THE DUBAI COURT OF CASSATION CONFIRMS THE POWER OF ARBITRAL TRIBUNALS TO ISSUE ANTI-SUIT INJUNCTIONS

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UAE International Arbitration

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BACKGROUND

In April 2025, the Dubai Court of Appeal (Court of Appeal), in its judgment in Case No. 8 of 2025, annulled an interim award, issued by an arbitral tribunal in an ongoing International Chamber of Commerce (ICC) arbitration seated in Dubai, which prohibited the respondent from filing proceedings before any court. The Court of Appeal held that arbitration proceedings cannot suspend or override a party's constitutional right to access the courts unless expressly permitted by law, and the anti-suit injunction issued by the arbitral tribunal did not qualify as a valid interim or precautionary measure under the laws of the United Arab Emirates (UAE). Our previous alert on this judgment can be viewed here.

RULING OF THE COURT OF CASSATION IN CASE NO. 657 OF 2025

In a judgment dated 3 July 2025, the Dubai Court of Cassation (Court of Cassation) overturned the decision of the Court of Appeal. The Court of Cassation confirmed that Article 21 of Federal Law No. 6 of 2018 (the UAE Arbitration Law) empowers the arbitral tribunal in a UAE-seated arbitration to order interim or precautionary measures, and that Article 21 of the UAE Arbitration Law gives the arbitral tribunal the exclusive authority to vacate or amend any such an order during the arbitration proceedings. Accordingly, the Court of Cassation held that the application to annul the interim award had to be dismissed for lack of jurisdiction.

CONCLUSION

This decision will be welcomed by arbitration practitioners and their clients. It also supports the widely held view that the UAE is an arbitration-friendly jurisdiction.

ABOUT THE FIRM

Our Litigation and Dispute Resolution practice has a long history of acting as counsel on high-stakes international arbitration and litigation mandates. Our lawyers in Dubai have extensive experience advising on litigation and arbitration with respect to complex, high-value disputes in the UAE and wider Middle East region.

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