

# The legal possession of weapons in the UAE

**Andrea Tithecott** - Partner, Head of Regulatory, Head of Healthcare - Commercial / Regulatory / Legislative Drafting

a.tithecott@tamimi.com - Abu Dhabi

**Omar Khodeir** - Senior Associate - Litigation

o.khodeir@tamimi.com - Dubai International Financial Centre

August 2015

---

The legal requirements vary from country to country, but typically require that a person obtains a license to possess the weapon. In the United States of America the legal possession of weapons is commonplace. In the UK less so, but is permitted (although interestingly, the possession of a 'replica firearm' is not permitted). Those who intend to import a weapon into the UAE, whether for personal use or for commercial use, should avail themselves of the relevant laws and procedures.

## Weapons laws in the uae

The importation and possession of a weapon is governed by Federal Law No. 3 of 2009 regarding Weapons, Ammunition and Explosives, and which defines:

*a 'weapon' as: Including a firearm, air gun, sound gun, flare gun, hunting gun, antique gun and stun guns; and*

*a 'firearm' as: A weapon that launches a projectile by the pressure resulting from the combustion of the propellant material. This definition excludes the air gun, sound gun and photo gun. However, it states any firearm parts, components or spare parts shall be considered firearms.*

In this article, the term weapon, refers to both weapons and firearms (collectively, "Weapon" or "Weapons").

One of the key features which assist in assessing whether an item may be construed as a Weapon or not is whether it is capable of launching a projectile. A spear-gun, for example, could fall within that classification. Another point worthy of note is that because weapon 'parts' also fall within the definition. Spare parts imported separately are also caught by the law.

In order to import and keep a Weapon, a license must be obtained. The application process for obtaining the licence then varies depending on the item in question, and its intended use (for example, trade, repair, manufacturing, private use). The detailed procedure to be followed is outside the scope of this article; suffice to say that the law imposes a criminal liability for failure to obtain the correct licence.

## Case Studies

The following two cases handled by Al Tamimi provide some insights on the potential problems which can arise.

### Case 1: A Weapon For Personal Use:

An American person moved to the UAE to work in the Emirate of Abu Dhabi.

A parcel was sent by the person's family from the US through a shipping company, addressed for the attention of the recipient. The parcel included personal belongings, together with a firearm and bullets which the person had previously lawfully kept at home in the US.

Upon arrival, the Abu Dhabi Customs Authority searched the parcel and discovered its contents.

The matter was referred by the Customs Authority to the Public Prosecutor for investigation of a potential criminal offence, followed by an indictment order for the offence of importing a Weapon and bullets into the UAE without obtaining the relevant license to do so.

The strategy for the defence of the case highlighted the fact that the expatriate receiving the items had not instructed his family to send the Weapon, and had no criminal intent. The outcome was successful and the Union Supreme Court issued its judgment deeming the accused not guilty of any charges.

### **Case 2: A Replica Weapon Imported For Exhibition Purposes:**

A replica firearm was shipped into the UAE by a weapons manufacturer, the purpose of which was to exhibit the replica at an international weapons conference being hosted in Abu Dhabi. The firearm was shipped to Dubai together with other non-weapons parts, including a piece of new technology which the manufacturer was also exhibiting at the conference.

When importing the replica into the UAE, the manufacturer relied upon the fact that the replica was not treated as a weapon or firearm according to the laws in their home-country, and assumed (wrongly) that the same would apply in the UAE, and that the importation of a replica would not create any regulatory or criminal liability. Consequently, the due diligence as to the legal requirements for importing into the UAE was not fully investigated. The manufacturer focused on only one part of the process.

The multiple processes for obtaining all the relevant exhibition permits, together with a specific license for importing and possessing the replica was not followed in full before the parcel containing the replica arrived into Dubai (through a well known shipping company), and was delivered into the hands of the manufacturer's representative, who had arrived in Abu Dhabi a few days previously to register as an exhibitor at the conference.

The representative was likewise not aware of the licensing requirements. Consequently, when clearing the security procedures at the conference venue, the replica was confiscated, and the representative was detained pending an investigation.

The matter was referred to the Public Prosecutor, and the representative detained in custody for a number of days before being released on bail. Forensic examination of the replica was undertaken.

Notwithstanding that in the manufacturer's home-country the replica would not have been classified as a weapon, it transpired that it contained a real weapons 'part', therefore according to UAE law, and although non-functional, the forensics' examiners deemed that the replica could be adjusted and altered in such a manner so as to allow a projectile to be launched from it. Thus, it was considered to be a Weapon and imported in contravention of the law.

This case was particularly difficult in that the circumstances were such that the Public Prosecutor in Abu Dhabi considered that it raised a question of national security, and referred the matter for further investigation by the National Security Prosecution. After an investigation lasting four months, the defense team successfully mitigated against the primary case, and having placed considerable emphasis on the lack of criminal intent, the matter went no further. The case was dismissed by the Prosecutor, and the manufacturer's representative repatriated to his home-country.

### **Sanctions and Penalties**

The penalties for importing and/or possessing an illegal Weapon in the UAE can vary from imprisonment

for six months and/or a fine of not less than fifteen thousand Dirhams, up to imprisonment for a maximum of ten years and/or a fine of not less than fifteen thousand Dirhams. Should a matter be referred to the National Security Court, the maximum sentence of imprisonment may be longer, and critically, there is no right of appeal from any sentence handed down by that court.

## **Conclusion**

The importation and possession of Weapons and related equipment in the UAE can lead to criminal liability and the imposition of severe penalties. Innocent mistakes or failure to establish the correct process for obtaining a licence can have very serious consequences. Legal assistance obtained prior to importation of the item assists in establishing the compliant route through the maze of applications and import procedures in order to obtain the proper licenses. Once a matter is under investigation by a Public Prosecutor, [legal assistance](#) is critical in securing the release of a person from custody, and for establishing a primary or mitigation case with a view to negotiating the most successful outcome.