

Approach police if anyone spreads rumours about you



LEGAL VIEW
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Q: A person has been calling and sending WhatsApp messages to my wife, claiming that I am going around with a divorced woman. The man claims that he is interested in that woman. Besides, he has sent some audio messages, where he is questioning the woman. The woman can be heard denying any links with me. Based on this, my wife has blocked him on WhatsApp and blocked his calls, too. To harass me further, this man has also called one of my close family friends and is bent on defaming me. What are the options available to me? Can I report this matter to the police?

A: Pursuant to your queries and the facts placed by you, we would like to highlight that in the UAE, cybercrime and defamation are criminal offences and are prosecuted by reference to the Federal Law No. 3 of 1987 related to issuance of Penal Code and Federal Decree-Law No. (5) of 2012 on combating cybercrimes.

Chapter IV of Federal Law 3 of 1987 (as amended) ('the Penal Code') outlines the law governing offences of defamation in the UAE and is set out as below:

Article 372: "Whoever attributes to another person, by any means of publicity, an incident which makes him liable to punishment or contempt, shall be punished by detention for a period not exceeding two years or by a fine not exceeding Dh20,000.

Punishment by detention and a fine or by either of these two penalties shall be applied if the libel is committed against a public official or one who is in charge of a public service, during performance of the duties or public services assigned to him, or if the defamation affects the honour or injures the reputation of families, or if it is observed that it is intended to achieve an illegal purpose.

If libel is committed by means of a publication in any of the newspapers or other printed media, it shall be considered an aggravating circumstance." Article 373: "Detention for a period not exceeding one year or a fine not exceeding Dh10,000 shall be imposed on anyone who, by any means of publicity, disgraces the honour or the



Know the law

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Detention for a period not exceeding two years and a fine not exceeding Dh20,000 or either of these two penalties shall apply if a public official or one who is in charge of a public service has been abused during performance of his duty or public service; or if the abuse affects the honour or injures the reputation of families, or if it is noticed that the abuse is intended to achieve an illegal purpose.

However, if the abuse is published in any newspaper or printed media, it shall be considered an aggravated case."

Article 378: "Whosoever publishes news, pictures or comments related to the secrets of private or family life of persons even if they are true, shall be punished by detention for a period not exceeding one year and by a fine not exceeding Dh10,000, or by one of these two penalties."

Based on the aforementioned provisions of Penal Code of UAE, the messages sent by the person as alleged by you are defamatory which may malign your reputation. The actions of the sender may also qualify grounds for slander and libel under the aforesaid Penal Law and also under Article 21 of the Federal Decree-Law No. (5) of 2012, for committing cybercrime. As such, those caught using technology to invade someone else's privacy - which can even include eavesdropping, copying photos or publishing news - can be jailed for six months and face fines of between Dh150,000 and Dh500,000 under the above law.

Hence, you may file a criminal complaint with the police by submission of the printed messages (after they are translated into Arabic) sent by the sender and by

submitting the device (mobile) where such messages and audio clippings are saved and chronology of occurrence of the aforesaid events. Upon investigation, if your complaint has merit to prosecute the offender, the police may open a case against the offender and the same will be referred to the public prosecutor for charges as under the applicable Penal Law and Cyber law of the UAE.

Dependent visa renewal needs court nod if you have case pending

Q: I am a resident of Dubai. Can I renew my dependants' residence visa if I have a financial case registered against me?

A: We assume that your passport is in the custody of public prosecution or the police station due to the ongoing financial case against you. If it is held by the public prosecution/court, you may be able to renew the dependent visa provided you request the public prosecutor/court and seek its approval to allow you to renew this visa. Upon approval of your request, it will issue a letter to the department concerned to either release your passport to you or to depute an official of the court who shall assist you to renew the visa of your dependent. After such renewal, your passport shall be returned to the court.

Know the law



If you are facing a financial case and your passport is held by the public prosecution/court, you may be able to renew the dependent visa provided you request the public prosecutor/court and seek its approval to allow you to renew this visa

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