

## UAE Federal Decree-Law no. (5) of 2012 of 13 August 2012 ON COMBATING CYBERCRIMES

Abrogating:

Federal law no.2/2006 dated 3/1/2006 AD.

We, **Khalifa Bin Zayed Al Nahyan** President of the United Arab Emirates State,

After perusal of the constitution, and

Federal Law no. (1) of 1972 on the Jurisdictions of the Ministries and the Powers of the Ministers and the amending laws thereof, and

Federal Law no. (9) of 1976 on Delinquent and Homeless Juveniles, and

Federal Law no. (10) of 1980 on the Central Bank, the Monetary System and the Regulation of the Profession of Bankers, and the amending laws thereof, and

Federal Law no. (15) of 1980 on Publications and Publishing, and

Federal Law no. (3) of 1987 on the Issuance of the Penal Code and the amending laws thereof, and

Federal Law no. (35) of 1992 on the Issuance of the Penal Procedures Code and the amending laws thereof, and

Federal Law no. (37) of 1992 on Trademarks and the amending laws thereof, and

Federal Law no. (14) of 1994 on Combating Narcotic Drugs and Psychotropic Substances and the amending laws thereof, and

Federal Law no. (4) of 2002 on Criminalizing Money Laundering, and

Federal Law no. (7) of 2002 on the Copyright and related rights and the amending laws thereof,

Federal Law no. (17) of 2002 on Regulation and Protection of Industrial Ownership patents, industrial drawings and designs, and

Federal Decree-Law no. (3) of 2003 on Regulation of the Communication Sector and the amending Laws thereof, and

Federal Decree-Law no. (1) of 2004 on Combating Terrorism Crimes, and

Federal Law no. (1) of 2006 on Electronic Transactions and Commerce, and

Federal Law no. (2) of 2006 on Combating Cybercrimes, and

Federal Law no. (51) of 2006 on Combating Human Trafficking, and

Federal Law no. (6) of 2008 on the Establishment of the National Council for Tourism and Archeology, and

Federal Law no. (3) of 2009 on Fire Weapons, Ammunitions and explosives, and

Federal Decree-Law no. (3) of 2012 on the Establishment of the National Electronic Security Authority, and

Upon the proposal of the Minister of Justice and the approval of the Council of Ministers,

Have promulgated the following Decree-Law:

### **Article 1**

The following terms and phrases shall have the meanings assigned opposite to each of them unless the context indicates otherwise:

**The State:** The United Arab Emirates State.

**Competent Authorities:** Federal or local authorities concerned in the electronic security affairs in the State.

**The Content:** Information, data and electronic services.

- Electronic Information:** Any information which may be stored, processed, generated and transmitted through information technology means and in specific writings, images, sound, digits, letters, symbols, signals and others. Computer Program A set of data, instructions and orders which are enforceable through information technology means designed for a certain task.
- Electronic Information System:** A set of computer programs and information technology means designed for processing, managing and saving electronic information and the like.
- Computer Network:** Two or more computer programs and information technology means linked together to enable users to access and exchange information.
- Electronic Document:** A computer record or data to be established, stored, extracted, copied, sent, notified or received by electronic means through a medium.
- Website:** A place where the electronic information are made available on the computer network, including social communication sites, personal pages and blogs.
- Information Technology:** Any tool, whether electronic, magnetic, optical, electrochemical or any other tool which is used to process electronic data, perform logical and arithmetic operations or storage functions, and includes any directly related to or operating in conjunction with such means which enables such means to store electronic information or communicate them to others.
- Government Data:** electronic data or information whether private or relating to the federal government or local governments of the Emirates of the State, or to federal or local public authorities or public establishments.

## **Financial, Commercial, or**

**Economical Facilities:** Any facility which acquires its financial, commercial or economical description pursuant to the license issued by the competent authority in the State.

**Electronic:** Whatever is related to electromagnetic, photoelectric, digital, credit, or light technology or the like.

## **Pornography involving**

**Juveniles:** Any photographing, recordings, drawings or others which arouses sex organs or any actual, virtual or simulated sexual acts with a juvenile under eighteen years of age.

**Internet Protocol address:** A numerical label assigned to any information technology means participating in a computer network which is used for communication purposes.

**Confidential:** Any information or data unauthorized to be disclosed or made available to third parties unless by a prior permission from the owner of this authorization.

**Reception:** Viewing or obtaining data or information.

**Offense:** Every deliberate expression against any person or entity deemed by an ordinary person as insulting or afflicts the dignity or honor of that person or entity.

## **Article 2**

1- Shall be punished by imprisonment and a fine not less than one hundred thousand dirhams and not in excess of three hundred thousand Dirhams or either of these two penalties whoever gains access to a website, an electronic information system, computer network or information technology means without authorization or in excess of authorization or unlawfully remains therein.

2- The punishment shall be imprisonment for a period of at least six month and a fine not less than one hundred and fifty thousand dirhams and not in excess of seven hundred and

fifty thousand dirhams or either of these two penalties if any of the acts specified in paragraph (10) of this Article has resulted in deletion, omission, destruction, disclosure, deterioration, alteration, copying, publication or re-publishing of any data or information.

3- The punishment shall be imprisonment for a period of at least one year and a fine not less than two hundred and fifty thousand dirhams and not in excess of one million dirhams or either of these two penalties if the data or information objects of the acts mentioned in paragraph (2) of this Article is personal.

### **Article 3**

Shall be punished by imprisonment for a period of at least one year and by a fine not less than two hundred and fifty thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever commits any of the crimes specified in sections (1) and (2) of Article (2) of this Decree-Law in the course of or because of his work.

### **Article 4**

Shall be punished by temporary imprisonment and a fine not less than two hundred and fifty thousand dirhams and not in excess of one million five hundred thousand dirhams whoever accesses a website, electronic information system, computer network, or information technology means without authorization whether such access is intended to obtain government data, or confidential information relating to a financial, commercial or economical facility.

The punishment shall be imprisonment for a period of at least five years and a fine not less than five hundred thousand dirhams and not in excess of two million dirhams, if these data or information were deleted, omitted, deteriorated, destructed, disclosed, altered, copied, published or re-published.

### **Article 5**

Shall be punished by imprisonment and by a fine not less than one hundred thousand dirhams and not in excess of three hundred thousand dirhams or either of these two penalties whoever gains access to a website without authorization intending to change its designs, or delete, destroy or modify it, or occupy its address.

### **Article 6**

Shall be punished by temporary imprisonment and a fine not less than one hundred and fifty thousand dirhams and not in excess of seven hundred and fifty thousand dirhams whoever commits forgery of any electronic document of the federal or local government or authorities or federal or local public establishments.

The punishment shall be both imprisonment and a fine not less than one hundred thousand dirhams and not in excess of three hundred thousand dirhams or either of these two penalties if the forged documents belong to an authority other than those mentioned in paragraph one of this Article.

Shall be punished by the same penalty decided for the crime of forgery, as the case may be, whoever uses this forged electronic document with his knowledge that the document is forged.

### **Article 7**

Shall be punished by temporary imprisonment whoever obtains, possesses, modifies, destroys or discloses without authorization the data of any electronic document or electronic information through the computer network, a website, an electronic information system or information technology means where these data or information are related to medical examinations, medical diagnosis, medical treatment or care or medical records.

### **Article 8**

Shall be punished by imprisonment and a fine not less than one hundred thousand dirhams and not in excess of three hundred thousand dirhams or either of these two penalties whoever hinders or obstructs access to the computer network or to a website or an electronic information system.

### **Article 9**

Shall be punished by imprisonment and a fine not less than one hundred and fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever uses a fraudulent computer network protocol address by using a false address or a third-party address by any other means for the purpose of committing a crime or preventing

its discovery.

#### **Article 10**

Shall be punished by imprisonment for a period of at least five years and a fine not less than five hundred thousand dirhams and not in excess of three million dirhams or either of these two penalties whoever willfully and without authorization runs a software on the computer network or an electronic information system or any information technology means, and caused them to stop functioning or being impaired, or resulted in crashing, deletion, omission, destruction or alteration of the program, system, website, data or information.

The punishment shall be imprisonment and a fine not in excess of five hundred thousand dirhams or either of these two penalties if the result was not reached. The punishment shall be imprisonment and a fine or either of these two penalties for any deliberate act which intends to flood the electronic mail with messages causing it to stop functioning, inactivate it or destroy its contents.

#### **Article 11**

Shall be punished by imprisonment for a period of at least one year and a fine not less than two hundred and fifty thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever takes over a personal property, benefit, deed or its signature whether for oneself or for other persons and without legal right, by resorting to any fraudulent method or by adopting a false name, or false impersonation through the computer network, or an electronic information system or any information technology means.

#### **Article 12**

Shall be punished by imprisonment and a fine or either of these two penalties whoever gains access, without legal right, to credit or electronic card numbers or data or to bank accounts numbers or data or any other electronic payment method by using the computer network or an electronic information system or any information technology means. The punishment shall be imprisonment for a period of at least six months and a fine not less than one hundred thousand dirhams and not in excess of three hundred thousand dirhams or either of these two penalties, if it is intended to use these data and numbers to take over the funds of others or to benefit from the services which they provide.

If he has reached to take over the funds of others whether for himself or for others, he shall be punished by imprisonment for a period of at least one year, and a fine not less than two hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties.

Shall be punished with the same penalty specified in the preceding paragraph, whoever publishes or re-publishes credit or electronic card numbers or data or bank accounts numbers of data which belong to others or any other electronic payment method.

### **Article 13**

Shall be punished by imprisonment and a fine not less than five hundred thousand dirhams and not in excess of two million dirhams or either of these two penalties whoever forges, counterfeits or reproduces a credit card or debit card or any other electronic payment method by using any information technology means or computer program.

Shall be punished by the same penalty whoever:

- 1- Manufactures or designs any information technology means or computer program for the purpose of facilitating any of the acts specified in paragraph 1 of this Article.
- 2- Uses, without authorization, a credit or electronic card or debit card or any other electronic payment method aiming to obtain, whether for himself or for others, the funds or properties of others or benefit from the services provided by third parties.
- 3- Accepts to deal with these forged, counterfeited, reproduced cards or other electronic payment method with his knowledge of its illegality.

### **Article 14**

Shall be punished by imprisonment and a fine not less than two hundred thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever obtains, without legal right, a secret number, code, password or any other means to have access to an information technology means, website, electronic information system, computer network or electronic information.

Shall be punished with the same penalty whoever prepares, designs, produces, sells, buys, imports, displays for sale or make available any computer program or any information technology means, or promotes by any means links to websites, computer program or any

information technology means designed for the purposes of committing, facilitating or abetting in the commission of the crimes specified in this Decree-Law.

#### **Article 15**

Shall be punished by imprisonment and a fine not less than one hundred fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever, without authorization, deliberately receives or intercepts any communication through any computer network.

Whoever discloses the information which he has obtained through illegal reception or interception of communications shall be punished by imprisonment for a period of at least one year.

#### **Article 16**

Shall be punished by imprisonment for a period of two years at most and a fine not less than two hundred fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever uses a computer network or information technology means to extort or threaten another person to force him to engage in or prevent him from engaging in a certain act.

The punishment shall be imprisonment up to ten years if the subject of threat is to commit a felony or engage in matters against honor or morals.

#### **Article 17**

Shall be punished by imprisonment and a fine not less than two hundred and fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever establishes, manages or runs a website or transmits, sends, publishes or re-publishes through the computer network pornographic materials or gambling activities and whatever that may afflict the public morals.

Shall be punished by the same penalty whoever produces, draws up, prepares, sends or saves for exploitation, distribution, or display to others through the computer network, pornographic materials or gambling activities and whatever that may afflict the public

morals.

If the subject of the pornographic content involves a juvenile under eighteen years of age, or if such content is designed to seduce juveniles, the principal shall be punished by imprisonment for a period of at least one year and a fine not less than fifty thousand dirhams and not in excess of one hundred and fifty thousand dirhams.

#### **Article 18**

Shall be punished by imprisonment for a period of at least six months and a fine not less than one hundred fifty thousand dirhams and not in excess of one million dirhams whoever has deliberately acquired pornographic materials involving juveniles by using an electronic information system or computer network or electronic website or any information technology means.

#### **Article 19**

Shall be punished by imprisonment and a fine not less than two hundred fifty thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever entices, aids or abets another person, by using a computer network or any information technology means, to engage in prostitution or lewdness.

The punishment shall be imprisonment for a period of at least five years and a fine not in excess of one million dirhams if the victim is a juvenile under the age of eighteen years of age.

#### **Article 20**

Without prejudice to the crime of slander determined by the Islamic Sharia, shall be punished by imprisonment and a fine not less than two hundred fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever insults or accuses another person of a matter of which he shall be subject to punishment or being held in contempt by others, by using a computer network or an information technology means.

If a slander or insult is committed against a public official or servant in the course of or

because of his work, this shall be considered an aggravating factor of the crime.

### **Article 21**

Shall be punished by imprisonment of a period of at least six months and a fine not less than one hundred and fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever uses a computer network or and electronic information system or any information technology means for the invasion of privacy of another person in other than the cases allowed by the law and by any of the following ways:

- 1- Eavesdropping, interception, recording, transferring, transmitting or disclosure of conversations or communications, or audio or visual materials.
- 2- Photographing others or creating, transferring, disclosing, copying or saving electronic photos.
- 3- Publishing news, electronic photos or photographs, scenes, comments, statements or information even if true and correct.

Shall also be punished by imprisonment for a period of at least one year and a fine not less than two hundred and fifty thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever uses an electronic information system or any information technology means for amending or processing a record, photo or scene for the purpose of defamation of or offending another person or for attacking or invading his privacy.

### **Article 22**

Shall be punished by imprisonment for a period of at least six months and a fine not less than five hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever uses, without authorization, any computer network, website or information technology means to disclose confidential information which he has obtained in the course of or because of his work.

### **Article 23**

Shall be punished by temporary imprisonment and a fine not less than five hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever establishes, administer or runs a website or publishes information on a computer

network or any information technology means for the purpose of trafficking in humans or human organs or dealing in them illegally.

#### **Article 24**

Shall be punished by temporary imprisonment and a fine not less than five hundred thousand dirhams and not in excess of one million dirhams whoever establishes or administer or runs a website or publishes on a computer network or any information technology means which would promote or praise any programs or ideas which would prompt riot, hatred, racism, sectarianism, or damage the national unity or social peace or prejudice the public order and public morals.

#### **Article 25**

Shall be punished by imprisonment for a period of at least one year and a fine not less than five hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever establishes, manages or runs a website or publishes information on a computer network or any information technology means for the purpose of trading or promoting fire weapons, ammunition or explosives in instances other than those permitted by the law.

#### **Article 26**

Shall be punished by imprisonment for a period of at least five years and a fine not less than one million dirhams and not in excess of two million dirhams whoever establishes, manages or runs a website or publishes information on the computer network or information technology means for the interest of a terrorist group or any unauthorized group, association, organization, or body with the intent to facilitate communication with their leaders or members or attract new members, or to promote or praise their ideas, finance their activities or provide actual assistance thereof or for the purpose of publishing methods for manufacturing incendiary devices or explosives or any other devices used in terrorism acts.

#### **Article 27**

Shall be punished by imprisonment and a fine not less than two hundred thousand dirhams and not in excess of five hundred thousand dirhams or either of these two penalties whoever

establishes, manages or runs a website or publishes information on the computer network or any information technology means to call or promote for the collection of donations without a license accredited by the competent authority.

#### **Article 28**

Shall be punished by temporary imprisonment and a fine not in excess of one million dirhams whoever establishes, manages or runs a website or uses information on the computer network or information technology means with intent to incite acts or publishes or transmits information, news or cartoon drawings or any other pictures which may endanger the national security and the higher interests of the State or afflicts its public order.

#### **Article 29**

Shall be punished by temporary imprisonment and a fine not in excess of one million dirhams whoever publishes information, news, statements or rumors on a website or any computer network or information technology means with intent to make sarcasm or damage the reputation, prestige or stature of the State or any of its institutions or its president, vice-president, any of the rulers of the Emirates, their crown prince's, or the deputy rulers of the Emirates, the State flag, the national peace, its logo, national anthem or any of its symbols.

#### **Article 30**

Shall be punished by life imprisonment whoever establishes, manages or runs a website, or publishes information on the Computer network or information technology means aiming or calling to overthrow, change the ruling system of the State, or seize it or to disrupt the provisions of the constitution or the laws applicable in the country or to oppose the basic principles which constitutes the foundations of the ruling system of the state.

Shall be punished by the same penalty whoever promotes to, incites or facilitates to others the commission of any of the aforementioned acts.

#### **Article 31**

Shall be punished by imprisonment and a fine not less than two hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever calls or incites to disobeying the laws and regulation in force in the State through publishing

information on the Computer network or information technology means.

#### **Article 32**

Shall be punished by imprisonment and a fine not less than five hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever establishes, manages or runs a website or uses the Computer network or any information technology means for planning, organizing, promoting or calling for demonstrations or protests or the like without license from the competent authority.

#### **Article 33**

Shall be punished by imprisonment and a fine not than five hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever establishes, manages or runs a website or uses the Computer network or information technology means for trafficking in antiquities or archaeological artifacts in instances other than those permitted by the law.

#### **Article 34**

Shall be punished by imprisonment of at least of one year and a fine not less than two hundred fifty thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever uses communication services, audio or video broadcasting channels without legal right or facilitates such use by others over the Computer network or information technology means.

#### **Article 35**

Without prejudice to the provisions of the Islamic Sharia, shall be punished by imprisonment and a fine not less than two hundred fifty thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever commits through the computer network or any information technology means or a website any of the following crimes:

1- Insult to any of the Islamic sanctity or rituals.

2- Insult to any of the sanctity or rituals of other religions where these sanctity and rituals are inviolable pursuant to the provisions of Islamic Sharia.

3- Insult to any of the recognized celestial religions.

4- Condoning, provoking or promoting sin.

If the crime contains any insult to the Divinity (Allah, God) or to the messengers and prophets or be against the religion of Islam or injures its basis and principles which constitute its foundation, or whoever oppose or injures the well-known teachings and rituals of Islamic religion or prejudices the religion of Islam or preaching another religion or calls for, praises or promotes a doctrine or a notion which involves any of the aforementioned shall be punished by imprisonment up to seven years.

#### **Article 36**

Shall be punished by temporary imprisonment and a fine not less than five hundred thousand dirhams and not in excess of one million dirhams or either of these two penalties whoever establishes, manages or runs a website or publishes information on the computer network or any information technology means for trafficking in or promoting narcotics or psychotropic substances and the like or the manner for their use or facilitates such dealing in instances other than those permitted by the law.

#### **Article 37**

Without prejudice to the provisions specified in the Money Laundering Law, shall be punished by imprisonment up to seven years and by a fine not less than five hundred thousand dirhams and not in excess of two million dirhams whoever deliberately commits, by using a computer network, an electronic information system or any information technology means, any of the acts mentioned hereinafter:

1- Illegal transfer, transport or deposit of funds with intent to conceal or disguise the source of funds.

2- Concealing or disguising the nature of the illicit funds, or its origin, movement, related rights or ownership.

3- Illegal attainment, possession or use of funds with the knowledge of its illegal origin.

Shall be punished by the same punishment whoever establishes, manages or runs a website or publishes information on a computer network or information technology means to facilitate or incites the commission of any of the acts specified in paragraph 1 of this Article.

#### **Article 38**

Shall be punished by temporary imprisonment whoever provides any organizations, institutions, authorities or any other entities through the computer network or any information technology means any incorrect, inaccurate or misleading information which may damage the interests of the State or injures its reputation, prestige or stature.

#### **Article 39**

Shall be punished by imprisonment and a fine or any of these two penalties any owner or operator of a website or computer network who deliberately and knowingly saves or makes available any illicit content or if he fails to remove or blocks access to this illicit content within the period determined in the written notice addressed by the competent authorities indicating the illegal content and being available on the website or the computer network.

#### **Article 40**

Attempted misdemeanors specified in this Decree-Law shall be punished with half the penalty specified for the complete crime.

#### **Article 41**

Without prejudice to the right of bona fide third-party, shall be ordered, in all instances, the confiscation of devices, programs or means used in the commission of any of the crimes specified in this Decree-Law or the money accrued thereof, or deletion of the information and statements or their killing, as to the closure of the domain or site in which any of these crimes is committed whether permanent closure or for a specified period as determined by court.

#### **Article 42**

The court may decide deportation of a foreigner who is condemned in any of the crimes specified in this Decree Law upon execution of the punishment adjudged.

### **Article 43**

Without prejudice to the provisions of the penalties specified in this Decree-Law, the court may order to put the condemned under surveillance or control or orders his deprivation from the right to use any computer network or electronic information system or any other information technology means or place him in a rehabilitation center for a period which the court may deem appropriate.

### **Article 44**

The crimes mentioned in Articles (4, 24, 26, 28, 29, 30 and 38) of this Decree-Law shall be considered as crimes against the State security.

Shall also be deemed as crimes against State security any crime specified in this Decree-Law if committed to the account or benefit of a foreign country or any terrorist group or illegal group, association, organization or body.

### **Article 45**

Mitigation of or exemption from punishment may be ordered by the court, at the request of the public prosecutor, regarding criminals who have provided the judicial or administrative authorities with information in respect of any of the crimes relating to the State security pursuant to the provisions of this Decree-Law, where such a matter has resulted in the discovery of the crime, or proving the case against them or arresting any of them.

### **Article 47**

Without prejudice to the provisions of chapter two of part two of book one of the Penal Code, the provisions of this Decree-Law shall apply to any person who has committed any of the crimes mentioned therein outside the country, if its object is an electronic information system, computer network, website or information technology means relates to the federal government or any of the local governments of the Emirates of the State or any authority or public institution owned by any of them.

#### **Article 48**

The application of the penalties specified in this Decree-Law shall not prejudice any other greater penalty specified by the Penal Code or any other law.

#### **Article 49**

The officials determined by a decision from the Minister of Justice shall have the capacity of judicial officers for the ascertainment of acts committed in violation to the provisions of this Decree-Law, and the competent authorities in the Emirates are required to submit facilities necessary to those officials to enable them to perform their tasks.

#### **Article 50**

Federal Law no. (2) of 2006 on Combating Cyber crimes shall be abrogated, and shall also be abrogated any provision contrary to or contradicting with the provisions of this Decree-Law.

#### **Article 51**

This Decree-Law shall be published in the official gazette and be put into effect on the next day of publication.