

Cybercrime legislation in the Republic of Azerbaijan

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Main Directions of Reforms in ICT sector in Azerbaijan

- Development of the society according to modern requirements, improvement of state governance and the transparency provision, establishment of national information resources, development of knowledge economy, achievement of wide implementation of new technologies in all branches, protection of information security and information freedom, enlargement of integration into the global e-world.

Joining European Convention on Cybercrime

- Minister of Communications and Information Technologies of the Republic of Azerbaijan on 30.06.2008 has signed a document on Azerbaijan's joining Council of Europe's Convention on Cybercrime

Ministry of Communications and Information Technologies:

Decree of the President of the Republic of Azerbaijan on Approval of Regulation about the Ministry of Communications and Information Technologies of the Republic of Azerbaijan dated 10 August 2004

Formulates and implements state policy
Conducts state regulation;

Secures the legal normative regulation and development of communications and information technologies;

Coordinates the activities of other government agencies in the areas of communications (telecommunication, post) and information technologies in the Republic of Azerbaijan;

Responsible for rendering qualitative and reliable communication services in whole country.

MCIT: Functions

- participates in development of the drafts of legal normative acts in the field of communications and information technologies;
- prepares and approves legal normative acts and field standards regarding the issues under the scope of the Ministry;
- makes proposals on accession of the Republic of Azerbaijan to international conventions and agreements related with the field of communications and information technologies, as provided by the legislation.

MCIT: functions and rights

- supervises in fulfilling the protection of confidentiality regime and security measures of communication objects within its scope in a manner defined by legislation;
- determines the requirements related to the information security in the corporative communication network within its scope;
- participates in preparation and improvement of legal framework for transition into information society;
- participates in preparation and improvement of legal framework for transition into information society.

MCIT: rights

- to cooperate with state bodies and legal entities of foreign countries about the issues under its authority through implementing international cooperation in manner defined by legislation, to prepare the drafts of international agreements (contracts), to sign international agreements (contracts);
- to attract and involve scientific research and education centers, companies, experts in a manner defined by the legislation for study and solution of the issues under the discretion of the Ministry, conducting scientific research and expertise-engineering works, conducting technical studies and advisory services;

MCIT: rights

- to supervise technical exploitation performance, in a manner defined by the legislation within its scope, in the communications and information technologies enterprises regardless the form of business organization and organizational-legal form, including execution of legal normative acts and area standards over the issues under its authority ;
- to implement other rights considered in legislation

Computer (Cyber) Crimes Enforceable legislation

Crimes which target computers or which are committed by using computers are considered to be computer crimes.

- Larceny of computer equipment;
- Piracy;
- Hacking;
- Program viruses;
- Computer fraud.

Legal Normative acts

- "National ICT Strategy for development of the Republic of Azerbaijan" (2003-2012). Approved by the Decree of the President of the Republic of Azerbaijan dated 17 February 2003
- Order N 1055 of the President of the Republic of Azerbaijan dated 21 October 2005 "On approval of State Program (E-Azerbaijan) on the development of information and communication technologies in the Republic of Azerbaijan for 2005-2008 years"
- "Law on e-signature and e-document" adopted in 2004
- "Law on Telecommunication" adopted in August 2006
- "Law on E-commerce" adopted in 2005
- Criminal Code of the Republic of Azerbaijan (enforced on 1st of September 2000);
- Law on Information, Informatization and Protection of Information (came into force on 3rd of April 1998 (Art. 3.4. 16);
- Patent Law ;
- Law on State Secret;
- Law on Copyright and Related Rights.

Legal Normative acts on cyber security

- Law On National Security dated 29 June 2004 (art. 6.6;7.9);
- Law on protection of Information collections dated 14 September 2004 (Art. 1.0.11; 13).

Legal normative acts

- Decree of the President of the Republic of Azerbaijan N 172 dated 29 December 2004 On ensuring measures on cyber security in governmental bodies.

Chapter 30 of the Criminal Code Crimes in the field of computer information

- > **Article 271:** Unauthorized access to computer information;
- > **Article 272:** Production, use and spread of detrimental electronic computer programs ;
- > **Article 273:** Violation of electronic computer, system or network operating rules.

Definitions

- **Information:** data on persons, items, facts, events and processes in any form (Law on Information, Informatization and Protection of Information.);
- **Computer information:** information saved on computers which could be transferred through telecommunication channels.

Article 271: Unauthorized access to computer information

- **271.1** - Unauthorized access to legally protected computer information in the electronic computers, their systems or networks or on the machine carriers resulted in erasing, blocking or copying computer information, disturbing the work of electronic computers, their systems or networks;
- is punished with fine from five hundred to one thousand manats or refinery works up to one year or imprisonment up to one year.

Article 271: Unauthorized access to computer information

Article 271.2

The same action carried out by

- a group of persons in prior agreement or
 - a person abusing his official position and having equally an access to electronic computers, their systems or networks
 - caused damages in large scale
- is punished with fine from 1000 to 2000 manats or refinery works up to two years or imprisonment within up to three years.

Article 272: Production, use and spread of detrimental electronic computer programs

272.1 - Production of electronic computer programs or introduction of changes into current programs resulted in erasing, blocking, modifying or copying information, disturbing the work of electronic computers, their systems or networks and use or spread of these programs are punished from 500 to 1000 manats and imprisonment up to 2 years;

272.2 - The same actions entailed serious consequences through imprudence are punished with imprisonment within the term from two to five years.

Article 273. Violation of electronic computer, system or network operating rules

- 273.1** Violation of electronic computer, system or network operating rules on the part of a person having an access to electronic computers, their systems or networks resulted in erasing, blocking or modifying law protested information and caused a considerable damage is punished;
- with denial of particular position or activity privileges within up to three years, obligatory works within the term from 160 to 200 hours or freedom limitation within up to two years.

Article 273. Violation of electronic computer, system or network operating rules

273.2 - The same action entailed serious consequences through imprudence is punished with refinery works up to 2 years , or imprisonment up to three years.

Other related articles of Criminal Code of the Republic of Azerbaijan

- Violation of secrecy of correspondence, telephone calls, telegraph and other information- art.155;
- Personal privacy – art. 156 ;
- Violation of copyrights and neighboring rights – art.165;
- Violation of invention and patent rights - art.166.

Code on Administrative Violations

- **Article 181- Violation of rules of application of information reserves;**
- **Article 182-Violation of rules of information protection.**

Article 181- Violation of rules of application of information reserves

- **Violation of rules of application of information reserves-entails imposition on natural persons penalty in amount 5-15, official persons 40-50 and legal persons 90-130 manats.**

Article 182 - Violation of rules of information protection

- **182.1-** Violation of envisaged by license rules of execution of activity in the area of information protection-entails imposition on natural persons penalty in amount 10-15, officials 30-40 and legal persons 70-100 manats.

Article 182 - Violation of rules of information protection

- **182.2** - Application of non certified information system, base and data bank and means of data protection, which are subjected by legislation to certification, entails imposition on natural persons penalty in amount 10-15, official persons 40-50 and legal persons 150-200 manats.

Thank you for attention!

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