of these different influences can be seen today, in that the police functions in the UAE change from time to time, depending on who heads the specific law enforcement organisation. Are they Police or Army trained, and how much pressure is being exerted by the military institute on the police. Today, it seems that police organisations are not only drifting towards militarisation but are also preparing for the emergence of a new concept in crime deterrence, that is a 'Shoot to kill'⁴¹⁹ method.

The present confusion among some officials as to the difference between the military and police arises from their inability to distinguish between the two concepts. In reality, the methods of thinking of law enforcement organisations and of military establishments are quite distinct,⁴²⁰ and the differences in the training and culture of the two organisations are even greater. One of the main differences is their initial response to a threat. The military soldier is trained to "shoot to kill the enemy" whereas the policeman is trained to "rehabilitate and treat the offender."

Both of these responses are appropriate in their context. In the case of the policeman, the offender is a person who lives under the shadow of legitimacy and is a participant in the development of the society. The offender is a member of society and a national asset who deserves the care of formal and informal organisations and rehabilitation. Unlike the offender, the enemy of the military soldier is an enemy of the nation who has the intention of destroying the country and its assets, and who therefore deserves to be eliminated before he accomplishes his objectives.

Judicial restrictions imposed on the police and military establishments are also different. On one hand, judicial restrictions are part of the internal structure of law enforcement organisations and are strictly applied to members of the law

⁴¹⁹ During a meeting between the security and military organisations in the General Head-Quarters held in 1996, the military senior officer offered to solve the problem of illegal immigration by the shoot to kill method. i.e. every illegal immigrant should be shot on sight as he crosses the UAE border.

⁴²⁰ Most of the Police officers who graduated from police academies during an interview in 1997 said that; "we are two different organisations, and trained to achieve different goals."

enforcement organisations in order to safeguard the legitimacy, legality and ultimately the stability of society. On the other hand, judicial restriction is hardly visible in military organisations. In fact, brutality and the amount of aggression shown during contact with the enemy often are the measures of achievement and excellence within the military.

The present confusion must be resolved, but what model of law enforcement should be followed – a military model, crime control or a due process model? Is this a political issue after all?

The present search for a defined role for the police should be informed by internationally approved ideas about security (*Amn*). The search should conform to the expectations of a civilised society claiming to behave in a humane way in accordance to Islamic traditions. The search should also take account of contemporary universal expectations and of newly developed models that balance police power and discretion with peoples' liberties and rights.

Unfortunately, the law enforcement system is still under the influence of the tribal and Bedoucratic administrative system, and the features of the system referred to above are obstacles to any attempt to create a civilised police system. One therefore sees little hope of improving the law enforcement organisations. Nevertheless, urgent remedial action is required and this remedial action must take advantage of practices currently adopted in other countries that provide a better control over police conduct, including ideas of due process. While there are limits on the practices that could be introduced in the present circumstances, there are practices that could be implemented gradually to provide better control of the police:

- Restrictions on the excessive and unnecessary use of force by the police.
- Supervision of the police by human rights committees (the Japanese model), or by a protector of the citizen's rights ('Ombudsman', the Scandinavian Model).

- Recognition of suspects' rights and the provision to defendants of legal aid⁴²¹ (that forms the base of the western democracy and individual's liberty).

7.2.1 The Early Police Role

In the years prior to federation, one finds clearly defined roles and objectives for law enforcement in the Emirates. This was because the colonial authorities operated with a single model for the police that was implemented by the police forces in all the regions under their control, including the Emirates. The role of the Emirates police, as established by the British, was to achieve colonial objectives. The police were trained to implement these objectives with the assistance of Jordanian and a few Sudanese officers who had already served under the British command in their countries. With the aid of those officers and guided by clear objectives and well-defined roles, the desired objectives were achieved, including the stability of the occupied region. This was so despite disagreements regarding some of the objectives such as the expectations of the people, their dignity and above all their freedom.

The role of the police during this period included:

- The Prevention of crime.
- The Detection of crime.
- The Prosecution of offenders.
- The Apprehension of offenders.
- The Recovery of stolen properties.
- The Maintenance of public safety.
- To remain a unit of the Armed Forces in emergency situations.

7.2.2 The Police Role Since Federation

Because the temporary constitution of the UAE at the time of federation complied with the demands of individual Emirates for separate police forces, the role of the police has continued much as it was before federation, though there have been minor modifications in recent years.

⁴²¹ Sanders, A. and Young, R. *Criminal Justice* (1994) p. 392.

Following the establishment of the Ministry of the Interior in 1972, Ministerial Decree No. 2 for the year 1972 article (5) was immediately issued that defined a unified role for the Emirates police. Unfortunately, this decree was only applied to the federal police forces that had a limited area of operation. According to this decree, the duties of the federal police were as follows:

- A. To control all affairs related to citizenship and immigration.
- B. To secure the federation from internal threats.
- C. To establish, organise and supervise the federal security forces.
- D. To co-ordinate and improve co-operation between the police forces of the federation.
- E. To supervise the spending of the financial allocations from the federal budget for the internal security affairs according to the needs of the Emirates and by agreement with the concerned authority.
- F. To supervise law enforcement, order and local administration of the permanent capital of the federation.
- G. To organise traffic in the capital of the federation and roads declared by law as federal roads.
- H. Other duties entrusted to the ministry according to other legislation.

In 1974, in order to strengthen unification, the Ruler of Sharjah merged most of the local departments in Sharjah including the National Guard and the police force, placing them under the control of federal ministries. As a result, Ministerial Decree No. 3 for the year 1974 article (2) was issued to add additional duties to the ones stated in the earlier decree. According to this decree, in addition to its existing duties the federal police was to administer and maintain the security of federal prisons. And although, this decree added additional duties to the federal police, it did not make

significant changes to the main role of the federal police in terms of strengthening the federal authority. Many believe that this was a deliberate move by the legislator to avoid opposition from the local authorities, as any alteration would have been interpreted by the individual Emirates as an encroachment on the authority of the local police.

Similarly, Decree No. 3 for the year 1995, Chapter one – concerning the duties of the Ministry of the Interior - added additional duties to be executed by various branches of the Ministry of Interior. These included Police Aviation, the Coast Guard and Civil Defence. This decree has made considerable changes to the organisation of the Ministry of Interior. Furthermore, it recognises the importance of expanding existing branches and of establishing additional branches within the Ministry of Interior⁴²² so that the additional responsibilities may be undertaken.

However, despite the fact that this ministerial decree and many others over the years have made considerable improvement to the law enforcement organisations, all efforts to achieve a comprehensive integration of police forces have failed. Between 1972 and 1995 the former management in the Ministry of Interior was engaged mainly in organising police forces in the different Emirates, and was also busy finding ways to boost and improve co-operation between these forces. However, its inability to persuade Dubai police to join the federal police and the Ministry of Interior, was a major setback, and the Dubai police remain out of the federation today. Another setback to integration concerns responsibility for law enforcement in the capital of the federation Abu Dhabi. Whereas Article No. 5 of the Minister's Council decree 3/1995 authorises the Ministry of Interior to supervise law enforcement for Abu Dhabi, in reality the capital is still administrated by the Abu Dhabi police, as declared by the Supreme Council on the 20th of May 1996.

At last, changes in the top management of the Ministry have brought about the prospect of a proper internal security strategy. The outline and objectives of such a strategy may be gathered from the Minister's guidelines and different official

⁴²² The Appointments of three assistant Under Secretaries for the General Directorate of Citizenship and Passport, the General Directorate of Security Affairs and General Directorate of Administration and Planning affairs (In accordance with Ministerial Decree No. 3 for the year 1995).

announcements⁴²³. According to the Minister's statement, in order to guarantee internal security and stability, the strategy must encompass the following fundamental issues⁴²⁴:

1. The internal security and stability of the society are affected by political, economic, military, technological and cultural factors. These factors form the different dimensions of public security (*Amm*).
2. Internal security and internal stability are comprehensive responsibilities that must be accepted by all parties, official and private organisations alike as well as by individual citizens. Therefore, the internal security strategy will depend on the collective efforts of various sectors of society to achieve the best methods of confronting threats.
3. The importance of improving relations with the public.
4. Determining and specifying present and future threats.
5. Establishing plans and specifying the methods and means of confronting the present and future threats.
6. Improving various law enforcement organisations, related schools, institutes and colleges.
7. Providing special assistance to the security, social and criminal research centres.
8. Foreseeing the future and preparing law enforcement organisations to deter crime with modern methods.

⁴²³ Al- Ittihad newspaper, 20th August 1994, p. 9.

⁴²⁴ These points were set out in Chapter two, section 2.4 above, but they are repeated here for convenience of the reader.

The above guidelines seem to be comprehensive. However, the legislator and the authorities in charge of formulating the security (*Amn*) strategy have overlooked many important issues. Crime prevention is one issue that has been totally ignored by the proposed strategy and by ministerial decrees that define the roles and objectives of law enforcement organisations. For example, the term "prevention" was mentioned only once in the Minister's Council Decree No. 3/95 article 8, and only during a reference to Civil Defence duties: "To take all necessary precautions and measures to prevent disasters and dangers, to confine, reduce and remove the effects of such dangers". The absence of the concept of crime prevention from either ministerial decrees or the minister's guidance, suggests that crime prevention has never been considered as part of the security (*Amn*) strategy. In other words, security (*Amn*) and the safety of ordinary citizens and their property seem to be secondary police responsibilities, if at all. On the other hand, the security (*Amn*) of people of the higher classes is an important objective, and one which obliges the police officer to sacrifice his/her life for where necessary.

Many other important issues such as enforcement of law and order, defending constitutional institutes, public liberties, freedoms, and rights have also been ignored. Though the term 'To secure the federation from internal threats' is the closest to giving effect to these expectations, nevertheless it remains a vague statement. A declaration of the issues referred to above would transform law enforcement organisations from defenders of the king to defenders of human rights.

In the absence of a national criminal strategy, the absence of defined roles and objectives continues. This seems to be a phenomenon that has accompanied the federation since its beginnings. The absence of a national strategy might be understandable at the beginning of the federation. For example, Dr. Abdulla Taryam^{*} has argued:

"The absence of a defined strategy during the first few years of the federation can be justified since the Emirates were in need of practically every form of amenity and therefore, things had to be done very quickly"⁴²⁵.

^{*}Former Minister of Education and Minister of Justice.

⁴²⁵ Taryam, A.O. *The Establishment of the UAE 1950-85* (1987) p. 254.

While it is true that one can justify the absence of different strategies for the first few years after the establishment of federal state institutions, this justification does not extend to the continued absence of defined strategies. The institutions of the federal state were supposed to design and execute their strategies in order to meet both the existing and newly arising requirements of the federation. Most federal ministries have failed to do this, showing a lack of determination on the part of the higher authorities. If one reviews the minutes of the different meetings that led up to federation, it is clear that the goals and objectives set at that time have not been achieved today.⁴²⁶ There is no doubt that short term views and powerful loyalties both to tribes and to individual Emirates have been great obstacles and hindrances to the establishment of better law enforcement organisations.

Although the development of a security (*Amn*) strategy has been an objective since the appointment of Minister Hamoodah Bin Ali Al Dhahiri as Interior Minister, neither the ministry nor most law enforcement organisations are able to explain how the strategy would operate in answer to the following questions:

- Firstly, how to determine the security (*Amn*) vision of supreme authority?
- Secondly, can the law enforcement organisations meet public expectations as well as the expectations of the higher administrative authority?
- Thirdly, what would be the position of the law enforcement organisations in the event of controversy between the public and the higher administrative authority?

During an annual meeting of the General Directorates in the Ministry of the Interior, the researcher asked the Minister about the absence of a security (*Amn*) strategy? The Minister avoided admitting the Ministry's failure to convince the higher administrative authority to approve its strategy, replying politely:

⁴²⁶ Al Rayes, *Reyadh Arabian Gulf Documents* pp. 68-71, p.95: (1) Document of the people of the Gulf and Oman to the Emirates Rulers meeting in Abu Dhabi 1968. (2) Preparation for the Constitution

“Which security do you mean - Economic, political, social, health, food? We shall continue to execute our duties in accordance with the general guidance of the Supreme Council and the President’s verbal and written directives.”⁴²⁷

7.2.3 Reform

In Western countries, police roles and objectives are continuously being revised and reformed to meet public expectations, the requirements of crime prevention, deterrence, control and the demands for tighter control on police conduct. There is an increasing emphasis on harmonising relations between police and the public, and on ensuring a balance between the demand for better internal security and the demand for the respect for human rights in society.

To meet public expectations, law enforcement organisations in United Arab Emirates, without exception, need to be reformed. Reform is essential if law enforcement organisations are to meet the growing challenge of crime and if they are to match the improvements that have taken place in other sectors of society. Unfortunately, most of the reforms that have been introduced since the first ministerial decree in 1971 have been a result of changes in senior administrative personnel, or of decisions made by ordinary clerks who have no relevant knowledge or expertise.⁴²⁸

Reform must therefore be introduced following a proper methodology, taking into consideration both local and regional needs, if it is not to be rejected or irrelevant. Hence, adopting any imported program without careful evaluation would be unwise. For example, in the context of the English legal system, Zander notes that “...It was too dangerous to attempt a transplant of the continental legal system into the very different setting of England and Wales”. The same caution must be observed by the UAE when considering the adoption of elements of any foreign system, even those of other Gulf States. Regardless of the many similarities in the social, economic, and

under the supervision of Dr. Al Sanhoori and Dr. Al Turabi p. 587 and (3) The introduction of the early draft constitution made by Dr. Waheed Ra'afat p. 591.(1987)

⁴²⁷ General Directors Meeting, Ministry of Interior, UAE- Abu Dhabi, 1991.

⁴²⁸ Most early statements of the police roles and duties were drafted by Jordanian under-officers with low education. They were clerks in the Abu Dhabi Police and later reached the rank of officers and directors in the Ministry as well as various Police Directorates.

political conditions of Arab and Islamic societies, and particularly of the Gulf States, the fact remains that UAE society is still a unique society in its structure.

7.3 POLICE DISCRETION

Both in the UK and the USA there has been an extensive debate concerning the ways in which police discretion is exercised. Robert Reiner has stated:

“Police discretion has often been lauded as not only inevitable but wise and desirable...the problem is that research on police practice has shown that police discretion is not an equal opportunity phenomenon”.⁴²⁹

Instances of the abuse of their discretion and the failure of the police to properly investigate such abuses have fuelled the debate, and prompted growing demands for the police, like other authorities, to be made properly accountable.

How relevant is the above debate to policing in the UAE? What issues arise within the police and more widely in society about police discretion? Before considering the exercise of discretion by the police it is necessary to refer to the discretionary powers that are available to the Ruler as the supreme governor of the security in his Emirate. It is generally understood that the Ruler has the constitutional power to order the police either to stop or to initiate an operation within the territories of his Emirate. The basis for this power is Article 117 of the Constitution that provides as follows:

“The exercise of rule in each Emirate shall aim in particular at the maintenance of security and order within its territories, the provision of public utilities for its inhabitants and the raising of social and economic standards”.

Some constitutional lawyers do not accept that Article 117 provides a sound constitutional basis for the Ruler's discretionary power, arguing that separation

⁴²⁹ Reiner, R. “Policing and the Police” from Maguire, M. Morgan, R. and Reiner, R. eds. “Oxford Handbook of Criminology” (Clarendon Press, Oxford 1994 edition) p.1010.

between the state authorities obliges the Ruler to avoid any intervention in the judicial process⁴³⁰. Other constitutional experts support the legitimacy of intervention by the Ruler, citing custom and religious heritage. They argue that the Ruler is the supreme tribal and religious authority (Wali Al Amr) with responsibility over all organisations in society, and that he is not accountable within the judicial process. Both positions have some force. The first gives full recognition to the principle of the separation of powers and is consistent with the constitutional practice of modern democratic states. The second recognises that in order to assure the existence of the federation, the constitution had to preserve the traditional powers of the ruling authorities in individual emirates. This position therefore acknowledges the historical and political context at the time of the formation of the federation in 1971.

Understandably, there has been no empirical study of the Ruler's exercise of discretionary power in the criminal process. It is therefore not possible to give any definite account of the circumstances in which this power is exercised. However, recent experience indicates that the intervention of the Ruler is most likely where he has reason to believe that the police or other executive authorities may have exceeded or abused their powers⁴³¹. The majority of the population therefore accept these interventions, particularly the UAE citizens who regard them as a part of their heritage and as a natural aspect of traditional leadership⁴³². The Ruler (and officials authorised by the Ruler) also has the power to detain a suspect in the local prison⁴³³. This power is generally exercised as a precautionary measure to guard a citizen against those who may harm him in retaliation or for revenge.

In examining police discretion in the UAE it is essential to acknowledge that police discretion is not only exercised by police officers and policemen on the street, although this is the most problematic exercise of discretion. It is possible to identify several distinct points at which police discretion is exercised. The General Director of Police in each Emirate has the power to allocate those resources that derive from local income, as he thinks fit, subject to the overriding direction of the Ruler. The General

⁴³⁰ Interview with former General Public Prosecutor and member of the Constitutional Amendment Committee.

⁴³¹ This issue will be further discussed below in the section on controlling police discretion

⁴³² See Chapter One pp.25-28

Director of Police also has the power to decide on the allocation of resources to particular investigations or activities. Reiner refers to this aspect of discretion in terms of general policy decisions about organisational matters and distinguishes this aspect from the discretion of police officers and policemen on the street⁴³⁴.

Reiner refers to the latter discretion as the "decisions taken by individual officers in the course of routine police work on a case-by-case basis"⁴³⁵. As we saw above⁴³⁶, the discretion of individual officers on the street arises in the context of several important decisions: to stop and search an individual; to enter and search premises; to seize evidence; to detain a suspect at the police station, and, to charge a suspect with an offence. Although the decisions to detain and to charge are *finally* taken within the police station by a limited number of senior police officers who have been authorised to do so by the General Director, yet the initial decisions are made on the street. The discretion whether or not to detain or charge a suspect therefore arises both on the street and within the police station, and so falls within both of Reiner's categories of discretion.

Where the discretion concerns general policy decisions, these matters have been discussed above (see Chapter 2 section 2.4). This section will concentrate on the discretion of individual police officers and policemen on the street. Is there public concern about the extent or abuse of this aspect of police discretion? In answering this question we should recognise that there has been little public debate of such issues in the media. Although there have not been public expressions of concern, it is very likely that such concerns exist and the police themselves have recently called for public contribution to the discussion of police discretion⁴³⁷. Despite the absence of empirical research data, the following factors would suggest that the police in the UAE abuse power and engage in harassment and discrimination⁴³⁸:

⁴³³ Part of (Ta'azeer) discretionary punishment, that authorise the Ruler and the judge (Wali Al Amr). For more information refer to chapter five, Islamic criminal law.

⁴³⁴ Reiner, R. "Policing and the Police" from Maguire, M. Morgan, R. and Reiner, R. eds. "Oxford Handbook of Criminology" (Clarendon Press, Oxford 1994 edition) p.743

⁴³⁵ *ibid.*

⁴³⁶ Chapter Two section 2.4 The Criminal Justice System

⁴³⁷ Security Affairs Magazine (UAE) Volume 3 May 1999 at p.12 (Arabic)

⁴³⁸ A Majlis consisting of police officers, lawyers, public prosecutors and judges showed wide acceptance of these points

- The basic education of street policemen.
- Their lack of training in human relations.
- The relatively low social and economic status of policemen⁴³⁹.
- The vagueness and lack of definition of the police role.
- The absence of a national security strategy.
- The variety and number of crimes.
- The range of social/political/economic classes that the police are facing on a day-to-day basis.
- Police tend to serve the interests and protect the rights of the higher classes.

7.3.1 Under-Policing

One of the most difficult aspects of discretion to review and control is the discretion not to take any action. Because such decisions will usually end the matter, they are therefore not open to further checking or review. As Reiner writes⁴⁴⁰:

“...[T]he necessarily dispersed character of routine uniformed or plain-clothes police work gave it ‘low visibility’ from the point of view of police management or any outside regulatory bodies. This was particularly true of decisions not to invoke the law, which might never be reviewed by anyone at all apart from the street-level police officer”.

The discretion not to take action raises the issue of under-policing. Like many other issues in the field of policing, under-policing has not been the subject of extensive research in the UAE. Therefore, a brief questionnaire was prepared and circulated to over 50 street policemen. Respondents were asked to indicate how they would react if they faced a person in suspicious circumstances, and were given different categories of individual. The results of the questionnaire confirmed current experience and suggest that policemen will tend to under-police where the suspect is:

⁴³⁹ Most policemen on the street have an education below secondary school level, with four to six months police training. Their monthly salary ranges from £300 to £1000

⁴⁴⁰ Reiner, R. “Policing and the Police” from Maguire, M. Morgan, R. and Reiner, R. eds. “Oxford Handbook of Criminology” (Clarendon Press, Oxford 1994 edition) p.724

- A member of the ruling family (Sheikh)
- A member of the highest socio-economic classes (rich merchant families for example).
- A Government Minister or high ranking police or army officer.
- A person in a very expensive new car, such as a Rolls Royce or Mercedes. (Although there is evidence in the UK that black men are more likely to be stopped when they are driving such cars⁴⁴¹, the general presumption in the UAE would be that any person driving such a car would be a driver or servant if not a member of the family).
- A car with an exclusive registration number, used primarily by the classes of people referred to above.
- A person of good appearance, local or European origin.
- A veiled women or women with native dress.
- A tribal leader.
- An old man of native appearance.

7.3.2 Over-Policing

The questionnaire (and Majlis) also indicated that policemen will tend to over-police if the suspect is:

- A person of Indian, Pakistani, Bengali, Irani origin, or from the Far East, and who gives the appearance of being poor.
- A young black person who gives the appearance of being poor and is not dressed in accordance with local tradition.
- A woman if seen after midnight.
- In the cases when the police are cautioned about a criminal of particular appearance.
- During security crises, such as after a dangerous crime has been committed, or if the person is at the scene of the crime.

⁴⁴¹ A brief discussion of racial discrimination in police powers and further references is on p.727 of Reiner, R. "Policing and the Police" *ibid*.

- Police in the United Arab Emirates also over-police to ensure the security of local VIPs, and during national celebrations and the visits of foreign officials.

7.3.3 The Control of Police Discretion

Among police officers, the abuse of discretion is widely regarded as essential to the task of crime control. As we saw in Chapter Two, the police view tends to be that the law ties their hands and damages their ability to control crime. On the other hand, traditionally at least, police brutality or any unnecessary physical use of force was regarded as completely unacceptable and shameful⁴⁴². In recent years, this sense of shame and condemnation has faded and no longer constitutes an effective restraint against this form of abuse.

Within the police organisation, police conduct is supervised and controlled in several ways. Policemen and officers are evaluated annually by senior officers with regard to their respect for human rights and dealing with colleagues and with the public. Reports and complaints (written or verbal) from the public to the police administration are investigated. Where complaints are verified the complaint will be filed, and may lead to written or verbal warnings from senior officers. The effectiveness of this form of control depends greatly on the quality of the report written by the senior officer of the policeman in question. One of the most important difficulties here is the great reluctance of officers to 'inform' against one of their friends and colleagues. This problem is clearly not restricted to the UAE. As Reiner writes: "Solidarity may act as a device for shielding wrongdoing from investigation by outsiders, even other police officers from different parts of the service"⁴⁴³.

In addition to this administrative control from within the police organisation, the office of the General Police Inspector in the Ministry of Interior was established by Federal Law no. 3 for the year 1995. The Law obliges this office to inspect and supervise the conduct of the police. However, the General Police Inspector and his assistants are not independent from the police, themselves being police officers, so

⁴⁴² Questionnaire on patrol police reaction toward a suspect of different statuses.

⁴⁴³ Reiner, R. "Policing and the Police" from Maguire, M. Morgan, R. and Reiner, R. eds. "Oxford Handbook of Criminology" (Clarendon Press, Oxford 1994 edition) p.734

one could question if this body can really provide a check on police wrongdoing. Since 1995 the office of the General Police Inspector has not been active and there is no sign that it has made a real contribution to this issue.

As we saw in Chapter Two⁴⁴⁴, the police in the UAE are regarded as an arm of the judicial authority and carry out their duties under the control and supervision of the public prosecutor⁴⁴⁵ who acts as the representative of the judicial authorities. Can the judicial authorities provide effective control and supervision of police conduct? In the execution of their duty, policemen and officers are subject to the civil and criminal law, as well as to the law relating to criminal procedure. The public prosecutor can take policemen and officers to court if they commit criminal offences such as an assault in the course of an investigation. Legal action can also be taken against the police for wrongful detention or where the period of detention exceeds the authorised period.

“If law control officials commit a contravention or a default in performing his duties, the public prosecutor may ask the competent authority to which the law official belongs to consider his case, and may ask for disciplinary action to be taken against, him, without prejudice to the right to bring criminal proceedings”.⁴⁴⁶

Victims of police abuse or discrimination can utilise tribal custom and complain directly to the highest authority. The relevant Minister, the Ruler of the Emirate, and even the President of the UAE can be approached in their offices or *Majlises* to listen to the complaint. This traditional method of securing a remedy is popular and therefore quite common. Even among poorer people and non-citizens there is confidence that the highest authorities have the power to see that a proper resolution of the problem is reached. The general director of police may be called upon to clarify the matter if he is the target of the complaint, or required to investigate and report where one or more members of his department are involved. Where the complaint is

⁴⁴⁴ Chapter 2 Section 2.4 The Criminal Justice System

⁴⁴⁵ Ministerial Decree No.35 for the year 1992, Article 31 “Law Control officials shall be under the control and superintendence of the public prosecutor in all matters related to their duties”.

⁴⁴⁶ Criminal Procedure Code. Article 31&32.

upheld, further tribal or legal action will follow to satisfy the complainant. In most cases this will consist of the payment of compensation to the victim.

In the absence of empirical research data it is impossible to assess the precise operation and effectiveness of this approach. What proportion of complaints are upheld? What factors are linked to successful complaints? Are the complaints of native citizens more likely to be upheld than those of expatriates? Many questions need to be answered. Certainly, it is the case that some complaints are upheld. The experience in Ajman suggests that expatriate complaints are likely to be upheld where diplomatic pressure is exercised on the person's behalf⁴⁴⁷.

7.3.4 Conclusion

It is necessary to confront the political and administrative authorities with the fact that discriminatory policing is one of the factors responsible for deteriorating crime control.

Public debate within the media and genuine political participation are fundamental elements of supervision over the conduct of the executive authorities. In these circumstances, abuses of power and discrimination are brought to the attention of the public and pressure may be brought to bear on the police to take action. Realistically, there is no immediate prospect for freedom of the press or for the development of political participation (democracy or Shura). Therefore, reform and control of police discretion will have to be undertaken on the police's own initiative. A number of steps are possible in this respect.

Police discretion should be controlled, based on experience, qualifications and previous record, so that, for example, junior policemen would have limited discretionary powers. Furthermore, policemen on the street should not have the power to detain suspects. Instead, their power should be limited to recommending detention with the decision to detain resting in the hands of senior police officers. The Office of the General Police Inspector should be encouraged to supervise police conduct, and in

⁴⁴⁷ Ministry of Foreign Affairs Archive, Abu Dhabi

particular arrest, detention, demands for legal warrants, decisions not to proceed with cases, and the transfer of cases to the public prosecutor. An independent organisation to hear and investigate complaints against official organisations, including the police, operating under the supervision of the legislative authority, is also required.

In view of the difficulties facing any attempt to impose external control on the exercise of discretion it would appear that an important element of any strategy in this area must be improved police training.

7.4 POLICE TRAINING

Proper operation of training requires that training organisations determine the goals of the training, the type of training required to achieve those goals, and the means of evaluating the training. Evaluation should begin before the start of the training operation and continue afterwards to evaluate the results of the training operation and its effectiveness in society.

In most Arabian countries, security training needs are determined according to the requirements of the political system that aim at political stability as the first priority and internal stability as the second. As a result, training organisations in the Arab world, including those in the United Arab Emirates, still adhere to outdated classical methods that do not take into consideration ever-changing social, political, and economic conditions. Despite the insufficiency of specialist research in the field of training, most research confirms that the reasons behind the failure of training organisations to meet contemporary requirements are as follows:⁴⁴⁸

- The training curriculum deals with undefined problems and has undetermined training objectives.

⁴⁴⁸ Al Jabali, Sa'ad A suggestion to improve the training syllabus in the training institutes, *Journal of Arabian Training*. (1992) p. 213.

- Al Darabkah Ali, *Development Of Jordanian Civil Service*, Masters degree, Jordanian University, 1992.

- Abdul Aziz Taqi and Ali Askar, Training To Improve The Human Resources, *Journal of Arabian Management*, Vol. 2, Kuwait, 1987.

- The training curriculum concentrates mainly on theoretical aspects of training.
- Training needs are not assessed using scientific and objective methods.
- Training needs are not correlated to society's expectations and demands.

In most police training organisations in the UAE such as the Federal Police College,⁴⁴⁹ the Dubai Police College, and the Federal Police Training School, the curriculum has been imposed by the higher education authority. Indeed, this imposed curriculum is the price paid by these training organisations so that they can grant degrees in law and police science diplomas accredited by the education authority.⁴⁵⁰ So, it is not society's internal security needs that are determining training objectives in these colleges, but the graduation requirements of the education authority. As a result, officers who graduate from these police training organisations usually have a good theoretical knowledge of law, good military drill. They also have a bachelors degree in law recognised by the Ministry of Higher Education. However, they also graduate with few practical capabilities and techniques that enable them to prevent, deter, or control crime.

The deficiencies of the present curricula can clearly be seen if we examine the training curricula of two leading police training organisations in UAE, and compare these curricula with the one utilised by police training organisations in West Germany.

Taking the Federal College as the first example, ministerial decree number 218 of 1992, states that the Federal College curriculum shall consist of the following:

- Al Taweel, Mohammed Administrative Developments In The Arabian Gulf States, *Journal of Public Administration*, Vol.5, 1986,

⁴⁴⁹ The researcher has been a member of the high administrative board of the Federal Police College since 1997 (in accordance with Ministerial decree N0.19) for 1997.

⁴⁵⁰ During a Majlis attended by high ranking officers from Dubai police, the researcher asked General Dhahi, the General Director of Dubai Police and head of the directory board of Dubai Police College why police Colleges in UAE graduated police officers without good knowledge of security sciences? General Dhahi replied; " We decide our curricula according to the requirements of the Higher Education in order to approve our courses for granting the degree". November 1997, Dubai.

<u>Subject/Courses</u>	<u>Credit Hours</u>
Law Studies	68
Shari'ah Law	18
Police Courses	34
Elective Courses	24
Total Credit Hours	144

One can see from the above that theoretical subjects form about 80% of the curriculum.

Taking the Federal Police Training School as a second example, this school trains police personnel who form the backbone of most police organisations in UAE. The main part of its curriculum is theoretical lectures while the remaining part is military drills, as can be seen from the following:

I. THEORETICAL SUBJECTS

<u>Subject</u>	<u>Number of Lectures</u>
Penal law	36
Police system	18
Traffic	12
Fire fighting	12
First aid	12
Reports and correspondents	12
Preventive SECURITY	8
UAE society	12
Islamic culture	12
Introduction to penal procedures	18
Special laws	12
Personnel management	18
Criminal investigation	20
Drug deterrence	12
Police operations	36

Police community relations	18
<hr/>	
Total Lectures	256 Lectures

II. PRACTICAL TRAINING

<u>Subject</u>	<u>Number of Sessions</u>
Physical training (sport)	176
Military drills (parade)	169
Weapons	68
Firing	7
Police operations (tactics)	14
<hr/>	
Total Number of Sessions	454 Sessions

The two training curricula above should be compared to the one adopted by police training organisations in West Germany, and which includes the following⁴⁵¹:

- Electronic data processing
- Photo and video techniques.
- Work in the scene of crime and police records departments.
- Track securing- technical and chemical possibilities.
- Juvenile delinquency.
- Missing people and unidentified corpses.
- Crime against human life.
- Organised crime.
- Hijacking and hostage taking.
- Security of people and objects.
- Counterfeiting.
- Internet related crimes (children pornography, racism, and xenophobia)
- Interception of telecommunications.
- Political motivated violence.
- Fire investigation.

⁴⁵¹ During, *Walter Scene of Crime*, Federal Republic of Germany. Working paper presented to the Police Training Conference. UAE, Abu Dhabi, 15-18 February 1998.

- Violence against children and woman.
- Narcotic crimes.
- International crimes
- International dealing with stolen cars.
- Gang related crimes.

These examples demonstrate that there is a big difference between the two concepts of training. In the first two, classical methods and a focus on theory are the main characteristics of the training process, whereas in the third, the training strategy is orientated to achieve two main objectives: the utilisation of modern techniques; and counteracting the latest threats to society.

In view of these deficiencies, it is essential that training organisations in the UAE revise their training strategies so that, once trained, the police are able to respond to the ever-changing requirements of contemporary society. Furthermore, training organisations must identify their training needs taking full account of local, regional, and international developments.

CHAPTER EIGHT

CONCLUSIONS

Introduction

This research has tried to uncover, explore and understand the many phenomena that are closely tied to the internal security of United Arab Emirates society. Detailed exploration of each and every one of these phenomena, each one of which deserves its own thesis, has not been possible. However, certain issues, because of their historical and contemporary implications for security (AMN) have required close examination. From the beginning, the purpose of this research has been to set a course toward a safer society in the United Arab Emirates, and the research has been critical in many respects. Nevertheless, it has tried to be fair and to give proper credit to the administrative system for its efforts and for the economic development that has been achieved.

This chapter will re-emphasise those dangerous phenomena that are likely to threaten the internal security and stability of the UAE. In doing so it will highlight the problem of population structure and the effects of economic development on the increased rate of crime in the UAE. At the same time, the researcher accepts that research into other phenomena is essential.

8.1 EFFECT OF ECONOMIC DEVELOPMENT ON SOCIAL CONTROL

The economic development of the United Arab Emirates was one of the main issues focused upon by this research. It forms the core around which all other changes in the UAE have taken place.

Common sense dictates that these development strategies were supposed to benefit UAE citizens. National resources were supposed to be utilised to serve the achievement of this objective. Unfortunately, lack of co-ordination between crime control and social and economic development has increased the gap between these developments. Therefore, the benefits of the economic development have been used

to serve other interests while leaving the social and crime control sectors undeveloped and unable to meet citizens' expectations.

Official statements show that economic, demographic, and social needs have increased the number of expatriates in UAE so that today they form almost 80% of the total population.⁴⁵² Those who claim ⁴⁵³ that the expatriate labour force was needed to support various developments have to realise today that this dramatic increase has had many serious consequences. A glance at the population structure of the UAE reveals the seriousness of this dilemma. The extra requirement for the labour force has not only created an imbalance in the population between natives and expatriates, but has also caused a fundamental imbalance in the gender structure. According to Dr. Mohammed Ibrahim Mansoor of the UAE University, the present male to female ratio is 2:1 (1.579.743 male to 787.710 female).⁴⁵⁴ Furthermore, this requirement for labour has also created a society that is a mixture of many ethnic groups and nationalities that poses an enormous challenge to social integration and to the formation of a unified society.⁴⁵⁵

Indeed, the ruling establishment was surprised by the magnitude and speed of political, social and economic change and was unable to keep pace with it. Proper planning was not possible because in the face of these changes, the ruling establishment had neither the scientific capabilities nor the practical experience to plan for the future in such a way that it could meet the requirements of development without adversely affecting the internal security of the UAE. Consequently, three decades after the establishment of the federation, successive developments in many sectors are widening the gap between economic and social development, while other developments are proceeding towards each other on a collision course.

⁴⁵² Rugh, William A. The UAE: What Are The Sources Of Its Stability? *Middle East Policy*, Vol. V, No.3, September 1997.

⁴⁵³ Mohammed bin Fahad *Immigration to Emirates*, unpublished Ph.D. dissertation, Cairo University (1997). Mohammed in his research praises economic development in the UAE and justified the need for the expatriate labour force for this development. He also refers to the negative social effects of expatriate labour force and believes that it is bearable for the sake of the required economic development. This point of view is strongly rejected by many sincere thinkers in the society. For example, Mohammed Al Mur referred to supporters of such a notion as the Lobby that is driving United Arab Emirates to extinction.

⁴⁵⁴ Al Khaleej newspaper, Vol. 6725, 17-10-1997. It is previously reported as 1:159 according to UAE. Census of 1995

As mentioned earlier, the native population should have benefited from the economic developments. Unfortunately, the facts and figures reveal otherwise. Many officials in the Ministry of Planning reveal that although these developments achieved the required economic growth, it has always been in favour of expatriates. For the native population, this economic growth has not only had a negligible effect on their economic conditions, but has also had negative effects on their social conditions as well. Therefore, in all cases the current economic growth is against the interests of native citizens.

With the social and economic changes that have occurred in the UAE, there should have been corresponding radical change in the political, administrative and crime control systems so that they could develop themselves internally and so keep pace with the rapid economic changes. Such radical change would have included the preparation and training of native citizens as a substitute to relying on the large numbers of expatriates who still run many of its sectors. Unfortunately, none of these changes was made to the degree required. The burden of rapid change therefore fell elsewhere, and especially upon informal organisations such as the family and religion. Ultimately, these organisations proved unable to sustain the burden. For example, although religion once played an important role in upbringing and prevention from deviation, today, it no longer fulfils the same significant role. Whereas religion once formed the comprehensive frame that circled all customs and traditions, the claim that Islam has that dominant role is arguable. Deterioration in the role of informal organisations is mainly due to their failure to form a consensus among different people on common social values. Hence, while homogeneous and stable families and communities once prevailed in society, this is no longer the case.

In reality, economic developments have introduced enormous social changes. Unfortunately, the cost of these changes has been very high and it has been paid in the form of the disintegration of the social fabric, which eventually weakened social controls. This in turn has required interference by formal organisations in the form of more and more laws.

⁴⁵⁵ Al Awadhi, Abdulla *The Population Changes And Recorded Crimes In The UAE From 1972-1992*, Ph.D dissertation, Department of Social Policy, University of Manchester, 1996.

The study conducted on the inmates of Sharjah prison makes this picture clearer. According to this study, when asked about their business experience and its legal aspects, almost all of the inmates stated that they had no previous knowledge or experience. Economic activities in society were much more advanced and complicated than many of the inmates had thought. Furthermore, most of the inmates were not technically prepared to enter such a complicated field full of financial traps designed by their foreign partners. Most of them were caught and incriminated by their national law, a law that they did not know anything about.

The consequences of unplanned economic development and of the outward openness of this society have had many other side effects. Organised crime is one of the outcomes of such openness, and has emerged as a threat to the UAE. In the past, organised crime was not only opposed by formal means of control, but also by informal organisations. Unfortunately with economic development, many enterprises are engaging in illegal activities such as narcotics, weapon smuggling, prostitution, and money laundering under the pretext of legitimate businesses⁴⁵⁶. To discover the extent to which organised crime has reached the UAE, the researcher formed a "*Majlis*"⁴⁵⁷ that included businessmen, politicians (members of FNC), and police officers. Their view was that genuine local businesses are facing the threat of bankruptcy because of unfair competition from multinational enterprises. The main reason for this is that these international criminal enterprises do not care if they lose or make profits from so called legitimate business since their actual profits come from under-cover and illegal enterprises involved in money laundering activities.

One of the side effects of economic development on the social system has been the creation of a sense of envy among the lower classes of the society towards the upper classes. Today, people of the lower classes strongly believe that the wealth and the social and political positions of the upper class have often been gained through misuse of authority. And since those who have wealth and authority are themselves the representatives of the administrative and political system; then, the envy is directed at this class of the society. It is indeed an alarming condition since it sends a

⁴⁵⁶ Newspaper and security magazine reports of narcotics factories in Dubai, Sharjah, and Um al Qaiwain as well as the scandal of some state and security officials during June and July 1997. UAE.

⁴⁵⁷ Ajman 21 July 1997.

clear warning to law enforcement organisations of possible dissension between social classes⁴⁵⁸.

8.2 The Crisis in the Security System

In the past, law enforcement took the form of individual members of the tribe protecting themselves. Later, this system developed, and guards, often belonging to the Ruler (*Mutarziah*) maintained the security of the tribe or Emirate. This system continued until the establishment of the first police force in the Emirates in 24 January 1950. This police force was under British command, as were other police forces that were later established in the remaining Emirates. The main role of these police forces was to serve as an extension to the military forces that guarded security between the various Emirates, rather than maintaining the internal security of the individual Emirate. These forces were later developed to form the police in the individual Emirates until unification when all the police forces (except the Dubai police) joined together to form the federal police under the command of the Minister of Interior.

According to the constitution and to the organisational chart of the Ministry of Interior, all police forces are directly under the control of the Federal Minister. However, in real terms, each police organisation is under the jurisdiction of the administrative system of each Emirate, specifically, the Ruler himself. Perhaps the most obvious case of this dualism in command is in the case of Dubai police. On one hand, the crown prince of the Emirate commands this police force. On the other hand, since the Emirate of Dubai is part of the federal government, then it has no choice but to accept the supervision of the federal ministry and co-ordination with other police forces in the Emirates.

However, the same issue is not so clear in the case of the Abu Dhabi police that is commanded by the Ruler's son (The president of the UAE). Because of its status and the financial capability of the local government of Abu Dhabi, the Abu Dhabi police force enjoys many privileges and receives absolute priority from the federal

⁴⁵⁸ Refer to the analysis of the study carried out in 1997 on the Sharjah prison.

authorities. For example, according to one official, the financial budget allocated for the Abu Dhabi police by the Consecutive Council of the Emirate of Abu Dhabi, often equals to and some times exceeds the budget allocated by the federal government for the federal Ministry of Interior. Thus, with the unwillingness of these two police forces (Dubai and Abu Dhabi) to accept full integration, they are disrupting the unity of police forces. Furthermore, they are setting non-written rules for dealing with the central law enforcement organisation that encourage other local police forces in the Emirates to ignore the importance of co-ordination and start to perform as if each of them is in a different country.

Law enforcement organisations in the UAE today are being pulled in two different directions. From one end, they are being pulled by the administrative system to follow the traditions of tribal law enforcement. On the other end, they are obliged to follow the trend to modernisation through the utilisation of modern technology. The contradiction between the two streams becomes clearer when one considers an issue such as young people accused of eve teasing. In such cases, the administrative system justifies publishing the identities of the accused in daily newspapers while at the same time, the same authority claims to be a modern law enforcement organisation adhering to the rule of law and respecting human rights.

The deterioration of social control has demanded greater intervention and more reliance on formal control. Nevertheless, many studies suggest that the number of crimes has increased dramatically in the last twenty years. In contradiction to these studies, the criminal statistics published by the Ministry of Interior show a considerable decrease in the crime rate. Most specialist researchers in criminal justice deny this conclusion. The claim by law enforcement organisations that they have achieved a secure and stable society is open to argument.

With the credibility of official criminal information in question, is it not the time to establish an independent institute capable of evaluating, researching, analysing, recommending and advising on security (*Amn*) matters to the higher authorities? The need for such an institute is especially great, because crime control organisations only have access to the official crime statistics, which are affected and influenced by other social and political conditions.

8.3 SPECIALISED POLICE TRAINING

Given the limited achievements of the law enforcement organisations that were mentioned in chapter six, specialised police training seems to be out of the question at present. In other words, the organisations responsible for police training are far from achieving their objectives. The present training curriculum does not take into consideration a scientific training approach that meets the requirements and needs of a contemporary society. As a result of accepting this curriculum which has been imposed by the administrative system, the higher training organisations are still following an outdated classical method that concentrates mainly on military and theoretical aspects of training rather than on practical police operations and tactics.

Recommendations

After years of experience and research one would normally hope to make specific recommendations that present solutions to the problems of one's society. When one's society is faced with threats of crimes similar to those mentioned in chapter four, then the necessity for these recommendations is multiplied several times. This is so not only because recommendations increase awareness among the public and authorities, but also because it is necessary to initiate in-depth studies, to encourage further research, and to suggest strategies to combat the present threats.

Having acknowledged the importance and necessity of recommendations, it is not always possible to come up with ideal solutions. In the case of the UAE the problem of recommending specific measures is even more difficult because some of the problems not only constitute an enormous threat but are themselves obstacles to remedial action. Organised crime and racial majorities⁴⁵⁹ are only two examples where the interests of the UAE are in conflict with the interests of some of the members of those majorities who are involved in organised crime. In such circumstances one prefers to present choices even with the knowledge that none of these choices are the best solution.

⁴⁵⁹ Al Mur, Mohammed *National Hopes* (1997) (Arabic) pp. 67-76.

8.4 CRIME CONTROL SYSTEM: A CHOICE BETWEEN CENTRALISATION AND DECENTRALISATION

Considering the particular characteristics and population structure of the UAE society, it should be clear that the future existence, prosperity and development of this society can only be achieved through stronger unification. Though the present federal state has achieved much since 1971, it has failed to develop a unified society in which all parties enjoy an equal and fair distribution of power. The existence of the UAE as a state depends on its unity and the centralisation of its major organisations. Stronger unification will provide stability and security and will allow every part and member of society to enjoy equal benefits through centralised planning and legislation.⁴⁶⁰

Because of this the researcher has argued throughout this study that centralisation is a national imperative. At the same time, the researcher has argued against the partition of law enforcement organisations for fear that they might return to the situation in the past in which every Emirate behaved as if it was an independent state, even though none of them had even the basic structure of a state.

In the early period of the UAE's unification, centralisation was an objective pursued by practically all sectors of society. Every one believed that through centralisation a stronger sense of unity could be achieved. Consequently, the legislator had to pursue this objective and translate the dream into reality by concentrating most regional authorities into a single federal authority.

Taking the Ministry of Interior as an example, the central law enforcement organisation had to deal with both regional and federal internal security affairs. The capabilities of the MOI at the beginning of unification were sufficient to deal with regional and federal internal security affairs. However, a few years later, with the expansion of society and the growing diversity of internal security affairs, the Ministry of Interior became overloaded with unnecessary and secondary problems. Consequently, on issues such as crime control, the Ministry of the Interior was able neither to anticipate the future growth and pattern of crime in the society nor to

⁴⁶⁰ Federal National Council Archive. UAE.

resolve long-standing problems. Instead, it continued to chew over old problems and never moved forward.

8.5 CHOICE BETWEEN 'BUDEAUCRACY' AND PROFESSIONALISM

Throughout this study, the researcher has frequently compared two eras, the early days of unification and the present day. Making this comparison, little has been achieved since the early days. Even the modernisation process that accompanied so called developments and which was supposed to introduce fundamental changes to many aspects of society, was not able to overcome certain obstacles.

The modernisation process proceeded alongside the continued operation of the tribal political structure which was centred around the considerable authority of the Rulers of the individual Emirates. In the past, the Budeaucratic system allowed judges to share some authority with the Ruler, though the Ruler's authority often superseded all other authorities. Later, with the emergence of a federal administrative and criminal justice system, the latter tried to ignore the role of the Ruler through legislation and by-passed the existing Budeaucracy by introducing the concept of professionalism in the judiciary. With the establishment of federal courts the concept of professionalism was largely implemented. However, the judiciary was still not able to bypass fully the authority of the Ruler of the Emirate. Even the Supreme Court was not spared this authority and until today, its inactivity remains a witness to and an example of the triumph of Budeaucracy over Professionalism.

The results of this can clearly be seen today. The continued operation of the tribal structure has resulted in what is being practised now in the UAE - a confused crime control system trying to achieve modernisation and professionalism in its law enforcement organisations, while also implementing tribal rules and regulations from past eras. Here one sees that history can repeat itself, if we consider the development of police ministries in Russia at the time of Tsar Alexander and Nicholas I, when the feudal system tried to modernise and ultimately failed because of the duplicity of two incompatible systems pulling at each other.⁴⁶¹

⁴⁶¹ Johnson, Paul *The Birth Of The Modern World Society 1815-1830* (1991) p. 836.

There is no doubt that:

“[The] State has to select a suitable security system which suits its political, economical and social conditions. At the same time, the state’s authorities have to define the roles and functions of the police in the society.”⁴⁶²

Yet, in view of this confusion within the crime control system, the debate needs to focus on this issue; can the United Arab Emirates continue to retain its traditional crime control system in parallel with the professional system? If the answer is no, then should the UAE adopt an alternative crime control model? If so, which system should be chosen and on what basis? Should it be the Islamic model of crime control, the tribal model, a combination of Islamic and tribal, a colonial era model, or a western model?

There are many options. Yet, determining which system best suits the United Arab Emirates requires careful consideration not only of its advantages and disadvantages but also of whether it is acceptable to society or not? In considering the Islamic model (Hisbah)^{*} as a possible crime control system, one realises that the model is quite difficult to adopt. This is so because firstly; this model depends mainly on volunteers with special qualities to perform the task of law enforcement. Secondly, because the UAE with its diverse and complex population structure might not accept the enforcement of law by individuals other than official government employees. A similar system operating in Saudi Arabia known as^{*} *Jamat Al Amr Bel Ma'arroof Wal Nahy A'an Al Munkar* is already facing difficulties.

⁴⁶² Brigadier Mohammed Al Suba'i The Police: Between Centralisation And Decentralisation, *Journal of General Security*, vol. 20, 1962. Also see Dr. Mohammed Hatatah, Police Between Centralisation And Decentralisation, *Journal of General Security*, vol. 32, Cairo 1966.

* *Hisbah* - an institute which controls and sets the standards for the specification of measurements, weights and other customary business affairs, and which can be handled by municipal inspectors. The people of the Welayat Al Hisbah are authorised by the religious Institute to control these affairs and impose minor punishments according to the traditions and customs.

* All Muslims have a duty to ensure that his fellow Muslims behave in accordance with Islamic teachings. The members of this organisation in Saudi Arabia supervise the general conduct of people and intervene where they believe that people are behaving improperly.

These difficulties do not mean that the model is outdated. On the contrary, there are many including Sa'ad al Uraifi⁴⁶³ who still believe that the model is very much required today to control people's conduct, to make them conform to society's norms and morals. There are others who believe that the Hisbah model can contribute to the internal security of society, provided it is modified to suit contemporary social, political, and economic conditions.⁴⁶⁴ The researcher believes that if the Islamic model was adopted without consideration of prevailing conditions, it might lead to a situation like that in Russia in 1817, when there were, "spies of all kinds, foreigners and Russian, salaried and volunteers."⁴⁶⁵

Adopting the tribal model would also be difficult. On the one hand, if law enforcement organisations were to have the Ruler of the Emirate (Shaikh) as the head of all administrative functions, then this would mean that the Shaikh would have to have direct control of practically everything in his Emirate. This is not a workable solution.

However, the tribal model might be adapted to meet the complex responsibilities of contemporary society. The Ruler would then have to utilise technocratic assistance and technological means in order to handle the situation. This modified tribal model would be specially designed and tailored to meet the needs of contemporary UAE society, and to be able to adapt to political and social circumstances. This modified tribal model must also be open to utilising advanced technologies, the experiences of other societies and the expertise of international bodies.

The legitimacy and social acceptance of this model would be assured because it has its origins in and derives its legitimacy from Islam, and because a partial version of this model is already in operation, especially those social, administrative, and political functions which are supervised by the Ruler. In considering whether the modified tribal model might succeed or not, it is beneficial to refer to a similar model operating

⁴⁶³ Brigadier Dr. Sa'ad Al Uraifi, *Society's Needs For The Al Amr Belma'aruf Wal Nahi An Al Munkar, Journal Of Al Amin Wal Hayat*, Vol. 176, May 1997, pp. 40, 42.

⁴⁶⁴ Al Khani, Mohanumed Riyadh Al Hisbah *Journal Of Shari'a And Law*, Issue No. 6, September 1992, p. 381.

⁴⁶⁵ Johnson, Paul *The Birth Of The Modern World Society 1815-1830* (1991) p. 835.

in Japan called the *Kopan*⁴⁶⁶. In this model, the police officer controls a designated area, and in doing so he becomes part of its social, political and economic system. This example provides some assurance that traditional models may survive and contribute to the internal security and stability of society.

Adopting a modern model might also be possible as long as modernisation does not mean adoption of a particular western model. 'Modern' in this case means utilisation of the methodological approaches used in more technologically advanced societies. Moreover, a modern model would also involve the higher administrative system having a much clearer vision and better defined objectives. This would enable the security apparatus (MOI) to formulate a security (*Amn*) strategy capable of redirecting police training towards the achievement of strategic objectives in accordance with society's needs.

Surely, the success of a modern crime control model would therefore depend on whether it secured society's acceptance and whether it was politically feasible. Ultimately, the success of any of these models can be judged by whether they deliver:

"A more humane and just system of criminal justice, one free from the human and economic costs of overcrowded prisons, increasing crime, and victim alienation."⁴⁶⁷

More particularly, the success and suitability of the model will depend on whether it can take advantage of the following elements:

1. Decentralisation

Decentralisation in law enforcement administration has been emphasised in different ministerial decrees and in particular, Decree number 3 of 1995. This decree stated that the Ministry of Interior is to: " Supervise spending of the financial allocations from the federal budget for internal security affairs according to the need of some of the Emirates and by the agreement with the concerned authorities". Reading this clause, one might presume that the various general directorates of the law enforcement organisations in the UAE would each be allocated separate budgets. One would also

⁴⁶⁶ Halawee, Hatem Babakr *The Price of Crime* (1996) (Arabic) p. 90.

⁴⁶⁷ Wright, Martin and Galaway, Burt *Mediation and Criminal Justice: Victims, Offenders and Community* (1989) p. 208.

expect that each General Directorate would spend its allocated budget in accordance with its financial requirements, under the supervision of the Finance Department in the Ministry of Interior. In fact, despite the decree, it is the Ministry of interior that maintains all allocated budgets, and distribution of purchased items is made only after storing them in the MOI warehouses.

To further highlight the issue of centralisation and bureaucracy in the Ministry of Interior, and the extent to which it affects the performance of various local police forces, it is sufficient to look at the way financial affairs are managed. The financial bureaucracy and centralisation begins with maintaining a financial office in every police department. These individual financial offices are in turn supervised by a central financial department in the Ministry of Interior. These two financial sections are in turn supervised by the Ministry of Finance that maintains a strong presence in the Ministry of Interior. Finally, there is the Accountant Auditors Council which forms the super auditing organisation and which supervises overall financial activity.⁴⁶⁸

Today, centralisation is the main characteristic of most police administrative organisations. When this centralisation is coupled with bureaucratic rules and regulations, they not only make regional (Emirates) police discretion limited to the orders of Emirate's Ruler, but also generate discontent among the commanding officers. This discontent was clear during a meeting of high officials of the MOI. During this meeting, the general director of police in Fujairah pointed out the disadvantages of centralisation and bureaucracy saying that:

“When an Air conditioner (\$400) at Fujairah police needs repair, I have no authority to repair it there and then. Instead, and according to the MOI instructions, I have to send it to MOI, 300 Km away and in a police car with a police driver, that at the end costs more than its price.”⁴⁶⁹

Bureaucracy and centralisation in the Ministry of Interior continue to touch almost all aspects of its activities. Crime control by Police in the individual Emirates is one of

⁴⁶⁸ UAE Constitution, Article No. 136.

⁴⁶⁹ Brigadier Saeed Samsom, General Director of Fujairah Police, During the budget allocation discussion in MOI, Abu Dhabi in 1990.

the areas which is most affected by this centralisation. Because of centralisation, the reaction of local police forces to criminal activities occurs only after consultation with the central authorities in the Ministry of Interior. Therefore, by the time local forces pass through the consultation process and receive clearance, they have often lost the initiative in favour of criminal organisations.

Of all the local police forces, Dubai Police is the only non-federal organisation that enjoys full freedom and local discretion. This is so because it is under the direct command of the Crown Prince of the Emirate of Dubai, and because it has not joined the federal police, despite many attempts by the Ministry of Interior. In an interview with a senior police officer from Dubai police⁴⁷⁰, the officer was asked to comment on the success of the Dubai police in the field of crime deterrence. The officer said that:

“Although, all police personnel are the same in all of the Emirates, yet I believe that we enjoy a greater freedom of movement and discretion. Also, in cases of serious crises, our General commander (referring to Shaikh Mohammed crown prince of Dubai) is always with us to issue necessary guidance and orders.”

In view of the clear disadvantages of centralisation, decentralisation remains a requirement and should be adopted at least by some of the general directorate, especially those with civilian components such as civil defence. Some studies suggest that one of the reason behind the failure of the policing system in Tsarist Russia was that the “police had all kinds of functions”.⁴⁷¹ In practical terms, the local branches of such directorates should be linked to the Ruler’s council or the municipality of the local government. This decentralisation would not mean a total separation from the central ministry. It would mean that local police would have more discretion and would be able to deal with crime deterrence and prevention as a first priority.

With such decentralisation, the local general directorate would enjoy a greater freedom of movement with minimum bureaucratic interference from the central law enforcement organisation. The role of the central law enforcement organisation would be focus on legislation, supervision, research and analysis. In addition, it would have the task of co-ordination with police organisations in the individual Emirates for the

⁴⁷⁰ Brigadier Dubai Police. 1995. (He preferred not to disclose his name).

⁴⁷¹ Johnson, Paul *The Birth of the Modern World Society 1815-1830* (1991) p. 834.

design of the national security (*Amn*) strategy and the establishment of the supreme council for national security. Indeed, it is a real shortcoming of the law enforcement organisation that, until today, two of the most important requirements for internal security developments - a security (*Amn*) strategy and supreme council for national security - still do not receive the attention of the Ministry of Interior.

2. Expansion of Police Judicial Authority

Retaining the traditional law enforcement practice in which the Ruler of the Emirate is at the top of the security structure (similar to the Dubai police), would allow the police to exercise greater judicial authority while retaining public confidence.⁴⁷² Expanding the police's judicial authority may have positive results on crime control. However, granting this authority does not mean that it should be left unsupervised. To prevent abuse, the judicial authorities, the Ruler, and the public through a responsible mass media should supervise the police organisation and its members.

With the expansion in police judicial authority, the police might consider adopting alternative punishments such as shaming and flogging which were parts of traditional social control. In the past, the UAE utilised and accepted shaming as a form of punishment to show its disapproval of the wrongdoer's conduct. Such punishment used to be directed toward the crime of the person and not toward his personality because the individual's misconduct represented only a fraction of many other good and positive parts in the person.

Similarly, flogging the wrongdoer which is part of the Islamic Ta'zeer punishments,⁴⁷³ and which is recommended by some contemporary modern criminologists,⁴⁷⁴ might also be considered by the police. In most cases, people accept this form of punishment because they consider the authorities to be the guardians of all citizens. Public acceptance of such punishment is derived from their understanding that the authority is correcting and rehabilitating wrongdoers.

⁴⁷² Dubai police implemented local punishments on Eve-teasing, whereby the photograph of the convicted is published in the daily newspaper, in addition to lashes from Islamic court as part of Ta'azeer Punishment.

⁴⁷³ Most Islamic factions agree that Ta'azeer should not be more than ten lashes, and during the execution the hand of the flogger should not be raised, the elbow remain attached to the body.

3. Demilitarisation of police

Similar to many countries of the world, the United Arab Emirates inherited a law enforcement system that was established by the colonial power. During the colonial era, the police was part of the military organisation. The police was established primarily to serve one main objective; that is to suppress freedom of movement in the occupied areas. The concept of the militarisation of the police is not unique to the UAE. In their study of the origin of various US. municipal police departments, Bordua and Reiss concluded:

“The paramilitary form of early police bureaucracy was a response not only, or even primarily, to crime per se, but to the possibility of riotous disorder. Not a crime or danger but the “criminal” and “dangerous classes” as part of the urban social structure led to the formation of uniformed and military organised police. Such organisation intervened between the propertied elite and propertyless masses who were regarded as politically dangerous as a class.”⁴⁷⁵

The militarisation of the police has also served other purposes. For example, people often consider the police organisation with its military characteristics as a source of discipline for both individuals and organisations.⁴⁷⁶

However, since federation, one of the first articles of the general law for the police emphasised non-militarisation. According to this Article:⁴⁷⁷

“A - Police and security forces in UAE is a civil organisation. B - Policemen shall wear a specific and distinguished uniform based on the Minister’s decision...”⁴⁷⁸

The current trend towards the militarisation of police organisations in UAE has many drawbacks. For start, it is not only contrary to the general law of the police, but also

⁴⁷⁴ Braithwaite, John Shame and Modernity (1993), *The British Journal of Criminology*, Vol.. 33, 1993. Also see Kahan, Dan M. What Do Alternative Sanctions Mean? *University of Chicago Law Review* 63:591 (1996).

⁴⁷⁵ Eitzen, D. Stanley, Timmer. Doug A. *Criminology*. Quoting Bordua and Reiss, 1967, p. 283.

⁴⁷⁶ People still send their children to military schools to ensure their discipline. Among these families was the British Royal family and in particular Prince Charles, which proved that such artificial discipline only improves the outer look of the individual.

⁴⁷⁷ UAE Federal Law No, Article 33 for the year 1976, modified by No.6 for the year 1989.

⁴⁷⁸ UAE Federal Law No. 12 for the year 1976 and No. 6 for the year 1989.

reminds the people of the past colonial force with its brutality and guardianship of the elite. Obviously, this image does not serve police-community relations. Furthermore, the militarisation of police organisations encourages police administration to be handled in a routine and bureaucratic way, whereas the need is for some freedom of movement and police discretion. Also, from an administrative point of view, the militarisation of police organisations affects the motivation and productivity of its members since promotion within the military system is based on seniority rather than on competence. Because of these drawbacks, it is strongly recommended that the police forces in UAE be demilitarised as much as possible, and as soon as practicable.

However, it is only demilitarisation of police conduct and organisation that are important. The image of the police must also be demilitarised. For example, most of the Ministry of Interior employees are required to wear police uniforms. As a result, not only trained police personnel but also drivers, cooks, clerks, and mechanics, wear the same uniform. The public therefore have no way of differentiating between a cook and a trained policeman. This can lead to many difficulties and can be especially damaging during an emergency or at the scene of an accident or crime.

4. Privatisation

In the past, with their manpower and financial resources, the police were able to exercise control over what little commercial and social activity there was. However, with the expansion of activities in society, police resources are stretched to the limit. Today, for example, daily commercial activity in any one of the shopping centres in the city of Dubai is greater than all the commercial activity in the old city of Dubai for a whole year. The question is whether it is still necessary for the police to perform all of their traditional duties or whether there is an alternative. One possible answer to this question lies in the concept of privatisation. Privatisation is one of the realities of contemporary social and economic development. In fact,

“Privatisation is nothing new. It was with privatisation it all started, first in England and later in USA. Prosecution was private, the police were private, local prisons were private - run by alehouse-keepers.”⁴⁷⁹

⁴⁷⁹ Christie, Nils *Crime Control As Industry* (1994) p. 119.

Today, many of the major shopping centres and malls such as City Centre, Al Ghurair Centre, Wafi centre, and others in UAE are fully dependent on private security agencies for their security needs. With this trend towards the utilisation of private security establishments, the police should accept this reality and begin to contract some of their duties to the private sector and to other specialised establishments. Do foreign Embassies, Consulates, and their residents have to be constantly guarded by the police? In reality, there is no need for such a police presence, especially with the advancement in aerial and ground camera surveillance, which is so reliable today that it can be an effective substitute for the physical presence of police, unless of course, circumstances demand their presence.

If law enforcement organisations accept the reality of privatisation, then they should accept the need to release some of their duties to other official organisations and to the private sector. Tasks which do not create security risks and which can be accomplished by others should be transferred to these sectors. At present the police perform three main tasks; administrative, judicial, and social. The police could transfer some tasks such as the administration of traffic to a more specialised establishment, while maintaining the more important roles.

In light of this discussion, the researcher recommends that in the present circumstances, law enforcement organisations should adopt a modified traditional crime control system that concentrates on crime control, deterrence and prevention. In particular, the law enforcement organisations should cease to be responsible for some of their duties including fire fighting and the ambulance service. The researcher also recommends that the MOI should leave actual crime deterrence activities to the local police. Instead, the MOI role should be limited to planning and designing the overall crime strategy. This would allow those in senior command posts (Minister, State Minister, Under-secretary, and General director) to supervise, evaluate, and guide local police forces based on a sound and proper methodology.

8.6 CRIME PREVENTION

The economic, social, and political changes that have affected the main elements of informal social control, and particularly the family structure, have become the source

of new crime phenomena in the UAE. Many people offer explanations and analysis of these phenomena. However, in the absence of expert criminal research institutes one might ask who is qualified to offer these explanations. There are many complex questions that urgently need exploration. Can the family and school continue to compete against an increasingly technological and international crime culture? Does the UAE require more laws? Can laws alone eliminate, prevent or even slow down the rate of crime?

The questions are many, yet answers to these questions require that the causes and roots of crime first be determined. The Report of the United Nations Secretary General to the Seventh Crime Prevention Conference in 1985 suggests some answers to the real causes of crime in a society:

“Poverty, no social justice, dissension between social classes, unjust distribution of the wealth, poor health conditions, domination of group of a people acquiring the wealth and the authority, on the other groups, people’s dissatisfaction due to the people’s inability to achieve their basic needs, exploitation of the public, unequal opportunities for the people, brutality of the laws which do not conform with the people’s social cultures, unemployment, internal dissension’s, external wars, foreign occupation, and the failures of developments strategies.”⁴⁸⁰

Consequently, the Milan conference in 1985 urged UN members to stipulate qualitative changes in social, economic, and political conditions in their societies to eliminate crime.

Crime prevention, in the words of Louis A. Radelet, means to “control it, contain it, reduce the number and gravity of its occurrences.”⁴⁸¹ However, when the researcher reviewed some of the Arabic and local literature that considers the issue of crime prevention, the researcher found that this issue is often confused with others such as crime deterrence, rehabilitation, and correction.⁴⁸² Therefore, it seems best to clarify the term crime prevention as it has been used elsewhere in this thesis, to refer to “Efforts made by formal and informal organisations to eliminate the causes of crime.”

⁴⁸⁰ ‘New Dimensions of Criminality And Crime Prevention In The Context Of Development: Challenges For The Future.

⁴⁸¹ Radelet, Louis A. *The Police and the Community* (1986) p. 397.

⁴⁸² Al Huwaity, Ahmad *The Mass Media And Prevention of Crime* citing Al Akhras and Banham, 1996.

The concept of crime prevention is still only a dream in the UAE. It does not yet receive the appropriate attention from the relevant authorities. This neglect was acknowledged by the former Under-Secretary of the Ministry of the Interior when he stated during a Sharjah television interview, "Crime prevention is not receiving the attention it needs from the concerned association."⁴⁸³ Given this neglect, it is very important to educate the public about crime prevention and to seek the positive participation of many sectors of society. Among major participants in the promotion of crime prevention should be politicians (decision-makers) as well as social, economic, and religious leaders. In fact, these people have to understand that crime deterrence and investments in police and other crime control organisations are costly and demand resources that would be better invested in social programmes that have a direct impact on the causes of crime.

The question today is who is studying and analysing such causes? Who knows what connection there is, if any, *between* wealth, the welfare state and crime? What is clear is that the absence of information on these and many other issues makes proper planning and the development of effective crime prevention programmes impossible.

8.6.1 Specific Crime Prevention Objectives

The Chinese have a saying; "Do not give me a fish, instead teach me how to catch one." In "Visions of Social Control," Stanley Cohen related the following story:

"A man is walking by the riverside when he notices a body floating down stream. A fisherman leaps into the river, pulls the body ashore, gives mouth to mouth resuscitation, saving the man's life. A few minutes later the same thing happens, then again. Eventually yet another body floats by. This time the fisherman completely ignores the drowning man and starts running upstream along the bank. The observer asks the fisherman what on earth is he doing? Why is he not trying to rescue this drowning body? 'This time,' replies the fisherman, 'I'm going up-stream to find out who the hell is pushing these poor folks into the water.'⁴⁸⁴

The above quotations suggest why the UAE is in desperate need of a specialised institute dedicated solely to crime prevention. The need arises from the fact that the

⁴⁸³ General Sagr Ghubash, During an Abu Dhabi Television interview on 29-10-1996.

⁴⁸⁴ Cohen, Stanley Visions of Social Control (1985).

present threats to security (*Amm*) are developing so rapidly that current law enforcement methods are failing to control crime. In order to develop a new approach to crime prevention, experienced and knowledgeable researchers and co-researchers in the fields of sociology, criminology, and security should be invited to establish a dedicated research institute. Among the many objectives of this institute would be the study of contemporary criminal phenomena, and analysis of and comparison with other societies, especially those experiencing similar crime problems. This institute would also be able to study the wide array of international experience such as those mentioned in the UN report in order to determine whether it may assist in identifying the causes of crime in the UAE society. This institute should also find means of improving co-ordination between formal and informal organisations in order to direct their efforts toward better crime prevention. In doing so, it should pay special attention to the following:

1. Family Affairs

The family in the United Arab Emirates has certainly been affected by the abrupt social, economic, and psychological changes that have taken place.⁴⁸⁵ Official statistics indicating sharp increases in divorce cases, desertions and separations, suggest that the family is disintegrating. Are families really disintegrating? How much have the roles of family members changed, and what are the consequences of any changes? Are traditional values no longer being developed in our children? How can families contribute to crime prevention.

2. Juvenile Delinquency

Although it is widely believed that contemporary family conditions in the UAE are contributing to an increase in juvenile delinquency, the boundaries of juvenile delinquency have not been fully explored. The roles of family, school, mosque, and mass media as well as formal organisations need continuing research.

⁴⁸⁵ Abdulla Lolo *The Role Of Culture And Social Socialisation In Protecting Society From The Danger of Crime*. Paper presented to Security Intelligence Seminar, Abu Dhabi, 1996.

8.7 CRIME DETERRENCE

The classical notion of the police having exclusive responsibility for controlling crime no longer finds support in modern criminology. Instead, it is recognised that the collective efforts of various social organisations and crime prevention programmes are necessary. Unfortunately, this is not yet recognised in the UAE. If this was recognised, social, economic, and political development may be possible without corresponding harm to internal security. For example, stricter and well-defined financial regulations might combat the threat of organised crime before it corrupts the whole system. Immigration and residency crimes might also be deterred through stricter labour laws and suitable punishment of those who host and employ illegal aliens. An organised labour market would also serve as an effective means of deterrence, especially where official organisations monitor and control the illegal activities of both employers and employees. However, this would require co-ordination between the crime control and crime prevention strategies.

For example, religious radicalism is a continuing threat. The United Arab Emirates ought to learn lessons from the instability and political disturbances that are presently facing many Islamic countries such as Egypt and Algeria, as well as the GCC countries. The lack of political participation in these countries and the inability of the religious opposition to represent itself politically through normal channels have so far proven to be a major internal security threat. Deterring this threat is not the obligation of the law enforcement organisations alone. Indeed, it should be one of the targets of the crime prevention programmes. Religious organisations in co-ordination with social and crime control organisations should consider the safety of society as their first priority and work towards achieving this objective. Education and guidance may eliminate the threat and also draw religious radicals into the society as effective members.

This study has emphasised that crime prevention and crime deterrence programmes are the essential elements of internal security and stability of any contemporary society. Their contribution can only be effective when they are conducted in a co-ordinated way. Is one more important than the other? The experience of some

advanced societies is that priority should shift towards crime prevention without ignoring the role of crime deterrence programmes.

When determining the relative importance of crime prevention and crime deterrence programmes, the particular population structure and the political, social, and economic circumstances of the United Arab Emirates society must be considered. For the UAE the crime control mechanism should contain both crime prevention and deterrence. By recommending this following outline crime control mechanism, the researcher hopes that it might be considered by crime control planners as well as by crime deterrence organisations.

1. Establishment of a criminal, social and security information system.

The administrative systems in the United Arab Emirates in general and of the crime control apparatus in particular are lacking in the essential means of gathering criminal information that might form the basis for any scientific criminal research. Unfortunately, crime information is still gathered and filed in a conventional manner that depends mainly on the efficiency of the individuals involved. In view of this deficiency, the establishment of a national crime information organisation with branches in every police department therefore forms the first requirement of the recommended crime control mechanism. This organisation would improve the national crime statistics by providing more accurate, precise and informative criminal data.

2. Establishment of criminal, social, and security research centres.

Crime information and data are not collected for the sake of collection and filing. On the contrary, they are collected to be used in the field of crime prevention and crime deterrence. Not only is there little crime information and data currently available, there are also only a very small number of specialist criminal researchers. In view of the deficiency in the numbers of researchers and research centres, it is therefore recommended to establish a criminal research institute under the supervision of the Ministry of Interior, and local criminal research centres under the supervision of the local police organisations. With the establishment of these research centres, better

identification, analysis and evaluation of crime phenomena may be achieved.

3. Establishment of a command and control, communication, intelligence, and operation centre.

If crime prevention is considered to be the foremost priority when dealing with crime phenomena, then crime deterrence has an equal importance as it supports prevention programmes. The legitimacy of crime deterrence organisations will affect the success of prevention programmes. It is therefore important to update the rules and regulations relating to law enforcement in order to match society's developments, and to update law enforcement methods and equipment in order to counteract the ever changing criminal activities, and so provide better crime deterrence and control.

The establishment of modern command and control centres in each Emirate would improve crime control. By means of a modern command and control centre a geographic security information system can be designed that is capable of identifying hot security areas, traffic congestion and vital road accident spots. Similarly, the establishment of an information centre would contribute greatly to the process of gathering the required data and information.

4. To further improve the operation of the command and control centres, closed circuit television (CCTV) should be incorporated as a means of monitoring hard targets, city centres, prisons, roads, and traffic congested areas.⁴⁸⁶

⁴⁸⁶ For more information on this subject, refer to *The Journal Of International Security*: Vol.6, No.7/8 July/ August 1996, p. 315; Vol. 6 No. 10, October 1996, p. 381; Vol. 8 no. 1, January 1998, p. 5.

BIBLIOGRAPHY

BOOKS

1. BOOKS IN ENGLISH

- Al-Baharnah, Hussain. *The Modern Arabian Gulf States* (UK: Manchester University Press, 1975).
- Ali, Mohammed Khalifa. *The United Arab Emirates: Unity In fragmentation* (London: Croom Helm, 1986).
- Alkim, Hassan. *The Foreign Policy of the United Arab Emirates* (London: Al-Saqi Books, 1989).
- Allen, C.H. *Oman: The Modernization of the Sultanate* (USA: Westview Press, 1987).
- Al-Qasimi, Sultan. *The Myth of Arab Piracy in the Gulf* (Bristol, England: Mayhew Typesetting, 1988).
- Ascher, William. *Forecasting: An Appraisal for Policy Makers and Planners* (Baltimore, USA: Johns Hopkins University, 1988).
- Basil, Mitchell. *Law, Morality and Religion in Secular Society* (UK: Oxford University Press, 1992).
- Bassiouni, Cherif. *Sources of Islamic Law, and the Protection of Human Rights in the Islamic Criminal Justice System*, from Bassiouni ed. "The Islamic Criminal Justice (Cairo: 1982).
- Bell, J. Boyron, S. & Whittaker, S. *Principles of French Law* (UK: Oxford University Press, 1998)
- Bassiouni, Cherif.ed. *The Islamic Criminal Justice System* (Cairo: 1982).
- Bulloch, John. *THE GULF*, translated. by Daham Alatawneh (London: D. A Publications, 1988).
- Butler, A.J. *Police Management* (U.K: Dartmouth Publishing Company LTD, 1992).
- Cavadino, Michael & Dignan, James *The Penal System : An Introduction* (UK: Sage Publications, 1993).
- Christie, Nils *Crime Control as Industry* (Scandinavian University Press, 1994).
- Clark, J.I. and Fisher, W.B. *Population of the Middle East and North Africa* (1972).
- Cohen, Stanley *Visions of Social Control* (1985) Cambridge: Polity Press.
- Coresman, Anthony. *The Iranian Military Capabilities* (Abu Dhabi, UAE: Emirates' Centre for Strategic Studies and Researches, 1996).
- Cowell, David. Jones, Trevor & Young, Jock Eds. *Policing the Riots* (UK: Junction Books, 1982).
- Davies, Noman *Europe a History* (UK: Oxford University Press, 1996).
- Eisenberg, Terry & Lawrence, Sharon *Citizen/police Relations in Police Policy*

- Setting* (California, Los Gatos: Institute for Social Analysis, 1980).
- Eitzen, Stanley & Timmer, Doug A. *Criminology* (USA: John Wiley & Sons 1985).
- El-Awa, Mohammed. *Punishment in Islamic Law* (USA, Indianapolis: American Trust Publications, 1982).
- Enloe, Cynthia. *Ethnic Conflict and Political Development* (Boston: Little Brown & Co, 1973).
- Esselstyn. *The Social Role of a Country Sheriff* (USA: Boston Little Brown, 1969).
- Etzioni, Amitai. *Rights and the Common Good: The Communitarian Perspective* (U.K: St. Martin's Press, 1995).
- Field, S. and Thomas, P. eds. *Justice and Efficiency: The Royal Commission on Criminal Justice* (UK: Blackwell, 1994)
- Gassin, R. *La Criminologie et les tendances modernes de la politique repressive* (Revue de Science criminelle, 1981).
- Groves, B., Newman C.T. and Corrado, C.. *Islam, Modernization and Crime: A Test of the Religious Ecology Thesis*. (1987). *Journal of Criminal Justice* 15:495.
- Hardy, Roger. *Arabia after the Storm*, translation. by Hussain Mosa (UK: BBC Middle East Program, 1992).
- Hay, Sir Rupert, *The Impact of the Oil Industry on the Persian Gulf Shaikhdoms*, Vol. A (M.E.J, 1955).
- Henderson, Edward. *This Strange Eventful History* (London: Motivate Publishing, 1993).
- Hobbes, Thomas *De Cive: Or, the Citizen*, ed. H. Warrender (UK: Oxford University Press, 1984).
- Hobbes, Thomas *Leviathan*, ed J. C. Gaskin (UK: Oxford University Press, 1998)
- Hobsbawm, E.J. *Studies in Archaic Forms of Social Movements in the 19th century* (n. p: 1959).
- Hugh, Thomas. *An Unfinished History of the World* (London: Papermac-Macmillan General Books, 1995).
- I.O and R. Board Colls, vol.1596, No. 64625, Hemnell to Chief Secretary of the govt. of India, Basidu, 26 May 1835.
- Johnson, Paul *The Birth of the Modern World Society 1815-1830* (London: George Weidenfeld & Nicolson Ltd, 1991).
- Litwak. *Security in the Persian Gulf: Source of Inter State Conflict* (London: Gower, 1981).
- Locke, John. *An Essay Concerning Human Understanding*, ed. R. Woolhouse (UK: Viking Penguin, 1998).
- Lorimer, J.G. *Gazetteer of the Persian Gulf*, vol. 1 - 7 (Qatar: Dar Al Uloom Publishing and printing, 1970).
- Maclver, R.M. & Page. *Society and Social Structure* translated by Ali Ahmad (Cairo: Maktabat Al Nahdhah Al Masriyah).
- Mandela, Nelson & others. *The Reconstruction and Development Program* (Cape

- Town, South Africa: ABC Printers & Book Printers, 1994).
- Mazhar, Ahmad. *Arabia Imperilled* (Washington, USA: Middle East Assessments Group, 1986).
- Nordlinger, A. *Conflict Regulation in Divided Societies* (Cambridge: Harvard University Press, 1972).
- Padfield, N. *Text and Materials on the Criminal Justice Process* (UK: Butterworths, 1995)
- Peck, Malcolm C. *Historical Dictionary of the Gulf Arab States* (USA: Searecrow Press, 1996).
- Pember. Donald R. *Mass Media in America* (USA: Prentice-Hall, 6th ed, 1991).
- Peterson, J.E. *The Arab Gulf States* (Washington, USA: The Centre for Strategic and International Studies, 1988).
- Queen, Edward *Introduction to the Means of Communication*, translated. by Wade'e Falastine (Cairo: Matab'i Al Ahram, 1978).
- Radelet, Louis A. *The Police and the Community* (USA, New York: Macmillan Publishing Co, 1986).
- Reckless, W. *Criminal Behaviour* (USA: McGraw, 1940).
- Reiner, Robert *Policing and the Police*. Ch.15 of "Oxford Handbook of Criminology" ed. M. Maguire, R. Morgan & R. Reiner (UK: Clarendon Press, 1994)
- Robertson, Smith. *The Arab's Relation and Marriage*.
- Roshier, Bob. *Controlling Crime: The Classical Perspective in Criminology* (U.K. Open University Press, 1989).
- Ross, E. A. *Social Control* (US: Macmillan, 1901).
- Sanders, A. & Young, R. *Criminal Justice* (UK: Butterworths, 1994).
- Sieghart, Paul. *The Lawful Rights of Mankind* (UK: Oxford University Press, 1984).
- Skolnick, Jerome H. and Fyfe, James J. *Above the Law: Police Use of Excessive Force and What to do About it*. New York Free Press.
- Slot, B.J. *The Arabs of the Gulf 1602-1784*, translation of Aaydah Al- Khoori.
- Sutherland, E.H. *Principles of Criminology* (New York: J. B. Lippincott Co, 1955).
- Taryam, A. O. *The Establishment of the United Arab Emirates 1950-1985* (London: Croom-Helm, 1987).
- Thomson, R.C & Mallowan, M. E. *The British Museum Excavation at Nineveh 1931-32* (Annals of Archaeology, 1933).
- Tuson, Penelope Ed. *Records of the Emirates*, vol. 9, British Archive Editions.
- U.S. President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington D.C: US Government Printing office, 1967).
- Uglow, Steve *Criminal Justice* (UK: Sweet & Maxwell, 1995).
- White, Robin C.A. *The Administration of Justice: Controlling Police Misconduct*

(U.K: Blackwell Publishers, 1991).

Wilson, A. *Police Administration*, translation. by Shafiq Ismat (UAE, Abu Dhabi: Institute of Higher Studies, 1968).

Wright, Martin & Galaway, Burt *Mediation and Criminal Justice: Victims, Offenders and Community* (UK: Sage Pubs, 1989).

2. BOOKS IN ARABIC

Abdul Amir, Amin. *al-Masaleh al-Britani'ah Fee Fares*. [British Interests in Persia] (Leiden: 1967).

Abdul Khaliq Abdulla and Others. *Huqook al-Insan Fee al-Alam al-Arabi*. [Human Rights in the Arab world] (UAE: al-Bayan printing, 1992).

Abdul Moni'im, Badr. *I'lm al-Ijtima'a al-Hadhari*. [Introduction to Urban Social Science]. (Cairo Modern Library. Cairo 1960).

Abdulla, Abdulrahman. *al-Emarate Fee Thakerat al-Abnaa* [The Emirates In Its Peoples' Memory] (UAE: UAE Authors' Association Publications, 1989).

Abu Al Wafa, Ahmad, *Tareekh al-Nezam al-Qadahi*. [History of Judicial Systems] (Beirut: al-Dar Al-Jami'iyah, 1984).

Abu Dhikra, Wajeeh. *Zayed*. [Zayed] (Cairo: Akhbar al-yawm Press, 1991).

Abu Zahrah, Mohammed. *al-Jateemah Wal Oqobah Fee al-Fug'h al-Islami*. [Crime and Punishment in Islamic Law] (Cairo: Dar al-Fikr al-Arabi, 1976).

Ahmad, Kamal Ahmad. *al-Takhteet al-Ijtemaee*. [Social Planning] (Cairo: Anglo-Egyptian library, 1974).

Ahmad, Yusri. *Huqooqwa Asbab al-Unf fe al-mujtam'a al-Islami*. [Human Rights and the Causes of Violence in Islamic Society] (Alexandria, Egypt: Dar al-Ma'arif, 1993).

Al Kahami, Mohammed Reyadh *Al Hisbah*. Journal of Shari'a and Law, Issue No. 6, September 1992. UAE, Alain.

Al Mur, Mohammed *National Hopes* (1997). (Dubai: Al Bayan, 1997).

Al Rayes, Reyadh *Sura'a al wahat wal naft* [Conflict of Oil and Oasis]. (Al Rayes Printing Press, Beirut: 1975).

Al-Aboode, Naser. *Derasat Tuhaf Wa Athar al-Emarat. 1st edn* [Studies of UAE Heritage and Antiques] (Abu Dhabi, UAE: Cultural Centre, 1990).

Al-Adhbi, Amal. *al-Hijrah Ela al-Kuwait Men 1957 – 1975*. [Immigration to Kuwait from 1957-1975] (Kuwait: Kuwait University, 1972).

Al-Aidaros, Mohammed Hassan. *al-Tatawur al-Seyasi Fee al-Emarat al-Arabiah al-Mutaheda*. [Political Developments in the UAE] (Kuwait: Dar al-Salsel, 1983).

Al-Andalosi, Ibn Saeed. *Nashwat al-Tarab Fee Tarikh Jazerat al-Arab*. [Joy of Singing in the History of the Arabian Peninsula] Subh Al-Aa'sh, vol. 5 (Beirut: 1987).

- Al-Aqad, Salah. *al-Betrol Wa Ta Theratiyah Ala al-Seyasah Wa al-Mujtama'*. [The Oil: It's Effect on the Society and Politics] (Cairo: Anglo-Egyptian library, 1965).
- Al-Aqad, Salah. *al-Tatwirat al-Seyaseyah*. [Political Developments] (Cairo: Anglo-Egyptian library, 1965).
- Al-Arwi, Abdulla. *Mafhoom Al Dawlah*. [Understanding the State] (Beirut: Arabian Cultural Centre, 1993).
- Al-Jundi, Anwar. *Yaqdhat al-Fikr al-Arabi*. [The Reawakening of Arabian Thinking] (Cairo: The Anglo-Egyptian Library, 1971).
- Al-Khamlishi, Ahmad. *al-Qanoon al-Jenae*. [Criminal Law] (Rabat, Morocco: al-Ma'arif Press, 1985).
- Al-Khososi, Baderudin. *Derajat Fee al-Tareekh al-Hadeeth Lil Khaleeg al-Arabi*. [Studies in the Modern History of the Arabian Gulf] (Kuwait: Dar al-Salasel Publishing, 1984).
- Al-Mashat. *al-Tatawor al-Seyasi Fee al-Alem al-Thalith*. [Political development in the Third World] (Alain, UAE: Al-Ain Publishing, 1988).
- Al-Mawardi, Ali. *Adab al-Dunya Wadin*. [The Culture of Life and Religion] ed. by Mohammed Sabah, (Beirut: Dar al-Hayat, 1987).
- Al-Midani, Mohammed Amin. *al-Nezam al-Oropi L-Hemayat Huqooq al-Insan*. [The European System for the Protection of Human Rights] (Amman, Jordan: Dar al-bashir, 1989).
- Al-Mu'ala, Mohammed. *Al Shurti*. [The Policeman] (Sharjah, UAE: Sharjah Police, 1993).
- Al-Muhmasani, Subhi. *al-Nesam al-Qadhi Fee al-Diwal al-Arabia*. [Legal Systems in the Arab states] (Beirut, Lebanon: 1965).
- Al-Nabhan, Farooq. *Mukafahat al-Ijram al-Munadham*. [Deterrence of Organised Crime] (Riyadh, KSA: Arabian Security Training and Research Centre, 1989).
- Al-Najar, Ahmad. *Mostawa Ada'a al Usrah*. [The Role of the UAE Family in Socialisation] (Abu Dhabi, UAE: The Social and Security Centre, 1996).
- Al-Qahwaji, Ali Abdulla. *Elm al-Jareemah Wa Qanoon al-Oqubat*. [Criminology and Penal Law] (Beirut: University house for publishing and distribution, 1984).
- Al-Rumaihi, Mohammed. *al-Betrol Wal Taghyurat al-Ejtemaia Fee al-Khaleej Al-Arabi*. [Oil and Social Changes in the Arabian Gulf] (Beirut: Dar al-Jadeed, 1995).
- Al-Rumaihi, Mohammed. *Mua'weqat al-Tatawir Fee Diwal al-Khaleej al-Arabi*. [The Obstacle Facing the Arabian Gulf States Development] (Beirut: Dar al-jadeed, 1995).
- Al-Sa'ati, Hassan. *Ulm al-Ijtima'a*. [Social Science] (Cairo: Dawr al-Usra).
- Al-Sabagh, Ibrahim Rasid. *Sayed Al-lolo*. [Pearling] (Beirut: Dar Al-Arabyah press, 1983).

- Al-Sabah, Sulayman. *al-Elaqat al-i'lam Bel Masail al-Amnyah Fee al-Mujtamaa al-Arabi*. [The Relationship Between Information and Security in Arabian Society] (Riyadh, KSA: 1987).
- Al-Saif, Mohammed. *al-Dhahirah al-Ijrameyah*. [Criminal Phenomena] (Riyadh, KSA: MOI Crime Deterrence Centre, 1995).
- Al-Salami, Abdulla *Tuhfat al-Aayan Besairat Ahl Oman*. [Wonders of Oman] (Muscat, Oman: al-Omam Noruldin Al-Salmi Library, 1995).
- Al-Saleem, Sulaiman. *al-Nedham al-Qadhi Fee al-Mamlakah al-Arabia al-Saudiah*. [The Judicial System in the Kingdom of Saudi Arabia] (Riyadh, KSA: Institute of General Administration, 1971).
- Al-Sayar, Aysha. *Dawlat al-Ya'arebah*. [The State of Ya'arebah] (Beirut: Dar al-Quds, 1975).
- Al-Sayegh, Fattmah. *al Emarat al-Arabia Wal Rehlah Ela al-Sharq Men 1929-1952*. [The Arab Emirates and the British Airline to the East From 1929-1952] (Abu Dhabi, UAE: Cultural Center, 1995).
- Al-Utaiba, Mana'a. *al-Betrol Wa Iqtasad al-Emarat*. [Petroleum and the Economy of the UAE] (London: 1977).
- Bahnam, Ramsees.. *al-Nazaryah al-A'amah Lel Cannon al-Jina'i*. [The General Theory of Criminal Justice] (Alexandria, Egypt: Munsha'at Dar al-Ma'arif, 1983).
- Bahnasl, Ahmad Fathi. *Nazareyat fe al-Fug'h al-Jina'i al-Islami*. [Theories of Islamic criminal law] (Cairo: al-Shorooq Press, 1969).
- Basyoni, Abdul Ghani *al-Nuzom al-Seyasiah*. [Political Systems] (Beirut: al-Dar al-Jamiyah, 1984).
- El-Augi, Mustafa. *Droos fee al-Elm al-Jenae, al-Istratejeia al-Jenaeia*. [Lessons In Criminology, Criminal strategy] (Beirut: Nofel Establishment, 1987).
- El-Augi, Mustafa. *Droos fee al-Elm al-Jenae, al-Mujrem Wal al-Jareemah*. [Lessons In Criminology, Crime and the Criminal] (Beirut: Nofel Establishment, 1987).
- El-Augi, Mustafa. *al-Taleem Ka Waseelah Lil Weqaya Men al-Inheraf*. [Education as A Means of Protection from Perversion] (Riyadh, KSA: Arabian Security Centre for Research and Training, 1985).
- Faleh Handhal *Tareekh al-Emarat Men 1866*. [Historical Directory of the UAE from 1866] (UAE: Historical and Cultural Committee Publications) (1982).
- Farydoon, Najeeb. *Jaraem al-khadam Fee Dubai*. [Crimes of Housemaids in Dubai] (Dubai, UAE: Ben Desmal Press, 1993).
- Ghareeb Mohammed Sayeed. *al-Musoliah al-Amniah Le Wasael al-Ea'lam Fee al-Diwal al-Arabia*. [Security Responsibility of the Information Establishment in the Arab States] (Alexandria, Egypt: undated) (author's collection).
- Ghubash, Husain Obaid. *Oman- al-Democratiah al-Eslamiah Men 1500-1970*. [Oman: the Islamic Democracy 1500-1970] (UAE: Dar al-Jadeed, 1997).
- Ghunaim, Ahmed Mohammed *Tadaver al-Fikr*. [Development of Judicial Thought]

- (Beirut: al-Maktaba al-Asreyah, 1972).
- Hagi, Mamdooh. *Ajman Fee Thakerat al-Tareekh*. [Ajman] (UAE: Dubai Printing Press, undated).
- Halawee, Hatem Babakr *Taklefat al-Jareemah*. [The Price of Crime] (1996).
- Hamdi, Tammam *al-Qai'id Wal Maseerah*. [The Leader and the March] (Abu Dhabi, UAE:) (undated) (author's collection).
- Hassan Ayoob, (*Al solok al ijtima'I fe al islam*) Social Conduct in Islam, Dar Al tiba'a wal nashr al islamiyah, Cairo, 1996.
- Hassan Rabi'i. *Mabad'i Ilm al-Ijram wal Iqab*. [Crime and Punishment] (Dubai, UAE: al-Bayan Press, 1991).
- Holy Qur'an. (With English translation of meaning and commentary).
- Ibn Farhun. *Tabseerat al-Ahukam*. [Definition of Provisions] vol.2
- Ibn Mandhoor. *Lesan al-Arab*. [Arabic Dictionary] (Egypt: Dar al-Maarif, 1882).
- Ihsan, Ilahi Dhahir *al-Sheea Wal Sunah*. [The Shi'as and the Sunnis] (Lahore, Pakistan: Idarah Turjuman al-Sunnah, 1985).
- Jawdah Hussain Jihad, *Al Waseet Fe Qanoon Al Ijra'at* [Explanation of the UAE Criminal Procedure Code] (Al Bayan Press, Dubai, 1994)
- Lolo, Abdulla and Amna Khalifa. *al-Usrah al-Khaleejyah*. [The Gulf] (UAE: UAE University, 1996).
- Mahmood Hashem. *Al-Qadah Wa Nadam al-Shahadah*. [The Judiciary and the Evidentiary System] (
- Mahmood, Hassan. *al-Khedmah al-Ijtema'iah*. [Social Services] (Beirut: Dar al-Nahdhah al-Arabyah (undated) (author's collection).
- Mirghani, Shams. *al-Qanoon al-Dustory*. [Constitutional Law] (Al-Ain, UAE: al-Quds Library, 1985).
- Mohammed Bin Fahad. *Mu'ashirat al-Amm al-Iqtisadi al-Istiratigi*. [Aspects of Economic and Strategic Security] (Dubai, UAE: 1996).
- Mohammed Matar and Saher Rashad. *Dour al-Telefezyon Fee Nashr Al-Wa'i al-Amni*. [The Role of Television in Crime Prevention and Developing Awareness of Security] (UAE: 1996).
- Mohammed, Abdul Jawad Mohammed.. *Buhooth fee al-Shari'a al-Islamia wal Kanoon*. [Studies in Islamic Shari'a & Law] (Alexandria: Munsha'at al-Ma'arif, 1991).
- Mohammed, Arif *al-Jareemah Fee al-Mujtama'h*. [Crime in Society] (Cairo: Anglo-Egyptian Library, 1975).
- Mohammed, Arif *Hemayat al-Ahdath Men al-Inheraf*. [Prevention of Juvenile Perversion] (Cairo: Egyptian social affairs, 1963).
- Mohammed, Ibrahim. *Al-Jensiah Fee Dawlat al-Emarat al-Arabiah al-Mutahedah*. [Nationality in the UAE] (UAE: Ministry of Information, 1978).
- Mohyedin Sabir and Lowais Kamil. *al-Badu Wal Badawah*. [The Bedouin and Bedouism] (Sayda, Lebanon: al-Asriyah Library, 1965).

- Mursi, Mohammed. *Dawlat al-Emarat, Tareekh Hadeeth*. [The UAE] (London: 1987).
- Mutwali, Abdul Hameed *al-Islam wa mabad'i Nizam al-Ahukm* [Islam and the Principles of Governing] (Alexandria, Egypt: al-Ma'arif, 1990).
- Nabrawi, Fathya & Mohammed Muhana. *al-Khaleej al-Arabi* [The Arabian Gulf] (Alexandria, Egypt: Munsha'at al-Ma'arif).
- Nowair, Mohammed. *Maseerat al-Tarbeyah Wal Ta'aleem Fee al-Imarat*. [The Achievements of the Ministry of Education in the UAE] (UAE: Ministry of education, 1996).
- Rif'at, Ibrahim. *al-Tatweer al-Ijtemai'ah Fee Dirwal al-Khaleej*. [Social changes and developments in the Gulf States] (1985).
- Saafan, Hassan. *Elm al-Jareemah*. [Criminology] (Cair:Maktabat al-Nahdhah al-Masriyah, 1961).
- Salamah, Mosa. *al-Sahafa Ammal Wa Resalah*. [Journalism is a Profession and a Mission] (Cairo: Egypt Press, 1958).
- Sayed Naufal Political Conditions in the Gulf Emirates (Cairo, 1972) (author's collection)
- Shalabi, Mohamed Mustafa. *Ahkam al-Usra Fee al-Islam*. [Family Affairs in Islam] (Beirut: al-Dar al-Jami'iyah, 1983).
- Shatta, Mohammed. *al-Ahkam al-Sultanyah*. [Summary of the Sultanic Rulings of the Mawardi]. (Cairo: Dar al-Nahdhah al-Arabyah, 1993).
- Shihab, Lutfi. *Tahleel al-Qeyam*. [Analysis of the Values in UAE Ministry of Education's books] (Abu Dhabi, UAE: Culture Centre, 1991).
- Tamadher Hassoon & Hussain Al Rifaie. *Mashakel Tawasua'at al-Mudim*. [Problems Associated with the Growth of Cities] (Riyadh, KSA: Arabian Centre for Security Studies, 1987).
- Wafi, Ali *al-A'ela Wal Mujtam'a*. [The Family and Society] (Cairo: Dar Al-Nahdha al-Arabia, 1966).
- Yakan, Fat'hi. *Fekr Wa Harakat al- Taharer fee al-Islam*. [Islam: Concept, Movement and Revolution] (Beirut: al-Resalah Establishment, 1983).

THESES AND ESSAYS

- Al-Augi, Mustafa. "*Criminological Research and Social Defence Planning in Developing Countries*". (Essay presented to the United Nations Seminar on Criminological Research, held in Copenhagen, 1973).
- Al-Awadhi, Abdulla. "*The Population Changes and Recorded Crimes in the UAE from 1972-1992*". (Ph.D. dissertation, Department of Social Policy, University of Manchester, 1996).
- Al-Badi, Mohammed. "*UAE National Security*". (Unpublished Ph.D. dissertation, Nasser Military Academy, Egypt, 1992).
- Al-Bana, Humaid. "*The Dropout Problem in Adult Education in the United Arab*

- Emirates*". (Ph.D. dissertation, University of Wales at Aberystwyth, 1990).
- Al-Fuer, Hamza. "*al-Masoliah al-Amnia Lil Elam Fee al-Dinwal al-Arabia*". [Security Responsibility Of Information Establishments In Arab States] (Essay presented to Security Seminar, held in the Arabian Centre for Security studies, Riyadh, KSA, 1986).
- Al-Huwaity, Ahmad. "*Al-Ealam Wal Weqayah Men al- Jarima*". [The Mass Media and Prevention of Crime] (Paper presented to the Role of Mass Media in Crime Deterrence Seminar, Abu Dhabi, 1996).
- Al-Mabrook, Muhyedin. "*al-Faqer Wal Jaremah*". [Poverty and Crime] (Paper presented to Crime Prevention Seminar, held in, Riyadh, KSA, 1986).
- Al-Mansoori, Ahmed Eid Mohammad, "*The Law of Arrest and Similar Procedures: A Comparative Study*" (Ph.D thesis, University of Edinburgh, 1997)
- Al-Musharekh, Abdulla. "*Malameh al-Jareemah*". [The Marks of Crime in the UAE] (Paper presented to the Security Co-operation Seminar, held in Sharjah, UAE, 1992).
- Al-Shaali, Khalifa. "*Ahamiyat al-Elaqah Bayn al-Manzel Wal Madrasah*". [The importance of the Relationship Between School and Home] (Paper presented to Social Seminar, hosted by Ajman T.V on 11 March 1997).
- Al-Suwaidi, Easa. "*Dawr al-Madrasah Fee Mukafahat al-Jarimah*". [The Role of School in Crime Prevention] (Paper presented to Juvenile Delinquency Seminar, Abu Dhabi, 20 to 21 May 1995).
- Al-Turky, Abdulla Bin Muhsen. "*Al i'lalm Al Amni*". [Security Information] (Essay presented to the Third Scientific Seminar on Security Responsibility of the Information Establishments, Riyadh, 1986).
- Jamal Zakaria "*Tareekh Al-Emirate Al-Arabia Khelal Al-Mad Al-Oropi Men 1507-1840*". [History of the Arabian Emirates During the European Expansion From 1507-1840] (Dar al-Fikr al-Arabi, Cairo) (1960).
- Lolo, Abdulla. "*Dawer al-Thaqafah Wal Tanshe'a al-Ijtemaeya'h Le Hemayat al-Mujtama'a Men Makhter al-Jaremah*". [The Role of Culture and Socialisation in Protecting Society from the Danger of Crime] (Paper presented to Ministry of Interior Security Intelligence seminar, Abu Dhabi, 1996).
- Mohammed, bin Fahad. "*Al-Hujrah Ila Al-Emarat*". [Immigration to the Emirates] (Unpublished Ph.D. dissertation, Cairo University, 1997).
- Mustafa Ismail. "*al-qeyam al-Murtabita Be Tahseen al-Nishaa*". [National Values Related to the Development of Youth] (Paper presented to Security Information Seminar, Abu Dhabi, 1996).
- Tameem, Dhahi Khulfan. "*al-Elam al-Amni*". [Essay presented to Security Media Siminar, Abu Dhabi, November 1996).
- Van Dijk, Jan J.M. "Who is Afraid of the Crime Victim". (Keynote lecture, the 7th Symposium of the World Society of Victimology, Australia from 21 to 26 August 1994).

PERIODICALS

- Abu Hajaj, Yosuf. "The United Arab Emirates general survey". *Journal of the Gulf*

and the Arabian Peninsula, 15 (1978).

- Al-Feel, Mohammed Rashed. "Border Disputes Between the Arabian Gulf Emirates". *Journal of the Gulf and Arabian Peninsula*, 8 (1976).
- Al-Jamal, Mustafa. "Toward a General Legal Unified View in the Arab and Islamic World". *The Journal of Sharia and Law*, 6 (1992).
- Al-Suba'I, Brig. Mohammed "The Police - Between Centralisation and Decentralisation". *Journal of General Security*, 20 (1962).
- Al-Uraifi, Brig. Dr. Sa'ad. "Society's Needs for the al-Amr Belma'arof Wal Nahy an al-Munkar". *The Journal of al-Ann Wal Hayat*, Vol. 176 (1997).
- Braithwaite, John. "Shame and Modernity" (1993). *The British Journal of Criminology*, 33/1:1.
- Darwish, Zain Al-Abidin. "Dhorof al-Tahwal Fee Mujtamaa al-Imarat". [The Consequences of Transformation in the Emirates], *Journal of Social Affairs*, Vol. 7 (1990). Issue No. 27, Autumn 1990.
- Faleh, Handhal. "The Roots of the People of the Emirates". *Journal of social affairs*, 43:133 (1994).
- Farrington, David. "Self-reports of Deviant Behaviour: Predictive and Stable?". *Journal of Criminal Law, Criminology and Police Science* (1973) 64:99.
- Ghubash, Aminah Obaid. "Dour al Ab Fee al-Tanshe'ah". [The Role of The Father in Socialisation], *Journal of Social Affairs* (1989), Vol. 6, Issue No. 24.
- Hay, Sir Rubert "The Impact of the Oil Industry on the Persian Gulf Shaikhdoms". *The Middle East Journal*, (1955).
- Jabr, Muna Juma "The Family and Juvenile Delinquency". *Journal of Social Affairs*, (1989), Vol. 6, Issue No. 24..
- Junger, M. & Poder, W. Religiosity, Religious Climate and Delinquency Among Ethnic Groups in the Netherlands, *British Journal of Criminology*, Vol. 33, No. 3, Summer 1993, p. 430.
- Kahan, Dan M. (1996) What Do Alternative Sanctions Mean? *University of Chicago Law Review* 63:591.
- Khalil, Ma'an. "The Effect of Oil on the Acceleration/Deceleration of Developments in Arabian Gulf society". *Journal of Social Affairs*, 7 (1990).
- Mohammed Hatatah "The Police Between Centralisation and Decentralisation". *Journal of General Security*, 32 (1966).
- Rugh, William A. The UAE: What Are the Sources of its Stability (*Middle East Policy*, 1997). Vol V, No. 3.
- Sray, Hammed Mohammed. "History of Oman". *Journal of Social Affairs*, 43:53 (1994).
- Stark, Rodney, Kent, Lori and Doyle, Daniel P. "Religion and Delinquency: The Ecology of a "Lost" Relationship. *Journal of Research in Crime and Delinquency*, 4 January (1982).
- Zander, M. From Inquisitorial to Adversarial-The Italian Experiment. 141 *New Law Journal* 678 (1991).

NEWSPAPERS AND MAGAZINE

Al-Hayat. 30 July 1995.

Al-Ittihad. 20 August 1994.

Al-Ittihad. 28 April 1995.

Al-Khaleej. 22 June 1995.

_____. 1 January 1996.

_____. 8 August 1996.

_____. 11 and 12 January 1997.

_____. 7 April 1997.

_____. 28 April 1997.

_____. 31 May 1997.

_____. 17 October 1997.

Dubai Official Magazine. September (1965).

International Political Magazine. January (1969).

Middle East Policy Magazine. September (1997).

National Crime Magazine. Vol. 6, (1963).

Police Magazine. February (1991).

LEGAL / ADMINISTRATIVE REPORTS AND DOCUMENTS

Abu Dhabi Labour law for the year 1966.

Annual Report (1994) on UAE Government Economy. *The Business Environment and Industry with Forecast through end 1995*.

Archives, Ministry of Commerce (Abu Dhabi, UAE).

Archives, Ministry of Planning, (Abu Dhabi, UAE).

Archives, Ministry of work, (Abu Dhabi, UAE: Abu Dhabi office).

Archives, General Directorate of Police Aviation, (Sharjah, UAE: 1997).

Archives, Police Training school, (Sharjah: 23-26th May 1997).

British Archives Editions. *Records of the Emirates*, vol. 9, ed. by Penelope Tuson.

Constitutional Amendment No (1) for the year 1976.

Constitutional Amendment No (2) for the year 1976 concerning extension to the implementation of the Provisional Constitution's provisions.

Council of Ministers' decree No (13) for the year 1974 concerning structure of the Ministry of Interior.

Council of Ministers' decree No (2) for the year 1972 concerning structure of the Federal Ministry of Interior.

Council of Ministers' decree No (3) for the year 1981 concerning structure of the Ministry of Interior.

Council of Ministers' decree No (3) for the year 1995 concerning amendment to the structure of the Ministry of Interior.

Criminal Statistics for the year 1993. (Abu Dhabi: Directorate of Immigration and Naturalization).

Federal decree No. 40, for the year 1973.

Federal decree No. 66 for the year 1982.

Police Criminal Statistics for the years 1981-1982, 1983 and 1985 (Abu Dhabi, Criminal Department).

Report presented by the National Social and Criminal Research Centre to the Seventh Arab Social Defence Conference, held in Cairo, 1974

Report to the Fifth UN Congress on Crime Prevention. *The Role of the Police in terms of their Crime Prevention and Social Activities*. (Geneva: Interpol, 1975).

Report. United Arab Emirates Business Monitor International Ltd (1994).

Statement of Brig. Hassan Ibrahim, the General Director of Department of Crime Deterrence. (Abu Dhabi, 1996).

The Provisional Constitution of the United Arab Emirates.

UAE, Ministry of Interior. Ministerial decree No. 11 for the year 1992.

UAE, Ministry of Interior. Ministerial decree No. 3 for the year 1995.

UAE, Ministry of Interior. Ministerial decree No. 3 for the year 1987.

UAE, Ministry of Interior. Ministerial decree No. 35 for the year 1992.

Union Supreme Council's decree No(1) for the year 1986 concerning extension to the implementation of the Provisional Constitution's provisions.

Union Supreme Council's decree No(1) for the year 1991 for constitutional amendment No(1) for the year 1991 concerning extension to the implementation of the Provisional Constitution's provisions.

Union Supreme Council's decree No(2) for the year 1981 for constitutional amendment No(1) for the year 1981 concerning extension to the implementation of the Provisional Constitution's provisions.

Union Supreme Council's resolution dated 20th May 1996 concerning amendment to the Provisional Constitution of the United Arab Emirates.

United Arab Emirates Criminal Law Procedures.

United Arab Emirates Educational Strategy Document for the year 1995.

United Arab Emirates, Ministry of Information publications for the year 1993.

United Arab Emirates, Ministry of Interior. Annual security Report from 1975-1995.

United Nations General Assembly resolution No. 17 for the year 1979.

TAKE OUT

Universal Declaration of Human Rights.

US National Advisory Commission on Civil Disorders (Kerner Report).
(Washington, D.C, US: Government Printing Office, 1968).

Publications of the Arabian Gulf Study Centre in the University of Basra, Iraq.

INTERVIEWS AND MEETINGS

Interview with. Amir. Nayif ibn Abdul Aziz (Saudi Interior Minister), Al-Arab newspaper, Paris, 1 May 1987.

_____ Brigadier Saeed Samsom (The General Director of Fujairah Police) during discussion on budget allocation in the Minister of Interior, Abu Dhabi, 1990.

_____ Brigadier (Retired). Abdulla Abu Al-hool, UAE, 6 August 1995.

_____ Brigadier (Retired). Commander of Fujairh Police since its establishment.

_____ Al-Aboodi, Nasser, Research and Studies Centre, Sharjah, 1994.

_____ Brigadier Ali Rashid (Director of Public Relation of the Ministry of Interior) during the Annual Training Conference, Abu Dhabi, 1995.

_____ Colonel Mohammed Sme'es (Director of Federal Traffic department in The Ministry of Interior), Abu Dhabi, 22 July 1995.

_____ Colonel (Retired). Rashid bin Humaid bin Khamis (from Ajman Police).

_____ Dr. Garudy, Syrian T.V, 6 August 1996.

_____ Brigadier Abdulla hamad (former Director of the Federal Traffic Police).

_____ Shaikh Taleb al-Qasimy (General Director of Rasulkhaimah Police), 7 June 1997.

_____ General SAGR Ghubash, Sharjah T.V, 29 October 1996.

_____ His Highness Sheikh Humaid Bin Rashid Al-Nuaimi, Member of the Supreme Council, Ruler of Ajman.

_____ Members of Majlis in Ajman, Ajman, 19 May 1997.

_____ Mr. Saif Al-Shaali and Mr. Mohammed Al-Marzooqi, Ajman, 12 June 1995.

_____ Mr. Abdul Wahab Karoo (Deputy Commander of Ras Al-Khaima Police), 1995.

_____ Mr. Abdulla bin Badir (60 years old from from Dubai).

- _____ Mr. Al-Ghasanee and Mr. Al-Aydaros (Former court officials in Dubai), 1994.
- _____ Mr. Ali Husain Al-Manaee (82 years old from Ras Al-Khaima, UAE), 1989.
- _____ Mr. Hamad Bin Hussain, from Ajman Court, 1994.
- _____ Mr. Humaid Al-Madhani (90 years old diver from Ajman).

_____ Mr. Jawdat Al-Barghothi (former Director of the Ruler's Office in Ajman), 1995.

_____ Mr. Jummah Humaid (80 years old and a captain in charge of fleet of fishing boats), 2 May 1995.

_____ Mr. Mohammed Abdulla Al-Shaiba (80 years old and a son of a former judge), 1995

_____ Mr. Mohammed Al-Marzoqi, Mr. Ibrahim Al-Marzoqi and Mr. Saif Mohammed, Ajman, 1995

_____ Mr. Suhailh Saeed (73 years) and others from Ajman Ajman, 1997.

_____ Mr. Sultan Saeed (Director of Residency in the Ministry of works), and 12 other official labour inspectors from the Ministry of works, 11 October 1996.

_____ Officers graduated from Police Academy, Sharjah Police Training School, 1997.

_____ Sheikh Mijren and Flaw.

_____ Sheikh Zayed Bin Sultan AL-Nehayan, Abu Dhabi T.V, 1993.

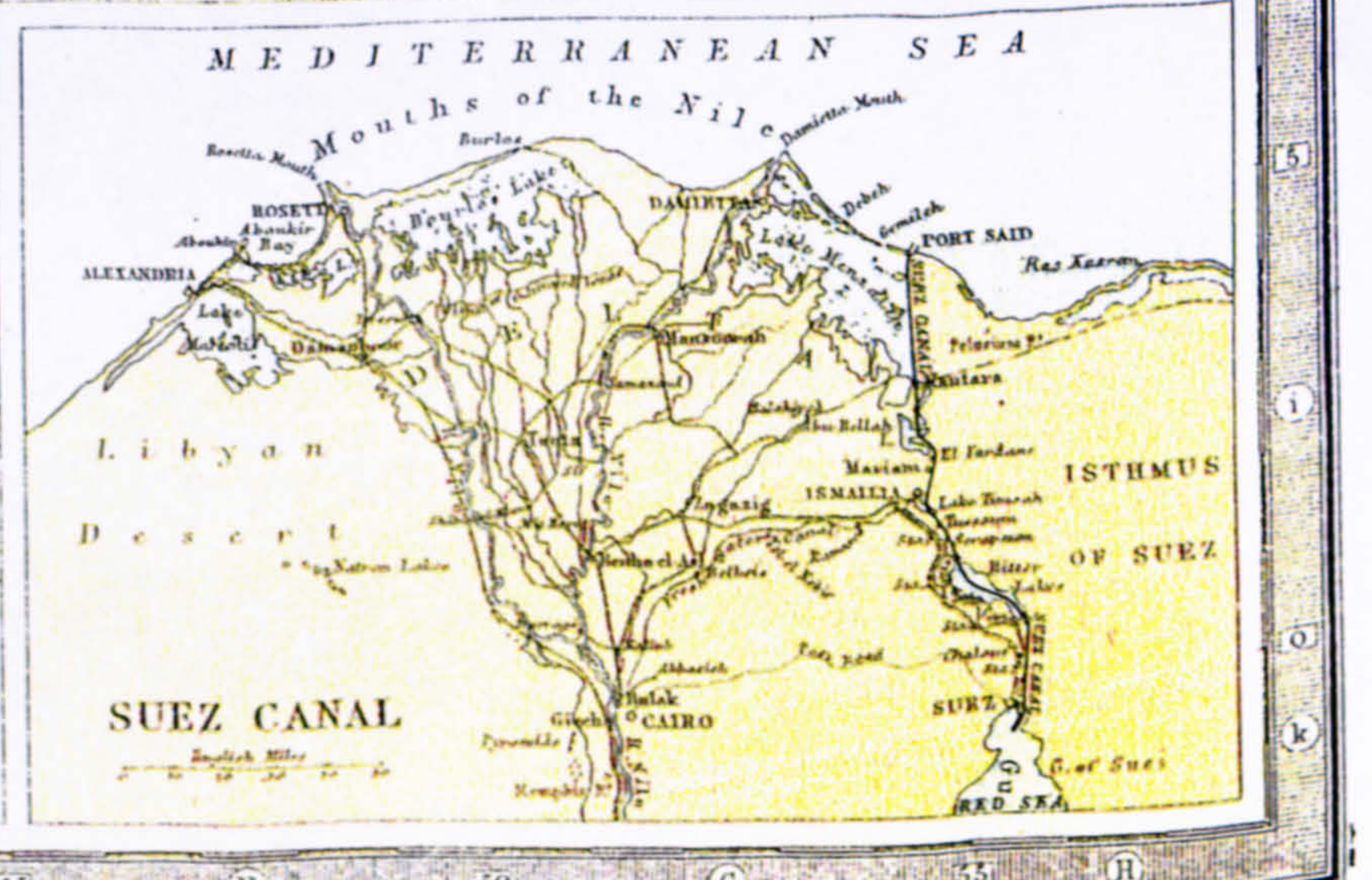
Meeting between security and military organisations in the General Headquarter of the Armed Forces, Abu Dhabi, 1996.

Meeting of the General Directors in the Ministry of Interior, Abu Dhabi, 1991.

ANNEXES

ANNEX 1

MAP OF ARABIA & OMAN PENINSULA (1890)



ANNEX 2

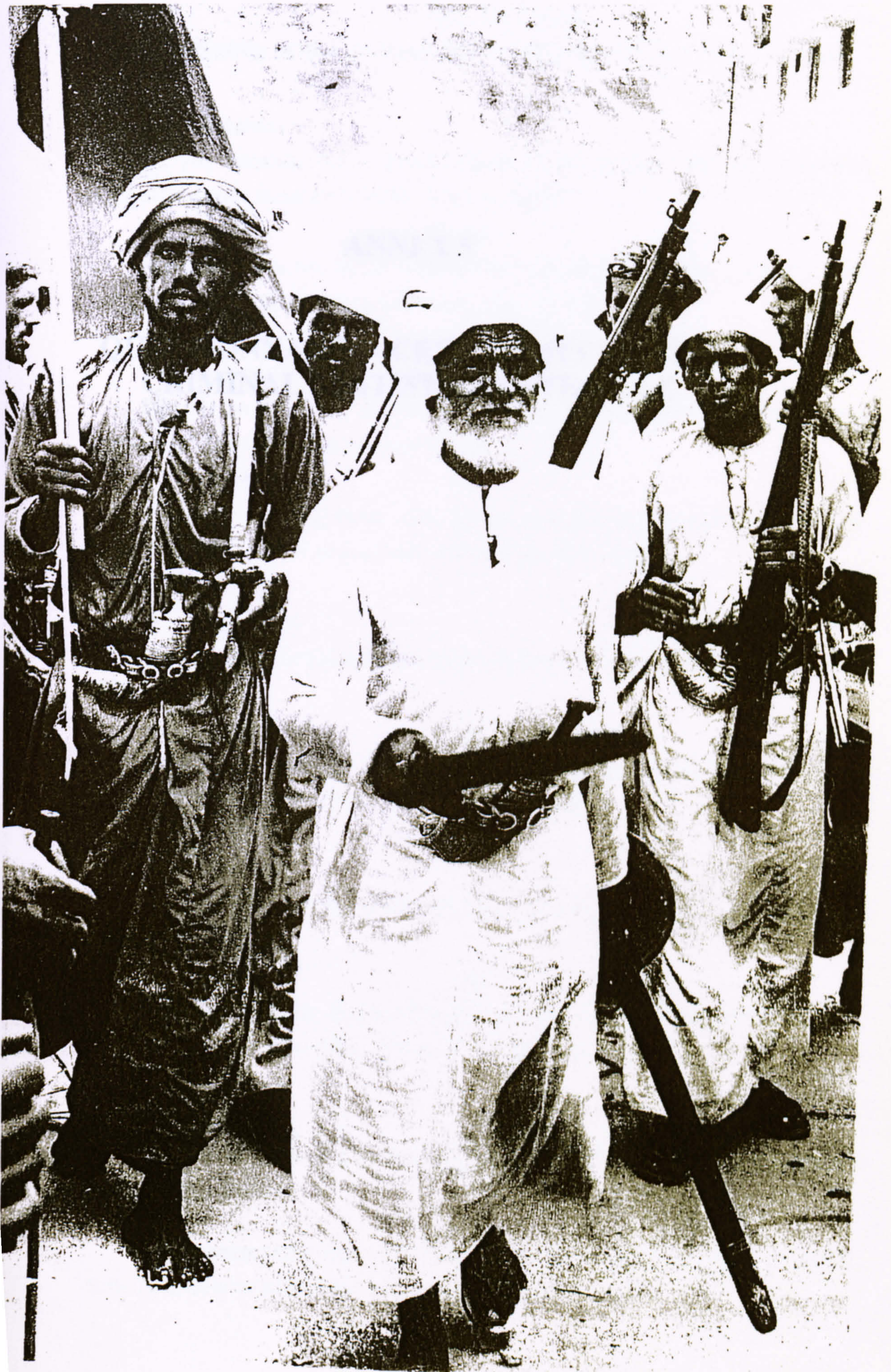
**SAUDI, OMANI, AND ABU DHABI
BORDER CLAIMS (1913 – 1954)**

ANNEX 3

**CHART OF THE GULF OF PERSIA, SHOWING
THE EMERGENCE OF SETTLEMENTS ON
THE COAST OF OMAN (1830)**

ANNEX 4

**WEAPONS AS PART OF
OMANI NATIONAL DRESS**



ANNEX 5

**QUESTIONNAIRE – CREDIBILITY OF THE
CRIMINAL STATISTICS IN THE UAE**

Questionnaire

The Credibility of the Criminal Statistics in the United Arab Emirates

First Question:

Do you consider the published figure by the official authority for the total number of crimes reported to police is a true figure?

Yes

No

If the answer is No, do you consider the published figure represents only 25%, 50%, 75%, 85% or 95% of the total number of crimes?

Second Question:

Do you consider the published figure by the official authority for the murder crimes and violent assaults is a true figure?

Yes

No

If the answer is No, do you consider the published figure represents only 25%, 50%, 75%, 85% or 95% of the total number of murder crimes?

Third Question:

Do you consider the published figure by the official authority for rape crimes is a true figure?

Yes

No

If the answer is No, do you consider the published figure represents only 25%, 50%, 75%, 85% or 95% of the total number of crimes?

Forth Question:

Do you consider the published figure by the official authority for the theft crime is a true figure?

Yes

No

If the answer is No, do you consider the published figure represents only 25%, 50%, 75%, 85% or 95% of the total number of theft crimes?

Fifth Question:

Do you consider the published figure by the official authority for the narcotic crime is a true figure?

Yes

No

If the answer is No, do you consider the published figure represents only 25%, 50%, 75%, 85% or 95% of the total number of narcotic crimes?

ANNEX 6

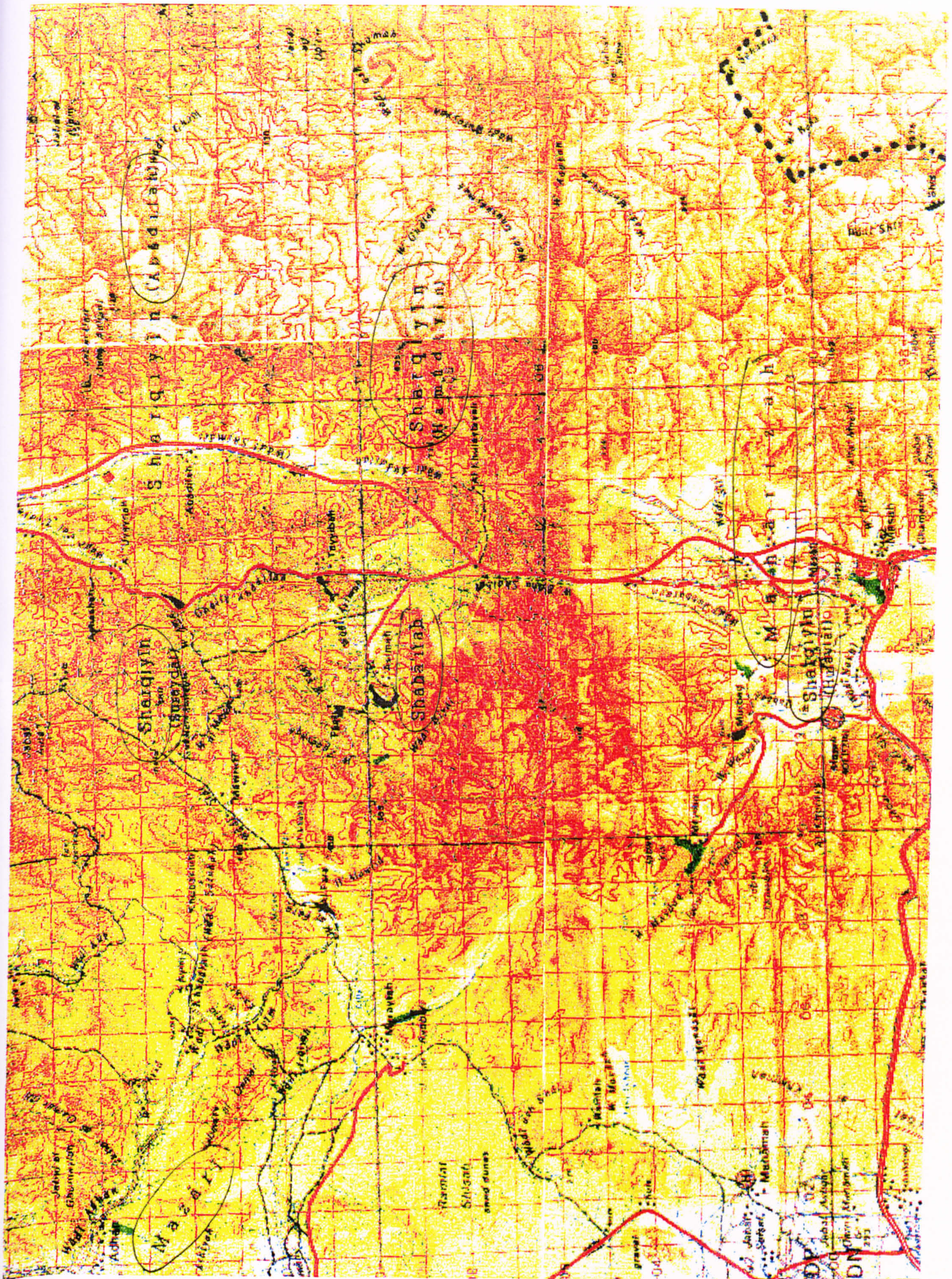
**QUESTIONNAIRE – INMATES OF
SHARJAH PRISON (ARABIC)**

- 1- عدد النزلاء - عدد المواطنين - عدد غير المواطنين - النزلاء بسبب جرائم مالية
- 2- السن - الجنسية السابقة - الجنسية الحالية - المهنة - او عاقل
- 3- الدخل الشهري (2000-5000) (8000-5000) (أكثر و 8000)
- 4- المستوى التعليمي لمي - يقرأ ويكتب - ابتدائي - اعدادي - ثانوي - جامعة وما فوق
- 5- الحالة الاجتماعية - عدد الزوجات - هل تعمل الزوجة؟
- 6- عدد الاولاد - يعملون ام لا؟
- 7- نوع السكن (قيم ، شعبي ، شقة ، فلا) - لا يوجد
- 8- هل السكن يتسع لجميع العائلة
- 9- ماهي الجريمة
- 10- اسباب ارتكاب الجريمة (الحاجة الماسة او تحسين الوضع المادي او لاتباع شهوة)
- 11- هل تشعر ان وضعك المادي يحرمك من المكانة الاجتماعية؟
- 12- هل تشعر ان وضعك المادي يجب ان يتحسن اسوة بالطبقات الغنية في المجتمع؟
- 13- هل تفر مشروعية غني الاغنياء؟
- 14- هل تشعر بالدوس لانك فقير؟
- 15- هل هذه هي الجريمة المالية الاولى؟
- 16- قوة التدبير قبل الجريمة - يصلي (ضعيف - متوسط - جيد) بصوم (ضعيف متوسط جيد) حجاج
نعم/لا هل تشرب الخمر؟ نعم/لا تلب التمار نعم/لا ملاحظات
- 17- علاقتك بالاصدقاء ضعيفة - متوسطة جيدة
- 18- هل اصدقائك من نوى السوابق؟ كلهم بعضهم

- 19- هل والديك متعلمين؟ - متكئين - حياتهم الاجتماعية - عادية / مضطربة
 - 20- كيف كانت علاقتك بو والديك (ضعيفة - متوسطة - جيدة)
 - 21- هل كانا يعاقبانك بعنف - بسبب وبخير سبب
 - 22- هل تتوى ان تربى اولادك بالطريقة التي رباهك بها والديك؟
 - 23- اثناء دراستك هل كنت طالب (جيد - متوسط - ضعيف)
 - 24- هل كنت تهرب من المدرسة؟ - والي اين؟
 - 25- هل كان مدرسونك يعاقبونك بعنف؟
 - 26- هل كان ولي لمرك ميسور الحال / فقير / غني
 - 27- هل تعلم ان ولي لمرك ارتكب جريمة؟ اذكرها
 - 28- عندما ارتكبت جريمة - هل كنت تعلم بالعقوبة على هذه الجريمة؟
 - 29- هل كنت تتوقع انه سيقبض عليك وتعاقب؟
 - 30- هل هذه العقوبة منصفة؟
 - 31- لو اتحت لك نفس الفرصة وتعرضت لنفس الظروف هل ستعود لمثل هذه الجريمة؟
 - 32- هل انت راض عن نفسك الان؟
 - 33- ماهي خطتك بعد الخروج؟ وكيف ستحسن من وضعك المادي؟
- الاسم _____ التاريخ _____
المكان _____ الوقت _____

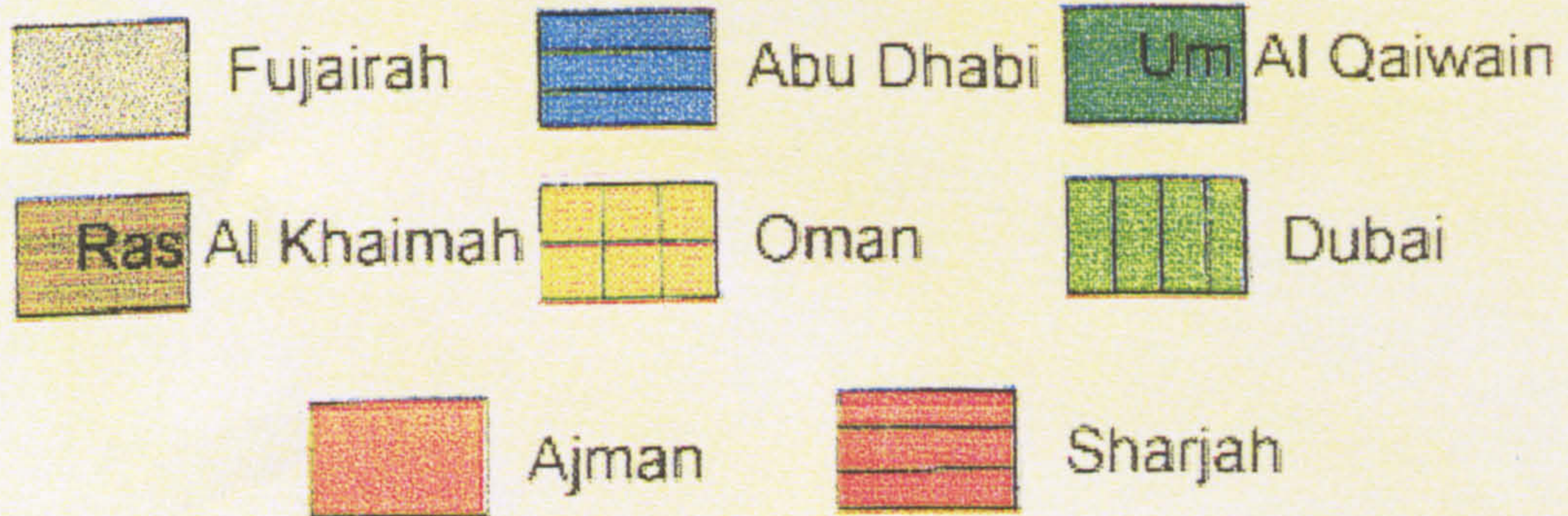
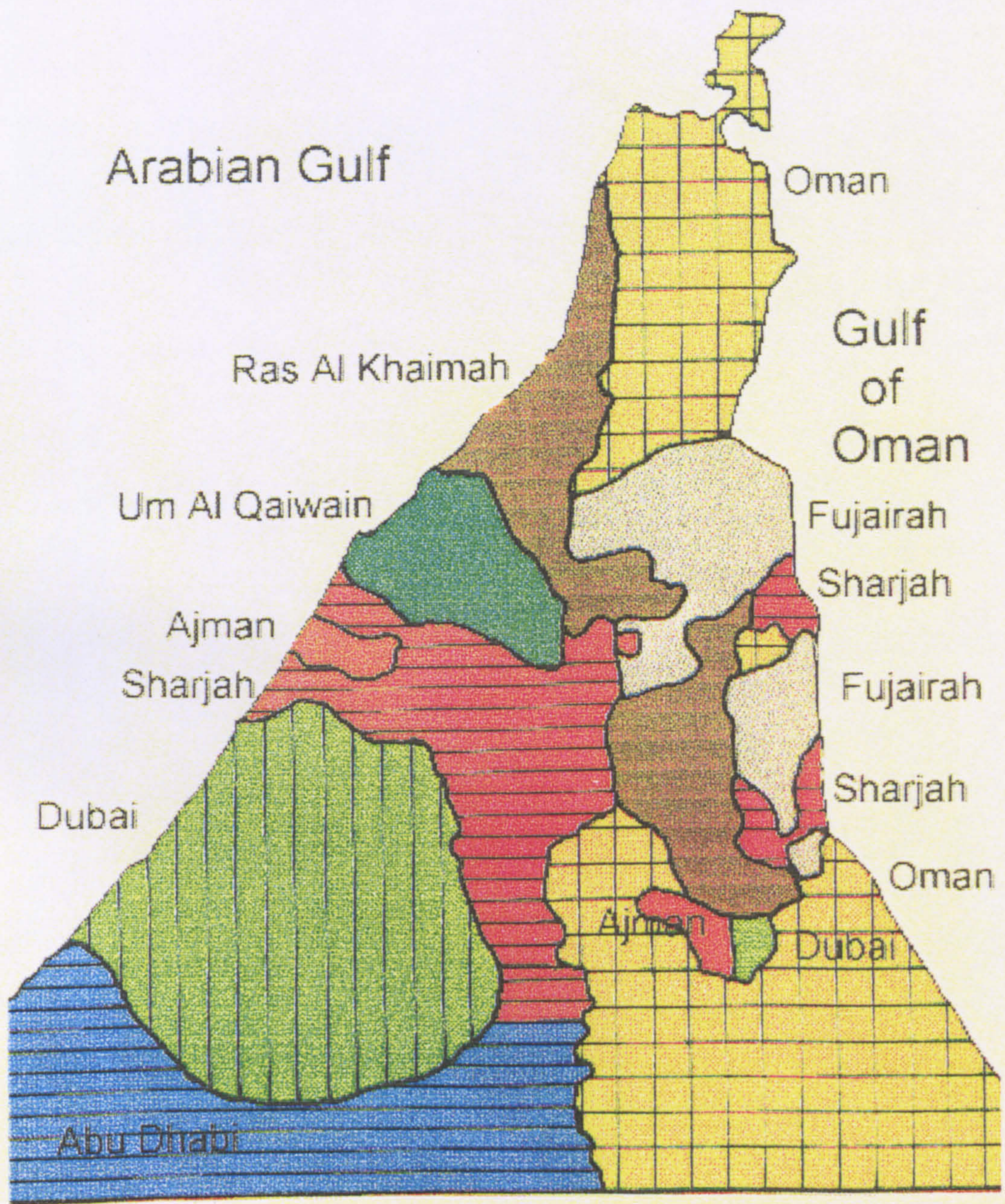
ANNEX 7

TRIBAL DISTRIBUTION ON UAE MAP



ANNEX 8

INTERMINGLING OF BORDERS WITHIN UAE



ANNEX 9

MINISTRY OF INTERIOR ORGANISATIONAL CHART

Minister of interior

Under secretary

GENERAL INSPECTOR

FEDERAL CONTROL
FEDERAL/ LOCAL CONTROL
LOCAL CONTROL

