

In the Name of Allah, the Gracious, the Merciful

**The Informatic Offences ( Combating) Act, 2007**

Be it hereby approved, by the National Assembly, and signed, by the President of the Republic, in accordance with the Provision of the Interim Constitution of the Republic of the Sudan, 2005 the following Act :-

**Chapter I**

**Preliminary Provisions**

**Title and commencement**

1. This Act may be cited as the, “Informatic Offences (Combating) Act, 2007”, and shall come into force, as of the date of signature .

**Application**

2. The provisions of this Act shall apply to any of the offences, provided therefor therein, where they have totally, or partially been committed inside, or outside the Sudan, and whether the offender is the actual one, joint or abetter.

**Interpretation**

3. In this Act, unless the context otherwise requires, :-  
“Data”, mean every thing as may be saved, processed, generated, produced and transferred by a computer, such as digits, letters, signs and otherwise;  
“Informatic network”, means the linkage between more than one informatic system, to obtain and exchange information;

- “Informatic system”,** means such collection of programmes and hardware, as may be prepared for processing and management of data and information;
- “Picking up”,** means viewing data, or information, or obtaining the same;
- “Public servant”,** means every person appointed by a public authority to perform a public post, whether the appointment is for consideration, or not, and temporarily, or permanently;
- “Site”,** means the place of availing information on the informatic network, through a specific address .
- “Terrorism”,** means every act, or of violence, what even the motivations, or objects thereof, which access in execution of an individual or collective criminal exhume, aiming at striking t among, or are upon the people, by them, or exposing the lives, freedom or security thereof, to danger, or causing damage to the environment, public, or private property, one of the public, or private or belongings, occupying or appropriating the same, or exposing one of the or national strategic resources to danger.

**Chapter II**  
**Informatic Offences**

**Entry of private informatic sites and systems**

4. Whoever willfully and without rightful cause enters a site, or informatic system, with intent to cancel, omit, destroy, disclose, damage, change or redisplay personal data, or information, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both .

**Entry of informatic sites and systems by a public servant**

5. Every public servant, who willfully and without rightful cause, enters any informatic site, or system, or facilitates the same to others, in the course of performing his post, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both .

**Suspension, disruption or damage of  
programmes, data or information**

6. Whoever enters through the informatic network, or one of the computer sets, and whatever may be deemed as such, for the purpose of stopping thereof from work, or disrupting the same, or destroying the programmes, data or information, or erasing, committing or damaging them, shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both .

**Impeding, jamming or disrupting informatic  
network, or one of the computer sets**

7. Whoever willfully impedes, jams or disrupts by any means, through the informatic network, or one of the computer sets, or whatever may be deemed as such, for the purpose of reaching the service, or entry to the sets, programmes or the sources of data or information shall be punished, with imprisonment, for a term, not exceeding ten years, or with fine, or with both .

**Tapping, picking up or obstructing messages**

8. Whoever, without rightful cause, taps, picks up or obstructs any messages through the informatic network, computer sets and whatever may be deemed as such, shall be punished, with imprisonment, for a term, not exceeding seven years, or with fine, or with both.

**Entry of private sites without rightful cause**

9. Whoever, without rightful cause, enters a private site of any person, for the purpose of changing the designs of, canceling, damaging or amending such site, or occupying an address, shall be punished, with imprisonment, for a term, not exceeding ten years, or with fine, or with both.

**Chapter III**

**Offences affecting Property, Data and Communications**

**Threat and extortion**

10. There shall be deemed to have committed an offence, whoever uses the informatic network, one of the computer sets, or whatever may be deemed as such, to threaten, or extort another person, to force him to do, or omit to do an act, even though such act, or omission is

lawful, shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both .

**Cheating, personation , or use of false capacity for the purpose of obtaining money, or instrument**

11. Whoever obtains through the informatic network, one of the computer sets, or the use of a false name, or adopting a false capacity, for the purpose of seizure, for himself , or others, of an instrument, or signature of an instrument, shall be punished, with imprisonment, for a term, not exceeding seven years, or with fine, or with both.

**Obtaining digits or data of credit cards, or whatever may be deemed as such, without rightful cause**

12. There shall be deemed to have committed an offence whoever, without rightful cause, uses the informatic network, one of the computer sets or whatever may be deemed as such, to reach digits, or data of credit cards, or whatever may be deemed as such, with intent to use the same to obtain data, or money of others, or such as it may avail of services, shall be punished, with imprisonment, for a term, not exceeding twelve years, or with fine, or with both .

**Benefiting, without rightful cause, by communications**

13. Whoever, without rightful cause, benefits by communications services, through the informatic network, one of the computer sets, or whatever may be deemed as such, shall be punished, with imprisonment, for a term, not exceeding seven years, or with fine, or with both .

## **Chapter IV**

### **Offences of Public Order and Morals**

- 14.(1) Whoever produces, prepares, arranges, sends or saves through the informatic network, one of the computer sets or whatever may be deemed as such, whatever by nature may affect public order or morals, shall be punished, with imprisonment, for a term, not exceeding three years, or with fine, or with both .
- (2) Commission of such offence shall be deemed an aggravation circumstance, where the act is directed to a juvenile, and its committer shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both .

### **Initiation, or display of sites with intent to promote views and programmes in contravention of public order, or morals**

15. There shall be deemed to have committed an offence whoever initiates, or displays a site on the informatic network, one of the computer sets or whatever may be deemed as such, for a person or group, who call for facilitation, or promotion of programmes, or views in contravention of public order, or morals, and shall be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both .

### **Violation of religious principles and values, or sanctities**

16. Whoever violates any of the religious, or family principles, or values, or the sanctity of private life, through the informatic network, one of the computer sets, and whatever may be deemed as such, shall be deemed to have committed an offence, and be punished, with

imprisonment , for a term, not exceeding five years, or with fine, or with both .

## Chapter V

### Offences of Terrorism, Security Information and Intellectual Property

#### Initiation, or display of sites for terrorist groups

17. There shall be deemed to have committed an offence whoever initiates, or displays a site on the informatic network, one of the computer sets or whatever may be deemed as such, for a terrorist group, under camouflage nomenclature, to facilitate communications with their leaders, or members, or promote their views, funding or display the manner of manufacturing incendiary, or explosive instruments, or any materials used in terrorist acts, and be punished, with imprisonment, for a term, not less than ten years, or with fine, or with both .

#### Offence of entry willfully and without rightful cause of sites, with Intent to obtain security data, or information

18. Whoever willfully and without rightful cause enters directly, or through the informatic network, one of the computer sets and whatever may be deemed as such, with intent to obtain data, or information which affect the internal, or external security of the Sudan, or the national economy, shall be deemed to have committed an offence, and be punished, with imprisonment, for a term, not less than ten years, or with fine, or with both .

**Offence of displaying or copying intellectual, or literary works or scientific researches without rightful cause**

19. There shall be deemed to have committed an offence whoever displays, or copies, without rightful cause, through the informatic network, one of the computer sets and whatever may be deemed as such, any intellectual, or literary works, or scientific researches, or whatever may be deemed as such, and be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both.

**Chapter VI**

**Offences of Traffic in Human Beings, Narcotics and Dirty Money**

**Traffic in human beings**

20. There shall be deemed to have committed an offence whoever initiates, or displays a site on the informatic network, one of the computer sets and whatever may be deemed as such, with intent to traffic in human beings, or facilitate dealing therein, and be punished, with imprisonment, for a term, not exceeding ten years, or with fine, or with both .

**Traffic, promotion or taking narcotics or psychotropic**

21. Whoever initiates, or displays a site on the informatic network, one of the computer sets and whatever may be deemed as such, with intent to traffic, promote or take narcotics or psychotropics, and whatever may be deemed as such, or facilitate dealing therein, shall be deemed to have committed an offence, and be punished, with imprisonment , for a term, not less than ten years, or with fine, or with both .



### **Unlawful dealing in dirty money**

22. Whoever transmits, transfers or camouflages the unlawful source of unlawful money, or conceals it, or uses, acquires or possesses such money, while knowing that they are derived from an unlawful source, by way of use of the informatic network, one of the computer sets and whatever may be deemed as such, with intent to clothe such money with legality, or initiates or displays a site for commission of any of such acts, shall be deemed to have committed an offence, and be punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both .

### **Chapter VII**

#### **General Provisions**

#### **Abetment, or conspiracy**

- 23.(1) There shall be deemed to have committed an offence whoever abets, assists or conspires with others to commit one of the offences provided for in this Act, where the offence does not occur and be punished with the same penalty prescribed for the offence.
- (2) Where the offence occurs, as a result of such abetment, the abetter shall be punished with the same penalty prescribed for the offence .

#### **Attempt**

24. There shall be deemed to have committed the offence of attempt whoever attempts committing one of the offences provided for in this Act, where the offence does not occur, and be punished with the same penalty prescribed for the offence .

#### **Confiscation**

25. Without prejudice to rights of bona fide others the court, in all the conditions, shall decree confiscation of the sets, programmes or

means used in committing any of the offences, provided for in this Act , or the funds collected therefrom; and the shop, or project wherein any of the offences, set out in this Act, has been committed, shall be closed, for such term, as the court may deem fit, where the offence is committed with the knowledge of the proprietor thereof.

### **Deportation of an alien**

26. In addition to any penalties, provided for in this Act, or any other law, and subject to the provisions of international agreements, the court, in case of the offences, provided for in sections 15, 16, 17, 18, 20, 21 and 22 inclusive, the court shall decree deportation of the sentenced person, where he is an alien .

## **Chapter VIII**

### **Procedures for enforcement of the Act**

#### **Making of Rules**

27. Without prejudice to the provisions of the Criminal Procedure Act 1991, the Chief Justice may make such special rules, to determine the procedures which shall be followed in trying the crimes provided for by the provisions of this Act.

#### **Competent Court**

28. The Chief Justice, shall establish a special court, in accordance with the Judiciary Act 1986, to try the crimes herein provided for .

#### **Competent Prosecution Attorney Bureau**

29. There shall be established by virtue of the provisions of the Ministry of Justice ( Regulation) Act 1983, a specialized prosecution attorney bureau, for the informatic Crimes.

### **Evidence**

30. The provisions of the Evidence Act 1994, shall apply to the crimes, herein provided for .