

UAE Prosecution for IT Crimes Law

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Ministerial Decision No. 220/2017 on the Establishment of a Prosecution for Information Technology Crimes established a federal prosecution department (the Federal Prosecution for IT Crimes) responsible for the investigation and prosecution of crimes involving information technology. With IT related crimes being prolific worldwide, and the UAE being identified as being particularly vulnerable to cybercrimes (see Symantec's Annual Internet Security Threat Report 2018) the allocation of additional resources to combat cybercrime is a welcome development.

Analysis

The principal legislation on cybercrimes in the UAE is Federal Decree-Law No. 5/2012 on Combating Cyber Crimes, in addition to Federal Law No. 3/1987 Concerning the Penal Code.

As per Article 2 of Ministerial Decision No. 220/2017, the Federal Prosecution for IT Crimes is responsible for the investigation and prosecution of the following crimes under Federal Decree-Law No. 5/2012:

- crimes relating to online pornography, online gambling or other matters affecting public morality under Article 17 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology to incite or tempt others to commit prostitution or debauchery under Article 19 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology for human trafficking or human organs trafficking under Article 23 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology for trading or promoting weapons, ammunitions or explosives under Article 25 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology to solicit donations without a license under Article 27 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology to incite disobedience with UAE laws and regulations under Article 31 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology to plan, organize, promote or call for unlicensed demonstrations, protests or similar acts under Article 32 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology to insult Islam, other religions, or religious rituals under Article 35 of Federal Decree-Law No. 5/2012;
- using a computer network or IT technology to promote illegal drugs and narcotics under Article 36 of Federal Decree-Law No. 5/2012; and
- using a computer network or IT technology to acquire or use illegal funds or to conceal the origins of any illegal funds under Article 37 of Federal Decree-Law No. 5/2012.

Conclusion

Article 2 of Ministerial Decision No. 220/2017 further provides that the Attorney General may refer any other crimes which have been committed using information technology to the Federal Prosecution for IT Crimes at their discretion.

The Federal Prosecution for IT Crimes is headquartered in Abu Dhabi.

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Areas of expertise

Litigation and ADR; Construction; Shipping, Maritime and Transport; Dispute Resolution

Education

- LL.M., Harvard Law School, William H. Fulbright Scholar, USA
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Memberships

- Attorney-at-Law of the Supreme Court of Sri Lanka

Biography

Mr. Randeniya's practice focuses primarily on dispute resolution. He advises and represents clients in arbitration, and has represented clients in DIAC, ADCCAC, ICC, and ad hoc arbitrations. He also works with local advocates on matters before the UAE Federal Courts, including the Federal Supreme Court in matters of national security, as well as the Courts of Dubai and Ras Al Khaimah.

Mr. Randeniya regularly acts for clients in high value construction disputes. He also advises on maritime and shipping disputes, banking disputes, employment disputes, as well as disputes relating to commercial transactions. Some of his recent matters include acting for a major UAE bank in a commercial claim in excess of AED 250 million, acting for employers in several construction disputes each involving claims in excess of AED 100 million, and successfully representing a client in a claim of approximately USD 5 million involving international air cargo freight.

Prior to joining Afridi & Angell in 2008, Mr. Randeniya was in the private bar of Sri Lanka practicing in the Law Chambers of Dr Harsha Cabral, President's Counsel. He was also a visiting lecturer in law at the Faculties of Law and Management at the University of Colombo.

Mr. Randeniya is a recommended practitioner in dispute resolution in Legal 500 EMEA.