

Cybercrime Legislation in Dominican Republic

The Dominican Republic had its first hacking/defacing investigation in June 2003. It was considered our first cybercrime case.

It was a very successful investigation with a very unsuccessful prosecution. It never saw the inside of a courtroom. The judge didn't even look at the case file. We didn't have legislation in place that criminalized hacking or defacing a web site.

We tried using other laws, such as the intellectual property rights, but were unsuccessful.

We then realized we needed a special legislation, having never heard of cybercrime before, except for Hollywood movies.

Right after that case we were invited to a joint CICTE/REMJA OAS event in Buenos Aires. That's when we first heard of the Budapest Convention.

From there we attended several REMJA events in different countries, relating to drafting cybercrime legislation. We gathered and studied laws from 8 different countries and did our homework. Asked each one of them what they considered good and bad about their laws, learning from other's mistakes. Then, with that reference we drafted our law using the CoE's convention framework.

It took us one year to draft the law, and two more years to get it approved by congress. Finally, on April 23rd 2007 we had our law 53-07 Against High-Tech Crimes.

During the first year of using the law we felt the pressing need for effective international cooperation. We had started attending the Octopus Conferences in 2007. So we decided to accede to the convention as a way to get multi-lateral MLAT's for effective international cooperation.

We deposited the letter requesting the CoE to be invited to accede the convention in April 2008 (in the 2008 Octopus Conference). The CoE carried out the consultation process, and in November 20 2008 we received the letter inviting the Dominican Republic to accede the convention.

In the next legislation our President sent the instrument for congress approval, but we got delayed by a 9-month constitution modification process in congress. After they were done with that they had tons of projects on cue.

Early this year we finally got the Senate to work with the accession/ratification. It is now approved by the Senate, and in commission for approval in the Chamber of Representatives.

Three to four weeks from today we will have acceded to and ratified the Cybercrime Convention!!!