

Khalifa issues Federal Legal Decree No. 5 for 2012 on combating cyber crimes

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WAM ABU DHABI: President His Highness Sheikh Khalifa bin Zayed Al Nahyan has issued Federal Legal Decree No. 5 for 2012 on combating cyber crimes. The new decree includes amendments to Federal Legal Decree No. 2 for 2006 on cyber crimes.

Articles of the new decree provide legal protection of privacy of all information published online, including all data, information, credit card numbers, bank account numbers and details as well as all online and electronic payment methods. The decree protects privacy of information from any use whatsoever by electronic or IT means to forge or produce duplicates of credit cards or civil cards.

The new decree stipulates punishments on any individual for using any kind of information technology to extort or to threaten others online to force them to engage in, or, for that matter to prevent them from engaging in, a certain act.

The decree criminalizes activities by any person who creates or runs any electronic site to send, transmit, publish or promote online any pornographic material, gambling activities and any other indecent acts. It also imposes punishment on any person for attempting to, and for helping others to, seduce others and solicit prostitution and to urge, induce or entice another person to engage in an act of prostitution. It also criminalizes acts by any one to insult others or to accuse others of acts which would lead to punishment or contempt by a third party, online or through any other information technology means.

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Federal Legal Decree No. 5/2012 also imposes punishment for anyone for using an electronic network or any information technology means for the unwarranted violation of the privacy of others by eavesdropping, intercepting, recording or disclosing conversations, communications, audio and video material; taking photographs of others, creating electronic photos of others, disclosing, copying or saving them; publishing news, electronic photographs or photographs or scenes, comments, data and information even if they are authentic.

The decree stipulates punishment for any person creating or running an electronic site to publish information online or through any information technology means with the intention to engage in trafficking in persons or the illegal trade of human organs.

It also stipulates punishments for any person creating or running an electronic site to publish, online or through any information technology means, any programmes or ideas which would promote disorder, hate, racism or sectarianism and damage national unity or social peace or damage public order and public decency.

The decree also stipulates punishments any person for creating or running an electronic site to publish information online or through any information technology means with the intention to engage in unauthorized trade in firearms, ammunition or explosives.

The decree further stipulates punishments for any person creating or running an electronic site to publish information online or through any information technology means to promote any terrorist groups and any unlicensed society, organisation or body, to facilitate contacts with their leaders or to solicit new members, promote the thoughts thereof, to finance their activities, to provide funds and actual help for its activities, or, for that matter, to promote the making of incendiary devices, explosives or any devices used in terrorist acts.

It also stipulates punishments for any person for creating or running an electronic site to raise, online or through any information technology means, that may call for the raising of donations without authorization from the competent authorities.

It also stipulates penalties of imprisonment on any person who may create or run an electronic site or any information technology means, to deride or to damage the reputation or the stature of the state or any of its institutions, its President, the Vice President, any of the Rulers of the emirates, their Crown Princes, the Deputy Rulers, the national flag, the national anthem, the emblem of the state or any of its symbols.

It also stipulates penalties of imprisonment on any person publishing any information, news, caricatures or any other kind of pictures that would pose threats to the security of the state and to its highest interests or violate its public order.

It also stipulates penalties of imprisonment on any person creating or running an electronic site or any information technology means to engage in, or to call for, the overthrow of the system of government of the state or to seize it, or to seek to disrupt or obstruct the Constitution or the effective laws of the state, or to oppose the basic principles which constitute the foundations of the system of government of the state. The same punishment is imposed by the decree on anyone who calls for, promotes or provokes the aforementioned acts or abets or helps others to engage in them.

It also stipulates penalties of imprisonment on any person using electronic sites or any information technology means to call for disobeying the laws and regulations of the state that may be in effect.

It also stipulates penalties of imprisonment on any person using electronic sites or any information technology means to call for demonstrations, marches and similar activities without a license being obtained in advance from the competent authorities.

It also stipulates penalties of imprisonment on any person using electronic sites or any information technology means to call to engage in the unauthorized trade of antiquities and works of art.

It further stipulates penalties of imprisonment on any person using electronic sites or any information technology means to engage in the unauthorized use of, or provide unauthorized facilities to others to use, communication services or audio and video channels.

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It also stipulates penalties of imprisonment for any person for using electronic sites or any information technology means to display contempt for any holy symbols, characters, figures and rituals of Islam including the Divinity (Allah, God) and the Prophets; for any other faiths or religions or any of their symbols, characters, figures and rituals; or to display contempt for or to insult any of the Divine Religions and to call for the engagement in or the promotion of sins.

It also stipulates penalties of imprisonment for any person using electronic sites or any information technology means to engage in, promote or facilitate the illegal trade of drugs, narcotics and any psychoactive drugs.

It also stipulates penalties of imprisonment for any person using electronic sites or any information technology means to transfer or deposit illegal funds with the intention to hide or camouflage their source, or, for that matter, to hide or camouflage the facts about illegal funds, their source, movement, ownership and the rights attached to them as well as to acquire, own or use illegal funds despite knowledge by the involved person of the illegal status of their sources.

The new decree also imposes penalties of imprisonment to any person providing any organisations, bodies, institutions or entities, online or through any information technology means with misleading, inaccurate or incorrect information which would damage the interests of the state or damage its reputation and stature The new decree also imposes penalties of imprisonment and fines, or either of these, on any owner or administrator of an electronic website or any information technology means or devices for storing or intentionally providing illegal content ,despite his or her knowledge of the illegal nature of the content, or for not removing, or failing to prevent access to this illegal content within the period stated in a written warning sent to him by the competent authorities declaring the illegal status of the content available online or the electronic site.

The new decree also allows for the seizure of the devices, software, programmes and any other means used in committing any of these crimes as well as the permanent or temporary closure of the involved property or the site. It also provided for the deportation of any foreigner convicted of any of these crimes upon the completion of the carrying out of any punishment.

The court may order that individuals convicted under the terms of the decree may be placed under surveillance or supervision, may be prevented from using networks or the information technology system or may be lodged in a rehabilitation centre or a treatment facility for a period considered by the court to be suitable.

Upon a request from the prosecutor general, the relevant court may mitigate the punishment of any persons or exempt them from such punishment if they provided the judicial or administrative authorities with information related to any of the crimes against the security of the state stated in the decree, such information leading to the solving of the crime, the unveiling of or the confirmation of the involvement of the perpetrators or the apprehension of one of them.

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