

Part Twelve

Cybercrimes

Article 646

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

Electronic Information	Any information which may be stored, processed, generated and transmitted through information technology means, especially in writings, images, sound, digits, letters, symbols, signals and others
Computer Programme	A set of data, instructions and orders which are enforceable through information technology means designed for a certain task
Electronic Information Systems	A set of software and tools designed to process and manage data, information or Data Messages and the like
Computer Network	Two or more information technology means linked together and exchanged
Electronic Document	A record or document that is established, stored, extracted, copied, sent, communicated or received by electronic means, on a tangible medium or any other Electronic

Website	Medium and is retrievable in a perceivable form A place where information are made available on the computer network, via a particular address
Information Technology Means	Any electronic tool, whether magnetic, optical, electrochemical or any other tool used to process data, perform logical and arithmetic operations or storage functions. It includes any capacity to store data or communications related to or operating in conjunction with such tool
Government Data	Include data of the Government, authorities or public establishments
Software language	An artificial language designed to communicate instructions to the computer. It has limited structure and narrow meanings, such as FORTRAN
Code	A confidential key or keys peculiar to a person or a particular body, used to encrypt computer data with digits
Encryption	Transforming electronically processed data into symbols to prevent others from violating its confidentiality

Password	A word kept secret by the computer user who is required to enter it before access to the computer to verify the user' identity
Illegal access	A deliberate unauthorized access to a computer, a website, an information system or a computer network
Reception	Optical capture or acquisition of data, by mentally and visually acquiring them out of the screen
Breaking into	Unauthorized or unlawful access to the automated data processing system by violating security measures
Programme damaging	Destroying or damaging software, in whole or in part, in such a way as to make them unusable
System breakdown	A failure in the system that requires a technician to repair the computer's material resources or fix its operating system
Cybercrime	Any act involving the use of the computer or the computer network in contravention of the provisions of this part

Article 647

1– Any deliberate act unlawfully leading to gaining access to a website or an information system, whether by access to the website or the system or in excess of authorization, shall be punished by imprisonment and fine or either of these two penalties.

2– The penalty shall be imprisonment for a period of at least six months and a maximum fine of one thousand dinars or either of these two penalties if the act specified in paragraph (1) has resulted in deletion, omission, destruction, disclosure, deterioration, alteration or re-publishing of data or information.

Article 648

Shall be sentenced to a minimum prison term of one year and a maximum fine of three thousand dinars or either of these two penalties whoever commits any of the crimes specified in section (2) of the above Article in the course of or because of his work or facilitates that for others.

Article 649

Shall be punished by temporary imprisonment whoever commits forgery of any legally recognized information system document of the Government or authorities or public establishments.

The penalty shall be both imprisonment and fine or either of these two penalties if forgery is committed on documents other than those specified in the above paragraph, where it is likely to cause harm.

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

Article 650

Shall be punished by temporary imprisonment and fine or either of these two penalties whoever obstructs or hinders access to the service, hardware, software or data or information sources by whatever means through the computer network or any information technology means.

Article 651

Shall be punished by temporary imprisonment and a maximum fine of ten thousand dinars or either of these two penalties whoever runs, through the computer network or any information technology means, whatever may cause them to stop functioning or may impair them, or resulted in crashing, deletion, destruction or alteration of the software, data or information therein.

Article 652

Shall be punished by imprisonment whoever modifies or destroys medical examinations, medical diagnosis or medical treatment or care or facilitates that for others through the computer network or any information technology means.

Article 653

Whoever deliberately wiretaps, receives or intercepts, without legal right, communications transmitted through the computer network or any information technology means, shall be punished by imprisonment and fine or either of these two penalties.

Article 654

Whoever uses a computer network or any information technology means to threaten or extort another person to force him to engage in or prevent him from engaging in a certain act shall be punished by imprisonment for a period of two years at most and a fine not in excess of five thousand dinars or either of these two penalties.

If the subject of threat is to commit a felony or engage in matters against honour or morals, the punishment shall be imprisonment up to ten years.

Article 655

Whoever manages, through the computer network or any information technology means, to take over, whether for himself or for others, movable funds or bonds or manages to sign such bond, using fraudulent means, an assumed name or false identity, where that would deceive the victim, shall be sentenced to a minimum prison term of one year and a maximum fine of five thousand dinars or either of these two penalties.

Article 656

Whoever uses the computer network or an information technology means to gain access, without legal right, to a credit or any other electronic card numbers or data shall be punished by imprisonment and fine or either of these two penalties.

If he intends to use those data and numbers to take over the funds of others or to benefit from the services they provide, the penalty shall be imprisonment for a period of at least six months and fine or either of these two penalties. If he manages to take over the funds of others whether for himself or for others, the

penalty shall be imprisonment for a period of at least one year and a maximum fine of five thousand dinars or either of these two penalties.

Article 657

Whoever produces, draws up, prepares, sends or saves for exploitation, distribution, or display to others through the computer network, an information technology means or cartoon, whatever may afflict the public morals, or runs a site for that purpose shall be punished by imprisonment and fine or either of these two penalties.

If the subject of the act is aimed at a child, the penalty shall be imprisonment for a period of at least one year and a maximum fine of five thousand dinars.

Article 658

Shall be punished by imprisonment and fine whoever entices, aids or abets a male or a female, by using a computer network or any information technology means, to engage in prostitution or lewdness. If the victim is a child, the penalty shall be imprisonment for a period of at least five years and a maximum fine of five thousand dinars, even if the crime has not been committed.

Article 659

Whoever unlawfully gains access to a website in order to change its designs, or delete, destroy or modify it, or occupy its address shall be punished by imprisonment and fine or either of these two penalties.

Article 660

Shall be punished by imprisonment and fine or either of these two penalties whoever insults, through the computer network or any information technology means, any of the sanctities or rituals of celestial religions or insults the Divinity (Allah, God) or to the messengers and prophets (peace be upon them).

Article 661

Whoever invades any of family principles or values, publishes news or photographs relating to the privacy of individuals' personal or family life, even if true, or makes defamation of or cause harm to others through the computer network or any information technology means, shall be punished by imprisonment for a period of at least one year and a maximum fine of five thousand dinars or either of these two penalties.

Article 662

Whoever establishes a website or publishes information on a computer network or any information technology means for the purpose of trafficking in humans or in order to facilitate dealing in that shall be punished by temporary imprisonment.

Article 663

Whoever establishes a website or publishes information on the computer network or any information technology means for promoting narcotics or psychotropic substances and the like or facilitates such dealing in instances other than those permitted by the law shall be punished by temporary imprisonment.

Article 664

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 more than twenty thousand dinars whoever commits any of the following acts:

- a. illegal transfer, transport or disguising or concealing the source of funds;
- b. using, attaining or possessing funds with the knowledge of its illegal origin;
- c. transfer of resources or property with the knowledge of their illegal origin, by using a computer network or any information technology means to legalise those funds;
- d. establishing a website or publishing information for the commission of any of those acts.

Article 665

Whoever establishes a website or publishes on a computer network or any information technology means, any information on a group that advocates facilitating or spreading programmes and ideas which would prejudice the public order and public morals, shall be sentenced to a maximum prison term of five years.

Article 666

Shall be sentenced to a maximum prison term of five years whoever establishes a website or publishes information on the computer network or any information technology means for the interest of a terrorist group operating under code names in order to facilitate communication with its leaders or members, promote its ideas or finance its activities, or publishes methods for manufacturing incendiary devices or explosives or any other devices used in terrorism acts.

Article 667

Shall be punished by temporary imprisonment whoever unlawfully accesses a website or a system, whether directly or through a computer network or an information technology means, with the intent to obtain government data or information that are confidential as such or under instructions issued to that effect.

If the data or information were deleted, deteriorated, destroyed or published, the penalty shall be imprisonment for a period of at least five years.

Article 668

Whoever violates any of others' intellectual property rights, whether that relates to literary, artistic or graphic works and the like, through the computer network or any information technology means, shall be sentenced to a prison term of up to six months and a maximum fine of one thousand dinars or either of the two penalties.

Article 669

Whoever illegally decodes electronic encryption keys or uses a password, a passcode or similar information in order to access an information system to commit one and more of the crimes specified in the above articles of this part, shall be punished by imprisonment up to one year and a maximum fine of one thousand dinars or either of the two penalties.

If the offender decrypts a document or uses a password submitted to him by virtue of his work, the penalty shall be imprisonment for a period of at least one year and a maximum fine of five thousand dinars or either of the two penalties.

Article 670

Whoever abets, aids or colludes with others to commit one of the crimes specified in this part, and where the crime occurs as a result of that, the penalty shall be two thirds of the maximum penalty determined for the principal.

Article 671

Attempt to commit felonies specified in this part shall be punished with half the penalty specified for the complete crime.

Article 672

1– Without prejudice to the terms and conditions prescribed in the legislation in force and the personal rights of the defendant, judicial officers may, upon permission from the competent prosecutor or court, enter any location that evidence show is used in the commission of any of the crimes specified in this part. Similarly, they may inspect devices, tools, software, systems and instruments that evidence suggest are used for the commission of any of those crimes. In all instances, the employee who conducts inspections must prepare a report to be submitted to the competent prosecutor.

2– Judicial officers may confiscate devices, tools, software, systems and means used in the commission of any of the crimes specified in this part, the money accrued therefrom, as well as the information and statements related to the commission of any of those crimes.

3– In cybercrime-related penal procedures, a data processing expert specialized in software and internet use must be consulted in order to avoid damage to software or data stored on the computer.

4– In case of inspection relating to cybercrimes, there must be assurances as to the protection of the confidentiality of the other saved data, without prejudice to third-party rights not related to saved software and data.

5– The judicial officer must be qualified to deal with the particular nature of cybercrimes.

Article 673

Without prejudice to the right of bona fide third party, shall be ordered, in all instances, the confiscation of devices, software or means used in the commission of any of the crimes specified in this part or the money accrued therefrom. Similarly, shall be ordered the closure of the domain or site in which any of these crimes is committed, if the crime is committed with the knowledge of its owner, whether permanent closure or for a specific period as determined by the court.

Article 674

In addition to the penalties specified in this part, the court may decide deportation of a foreigner who is condemned to imprisonment in accordance with the provisions of this Law.

Article 675

The court may exempt from these penalties criminals who report the crime to the competent authority before it comes to its knowledge and before harm is made. For reporting criminals to qualify for exemption from punishment after the competent authority knows of the crime, the report should lead to the arrest of the rest of

criminals, if there are many, or to the seizure of the tools used in the commission of the crime.

Article 676

The Telecommunications Ministry shall, within its competence, provide technical support and assistance to competent judicial officers in the course of tracking down and investigating such crimes as well as in the course of trial.

Article 677

The court may, upon ruling on any of the crimes specified in this part, order that the criminal be deprived of residence or of one or more of the rights specified in articles (90-4 and 100) of this Law for a maximum period of three years for misdemeanours and six years for felonies, or one of these two penalties.