

UAE Introduces New Public Prosecution Focussing on Cyber Crime

Omar Khodeir - Senior Counsel - Litigation

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

Prior to the establishment of this new body, to be based in Abu Dhabi, all crimes committed using information technology tools were reviewed by the ordinary Public Prosecution offices. Now, with the establishment of this specialised Public Prosecution, such crimes will generally be reviewed exclusively by the new entity – except where the Attorney General directs otherwise.

Specialist Focus

Generally speaking, Federal Law No. 5 of 2012 (the “Cyber Crimes Law”) is the main legislation governing crimes committed using the internet and technological platforms. The crimes tackled by the Cyber Crimes Law include internet fraud and forgery, unlawful access and disclosure of information, impersonating others, using fake IP address to mask the commission of a crime, and other such offences, and the penalties set out in the law are severe. Other laws (such as the UAE Penal Code) govern many of these crimes, but the Cyber Law specifically focuses on those committed through technology platforms, such as fraud committed through emails.

Article 2 of the new Resolution provides that the new Public Prosecution office will investigate the crimes referred to in Articles 17, 19, 23, 25, 27, 31, 32, 35, 36 and 37 of the Cyber Crimes Law. These Articles include the following:

- Promotion of illegal drugs and narcotics;
- Crimes involving pornographic materials or gambling activities and other acts that may prejudice public morals;
- Incitement or tempting others to commit prostitution or debauchery;
- Acquiring or using illegal funds or concealing the origins of any illegal funds;
- Trade or promoting weapons, ammunitions or explosives;
- Calling for or promoting the collection of donations without a license;
- Calling for the evasion from the UAE Laws and regulations;
- Planning, organizing or calling for unlicensed demonstrations or protests or similar acts;
- Human trafficking or human organs trafficking; and
- Offences to Islam, divine religions and their rituals.

Apart from the above, the Attorney General may further transfer to the new Public Prosecution any other acts penalized by the UAE’s applicable laws, whenever such acts are committed using technological tools.

Expected Effectiveness and Successful Results:

A variety of cyber crime cases have been brought before the ordinary Public Prosecution offices including:

- Cases involving fraudsters or impersonators who are unknown and anonymous. (The investigation process usually reveals their identities quite quickly by tracing many leads they leave behind.)
- Obtaining orders to block illegal websites on an urgent basis.
- Obtaining arrest orders and travel bans, enabling offenders to be arrested when entering or departing the country.

(For more details, please see our previous Law Update Article “Fighting Unlawful Imitation and Fraudulent Schemes” – September 2015 issue: – <https://www.tamimi.com/en/magazine/law-update/section-11/september-5/cyber-crimes-fighting-unlawful-imitation-and-fraudulent-schemes.html>.)

With the establishment of the new Public Prosecution, the criminal justice system will be further improved. Specialist Prosecutors, experienced with these types of crimes and the technologies involved, and with specialist resources and training, will be better equipped to serve the needs of the community.

Conclusion

Whilst the ordinary Public Prosecution offices were very effective in addressing and deterring such criminal acts, the establishment of a specialized Public Prosecution office will further ensure suitable outcomes in a practical and timely manner. This approach signifies the UAE’s continuous development to seek excellence and eminence. It also indicates the UAE’s constant determination to safeguard individuals, the community and the State from these types of crimes, and to seek to prevent the misuse of technology.

As we always recommend, once there is a discovery of an illegal act committed through technological platforms, early legal assistance is important to ensure compliance with the applicable laws and that the correct strategy is in place.