



Review of the Legislative Initiative in the Arab Region to Combat Cyber Crime: Qatar as an example

Judge Dr. Ehab Elsonbaty
Cyber Crime expert
ehabelsonbaty@hotmail.com





Context and content

- Starting foundation:
- Cyber Crime is serious.
- Cyber crime is not a traditional crime.
- Cyber crime is an evolving crime.
- Cyber crime is a transnational crime.
- National and regional Examples:
- Example of national law to combat cyber crime – Qatar – Egypt.
- Example of regional model law and guidelines – ITU / Arab league.



Preventing and Combating



- “preventing” and “combating” needs much more beyond legal domain.
- Strategy;
- Strong national coordination and liaison;
- Awareness;
- Public sector commitment;
- Private sector initiatives and cooperation etc; and
- Commitment and involvement in international cooperation.



outside the box - legislation



- Typically the cybercrime legislation should provide for
 - (a) cautious definitions;
 - (b) dragging the existing criminal law framework up to date and adequate to the nature of cyber crimes;
 - (c) responsibilities of service providers; and
 - (d) International cooperation.
- **Further more it can be the source of inspiration for other entities.**
- Draw the framework, and set the seen.
- Identifying the roles, and defining responsibilities & accountabilities.
- Warming up the “lazy” entities, guiding them, and if needed holding them accountable.



Technology vs Law

- The ability of the legislations of many states to govern computer activities properly is under question thanks to the rapid development of technology which cause new problems on a speed regular bases.
- We should not – while legislating for computers - bother by detailed technological issues,
- But rather a main frame which enables the law to adopt the best technology exists in the field in order to apply its provisions properly.



New Legislation in Qatar



- No. 14 / 2014.
- The Mandate.
- Implicitly delete articles 370 – 387 of the Penal Code.
- Compliance in 6 month, renewable.
- Five Chapters.
- First chapter: definitions.
- Cyber crime: any act includes the use of ICT OR NETWORKS OR INTERNET in illegal way breaching the law.



Chapter 2

Criminalization



- Sabotage.
- Content.
- Fraud and forgery.
- Electronic cards.
- IPR crimes.



Chapter 3

Procedures: Evidences and Investigations



- search of any premise and seizure of any evidence with a warrant, if there is reasonable cause to believe that an offence under the Law has been committed.
- Service providers:
 - Provide information and data as legally requested.
 - Blocking as legally requested.
 - Retain Info of subscriber for 1 year.
 - preservation order: Traffic data, content, ICT data for 90 days renewable.
- Government entities, affiliated entities, foundations and companies:
- Maintain strong cyber security.
- Reporting and provide support.
- Retaining ICT and subscribers information for 120 days.



Chapter 4

International Cooperation



- General rules.
- Mutual legal assistance.
- Extradition.
- General Principles for International Cooperation
- Extradition.
- General Principles of Mutual Assistance.
- Procedures Pertaining to Mutual Assistance Requests in the Absence of Applicable International Agreements.
- Mutual Assistance Regarding Provisional Measures.



Chapter 5 - General rules 1



- Severer penalties prevails.
- Any other crime committed by the Internet, computer networks or IT tools.
- Breach confidentiality.
- Gross negligence – commit or facilitation of commission.



Chapter 5 - General rules 2



- Service providers.
- Juridical persons.
- Help, support, agree, conspire.
- Attempt.
- Duplicate, public servant.
- Confiscation.
- Exemptions for the informer.



Recommendations



- **Do it right !**

1- Comprehensive national framework and strategy to combat cyber crime.

2- Non traditional & Ambitious legislation:

a- definitions, criminalization, procedures, responsibilities of public sector, responsibilities of service providers, and international cooperation.

b- set the seen and lay down the foundations for the full strategy.

3- International instrument.

4- International central authority.





THANK YOU

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