Kuwait

Cybercrime legislation

Domestic equivalent to the provisions of the Budapest Convention

Version 16 April 2020

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[reference to the provisions of the Budapest Convention]

This profile has been prepared by the Cybercrime Programme Office (C-PROC) of the Council of Europe in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Budapest Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the State covered or of the Council of Europe.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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BUDAPEST CONVENTION	DOMESTIC LEGISLATION
Chapter I – Use of terms	
Article 1 – "Computer system", "computer data", "service provider", "traffic data": For the purposes of this Convention: a "computer system" means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data; b "computer data" means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function; c "service provider" means: i any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and ii any other entity that processes or stores computer data on behalf of such communication service or users of such service; d "traffic data" means any computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication's origin, destination, route, time, date, size, duration, or type of underlying service	Among Kuwaiti statutes, Articles 1 of Law 63/2015, 1 of Law 20/2014, and, arguably, 1 of Law 37/2014 appear to meet the elements of Articles 1(a) and (b) of Budapest. Only Law 37's "telecommunications service" and "general telecommunications service" may cover "service provider[s]" as required by Budapest Article 1 (c). No Kuwaiti statute defines "traffic data" as required by Budapest Article 1 (d). The statutes below are drawn from laws that have a specific scope: Law 63/2015 covers information technology crime in general; Law 37/2014 covers telecommunications and eavesdropping; and Law 20/2014 covers electronic transactions and numerous substantive electronic crimes. Thus, whether a definition applies in a given prosecution will depend on which underlying substantive law is applicable. **LAW 63 FOR THE YEAR 2015 REGARDING ANTI-INFORMATION TECHNOLOGY CRIME** Article -I- In the application of the rules of this law it shall be meant by the following terminologies the meanings assigned to each of them: • The Electronic Data: Data with electronic features in the shape of texts, codes, voices, drawings, software or database. • The Automated Electronic System: The software, or a computer's electronic system that was prepared to act or to respond an act independently, totally or partially without the interference or the supervision of a natural person at the time in which the act is undertaken or there is a response to it.

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	• Electronic Processing of Data: An electronic system to create, enter, retrieve, send, receive, extract, store, exhibit, or process data or messages electronically. • The Information Network: The connection between more that one communications system for information technology to obtain information and exchange them. • The Document of the Electronic Record: A group of data or information that are created, stored, extracted, copied, sent, informed or received totally or partially by an electronic means, on a tangible medium or on any other electronic medium, and can be retrieved in a shape that can be understood. • The Site: Is a place for availing information on the information network through a defined address. • Electronic: Everything that is connected with the information technology and has electrical, digital, magnetic, visual, electromagnetic capabilities or other wire or wireless means that are similar and what is innovated of technologies in this sphere. • Information Technology Means: An electronic tool that includes all that is related with the information technology and electrical, digital, magnetic, visual, electromagnetic capabilities or other wire or wireless means that are similar and what is innovated of technologies in this sphere. • Information Crime: Every act that is committed through using the computer or the information network or other than that of technology information means in violation of the rules of this law. • Illegal Entry: The deliberate illegal penetration to the computer's instrument and systems, an information system an information network or an electronic site through penetration means, and its protection means whether partially or totally for any purpose whatsoever without a delegation to perform this or by exceeding the granted delegation. • The Computer's System: A group of information software and systems prepared to analyzer information, data, orders in order to program, show, store, send or receive and it can work independently or in connection with other instrument or other information systems. • The Electronic Signature: The information which takes the shape of characters, numbers, codes, signs or others, and is enlisted in an electronically, digital, optical or any other similar means in an electronic document or record added to it or necessarily connected to

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	it and has a trait that allows the identification of the person who signed it and distinguishes him from others. • Information Reception: To view the information and data coming in any electronic message, hearing it or obtaining it, and this shall include the electronically transferred. • Electronic Fraudulence: To affect the automatic electronic system, the electronic information system, the information network, a document, an electronic record, an information technology means or a system, a computer, electronic signature, or electronic information through a software or obtaining, divulging, transferring, or propagating the secret number, word, or code or confidential or private information or others, with the intention of obtaining a benefit without due right and harming others. **LAW 37 FOR THE YEAR 2014 REGARDING THE ESTABLISHMENT OF THE REGULATORY AUTHORITY FOR TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY** Article -I - The following words and phrases shall have the meanings assigned to each of them hereinafter in this law unless otherwise is necessitated by the context: • Telecommunications: Every dispatched, transferred, transmitted, published, or receipt of marks, signals, or messages, pictures, films, sounds, or information whatever are their nature, through wire, radio, or optical means or by any other means of the electronic systems. • Telecommunications Service: the service which is totally or partially constituted of sending, receiving and passing information on telecommunication networks using any of the local or intemational telecommunications processes including the internet. • The General Telecommunications Service: The telecommunications service that is provided to the beneficiaries in general or for a certain category of them against a wage according to the rules of this law. • Information Technology: To create information, process, store, transfer, retrieve, and use them or avail them for others by using electronic means. This shall include the audio information and the audiovisual information.

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	• Radio Waves: Electromagnetic waves with frequencies, which exceed three kilo hertz, that transmit through space without an industrial guidance device. • General Telecommunication Network: a local or an international system of wire or wireless communication network or a group of systems to provide the general communication service for the beneficiaries according to the rules of this law. • Private Telecommunications Network: A telecommunications system that operates for the benefit of one person or one group of persons bound by a joint ownership to service their special requirements. • Telecommunications Terminal Instruments: The telecommunications instruments which are used by the beneficiary for sending a communication, or receiving or passing or terminating it. • Telecommunications Instruments: Any wire or wireless communications' instruments, tools, means or systems that are used or intended to be used for the purposes of communications and shall constitute a part of telecommunications network that is joined to it or among its components. This shall include local and international radio telecommunications instruments. • The Subscriber: Any person that is a party in a contract concluded with an operator of general telecommunications to provide telecommunications services. • International Telecommunications Structure: The infrastructure, which provides the possibility of international penetration across the borders of the Kuwaiti State. This includes submarine cables, satellites, and other land systems or any updated systems crossing the Kuwaiti borders. • International Telecommunications: It is a telecommunications service between the State of Kuwait and other states through the international telecommunications routes that are licensed for the intention of transferring and ending them with the beneficiary. • Access: The availability to enter to telecommunications utilities or telecommunications services of another operator that is licensed for providing the telecommunication service including in this the connection of telecommunications instruments by using wire or wireless means. Also, to penetrate any material establishments and this includes building, special pipes for wires, cables and towers, and to penetrate to the mobile phones network, to translate numbers or networks, which provide a similar function.

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	LAW 20 FOR THE YEAR 2014 REGARDING ELECTRONIC TRANSACTIONS Article -l- In the application of the rules of this law, the following terminologies shall have the meanings hereby assigned to them according to the following: • Electronic: All that is related to information technology that have digital, electric, magnetic, optical, electromagnetic, photic, capabilities or other similar means whether wired or wireless and whatever may develop of technologies in this field. • Electronic writing: All characters, figures, symbols or other marks that are fixed on an electronic, digital, photic medium, or any other similar means, and they give indication that can be perceived and retrieved afterwards. • Electronic Data: They are data with electronic features in the shape of versions, codes, sounds, drawings, pictures, software, or data basis. • Electronic Processing System of Data: an electronic system to establish, enter, retrieve, send, receive, extract, store, exhibit, or process data or messages electronically. • Electronic Support: The electronic medium and mechanism that are used for saving electronic data. • Electronic Document or Record: The group of data or data which are created, stored, extracted, copied, sent or notified, or received whether partially or totally through an electronic means, on a tangible medium or any other electronic mediums, which can be retrieved in an understandable way. • Electronic Messages (Email): They are electronic data that are sent or received through electronic means whatever are the means of extracting in the place of receipt. • The Creator: The natural or juristic person who or on his behalf is sent the document or the record by an Email, or who establishes that he created or sent the document or the record prior to saving it. It shall not be considered a creator the party which undertakes the task of the service provider as regards the production, the treatment, or

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	sending or saving this electronic document or record and other of these services relating to it. • The Recipient: The natural or juristic person to whom/which the creator of the document or the record intended to transmit it. It shall be considered a recipient the person who provides services relating to receiving, treating, or saving the electronic document or record and others of related services. • The Electronic Transaction: A transaction or an agreement that is concluded or executed whether partially or totally by Electronic means and correspondences. • The Mechanical Electronic Transaction: It is an electronic software or system of a computer that was prepared to act or respond to an action independently whether totally or partially without the interference or the supervision of any natural person at the time in which this act or response is undertaken. • The Electronic Signature: The data which, takes the shape of character, numbers, codes, signs or others and is listed electronically, numerically, or optically or by any other similar means on an electronic document or record or they are added to it or related to it necessarily and have a feature which, shall allow to define the identity of the person who signed it and distinguishes him from others. • The Electronic Signature's Tool: The electronic instrument or data that is prepared in a unique form to work independently or combined with other electronic instruments and data to set forth an electronic signature for a certain person. This operation includes any systems or instruments that produce or capture unique data such as codes, mathematical methods, characters, numbers, special keys or personality defining numbers or their characteristics. • Illegal Entry: Any financial entry in the account of the client due to an Email sent in his name without his knowledge or his approval or without his delegation. • Time Stamp: These are data provided through the provider of the authentication services according to which the date and time of creating, sending and receiving the documents and Emails are defined precisely so as it is considered an evidence against all. • Coding: The process of transforming a simple text or a text document or an Email to unknown or scattered codes which are impossible to read them unless they are restored to their original form.

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Chapter II – Measures to be taken at the national level	
Section 1 – Substantive criminal law	
Title 1 – Offences against the confidentiality, integrity and availability of computer data and systems	
Article 2 – Illegal access Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.	Kuwaiti laws appear to meet the elements of Article 2 of Budapest. In particular, Article 2 of Law 63 seems to be sufficient. Article 5 of Law 63, Article 32 of Law 20, and Article 1 bis of Law 9 have a more limited scope, but they are still relevant. LAW 63 Article -2- He shall be penalized with imprisonment for a period that does not exceed six months and a fine that is not less than five hundred Dinars or by either of these two penalties every person who committed an illegal entry into a computer or its system or a data electronic processing system or an automated electronic system, or an information network. If this information or data are personal the penalty shall be imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties. He shall be penalized with imprisonment for a period that does not exceed five years and a fine that is not less than three thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties every person who commits any of the above crimes stipulated upon or facilitates this for others and this was during or due to practicing his position. Article -3- He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars every person who: 1. Committed an illegal entry into the site or an information system directly or through the information network, or by any information technology methods

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	for the purpose of obtaining secret governmental information or data according to the law. If this entry resulted in the annulment of these data information or destroyed them the penalty shall be imprisonment for a period that does not exceed ten years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties. This rule shall govern the information and data relating to the accounts of the clients of the bank facilities. 2. Forged or destroyed an electronic document, record or signature or the system for electronically processing information, an automatic electronic system, a site, a computer system, or an electronic system through synthesis or changes, alterations or by any other method by using a means the information technology means. If the forged is an electronic official or bank document, or electronic governmental or bank information the penalty shall be imprisonment for a period that does not exceed seven years and a fine that is not less than five thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties. He shall be penalized with the same penalties according to cases every person who used any of the aforementioned with his knowledge of the forgery, or it lost its legal force. 3. Deliberately changed or destroyed an electronic document relating to medical examinations, medical diagnosis, medical care or facilitated or enabled others to do this by using the information network or, a means of the information technology means. 4. Used the information network, or a means of the information technology means to threaten or blackmail a natural or juristic person to force him to undertake an act or to abstain from it. If the threat is for committing a crime or what is considered as touching the dignity of persons or violating honor and defaming character or dignity the penalty shall be imprisonment for a period that does not exceed five years and

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	the fine that is not less than five thousand Dinars and does not exceed ten twenty Dinars or by either of these two penalties. 5. He accessed through the information network or by using a means of the information technology means to seize for himself or for others money or a benefit or a document or the signature on a document by using a fraudulent method or by assuming a false name or an untrue capacity whenever this shall deceive the victim. Article -5- He shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not less than one thousand Dinars and does not exceed three thousand Dinars or by either of these two penalties every person who used the information network or a means of the information technology means to access without due right numbers or information of a credit card and the similar of electronic cards. If its use entailed obtaining others' money, or what this card avails of services, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person. LAW 20 Article -32- It shall not be permissible, in cases other than those legally authorized, for the governmental parties, the public organizations and institutions, the none governmental companies or parties, or employees in them to view without due right, to divulge, or to publish any data or personal information registered in the electronic records or electronic processing systems which are relating to positional affairs, social biography, health status or elements of financial assets of persons or other than that of personal data registered in any of the stated parties in this article or employees in them for the nature of their positions. This is unless it is with the approval of the person to whom relates these data or information or who legally deputizes him or by a causal judicial decision. Article -37-

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	Without prejudice to any severer penalty stipulated in another law, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these penalties each person that: A- Deliberately entered without due right into the electronic processing system, hindered the access to this system, caused its damage, obtained the numbers or the data of credit cards or others of electronic cards to use them to obtain others' money. E- Reached access through any means, without due right to the electronic signature, system, document or record, or penetrated this system, or impeded it, or disrupted it from executing its function. F- Violated the rules of Article 3 2, and both items A and B of the first paragraph of Article 35 of this law. It may be ruled the confiscation of the tools, software, and instruments that were used to commit the crime but without prejudice with the bona fida rights. The penalty shall be doubled in case of recurrence in committing these crimes. **LAW 9 FOR 2001 REGARDING MISUSE OF TELECOMMUNICATIONS AND WIRETAP SETS** Article -l- bis He shall be penalized with imprisonment that shall not exceed two years and a fine that shall not be over two thousand Dinars or by either of these two penalties every person who shall deliberately abuse or defame of others through the use of an instrument or a means of the telecommunications means or others to take a photo or more or video footages to him without his knowledge, or his satisfaction or he exploited the capabilities of these instruments and extracted photos from them without the permission or knowledge of their owners, or synthesized photos which are in violation of public ethics for other persons. He shall be penalized for a period that shall not exceed three years and a fine that shall not exceed three thousand Dinars, or by either of these two penalties every person who , through these instruments or means sends the photos above-mentioned in the previous paragraph or any photo or a video footage in violation

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	to public ethics to other persons or publishes it, or handles it through any means whatsoever. He shall be penalized for a period that shall not exceed five years and a fine that shall not exceed five thousand Dinars, or by either of these two penalties if the above-mentioned acts in any of the two previous paragraphs are accompanied with violence, blackmail, or included the exploitation of the photos through any means to violate pudency or touching honors or instigating profligacy and immorality. It shall be ruled in all cases the confiscation of the instruments, the means of communications or others which were used in committing the crime.
Article 3 – Illegal interception Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.	Kuwaiti laws appear to meet the elements of Article 3 of Budapest. In particular, Article 2 of Law 63 seems to be sufficient. Article 5 of Law 63, Article 32 of Law 20, and Articles 1 bis and 2 of Law 9 have a more limited scope, but they are still relevant. LAW 63 Article -2- He shall be penalized with imprisonment for a period that does not exceed six months and a fine that is not less than five hundred Dinars or by either of these two penalties every person who committed an illegal entry into a computer or its system or a data electronic processing system or an automated electronic system, or an information network. If this entry entails the annulment, erasure, damage, destruction, divulgence, change or the re-propagation of information and data the penalty shall be imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars and does not exceed five thousand Dinars or by either of these two penalties. If this information or data are personal the penalty shall be imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties. He shall be penalized with imprisonment for a period that does not exceed five years and a fine that is not less than three thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties every

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	person who commits any of the above crimes stipulated upon or facilitates this for others and this was during or due to practicing his position. Article -4- He shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars or by either of these two penalties every person who: 1. Deliberately hindered or disrupted the access to an electronic service site, access to instruments, software, source of electronic data or information through any means whatsoever and this shall be through the information network or by using a means of the information technology means. 2. Deliberately entered through the information network or by using a means of the information technology means which could stop it from work or disrupt it, or a site on the information network to change the designs of this site or to annul, destroy or to amend it or occupied it, disrupted or stopped it. He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person who committed any of these crimes or facilitated this for others and this was during or due to performing his job. 2. Eavesdropped, received, or impeded deliberately and without due right what is sent by the information network or a means of the information technology means. If he divulged what he accessed he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars or by either of these two penalties. 3. Every person who established a site, published, produced, prepared, arranges, sent, or stored information or data with the intention of exploitation, distribution or show others through the information network or a means of the information technology means and this would touch public ethics or ran a place for this purpose. 4. Every person who exhibited, seduced a male or a female to commit salacity and debauchery or helps him in this by using the information network or a means of the information technology means. If the act is addressed to a youth the penalty shall be imprisonment for a period not

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	exceeding three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties. Article -5- He shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not less than one thousand Dinars and does not exceed three thousand Dinars or by either of these two penalties every person who used the information network or a means of the information technology means to access without due right numbers or information of a credit card and the similar of electronic cards. If its use entailed obtaining others' money, or what this card avails of services, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person. LAW 37 Article -67- Every person who publishes or spreads the content of any telecommunications through a general or a private telecommunications network or a telephonic message that he viewed due to his position or recorded it without legal support shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not more five thousand Dinars and that is not less than two hundred Kuwaiti Dinars or with any of these two penalties. Article -72- Every person who withheld a message he had to transfer by telecommunications networks to another person or who refused to transfer messages he was requested to transfer whether by the licensee or the Authority, or copied or divulged a message, tampered with the information related to one of the subscribers including in this the undeclared telephone numbers and sent or received messages shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not more than

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	five thousand Dinars and not less than five hundred Dinars or by any of these two penalties. Article -78- Every person who possesses or uses eavesdropping devices whatever are their types shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not more than five thousand Kuwaiti Dinars and not less than five hundred Dinars. The penalty shall be doubled on whoever uses these instruments to record or transfer conversations that are carried over telecommunications instruments. It shall be ruled in all cases the confiscation of the instruments and others, which could have been used to commit the crime and it shall also be ruled to erase the obtained records and to destroy them. LAW 20 Article -32- It shall not be permissible, in cases other than those legally authorized, for the governmental parties, the public organizations and institutions, the none governmental companies or parties, or employees in them to view without due right, to divulge, or to publish any data or personal information registered in the electronic records or electronic processing systems which are relating to positional affairs, social biography, health status or elements of financial assets of persons or other than that of personal data registered in any of the stated parties in this article or employees in them for the nature of their positions. This is unless it is with the approval of the person to whom relates these data or information or who legally deputizes him or by a causal judicial decision. Article -35- The parties stated in Article 32 shall be prohibited to undertake the following: A – To compile, record, or to prepare any personal data or information of those stipulated in Article 32, through illegal ways and methods or without the approval of the person or who deputizes him.

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	B – To use the aforementioned personal information or data that are registered in its records or in its information systems in purposes other than for which they were collected. Article -37- Without prejudice to any severer penalty stipulated in another law, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these penalties each person that: A. Deliberately entered without due right into the electronic processing system, hindered the access to this system, caused its damage, obtained the numbers or the data of credit cards or others of electronic cards to use them to obtain others' money. E. Reached access through any means, without due right to the electronic signature, system, document or record, or penetrated this system, or impeded it, or disrupted it from executing its function. F. Violated the rules of Article 32, and both items A and B of the first paragraph of Article 35 of this law. It may be ruled the confiscation of the tools, software, and instruments that were used to commit the crime but without prejudice with the bona fida rights. The penalty shall be doubled in case of recurrence in committing these crimes. LAW 9 Article -l- bis He shall be penalized with imprisonment that shall not exceed two years and a fine that shall not be over two thousand Dinars or by either of these two penalties every person who shall deliberately abuse or defame of others through the use of an instrument or a means of the telecommunications means or others to take a photo or more or video footages to him without his knowledge, or his satisfaction or he exploited the capabilities of these instruments and extracted photos from them without the permission or

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	knowledge of their owners, or synthesized photos which are in violation of public ethics for other persons. He shall be penalized for a period that shall not exceed three years and a fine that shall not exceed three thousand Dinars, or by either of these two penalties every person who, through these instruments or means sends the photos above-mentioned in the previous paragraph or any photo or a video footage in violation to public ethics to other persons or publishes it, or handles it through any means whatsoever. He shall be penalized for a period that shall not exceed five years and a fine that shall not exceed five thousand Dinars, or by either of these two penalties if the above-mentioned acts in any of the two previous paragraphs are accompanied with violence, blackmail, or included the exploitation of the photos through any means to violate pudency or touching honors or instigating profligacy and immorality. It shall be ruled in all cases the confiscation of the instruments, the means of communications or others which were used in committing the crime. Article -2- It shall be prohibited the dealing in all kinds of tape-wire sets. They shall also be prohibited from sale or exhibiting them for sale. It shall not be permissible for other than the official concerned authorities, which shall be issued a decree defining them, to posse tape-wire sets of all their kinds. Also, it shall not be permissible to any of these authorities to use them without obtaining a prior permission from the public prosecution. This shall be in cases, and according to the above-mentioned procedures and regulations stipulated in the Procedures and Penal Trials Law. He shall be penalized for the violation of the previous paragraph's regulations with imprisonment for a period which shall not exceed one year and a penalty which, shall not exceed one thousand Dinars or with one of the two penalties every person who shall possess or use tape-wire sets whatever are their kinds. The penalty shall be doubled on every person who shall use these sets to register or transmit conversations, which are undertaken through telecommunications sets. It shall be ruled in all cases the confiscation of the sets and others which could have been used in the crime. Also it shall be ruled the erasement of the registrations obtained about them and their destruction.

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Article 4 – Data interference 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right. 2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.	Kuwaiti laws appear to meet the elements of Article 4 of Budapest. In particular, Articles 2, 3, and 4 of Law 63 seem to be sufficient. Articles 71 and 72 of Law 37 seem directly relevant. Articles 37 of Law 20 and 1 bis of Law 9 are more specific and are drawn from laws with limited scope, but they are still relevant. Article 68 of Law 37 is arguably relevant, depending on how damage to telecommunications "establishments" is interpreted. Law 63 Article -2- He shall be penalized with imprisonment for a period that does not exceed six months and a fine that is not less than five hundred Dinars or by either of these two penalties every person who committed an illegal entry into a computer or its system or a data electronic processing system or an automated electronic system, or an information network. If this entry entails the annulment, erasure, damage, destruction, divulgence, change or the re-propagation of information and data the penalty shall be imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars and does not exceed five thousand Dinars or by either of these two penalties. If this information or data are personal the penalty shall be imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties. He shall be penalized with imprisonment for a period that does not exceed five years and a fine that is not less than three thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties every person who commits any of the above crimes stipulated upon or facilitates this for others and this was during or due to practicing his position. Article -3- He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars every person who:

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	1. Committed an illegal entry into the site or an information system directly or through the information network, or by any information technology methods for the purpose of obtaining secret governmental information or data according to the law. If this entry resulted in the annulment of these data information or destroyed them the penalty shall be imprisonment for a period that does not exceed ten years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties. This rule shall govern the information and data relating to the accounts of the clients of the bank facilities. 2. Forged or destroyed an electronic document, record or signature or the system for electronically processing information, an automatic electronic system, a site, a computer system, or an electronic system through synthesis or changes, alterations or by any other method by using a means the information technology means. If the forged is an electronic official or bank document, or electronic governmental or bank information the penalty shall be imprisonment for a period that does not exceed seven years and a fine that is not less than five thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties. He shall be penalized with the same penalties according to cases every person who used any of the aforementioned with his knowledge of the forgery, or it lost its legal force. 3. Deliberately changed or destroyed an electronic document relating to medical examinations, medical diagnosis, medical care or facilitated or enabled others to do this by using the information network or, a means of the information technology means. 4. Used the information network, or a means of the information technology means to threaten or blackmail a natural or juristic person to force him to undertake an act or to abstain from it. If the threat is for committing a crime or what is considered as touching the dignity of persons or violating honor and defaming character or dignity the penalty shall be imprisonment for a period that does not exceed five years

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	and the fine that is not less than five thousand Dinars and does not exceed ten twenty Dinars or by either of these two penalties. 5. He accessed through the information network or by using a means of the information technology means to seize for himself or for others money or a benefit or a document or the signature on a document by using a fraudulent method or by assuming a false name or an untrue capacity whenever this shall deceive the victim. Article -4- He shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars or by either of these two penalties every person who: 2. Deliberately entered through the information network or by using a means of the information technology means which could stop it from work or disrupt it, or a site on the information network to change the designs of this site or to annul, destroy or to amend it or occupied it, disrupted or stopped it. He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person who committed any of these crimes or facilitated this for others and this was during or due to performing his job. 3. Eavesdropped, received, or impeded deliberately and without due right what is sent by the information network or a means of the information technology means. If he divulged what he accessed he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars or by either of these two penalties. LAW 37 Article -68- A- Every person who deliberately damaged telecommunications establishment or inflicted them with damage shall be penalize with imprisonment for a period not exceeding three years and a fine that is

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	not more than fifty thousand Kuwaiti Dinars and is not less than five thousand Kuwaiti Dinars or with either of these two penalties. The penalty shall be doubled if his action caused the impediment of the telecommunications movement. B- Every person who caused with his negligence the destruction of the telecommunications establishments or inflicted them with damage shall be penalized with imprisonment for a period not exceeding one year and a fine that is not more than five thousand Dinars and that is not less than five hundred Dinars or with either of these two penalties. The Court shall obligate the convicted in both cased to settle the value of what he damaged. Article -71- Every person who opposes, hinders, transform or erases the contents of the message through telecommunication networks or encourages others to act similarly shall be punished with imprisonment for a period not exceeding one year and a fine that is not more than three thousand Dinars and not less than three hundred Dinars, or by either of these two penalties. Article -72- Every person who withheld a message he had to transfer by telecommunications networks to another person or who refused to transfer messages he was requested to transfer whether by the licensee or the Authority, or copied or divulged a message, tampered with the information related to one of the subscribers including in this the undeclared telephone numbers and sent or received messages shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not more than five thousand Dinars and not less than five hundred Dinars or by any of these two penalties. LAW 20 Article -37- Without prejudice to any severer penalty stipulated in another law, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these penalties each person that:

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	C- Damaged or made defective a signature, a system, a signature tool, an electronic document or record or forged one of these through synthesis or amendment or alteration by any other method. The penalty shall be doubled in case of recurrence in committing these crimes. LAW 9 Article -l- bis He shall be penalized with imprisonment that shall not exceed two years and a fine that shall not be over two thousand Dinars or by either of these two penalties every person who shall deliberately abuse or defame of others through the use of an instrument or a means of the telecommunications means or others to take a photo or more or video footages to him without his knowledge, or his satisfaction or he exploited the capabilities of these instruments and extracted photos from them without the permission or knowledge of their owners, or synthesized photos which are in violation of public ethics for other persons. He shall be penalized for a period that shall not exceed three years and a fine that shall not exceed three thousand Dinars, or by either of these two penalties every person who, through these instruments or means sends the photos above-mentioned in the previous paragraph or any photo or a video footage in violation to public ethics to other persons or publishes it, or handles it through any means whatsoever. He shall be penalized for a period that shall not exceed five years and a fine that shall not exceed five thousand Dinars, or by either of these two penalties if the above-mentioned acts in any of the two previous paragraphs are accompanied with violence, blackmail, or included the exploitation of the photos through any means to violate pudency or touching honors or instigating profligacy and immorality. It shall be ruled in all cases the confiscation of the instruments, the means of communications or others which were used in committing the crime.

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Article 5 – System interference Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data	Kuwaiti laws appear to meet the elements of Article 5 of Budapest. In particular, Articles 72 and 74 of Law 37 and Articles 2, 3 and 4 of Law 63 seem to be sufficient. Article 37 of Law 20 is more specific and is drawn from laws with limited scope, but it is still relevant. Article 68 of Law 37 is arguably relevant, depending on how damage to telecommunications "establishments" is interpreted. LAW 63 Article -2- He shall be penalized with imprisonment for a period that does not exceed six months and a fine that is not less than five hundred Dinars or by either of these two penalties every person who committed an illegal entry into a computer or its system or a data electronic processing system or an automated electronic system, or an information network. If this entry entails the annulment, erasure, damage, destruction, divulgence, change or the re-propagation of information and data the penalty shall be imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars and does not exceed five thousand Dinars or by either of these two penalties. If this information or data are personal the penalty shall be imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties. He shall be penalized with imprisonment for a period that does not exceed five years and a fine that is not less than three thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties every person who commits any of the above crimes stipulated upon or facilitates this for others and this was during or due to practicing his position. Article -3- He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars every person who: 1. Committed an illegal entry into the site or an information system directly or through the information network, or by any information

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	technology methods for the purpose of obtaining secret governmental information or data according to the law. If this entry resulted in the annulment of these data information or destroyed them the penalty shall be imprisonment for a period that does not exceed ten years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these two penalties. This rule shall govern the information and data relating to the accounts of the clients of the bank facilities. 2. Forged or destroyed an electronic document, record or signature or the system for electronically processing information, an automatic electronic system, a site, a computer system, or an electronic system through synthesis or changes, alterations or by any other method by using a means the information technology means. If the forged is an electronic official or bank document, or electronic governmental or bank information the penalty shall be imprisonment for a period that does not exceed seven years and a fine that is not less than five thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties. He shall be penalized with the same penalties according to cases every person who used any of the aforementioned with his knowledge of the forgery, or it lost its legal force. 3. Deliberately changed or destroyed an electronic document relating to medical examinations, medical diagnosis, medical care or facilitated or enabled others to do this by using the information network or, a means of the information technology means. 4. Used the information network, or a means of the information technology means to threaten or blackmail a natural or juristic person to force him to undertake an act or to abstain from it. If the threat is for committing a crime or what is considered as touching the dignity of persons or violating honor and defaming character or dignity the penalty shall be imprisonment for a period that does not exceed five years and the fine that is not less than five thousand Dinars and does not exceed ten twenty Dinars or by either of these two penalties. 5. He accessed through the information network or by using a means of the information technology means to seize for himself or for others money or a benefit or a document or the signature on a document by

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	using a fraudulent method or by assuming a false name or an untrue capacity whenever this shall deceive the victim. Article -4- He shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars or by either of these two penalties every person who: 1 . Deliberately hindered or disrupted the access to an electronic service site, access to instruments, software, source of electronic data or information through any means whatsoever and this shall be through the information network or by using a means of the information technology means. 2. Deliberately entered through the information network or by using a means of the information technology means which could stop it from work or disrupt it, or a site on the information network to change the designs of this site or to annul, destroy or to amend it or occupied it, disrupted or stopped it. He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person who committed any of these crimes or facilitated this for others and this was during or due to performing his job. 3. Eavesdropped, received, or impeded deliberately and without due right what is sent by the information network or a means of the information technology means. If he divulged what he accessed he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars or by either of these two penalties. LAW 37

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	Article -68- A. Every person who deliberately damaged telecommunications establishment or inflicted them with damage shall be penalize with imprisonment for a period not exceeding three years and a fine that is not more than fifty thousand Kuwaiti Dinars and is not less than five thousand Kuwaiti Dinars or with either of these two penalties. The penalty shall be doubled if his action caused the impediment of the telecommunications movement. B. Every person who caused with his negligence the destruction of the telecommunications establishments or inflicted them with damage shall be penalized with imprisonment for a period not exceeding one year and a fine that is not more than five thousand Dinars and that is not less than five hundred Dinars or with either of these two penalties. The Court shall obligate the convicted in both cased to settle the value of what he damaged. Article -71- Every person who opposes, hinders, transform or erases the contents of the message through telecommunication networks or encourages others to act similarly shall be punished with imprisonment for a period not exceeding one year and a fine that is not more than three thousand Dinars and not less than three hundred Dinars, or by either of these two penalties. Article -72- Every person who withheld a message he had to transfer by telecommunications networks to another person or who refused to transfer messages he was requested to transfer whether by the licensee or the Authority, or copied or divulged a message, tampered with the information related to one of the subscribers including in this the undeclared telephone numbers and sent or received messages shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not more than five thousand Dinars and not less than five hundred Dinars or by any of these two penalties. Article -74-

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	Every person who used a general or a private telecommunications network illegally, connected his network with another telecommunications network without due right, impeded services provided by other telecommunications networks or subjected the national interest to risk shall be penalized with imprisonment for a period that does not exceed two years, and a fine that is not more than twenty thousand Dinars and not less than five hundred Dinars or with either of the two penalties. LAW 20 Article -37- Without prejudice to any severer penalty stipulated in another law, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these penalties each person that: A - Deliberately entered without due right into the electronic processing system, hindered the access to this system, caused its damage, obtained the numbers or the data of credit cards or others of electronic cards to use them to obtain others' money. C- Damaged or made defective a signature, a system, a signature tool, an electronic document or record or forged one of these through synthesis or amendment or alteration by any other method. E - Reached access through any means, without due right to the electronic signature, system, document or record, or penetrated this system, or impeded it, or disrupted it from executing its function. The penalty shall be doubled in case of recurrence in committing these crimes.
Article 6 – Misuse of devices 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right: a the production, sale, procurement for use, import, distribution or otherwise making available of: i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with the above Articles 2 through 5;	Kuwaiti laws do not appear to meet the elements of Article 6 of Budapest. At best, Articles 78 of Law 37 and 2 of Law 9 criminalize the use of certain tools or mechanisms, but these articles only partially meet the elements in Article 6 of Budapest. All the rest of the cited provisions are arguably relevant. However, even if they are interpreted as relevant under Kuwaiti law, they do not meet the elements of Article 6. LAW 63

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ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches. 2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system. 3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.	Article -4- He shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars or by either of these two penalties every person who: 1. Deliberately hindered or disrupted the access to an electronic service site, access to instruments, software, source of electronic data or information through any means whatsoever and this shall be through the information network or by using a means of the information technology means. 2. Deliberately entered through the information network or by using a means of the information technology means which could stop it from work or disrupt it, or a site on the information network to change the designs of this site or to annul, destroy or to amend it or occupied it, disrupted or stopped it. He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person who committed any of these crimes or facilitated this for others and this was during or due to performing his job… LAW 37 Article -59- A. It shall be defined according to a decree from the Minister in coordination with the Authority the staff that are invested the capacity of investigations officers according to the rules of this law, the methods and decrees issued in its execution. B. Without prejudice to the aforementioned law No. 17 for the year 1960 and the other laws that are enforced in the state, the Authority's staff aforementioned in Item (A) of this Article shall have the authority to control the execution of the rules of this law, methods, decrees, and orders issued in application to its rules. They shall have the right to

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	enter places in which are or are suspected to contain instruments or networks or telecommunications utilities, all, or part of the infrastructure used for telecommunications services. This shall be for inspecting them and to seize any telecommunications instruments or equipment that are not licensed or authorized which are used in an unlicensed activity or they are used for jamming or damaging the current telecommunications systems. … Article -60- A - The Authority's staff shall have the right to seize any telecommunications instruments or equipment that are unlicensed, violating the law, or used in an unlicensed activity against a written receipt exhibiting the type of instruments and their specifications and to deliver these instruments to the Authority and refer it to the competent authority. B - In case the seized instruments are not licensed, or their owner did not request to retrieve them within six months from the date of their seizure, the Board shall have the right to order their confiscation. C - The instruments, which, are decided to be confiscated, shall be disposed of according to the method decided by the Board. D - The confiscation of the violating instruments shall not prevent imposing the other criminal penalties stipulated in this law or any other law. Article -64- The Authority shall have the right, in case of the establishment of a violation of this law or regulations or decrees issued for its execution, to undertake one of the following measures or all of them according to want is proportionate with the size of violation: A- To warn the violator to remove the violation within 30 days from the date of the warning, B-To suspend the license granted to the licensee for a period of three months. C-To remove the violation on the expense of the violator. D-To decrease the services licensed to him by what does not exceed one service for every violation.

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	E-To decrease the period of the license granted to him for a period that does not exceed half the period of the license. F-To collect a financial fine not exceeding one million Kuwaiti Dinars against each violation. G-To impound the seized equipment, instruments and machines, and to put them under custody till the final judgment regarding the dispute. H- To annul the license. The fine shall be doubled in case of recurrence or the violator shall pay twice the damage value whichever is greater. Article -76- Every person who enters telecommunications instruments in contradiction to the rules of Article 30 of this law shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not more than five thousand and not less than five hundred Dinars or with either of the two penalties. It shall be ruled the confiscation of the instruments which are not inconformity with the exception from this the radio waves that do not require a license according to the International Telecommunications Unions. Article -77- Every person who entered into the state, traded, kept telecommunications instrument that are in contradiction with the technical rules, or carries faulty manufacturing information in violation to the rules of Articles 43-45 of this law shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not more than five thousand Kuwaiti Dinars and not less than five hundred Dinars or with either of the two penalties. Article -78- Every person who possesses or uses eavesdropping devices whatever are their types shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not more than five thousand Kuwaiti Dinars and not less than five hundred Dinars. The penalty shall be doubled on whoever uses these instruments to record or transfer conversations that are carried over telecommunications instruments. It shall be ruled in all cases the confiscation of the instruments and others, which could have been used to commit the crime and it shall also be ruled to erase the obtained records and to destroy them.

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	LAW 20 Article -37- Without prejudice to any severer penalty stipulated in another law, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these penalties each person that: A. Deliberately entered without due right into the electronic processing system, hindered the access to this system, caused its damage, obtained the numbers or the data of credit cards or others of electronic cards to use them to obtain others' money. B. Issued an electronic authentication certificate, or practiced any of the electronic authentication services without obtaining a license for this from the competent party. C. Damaged or made defective a signature, a system, a signature tool, an electronic document or record or forged one of these through synthesis or amendment or alteration by any other method. D. Used a defected or forged electronic signature, system, signature tool, document or record with his knowledge of this. E. Reached access through any means, without due right to the electronic signature, system, document or record, or penetrated this system, or impeded it, or disrupted it from executing its function. F. Violated the rules of Article 32, and both items A and B of the first paragraph of Article 35 of this law. It may be ruled the confiscation of the tools, software, and instruments that were used to commit the crime but without prejudice with the bona fida rights. The penalty shall be doubled in case of recurrence in committing these crimes. LAW 9 Article -2- It shall be prohibited the dealing in all kinds of tape-wire sets. They shall also be prohibited from sale or exhibiting them for sale. It shall not be permissible for other than the official concerned authorities, which shall be issued a decree defining them, to posse tape-wire sets of all their kinds. Also, it shall not be permissible to any of these authorities to use them without obtaining a prior

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	permission from the public prosecution. This shall be in cases, and according to the above-mentioned procedures and regulations stipulated in the Procedures and Penal Trials Law. He shall be penalized for the violation of the previous paragraph's regulations with imprisonment for a period which shall not exceed one year and a penalty which, shall not exceed one thousand Dinars or with one of the two penalties every person who shall possess or use tape-wire sets whatever are their kinds. The penalty shall be doubled on every person who shall use these sets to register or transmit conversations, which are undertaken through telecommunications sets. It shall be ruled in all cases the confiscation of the sets and others which could have been used in the crime. Also it shall be ruled the erasement of the registrations obtained about them and their destruction.
Title 2 – Computer-related offences	
Article 7 – Computer-related forgery Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.	Kuwaiti laws do not appear to meet the elements of Article 7 of Budapest. At best, Articles 3 of Law 63 and 1 and 37 of Law 20 criminalize electronic forgery, but the intent element of Budapest Article 7 is missing. The provisions cited from Law 16 are arguably relevant, but they are specialized and limited in scope and it is unclear if they would be applied to electronic forgery. However, even if they are interpreted as relevant under Kuwaiti law, they do not meet the elements of Article 7, particularly the intent element. Law 16 also includes other provisions that are not included here because they cover forgery in even-more-specialized cases. LAW 63 Article -3- He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars every person who: 2. Forged or destroyed an electronic document, record or signature or the system for electronically processing information, an automatic electronic system, a site, a computer system, or an electronic system

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	through synthesis or changes, alterations or by any other method by using a means the information technology means. If the forged is an electronic official or bank document, or electronic governmental or bank information the penalty shall be imprisonment for a period that does not exceed seven years and a fine that is not less than five thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties. He shall be penalized with the same penalties according to cases every person who used any of the aforementioned with his knowledge of the forgery, or it lost its legal force. 3. Deliberately changed or destroyed an electronic document relating to medical examinations, medical diagnosis, medical care or facilitated or enabled others to do this by using the information network or, a means of the information technology means. 5. He accessed through the information network or by using a means of the information technology means to seize for himself or for others money or a benefit or a document or the signature on a document by using a fraudulent method or by assuming a false name or an untrue capacity whenever this shall deceive the victim. LAW 20 Article -I- In the application of the rules of this law, the following terminologies shall have the meanings hereby assigned to them according to the following: • Illegal Entry: Any financial entry in the account of the client due to an Email sent in his name without his knowledge or his approval or without his delegation. Article -37- Without prejudice to any severer penalty stipulated in another law, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these penalties each person that:

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	C- Damaged or made defective a signature, a system, a signature tool, an electronic document or record or forged one of these through synthesis or amendment or alteration by any other method. D-Used a defected or forged electronic signature, system, signature tool, document or record with his knowledge of this. The penalty shall be doubled in case of recurrence in committing these crimes. LAW 16 ARTICLE -238- Any person who sells or mortgages an immovable or a movable property and intentionally conceals from the purchaser or the mortgagee, an essential document, forges a written certificate or delivers a false statement, to delude the purchaser or the mortgagee that either of them has gained from the sale or mortgage more rights or rights of more value than the rights actually transferred thereto, shall be penalized by incarceration for a period not exceeding three years and a fine not exceeding three thousand Rupees or either of both penalties. ARTICLE -257- Any change in the facts in an instrument with the intention of using it in such a manner which implies that it is true shall be considered forgery, if the instrument after the change thereof is valid for such use. Forgery shall occur if the doer makes up an instrument and relates it to a person who has not issued it, or makes a change in an existing instrument whether by the omission of some of phrases or by addition of phrases which were not existing or the change of some phrases; or placing the signature, stamp or fingerprint of another person thereon without authorization from that person, inducing that person, by means of fraud, to place his signature, stamp or fingerprint on the instrument without knowledge of its contents or without sound consent thereof. Likewise, forgery shall occur, if the person assigned with writing the instrument, changes the meaning thereof while writing it by establishing an untrue event therein making it appear true; and forgery shall occur by anyone who exploits the good faith of the person assigned with writing the instruments and dictates false information deluding him that it is true. ARTICLE -258-

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	Any person who commits forgery, shall be penalized by incarceration for a period not exceeding three years and fine not exceeding three thousand Rupees or either of both penalties. ARTICLE -259- Should forgery of an official instrument or any of the papers of banks be committed, the penalty shall be incarceration for a period not exceeding seven years and a fine not exceeding seven thousand Rupees may be added thereto. If forgery of the official instrument is committed by the employee assigned with establishing the data which facts are changed, the penalty shall be incarceration for a period not exceeding ten years, and a fine not exceeding ten thousand Rupees may be added thereto. ARTICLE -260- Any person who uses an instrument, knowing that it is forged by another, shall be penalized by the penalty which would be inflicted upon him if he has committed the forgery of the instrument.
Article 8 – Computer-related fraud Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by: a any input, alteration, deletion or suppression of computer data; b any interference with the functioning of a computer system, with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.	Kuwaiti laws do not appear to meet the elements of Article 8 of Budapest. Article 37 of Law 20 comes closest because it seems to include both a general intent ("without right") and the specific intent to obtain others' money. However, its scope is restricted to certain financial transactions. Article 3 of Law 63 criminalizes electronic fraud, but the general and specific intent elements of Budapest Article 8 are missing. Article 5 of Law 63 is arguably relevant, as is the quite-limited Article 1 of Law 20, but, even if they are interpreted as relevant under Kuwaiti law, they do not meet the elements of Article 8. LAW 63 Article -3- He shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars every person who: 2. Forged or destroyed an electronic document, record or signature or the system for electronically processing information, an automatic electronic system, a site, a computer system, or an electronic system

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	through synthesis or changes, alterations or by any other method by using a means the information technology means. If the forged is an electronic official or bank document, or electronic governmental or bank information the penalty shall be imprisonment for a period that does not exceed seven years and a fine that is not less than five thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties. He shall be penalized with the same penalties according to cases every person who used any of the aforementioned with his knowledge of the forgery, or it lost its legal force. 5.He accessed through the information network or by using a means of the information technology means to seize for himself or for others money or a benefit or a document or the signature on a document by using a fraudulent method or by assuming a false name or an untrue capacity whenever this shall deceive the victim. Article -5- He shall be penalized with imprisonment for a period that does not exceed one year and a fine that is not less than one thousand Dinars and does not exceed three thousand Dinars or by either of these two penalties every person who used the information network or a means of the information technology means to access without due right numbers or information of a credit card and the similar of electronic cards. If its use entailed obtaining others' money, or what this card avails of services, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties every person. LAW 20 Article -I- In the application of the rules of this law, the following terminologies shall have the meanings hereby assigned to them according to the following:

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	• Illegal Entry: Any financial entry in the account of the client due to an Email sent in his name without his knowledge or his approval or without his delegation Article -37- Without prejudice to any severer penalty stipulated in another law, he shall be penalized with imprisonment for a period that does not exceed three years and a fine that is not less than five thousand Dinars and does not exceed twenty thousand Dinars or by either of these penalties each person that: A - Deliberately entered without due right into the electronic processing system, hindered the access to this system, caused its damage, obtained the numbers or the data of credit cards or others of electronic cards to use them to obtain others' money. D - Used a defected or forged electronic signature, system, signature tool, document or record with his knowledge of this. The penalty shall be doubled in case of recurrence in committing these crimes. LAW 16 ARTICLE -231- Any fraud whereby the doer purposely tries to drive someone into wrongdoing or keep him therein to force him to deliver property in his possession, which ensues the delivery of the property to the doer or to another, shall be deemed swindling, whether the swindling is by saying, in writing or by signal. The use of fraudulent methods which may delude people of the existence of a non-existing event, or concealment of an existing event, or distortion of truthfulness of the event, such as, delusion of the existence of a false project or the change of reality of such project or concealment of the existence thereof, or promising of imaginary profits, or creating an untrue debenture or concealment of an existing debenture or alienation of property while the alienor has no right to alienate thereof, or nomination by a false name or impersonation of an untrue capacity, shall be deemed swindling. ARTICLE -260-

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	Any person who uses an instrument, knowing that it is forged by another, shall be penalized by the penalty which would be inflicted upon him if he has committed the forgery of the instrument. ARTICLE -261- Any person who, uses an instrument knowing that it has lost its legal validity whether by annulment, cancellation, abrogation thereof, cessation of its effect or termination of such effect, with the intent of falsely implying that the instrument still has legal validity, shall be penalized by the penalty which would be inflicted upon him if he has committed the forgery of the instrument.
Title 3 – Content-related offences	
Article 9 – Offences related to child pornography 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct: a producing child pornography for the purpose of its distribution through a computer system; b offering or making available child pornography through a computer system; c distributing or transmitting child pornography through a computer system; d procuring child pornography through a computer system for oneself or for another person; e possessing child pornography in a computer system or on a computer-data storage medium. 2 For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts: a a minor engaged in sexually explicit conduct; b a person appearing to be a minor engaged in sexually explicit conduct; c realistic images representing a minor engaged in sexually explicit conduct	Kuwaiti laws may meet the elements of Article 9 of Budapest, and I suspect that a combination of the statutes below would suffice for most cases that a prosecutor would consider. In this case, much depends on how Kuwaiti law is interpreted and how its statutes may be used together. Article 4 of Law 63 appears to cover Budapest Article 9 (1) (a) through (c). Several of the statutes seem to cover Budapest Article 9 (1) (a): Article 70 (c) of Law 37; Article 1 bis of Law 9; Article 8 of Law 63, arguably, due to its reference to human trafficking; and Articles 200 through 202 and 204 of Law 16, arguably. Several of the statutes seem to cover Budapest Article 9 (1) (b): Articles 70 (c) and (d) of Law 37; Article 204 of Law 16; and Article 1 bis of Law 9. Finally, several of the statutes seem to cover Budapest Article 9 (1) (c): Articles 70 (b), (c) and (d) of Law 37; Article 204 of Law 16; and Article 1 bis of Law 9. All of the arguably-applicable articles meet the standard of Budapest Article 9 (2)(a) – that is, they cover minors engaged in sexually explicit conduct. The elements of Articles 9 (2)(b) and (c) are not discussed in any of the Kuwaiti statutes, so Kuwait could utilize the available reservation.

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3 For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years. 4 Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c.	Kuwait would apparently also need to utilize the reservation relating to Articles 9 (1)(d) and (e), since procuring and possessing child pornography do not seem to be mentioned by the Kuwaiti statutes. Only Articles 200 and 201 of Law 16 specify that a minor is a person under 18 years of age. If this standard applies in general in Kuwaiti law, then the Kuwaiti statutes cited would meet Article 9 (3) of Budapest. LAW 63 Article -4- He shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not less than two thousand Dinars or by either of these two penalties every person who: 4.Every person who established a site, published, produced, prepared, arranges, sent, or stored information or data with the intention of exploitation, distribution or show others through the information network or a means of the information technology means and this would touch public ethics or ran a place for this purpose. 5.Every person who exhibited, seduced a male or a female to commit salacity and debauchery or helps him in this by using the information network or a means of the information technology means. If the act is addressed to a youth the penalty shall be imprisonment for a period not exceeding three years and a fine that is not less than three thousand Dinars and does not exceed ten thousand Dinars or by either of these two penalties. Article -8- He shall be penalized with imprisonment for a period that does not exceed seven years and a fine that is not less than ten thousand Dinars and does not exceed thirty thousand Dinars or by either of these two penalties every person who establishes a site or propagates information by using the information network or a means of the information technology means that is stipulated upon in this law, with the purpose of human trafficking, or facilitating dealing in them, promoting drugs or psychotropic substances and the similar, or to facilitate this in cases other than the legally authorized.

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	Article -11- The imprisonment penalty or the fines that is ruled shall not be less than half its maximum if the crime is accompanied by any of the following circumstances: 2. Luring minors and their similar of incompetent persons or using them. LAW 37 Article -70- B - Every person who used any means of the telecommunications means to address threatening, insulting or indecent massages or transferred contrived news intending to stir panic, shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not more than five thousand Dinars or by either of both these penalties. C - Every person who deliberately abuses and defame other by using an instrument or a means of the telecommunications means or others to photograph one photo or more, or a video clip of him without his knowledge or consent or exploits the capabilities of these instruments and extracts photos from them without his permission, or fabricates indecent pictures to other persons shall be penalized with imprisonment for a period that does not exceed two years and a fine that is not more than five thousand Dinars and not less than five hundred Dinars or with any of these two penalties. D- Every person that sends through the instruments or the telecommunications means the photos stated in the previous paragraph or any indecent photo or video clip to other persons, publishes them, deals with them through any means whatsoever, shall be penalized with imprisonment for a period that is not more than three years and a fine that does not exceed five thousand Dinars and less than five hundred Dinars or by either of these two penalties. E - If the aforementioned acts in both items C and D of this Article are accompanied with threats or blackmail, or included exploiting the photos by means for indecency or touching honor or inciting debauchery and immorality the penalty shall be imprisonment for a period that does not exceed five years and a fine that is not more than ten thousand Dinars and not less than one thousand Dinars or by either of these two penalties.

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	F - Every person who undertook or participated in the provision of telecommunications services in violation to the public order or public ethics shall be penalized with the penalties stipulated in item (B) of this Article. This is in addition to applying the rules stipulated in Article 35 of this law. In all cases it shall be ruled the confiscation of the instruments and telecommunications means and others that were used for committing the crime. It shall also be ruled to erase and destroy the photos and video clips that were obtained. LAW 9 Article -l- bis He shall be penalized with imprisonment that shall not exceed two years and a fine that shall not be over two thousand Dinars or by either of these two penalties every person who shall deliberately abuse or defame of others through the use of an instrument or a means of the telecommunications means or others to take a photo or more or video footages to him without his knowledge, or his satisfaction or he exploited the capabilities of these instruments and extracted photos from them without the permission or knowledge of their owners, or synthesized photos which are in violation of public ethics for other persons. He shall be penalized for a period that shall not exceed three years and a fine that shall not exceed three thousand Dinars, or by either of these two penalties every person who, through these instruments or means sends the photos above-mentioned in the previous paragraph or any photo or a video footage in violation to public ethics to other persons or publishes it, or handles it through any means whatsoever. He shall be penalized for a period that shall not exceed five years and a fine that shall not exceed five thousand Dinars, or by either of these two penalties if the above-mentioned acts in any of the two previous paragraphs are accompanied with violence, blackmail, or included the exploitation of the photos through any means to violate pudency or touching honors or instigating profligacy and immorality. It shall be ruled in all cases the confiscation of the instruments, the means of communications or others which were used in committing the crime.

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	LAW 16 ARTICLE -200- Any person who induces a male or female to commit the acts of lewdness and lechery, or helps him to do so by any means whatsoever, shall be penalized by incarceration for a period not exceeding one year and a fine not exceeding one thousand Rupees or either of both penalties. Should the age of the victim be less than eighteen years, the penalty shall be incarceration for a period not exceeding two years and a fine not exceeding two thousand Rupees or either of both penalties. ARTICLE -201- Any person who induces a male or a female to commit lewdness and lechery, by means of force, threats or tricks, shall be penalized by incarceration for a period not exceeding five years and a fine not exceeding five thousand Rupees or either of both penalties. Should the age of the victim be less than eighteen years, the penalty shall be incarceration for a period not exceeding seven years and a fine not exceeding seven thousand Rupees or either of both penalties. ARTICLE -202- Any person, whether male or female, who relies wholly or partially, in his living, on what another person earns from practising lewdness and lechery, by his influence or domination thereon or by inducing him to practice lewdness, whether he receives the latter's money with his consent and with nothing in return or charges it for protection or for nullity of molestation thereof, shall be penalized by incarceration for a period not exceeding two years and a fine not exceeding two thousand Rupees or either of both penalties. ARTICLE -204- Any person who -in a public place - publicly instigates practicing lewdness and lechery shall be penalized by incarceration for a period not exceeding three years and a fine not exceeding three thousand Dinars or either of both penalties.

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	The preceding penalties shall be adjudged against any person who prints, sells, distributes or displays pornographic photographs, drawings, diagrams or any other thing violating pudency. No crime shall exist, if the sayings, writings, drawings or photographs are issued in such a manner approved by science or art for the purpose of participation in the scientific or artistic progress.
Title 4 – Offences related to infringements of copyright and related rights	
Article 10 – Offences related to infringements of copyright and related rights 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system. 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system. 3 A Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the Party's international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.	
Title 5 – Ancillary liability and sanctions	

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Article 11 – Attempt and aiding or abetting 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 2 through 10 of the present Convention with intent that such offence be committed. 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, an attempt to commit any of the offences established in accordance with Articles 3 through 5, 7, 8, and 9.1.a and c. of this Convention. 3 Each Party may reserve the right not to apply, in whole or in part, paragraph 2 of this article.	The Kuwaiti statutes below show that Kuwait has a very extensive law of attempt, aiding, and abetting. Even beyond those cited below, other Kuwaiti statutes cover various forms of attempt, aiding, and abetting. They are not cited because they have a more-tenuous relation to Budapest or have a limited scope, but they might be usable to prosecute a given case. However, overall, the Kuwaiti attempt/aiding/abetting statutes would meet the elements of Article 11 of Budapest only to the extent that *other* statutes cover the substantive offenses in Articles 2 through 10 (or the more limited set of Budapest articles permitted by the reservation). LAW 16 ARTICLE -45- The attempt of a crime is the commission of an act with the intent of execution thereof, if the perpetrator could not complete the crime due to reasons to the contrary of his will; and the mere thinking of a crime or insisting to commit it shall not be deemed an attempt. The accused shall be deemed an attempter whether he completes all his activities and nevertheless could not complete the crime, or is interrupted despite his will from completing all the acts which he could have committed. Should the crime be proved impossible due to circumstances unknown to the perpetrator this shall not preclude considering the act as an attempt. ARTICLE-46- The following penalties, shall be inflicted for the attempt, unless otherwise decided by law: • Life incarceration, if the penalty of the complete crime is the execution. • Incarceration for a period not exceeding fifteen years, if the penalty of the complete crime is life incarceration. • Incarceration for a period not exceeding one half of the maximum limit of the penalty determined for the complete crime. • A fine not exceeding one half of the maximum limit of the fine determined for the complete crime. ARTICLE -47-

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	Any of the following persons shall be deemed a perpetrator of the crime: First - A person who commits, solely or with another, the act of the crime or makes any of the acts thereof. Second - A person who makes assisting acts while the crime is committed or who is present in the site of commission of the crime or nearby to overwhelm any resistance or to strengthen the criminal's will. Third - A person who instigates someone not capable for the criminal liability or someone of good faith. ARTICLE -48- Any of the following shall be deemed an accomplice in the crime before occurrence thereof: First - A person who instigates committing the act of the crime, and hence it occurred due to this instigation. Second - A person who conspires with another to commit the act of the crime, and hence it occurred due to this conspiracy. Third - A person who knowingly helps the perpetrator, by any means whatsoever, in the preparatory acts of the crime, and hence it occurred due this help. ARTICLE-50- The perpetrator shall be penalized by the penalty determined for the crime which he has committed or contributed therein; and should the perpetrators be numerous and one of them is not penalized due to incapability for liability, non-existence of the criminal intention thereof or the existence of any of the impediments of punishment; the other perpetrators, however, must be penalized according to the penalty legally determined. The penalty decided to any of the perpetrators shall not be influenced by the circumstances of another perpetrator which may change the description of the crime, if the former is not aware of these circumstances. ARTICLE -52- Any person who contributes in a crime before the occurrence thereof, shall be penalized by its penalty, unless otherwise decided by law.

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	If the perpetrator of a crime is not penalized due to any of the impediments of punishment, the accomplice nevertheless, must be penalized by the penalty legally determined. The circumstances relating to the perpetrator which necessitate the change of the description of the crime shall have no influence on the accomplice if he is not aware of such circumstances. ARTICLE -53- The accomplice in a crime before the occurrence thereof shall be penalized by the penalty determined thereto, even if it has been committed in a manner other than that originally intended, or if the crime that occurred is other than that he intended to participate in, as long as the method of execution or the crime that occurred actually is a probable result of the acts of participation committed by him. ARTICLE -54- Should the accomplice retract from participation in the crime before occurrence thereof and informs the perpetrator/s thereof before they begin the execution, no penalty shall be inflicted on him. Nevertheless, cancellation of punishment in case of participation by assistance, necessitates that the accomplice deprives the perpetrator/s from all means of assistance he had provided them therewith before beginning the execution of the crime, whether by retrieval or by making it useless in realizing the criminal purpose. ARTICLE -55- An accomplice in a crime after the occurrence thereof, shall be penalized by the penalty determined thereto, unless the crime is a felony where the penalty may not be more than incarceration for a period of five years. ARTICLE -56- Should two or more persons conspire to commit a felony or a misdemeanor and get ready therefor in such a manner that retraction thereon is unexpected, each of them shall be considered liable for a criminal conspiracy, even if the crime subject of the conspiracy has not occurred. The criminal conspiracy shall be penalized by incarceration for a period not more than five years, if the penalty of the crime subject of the conspiracy is the

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	execution or life incarceration, yet if the penalty of the crime is less than that, the penalty of the criminal conspiracy shall be incarceration for a period not more than one-third of the period of incarceration determined for the crime or a fine not exceeding one-third of the fine determined for the crime. Any person who initiates to inform the public authorities of a criminal conspiracy and of the parties thereof before the commencement of search and investigation and before the occurrence of any crime, shall be exempted from the penalty; and if such information occurs after search and investigation, it must guide actually to arrest the other conspirators.
Article 12 – Corporate liability 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on: a a power of representation of the legal person; b an authority to take decisions on behalf of the legal person; c an authority to exercise control within the legal person. 2 In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority. 3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative. 4 Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.	The Kuwaiti statutes below show that Kuwait has a broad law of corporate liability. There are two issues with this conclusion, however. First, overall, the Kuwaiti corporate liability statutes would meet the elements of Article 12 of Budapest only to the extent that other statutes cover "a criminal offence established in accordance with [Budapest]." Second, the corporate liability statutes below are drawn from laws that have a specific scope: Law 20 covers electronic transactions and numerous substantive electronic crimes; Law 37 covers telecommunications and eavesdropping; and Law 63 covers information technology crime in general. Thus the scope of corporate liability in a given prosecution may depend on which underlying substantive law is applicable. LAW 63 Article -14- Without prejudice to the personal criminal responsibility of the perpetrator, the legal representative of the juristic person shall be penalized with the same financial penalties decided for acts that are committed in violation of the rules of this law if it is proven that breaching the duties of his job participated in the occurrence of the crime with his knowledge of it. The juristic person shall be responsible for what is ruled of financial penalties or indemnities, if the crime is committed for his account or in his name or for his benefit. LAW 37 Article -83-

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	Without prejudice to the responsibility of the natural persons, the juristic person shall be criminally accountable if it commits any crime of the crimes stipulated in this law whether in its name, for its account or through use of his instruments and networks if this was the result of an act, gross damage, approval, or the connivance of one of the members of the Board of Directors, the Director, or any other responsible person or of those who act in this capacity. The juristic person shall be penalized by double the fine decided for the crime, according to the rules of this law, and this shall not prejudice the criminal responsibility of natural persons according to the rules of the law. LAW 20 Article -39- Without prejudice to the personal criminal responsibility of the perpetrator, the person responsible for the actual management of the juristic person shall be penalized with the same penalties decided for acts that are committed in violation of the rules of this law. This is if his negligence and violation of the duties which this management imposes on him contributed to the commitment of the crime with his knowledge of this. The juristic person shall be jointly responsible of what is ruled of financial penalties and indemnities if the violation was committed by one of the employees in the name of the juristic person or on its behalf.
Article 13 – Sanctions and measures 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 2 through 11 are punishable by effective, proportionate and dissuasive sanctions, which include deprivation of liberty. 2 Each Party shall ensure that legal persons held liable in accordance with Article 12 shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions or measures, including monetary sanctions.	Earlier sections of this analysis discuss and cite the Kuwaiti substantive cybercrime statutes. Many of those statutes include penalties for the specific crime involved. Those penalties are not repeated here because they would be so extensive. However, those penalties do seem to meet the Budapest Article 13 standard of being "effective, proportionate and dissuasive." Of course, Kuwaiti penalties would meet the elements of Budapest Article 13 only to the extent that Kuwaiti statutes cover the substantive offenses in Budapest Articles 2 through 11 and, by extension, Article 12. The Kuwaiti statutes below, which are not cyberspecific, show that Kuwait has a very extensive law of penalty. Even beyond those provisions cited below, Law 16 contains numerous forms of penalty. They are not cited because they are quite specialized and, because they predate Budapest by many years, they have a

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	more-tenuous relation to Budapest articles. Nevertheless, these more-general principles might be applicable to electronic crime cases. LAW 63 Article -l l- The imprisonment penalty or the fines that is ruled shall not be less than half its maximum if the crime is accompanied by any of the following circumstances: 1. The commitment of the crime through an organized gang. 2. The perpetrator occupied a public position and his perpetration of the crime was by using his authority and power. 3. Luring minors and their similar of incompetent persons or using them. 4. The issuance of previous judgments from the national or foreign courts according to the endorsed conventions convicting the perpetrator with similar crimes. Article -12- The court shall have the right to exempt from the penalty every individual from the perpetrators who proceeded to inform the competent authorities of the crime prior to their knowledge and before the commencement of the execution of the crime. If reporting was after the knowledge of the crime and prior to starting the investigation it shall be mandatory for the exemption from the crime that the reporting of the crime led to the apprehension of the rest of the perpetrators in case of their multiplicity. Article -13- It shall be permissible to judge the confiscation of the instrument, programs or means used for the commitment of any of the crimes stipulated in this law or money collected from them. It shall be permissible to judge the closure of the store or the site in which were committed any of these crimes if their commitment was undertaken with the knowledge of the owner for a period that shall not exceed one year according to cases. This shall be without prejudice to the rights of others of bona fide or the right of the harmed person for an appropriated indemnity.

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	The judgment for the closure of the store or the site shall be mandatory in case the recurrence of the commitment of any of these crimes with the knowledge of its owner. Article -16- The application of the penalties provisioned in this law shall not prejudice any severer penalties stipulated in the penal code or another law. LAW 37 Article -82- The court shall have the right to double the penalty for crimes stated in Articles from 68 to 80, in case of recurrence. LAW 20 Article -42- It shall be permissible for the public prosecution to accept the reconciliation request from the person who committed for the first time a crime of the crimes stipulated in this law. This is when the accused submits a reconciliation application to the public prosecution and pays the amount of one thousand Dinars to the treasury of the court prior to referring the case to the competent court. The acceptance of reconciliation shall entail the abatement of the penal case and all its effects. LAW 16 ARTICLE -84- Should a person commit several crimes for one purpose such that they are associated inseparably, no judgment less than the penalty decided for the most aggravated thereof shall be given, and if one act forms numerous crimes the crime which penalty is most stringent shall be considered and only this penalty shall be adjudged.

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	Should one person commit several crimes in other than the two preceding cases, the penalties adjudged on him shall be numerous. ARTICLE -85- A person who had been previously condemned by a penalty of a felony and is proved committing a felony or a misdemeanor thereafter, shall be considered recidivist. The Court may decide more than the maximum limit determined by law for the crime on the recidivist, provided that it shall not exceed twice as much of this limit. ARTICLE -86- If the accused has been condemned by a penalty of misdemeanor for the commission of a crime of robbery, swindling, dishonesty, forgery or attempt of any of these crimes and is proved committing or attempting any of the preceding crimes within five years from the date of the said judgment, the Court may condemn him by more than the maximum limit legally determined, provided that this limit shall not be exceeded by half thereof.
Section 2 – Procedural law	
Article 14 – Scope of procedural provisions 1 Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings. 2 Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to: a the criminal offences established in accordance with Articles 2 through 11 of this Convention; b other criminal offences committed by means of a computer system; and c the collection of evidence in electronic form of a criminal offence. 3 a Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such	

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a reservation to enable the broadest application of the measure referred to in Article 20. b Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system: i is being operated for the benefit of a closed group of users, and ii does not employ public communications networks and is not connected with another computer system, whether public or private, that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21	
Article 15 – Conditions and safeguards 1 Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality. 2 Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, *inter alia,* include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure. 3 To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the powers and procedures in this section upon the rights, responsibilities and legitimate interests of third parties.	
Article 16 – Expedited preservation of stored computer data	

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1 Each Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to order or similarly obtain the expeditious preservation of specified computer data, including traffic data, that has been stored by means of a computer system, in particular where there are grounds to believe that the computer data is particularly vulnerable to loss or modification. 2 Where a Party gives effect to paragraph 1 above by means of an order to a person to preserve specified stored computer data in the person's possession or control, the Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that computer data for a period of time as long as necessary, up to a maximum of ninety days, to enable the competent authorities to seek its disclosure. A Party may provide for such an order to be subsequently renewed. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige the custodian or other person who is to preserve the computer data to keep confidential the undertaking of such procedures for the period of time provided for by its domestic law. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	
Article 17 – Expedited preservation and partial disclosure of traffic data 1 Each Party shall adopt, in respect of traffic data that is to be preserved under Article 16, such legislative and other measures as may be necessary to: a ensure that such expeditious preservation of traffic data is available regardless of whether one or more service providers were involved in the transmission of that communication; and b ensure the expeditious disclosure to the Party's competent authority, or a person designated by that authority, of a sufficient amount of traffic data to enable the Party to identify the service providers and the path through which the communication was transmitted. 2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	

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Article 18 – Production order 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order: a a person in its territory to submit specified computer data in that person's possession or control, which is stored in a computer system or a computer-data storage medium; and b a service provider offering its services in the territory of the Party to submit subscriber information relating to such services in that service provider's possession or control. 2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15. 3 For the purpose of this article, the term "subscriber information" means any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established: a the type of communication service used, the technical provisions taken thereto and the period of service; b the subscriber's identity, postal or geographic address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement; c any other information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.	
Article 19 – Search and seizure of stored computer data 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to search or similarly access: a a computer system or part of it and computer data stored therein; and b a computer-data storage medium in which computer data may be stored in its territory. 2 Each Party shall adopt such legislative and other measures as may be necessary to ensure that where its authorities search or similarly access a specific computer system or part of it, pursuant to paragraph 1.a, and have	.

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grounds to believe that the data sought is stored in another computer system or part of it in its territory, and such data is lawfully accessible from or available to the initial system, the authorities shall be able to expeditiously extend the search or similar accessing to the other system. 3 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure computer data accessed according to paragraphs 1 or 2. These measures shall include the power to: a seize or similarly secure a computer system or part of it or a computer-data storage medium; b make and retain a copy of those computer data; c maintain the integrity of the relevant stored computer data; d render inaccessible or remove those computer data in the accessed computer system. 4 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who has knowledge about the functioning of the computer system or measures applied to protect the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the measures referred to in paragraphs 1 and 2. 5 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	
Article 20 – Real-time collection of traffic data 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to: a collect or record through the application of technical means on the territory of that Party, and b compel a service provider, within its existing technical capability: i to collect or record through the application of technical means on the territory of that Party; or ii to co-operate and assist the competent authorities in the collection or recording of, traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system.	Kuwaiti laws do not appear to meet the elements of Article 20 of Budapest, even if Kuwait claimed the reservation available under Budapest Article 20 (2). Although the statute below empowers the government to collect traffic data in real time, it does not address the power to compel a service provider to do the same. LAW 37 Article -51- The private telephone calls and telecommunications shall be considered of confidential issues which sanctity may not be violated. It shall not be subject to surveillance by any means whatsoever except after obtaining the authorization from the competent judicial authority.

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2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified communications transmitted in its territory, through the application of technical means on that territory. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	The public prosecution may, if the interest of the investigation of a crime necessitates the issuance the order to track the source of the waves. It shall be permissible to it to obtain the assistance to specialized persons from the authority to undertake this job, provided that it shall be under its supervision. The investigator may assign policemen to listen to that source and to record it to transfer the wordings to him. The order shall have to include a clear specification of the wave intended to track its source and that this issue shall not continue for more than it is necessary for the investigation.
Article 21 – Interception of content data 1 Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to: a collect or record through the application of technical means on the territory of that Party, and b compel a service provider, within its existing technical capability: i to collect or record through the application of technical means on the territory of that Party, or ii to co-operate and assist the competent authorities in the collection or recording of, content data, in real-time, of specified communications in its territory transmitted by means of a computer system. 2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory through the application of technical means on that territory. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	Kuwaiti laws do not appear to meet the elements of Article 21 of Budapest, even if Kuwait claimed the reservation available under Budapest Article 21 (2). Although the statutes below empower the government to intercept content, they do not address the power to compel a service provider to collect or record content data. LAW 37 Article - 46- It is prohibited to deal with all kinds of eavesdropping devices. It is also prohibited to sell them or offer them for sale and it shall not be permissible for other than the competent official parties, that are determined by a decree, to possess eavesdropping devices of all kinds. In addition, it shall not be permissible that any of these parties use them without prior permission from the Public Prosecution and this is in cases and in accordance with the procedures and rules set forth in the Kuwaiti law for criminal procedures and trials. Article -51- The private telephone calls and telecommunications shall be considered of confidential issues which sanctity may not be violated. It shall not be subject to surveillance by any means whatsoever except after obtaining the authorization from the competent judicial authority. The public prosecution may, if the interest of the investigation of a crime necessitates the issuance the order to track the source of the waves. It shall be

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	permissible to it to obtain the assistance to specialized persons from the authority to undertake this job, provided that it shall be under its supervision. The investigator may assign policemen to listen to that source and to record it to transfer the wordings to him. The order shall have to include a clear specification of the wave intended to track its source and that this issue shall not continue for more than it is necessary for the investigation.
Section 3 – Jurisdiction	
Article 22 – Jurisdiction 1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed: a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft registered under the laws of that Party; or d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State. 2 Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1.b through 1.d of this article or any part thereof. 3 Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition. 4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.	Kuwaiti laws do not meet all the elements of Article 22 of Budapest. Articles 11 and 12 of Law 16 appear to meet the requirements of Budapest Articles 22 (1) (a) and the part of (d) that covers offences that are committed by Kuwaiti nationals and that are punishable under criminal law where committed. (It is possible that Article 11 could be construed under Kuwaiti law to cover the remaining part of Budapest Article 22 (1) (d) – that is, offences committed outside the territorial jurisdiction of any State.) Kuwait could take the reservation available under Budapest Article 22 (2) with regard to Budapest Articles 22 (1) (b), (c), and some or all of (d). However, none of the statutes reviewed contained any reference to extradition that would satisfy Budapest Article 22(3). LAW 16 ARTICLE -11- Provisions of this Law shall apply on any person who commits in Kuwait territory and appurtenant thereof, any of the crimes mentioned therein. Likewise, they shall apply on any person who commits outside Kuwait territory, an act that makes him an original doer or an accomplice of a crime which wholly or partially occurs in Kuwait territory. ARTICLE -12- Provisions of this Law shall also apply on any Kuwaiti citizen, who commits outside Kuwait an act which is penalized according to the provisions of this Law

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	and the provisions of the applicable law of the place wherein this act is committed, if upon his return to Kuwait, he is not adjudged innocent from the offense imputed thereto by foreign Courts. ARTICLE -13- In all cases the penal action shall not be brought against the perpetrator of a crime abroad if it is proved that foreign Courts has finally adjudged him guilty and the penalty is inflicted against him.
Chapter III – International co-operation	
Article 24 – Extradition 1 a This article applies to extradition between Parties for the criminal offences established in accordance with Articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty. b Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply. 2 The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them. 3 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph 1 of this article. 4 Parties that do not make extradition conditional on the existence of a treaty shall recognise the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves.	

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5 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition. 6 If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party. 7 a Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty. b The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure	
Article 25 – General principles relating to mutual assistance 1 The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. 2 Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in Articles 27 through 35. 3 Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or e-mail, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where	

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required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication. 4 Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse co-operation. The requested Party shall not exercise the right to refuse mutual assistance in relation to the offences referred to in Articles 2 through 11 solely on the ground that the request concerns an offence which it considers a fiscal offence. 5 Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.	
Article 26 – Spontaneous information 1 A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter. 2 Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.	
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	

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1 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof. 2 a Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution. b The central authorities shall communicate directly with each other; c Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph; d The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times. 3 Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party. 4 The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or b it considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests. 5 The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities. 6 Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary. 7 The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also	

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inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly. 8 The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed. 9 a In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party. b Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol). c Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so. d Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party. e Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.	
Article 28 – Confidentiality and limitation on use 1 When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.	

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2 The requested Party may make the supply of information or material in response to a request dependent on the condition that it is: a kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition, or b not used for investigations or proceedings other than those stated in the request. 3 If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it. 4 Any Party that supplies information or material subject to a condition referred to in paragraph 2 may require the other Party to explain, in relation to that condition, the use made of such information or material.	
Article 29 – Expedited preservation of stored computer data 1 A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data. 2 A request for preservation made under paragraph 1 shall specify: a the authority seeking the preservation; b the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts; c the stored computer data to be preserved and its relationship to the offence; d any available information identifying the custodian of the stored computer data or the location of the computer system; e the necessity of the preservation; and f that the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data. 3 Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation.	

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4 A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled. 5 In addition, a request for preservation may only be refused if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests. 6 Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed. 4 Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.	
Article 30 – Expedited disclosure of preserved traffic data 1 Where, in the course of the execution of a request made pursuant to Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was involved in the transmission of the communication, the requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted. 2 Disclosure of traffic data under paragraph 1 may only be withheld if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence; or	

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b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.	
Article 31 – Mutual assistance regarding accessing of stored computer data 1 A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29. 2 The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in Article 23, and in accordance with other relevant provisions of this chapter. 3 The request shall be responded to on an expedited basis where: a there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or b the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited co-operation.	
Article 32 – Trans-border access to stored computer data with consent or where publicly available A Party may, without the authorisation of another Party: a access publicly available (open source) stored computer data, regardless of where the data is located geographically; or b access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.	
Article 33 – Mutual assistance in the real-time collection of traffic data 1 The Parties shall provide mutual assistance to each other in the real-time collection of traffic data associated with specified communications in their territory transmitted by means of a computer system. Subject to the provisions of paragraph 2, this assistance shall be governed by the conditions and procedures provided for under domestic law. 2 Each Party shall provide such assistance at least with respect to criminal offences for which real-time collection of traffic data would be available in a similar domestic case.	

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Article 34 – Mutual assistance regarding the interception of content data The Parties shall provide mutual assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted under their applicable treaties and domestic laws.	
Article 35 – 24/7 Network 1 Each Party shall designate a point of contact available on a twenty-four hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures: a the provision of technical advice; b the preservation of data pursuant to Articles 29 and 30; c the collection of evidence, the provision of legal information, and locating of suspects. 2 a A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis. b If the point of contact designated by a Party is not part of that Party's authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to co-ordinate with such authority or authorities on an expedited basis. 3 Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.	
Article 42 – Reservations By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservation(s) provided for in Article 4, paragraph 2, Article	

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6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.	

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