

Royal Decree No 12/2011 Issuing the Cyber Crime Law

**We Sultan Bin Saeed
Sultan of Oman**

After perusal to the Basic Law issued by RD No 101/96, and
The Omani Penal Law issued by RD No 7/74, and
The Law of Job Secrets and Protected Areas issued by RD No 36/75, and
The Law of Protecting National Heritage issued by RD No 6/80, and
The Law of Weapons and Ammunitions issued by RD No 36/90, and
The Law of Drugs and Psychotropic Substances issued by RD No 17/99, and
The Law of The Judicial Authority issued by RD No 90/99, and
The Law of Criminal Procedure issued by RD No 97/99, and
The Backing Law issued by RD No 114/2000, and
The Law of Telecommunications Regulatory issued by RD 30/2002, and
The Law of Terrorism issued by RD No 8/2007, and
The Law of Juvenile Liability issued by RD No 30/2008, and
The Law of Copy Rights and related Rights issued by RD No 65/2008, and
The Law of Industrial Rights issued by RD No 67/2008, and
The Law of Electronic Transactions issued by RD No 69/2008, and
The Law of Human Trafficking issued by RD No 126/2008, and
The Law of Money Laundering and Terrorism Financing issued by RD No 79/2010, and

And on The Exigencies of Public Interest.

We hereby decree as follows:

Article I The provisions of The Law of Cyber Crime attached shall be applied.

Article II Section two (repeated) of chapter seven the Omani Penal Law shall be repealed and anything contradict or conflict the attached law.

Article III This decree shall be published in the official gazette and shall come into force in the day following the date of its publication.

Issued on 2 Rabie Al-awwal 1432 H
Corresponding to 6th February 2011

**Qaboos Bin Said
Sultan of Oman**

Cyber Crime Law

Chapter One Definitions & General Provisions

Article (1)

In the application of the Provisions of this Law, the following terms and expressions shall have the meaning annexed to it unless the context otherwise provides:

- a- The Authority: Information Technology Authority
- b- Information Technology: The scientific utilization of computers, electronics and communications for the process, dissemination of data and information in its different versions.
- c- Cyber Crimes: The crimes which are referred to in this law.
- d- Electronic data & information: Whatsoever can be saved, processed, generated and communicated by means of information technology, whether it is in writing, photos, sounds, symbols or signals.
- e- Government data & information: Data and information related to the state Administrative Apparatus Units.
- f- The Information Technology Device: Electronic device used to process the electronic data & information, save, transmit or receive it such as computers and communication equipments.
- g- Informational network: A link between many Information Technology Devices for obtaining and exchanging of data and electronic information.
- h- The electronic site: A site on the informational network where the electronic information is available through a specific address.
- i- The Informational Program: A group of data and orders that can be executed by using the information technology devices and prepared for carrying out a certain mission.
- j- The Informational System: A group of programs and tools used to process and administer the data and the electronic information.

- k- The Service Provider: Any natural or juridical person, public or private that provide the subscribers with the communication services through information technology, or process and save the electronic data and information on behalf of the communication service or whoever use it.
- l- The Monetary Card: A tangible electronic intermediary used for the electronic withdrawal or deposit or payment by using the informational network or the information technology tools such as the credit cards and the smart cards but doesn't include the communication cards and the prepaid electronic services.
- m- Reception: To view or obtain the data or the electronic information.
- n- The content: The subject matter of the incriminating data and the electronic information pursuant to the provisions of this law whether that content is written, sound, photograph or sound and photograph.
- o- Pornographic materials: A content of sexual instinct.
- p- The Human organs: Any biotic organ of the human body or part of that organ.

Article (2)

The provisions of this law shall apply to the cyber crimes, even if committed wholly or partially out of the Sultanate whenever damage to its interests is ensued, or if the criminal result is ascertained within its territories or being intended to be ascertained therein even though not yet ascertained.

Chapter Two

Violation of safety, confidentiality of data & electronic information and the informational systems.

Article (3)

Everyone who intentionally and illegally access an electronic site or informational system or information technology tools or part of it or exceeded his authorized access to it or continued his existence therein after being aware of his access, shall be punished with imprisonment for a period not less than one month and not exceeding six month and a fine not less than OMR one hundred and not more than OMR five hundred or by either penalty.

If the acts mentioned in the above paragraph resulted in deletion or change or amendment or disfigure or mischief or copying or destruction or re-dissemination of data or electronic information saved in the informational system or the tools of the information technology, or damaging that system or the information technology tools or the informational network or causes damage to users or beneficiaries, then the penalty shall be with imprisonment for a period not less than six months and not

exceeding one year and a fine not less than OMR five hundred and not exceeding OMR one thousand or by either penalty .

If the data and information provided for in the second paragraph above is personal then the penalty shall be imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousand or by either penalty.

Article (4)

The penalty with imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousands or by either penalty, shall be applied to any person who commit any of the offences mentioned in article (3) of this law, during and when performing his official duties.

Article (5)

The penalty with imprisonment for a period not less than one month and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR ten thousand shall be applied to any person who changes or alters or amends or intentionally or illegally destroys by using information technology tools, data or electronic information related to medical report or diagnosis or treatment or medical care saved in an informational system or information technology tools.

Article (6)

The penalty with imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousand or by either penalty, shall be applied to any person who intentionally and illegally have access to an electronic site or to an informational system with the intent to obtain data or governmental electronic information of confidential nature or by virtue of orders issued in this regard. The punishment with imprisonment for not less than three years and not exceeding ten years and a fine not less than OMR three thousands and not exceeding OMR ten thousands, shall be applied if the criminal act resulted in the deletion or change or amendment or disfiguration or destruction of or copying or damage or dissemination of data or electronic information.

The confidential data and electronic information of the banks and the financial institutions are regarded as governmental confidential data and electronic information in the application of this article.

Article (7)

The penalty with imprisonment for a period not less than one month and not exceeding one year and a fine not less than OMR one thousand and not exceeding OMR three thousand or by either penalty, shall be applied to any person who

intentionally and illegally have access to an electronic site with the intent to change its configuration, amend or damage or delete it or to occupy the site.

Article (8)

The penalty with imprisonment for a period not less than one month and not exceeding one year and a fine not less than OMR five hundred and not exceeding OMR two thousands or by either penalty, shall be applied to any person who intentionally and illegally by using information technology tools obstructs the flow of data or electronic information transmitted through the informational network or the means of information technology or intercepts its transmission or receiving or eavesdropping such data and information.

Article (9)

The penalty with imprisonment for a period not less than one year and not exceeding three years and a fine not less OMR three thousands and not exceeding OMR ten thousands or by either penalty, shall be applied to any person who intentionally and illegally by using information technology tools enters into informational system or informational network or information technology tools whatsoever thing liable to shut off or breakdown any of these systems, delete or change or amend or disfigure or mischief or destruct the programs or data or the information technology used or saved in any of these systems with his knowledge that such act may stop the systems from working.

Article (10)

The penalty with imprisonment for a period not less than six month and not exceeding two years and a fine not less than OMR five hundred and not exceeding OMR two thousands or by either penalty, shall be applied to any person who intentionally and illegally by using information technology tools obstruct the access to the service provider or to the informational system or to the information technology facilities.

Chapter Three

Misuse of Information Technology tools

Article (11)

The penalty with imprisonment for a period not less than six month and not exceeding three years and a fine not less than OMR three thousands and not exceeding OMR fifteen thousands or by either penalty, shall be applied to any person who uses the informational network or the information technology tools to produce or sale or purchase or import or distributor present or make available programs devices or tools designed or adapted for the purpose of committing cyber crimes or uses passwords or symbols for accessing informational system or

possesses such programs or devices with the intention to use them in the commission of cyber crimes.

Chapter Four

Forgery & information Fraud

Article (12)

The penalty with imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousands or by either penalty, shall be applied to any person who uses the information technology tools in the commission of informational forgery crimes by changing the nature of such data or the electronic information by addition or deletion or replacement with the intent to use it as proper data or electronic information, acceptable in an informational system legally a matter which might causes personal benefit to him or the other or causes damage to the other.

If such data or electronic information is governmental, then the penalty shall be temporary imprisonment for a period not less than three years and not exceeding fifteen years and a fine not less than OMR three thousands and not exceeding OMR fifty thousands. The same punishment provided for in the previous paragraph shall be applied mutatis mutandis to any person who knowingly uses the forged data or electronic information.

Article (13)

The penalty with imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousands or by either penalty, shall be applied to any person who intentionally and illegally inputs or amends or changes or mischief or disfigure or delete data or electronic information in an informational electronic system or conceal the information from the system or make interference with the system or its operating tools or breakdown the information technology tools or programs or the electronic sites and whereby causes harm to the beneficiaries or the users to achieve an interest or to obtain benefit to himself or others unlawfully with fraudulent intention. If the informational system concerning a government unit or a bank or a financial institution, then the punishment shall be imprisonment for a period not less than three years and not exceeding fifteen years and a fine not less than OMR three thousands and not exceeding OMR twenty thousands.

Chapter Five

Content Crimes

Article (14)

The penalty with imprisonment for a period not less than one month and not exceeding one year and a fine not less than OMR one hundred and not exceeding OMR one thousand or by either penalty, shall be applied to any person who uses the informational network or the information technology facilities to produce or procure or distribute or make available or transmit or sale or purchase or import pornography materials, unless such actions were permitted for scientific or technical purposes. The punishment shall be for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR five thousands if the subject matter of the pornography program is a juvenile of less than eighteen years of age or he is meant by the criminal act and the same punishment shall be applied to any person who uses the informational network or the facilities of the information technology to possess juvenile pornography.

Article (15)

The penalty with temporary imprisonment for a period not less than three years and not exceeding five years and a fine not less than OMR three thousands and not exceeding OMR five thousands, shall be applied to any person who uses the informational network or information technology facilities to incite or instigate a male or a female to commit a lechery or a prostitution crime or to help him to commit such a crime. The punishment of temporary imprisonment for a period not less than five years and not exceeding ten years and the fine of not less than OMR five thousands and not exceeding OMR ten thousands shall be applied if the victim is a juvenile not yet completed eighteen years of age.

Article (16)

The penalty with imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR five thousands or by either penalty, shall be applied to any person who uses the informational network or the information technology facilities such as mobiles incorporated with cameras in trespassing on of families and individuals by the privity taking photographs or dissemination of their news or voice or video records even if it was true or aggressing the others with slander and defamation.

Article (17)

The penalty with imprisonment for a period not less than one month and not exceeding three years and a fine not less than OMR one hundred and not exceeding OMR three thousands or by either penalty, shall be applied to any person who uses the informational network or the information technology facilities in gambling or to produce or publish or distribute or purchase or possess, whatsoever might prejudice

or violate the public ethics or promoting programs or concepts or activities liable to cause the same.

Article (18)

The penalty with imprisonment for a period not less than one month and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousands or by either penalty, shall be applied to any person who uses the informational network or the information technology facilities to threaten or extort a person to do or abstain from doing any act even if the doing or not doing of such an act is legal. The punishment shall be temporary imprisonment for a period not less than three years and not exceeding ten years and the fine of not less than OMR three thousands and not exceeding OMR ten thousands the threat is to commit an offence or by attributing indecent acts affecting honour and superiority.

Article (19)

The penalty with imprisonment for a period not less than one month and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousands or by either penalty, shall be applied to any person who uses the informational network or the information technology facilities to produce or publish or distribute or purchase or possess whatsoever that might prejudice the public order or religious values.

Article (20)

The penalty with life imprisonment and a fine not less than OMR one hundred thousand and not exceeding two hundred thousand shall be applied to any person who establishes an electronic terrorism site on the internet or uses the informational network or the information technology facilities for terrorist purposes or for the dissemination of and calling for the concepts and the principles of terrorist organization or the financing of the terrorist operations and training or to facilitate the communications between the different terrorism organizations or between their members and leaders or for the dissemination of the methods of manufacturing explosives, weapons and other tools that could be used specifically in terrorist operations.

Article (21)

The penalty with temporary imprisonment for a period not less than three years and not exceeding fifteen years and a fine not less than OMR fifty thousands and not exceeding the amount equivalent to the value of the funds forming the subject-matter of the crime if it is more than the above indicated amount, shall be applied to any person who uses the informational network or information technology facilities to transfer the illegal money or transport or conceal or camouflage its source or to acquire or possess properties while aware of its illegal source or to request assistance in a money laundering operation or to publish the methods of how to execute the same.

Article (22)

The penalty with temporary imprisonment for a period not less than ten years and not exceeding fifteen years and a fine not less than OMR twenty thousand and not exceeding OMR one hundred fifty thousand, shall be applied to any person who establishes an electronic site or transmit information on the internet or the information technology facilities with the intent of human trafficking or to facilitate the same.

Article (23)

The penalty with temporary imprisonment for a period not less than three years and not exceeding ten years and a fine not less than OMR one thousand and not exceeding OMR fifty thousand, shall be applied to any person who establishes an electronic site or transmit information on the informational network or the information technology facilities with the intent of trafficking in the human organs or facilitate the same.

Article (24)

The penalty with imprisonment for a period not less than one month and not exceeding one year and a fine not less than OMR one hundred and not exceeding OMR one thousand, shall be applied to any person who establishes an electronic site or transmit information on the informational network or the information technology facilities with the intent of trafficking in weapons provided for in table (1) or any of tools provided for in table (B) of article (3) of the law of weapons and ammunitions, or facilitate such transactions unless he is legally licensed. If the weapons are of those provided for in table (2) of the same law, then the penalty shall be imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR one thousand and not exceeding OMR three thousand. The punishment shall be with the temporary imprisonment for a period not less than three years and not exceeding five years and a fine not less than OMR three thousands and not exceeding OMR five thousands, if the intent is trafficking in weapons provided for in table (3) of the same law or in its ammunitions.

The penalty shall be with temporary imprisonment for a period not less than five years and not exceeding fifteen years and a fine not less than OMR ten thousand and not exceeding OMR one hundred thousands, if the intent is trafficking in weapons provided for in paragraph (A) of article (3) of the same law or its main parts or ammunitions.

Article (25)

The death penalty or life with imprisonment and a fine not less than OMR twenty five thousand and not exceeding OMR one hundred thousand shall be applied to any person who establishes an electronic site or transmit information on the informational network or the information technology facilities with the intent of trafficking or promotion of drugs or the psychotropic substances provided in tables

(1,2,3,4) of the first group and table (1) of the second group annexed to the law of drugs and psychotropic substances.

The penalty shall be temporary imprisonment for a period not less than ten years and not exceeding fifteen years and a fine not less than OMR ten thousand and not exceeding OMR fifteen thousands, if the intent is to disseminate methods of taking such drugs and psychotropic substances or facilitate the dealings in it in cases other than those legally authorized.

Article (26)

The penalty with imprisonment for a period not less than six month and not exceeding three years and a fine not less than OMR three thousand and not exceeding OMR fifteen thousands or by either penalty, shall be applied to any person who uses the informational network or the information technology facilities to infringe on a legally protected right related to a writer or an associated right holder or the industrial property rights in any way of infringements provided for in the law.

Article (27)

The penalty with imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR ten thousand and not exceeding OMR one hundred thousand or by either penalty, shall be applied to any person who establishes an electronic site or uses the informational network or the information technology facilities to disseminate or present information with the intent of trafficking with antiquities or works of art in cases other than those legally permitted.

Chapter Six

Trespass on the Credit Cards

Article (28)

The penalty with imprisonment for a period not less than one month and not exceeding six month and a fine not less than OMR five hundred and not exceeding OMR one thousand or by either penalty, shall be applied to any person who forges a credit card by whatsoever mean or manufacture devices or materials facilitating forgery or acquire the data of a credit card or uses it or present it to the others or facilitate the obtaining thereof or uses the informational network or the information technology facilities to illegally obtain the numbers and the details of the credit card or accepted a forged credit card knowingly.

If any of the acts provided for in the previous paragraph is committed with the intent to acquire or facilitate acquiring the property of others or the services provided in the card, then the penalty shall be with imprisonment for a period not less than six months and not exceeding one year and a fine not less than OMR one thousand and not exceeding OMR five thousand or by either penalty. If any of the

above has been acquired then the penalty shall be with imprisonment for a period not less than one year and not exceeding three years and a fine not less than OMR three thousands and not exceeding OMR ten thousand or by either penalty.

Chapter Seven

Concluding Provisions

Article (29)

Without prejudice to the criminal liability of natural persons, the juristic person shall be punished with double the maximum limit of the fine prescribed legally for the crime if such crime is committed in its name or to his account by the president of or any one of the members of its board or its manager or any other responsible person acting as such or with his approval or due to his gross negligence or harboring.

Article (30)

Half of the maximum limit of the legal penalty shall be applied to any person for attempting to commit one of the crimes provided for in this law.

Article (31)

Whoever abets or assists others or agreed with them to commit a cyber crime shall be punished with the same penalty prescribed for the offender. If the criminal result is not ascertained, then the accomplice shall receive half the maximum punishment legally specified for the crime.

Article (32)

Without prejudice to the rights of a bona fide third party, the competent court shall in all cases impose the following:

- a) Confiscation of all the equipments and devices and the programs and any other materials used in the commission of the cyber crime and all the money obtained as a result thereof.
- b) Shutting off the electronic website and the venue where the cyber crime was committed or attempted if the crime was committed while the owner of the venue is aware of it but does not object.

Shutting off site and venue should be permanent or temporary for a period to be specified by the court in view of the circumstances and conditions of the crime.

- c) Deportation of the expatriate who is convicted for a terrorism crime or if the punishment is for an anti-ethical offence.

Article (33)

Any offender who reported to the authorities' concerned information about his accomplices of a committed crime which violate the provision of this law, before the discovery of that crime, shall be exempted from punishment. If he reported the information to the authorities concerned after the discovery of the crime the court may exempt him from punishment provided that the reported information lead to the arrest of the other criminals.

Article (34)

The employees of the Authority appointed by decision to be issued by the Minister of Justice shall have quasi-judicial power in the application of the provisions of this law.

Article (35)

The penalties provided for in this law, shall not prejudice any severe penalty provided for in another law.