

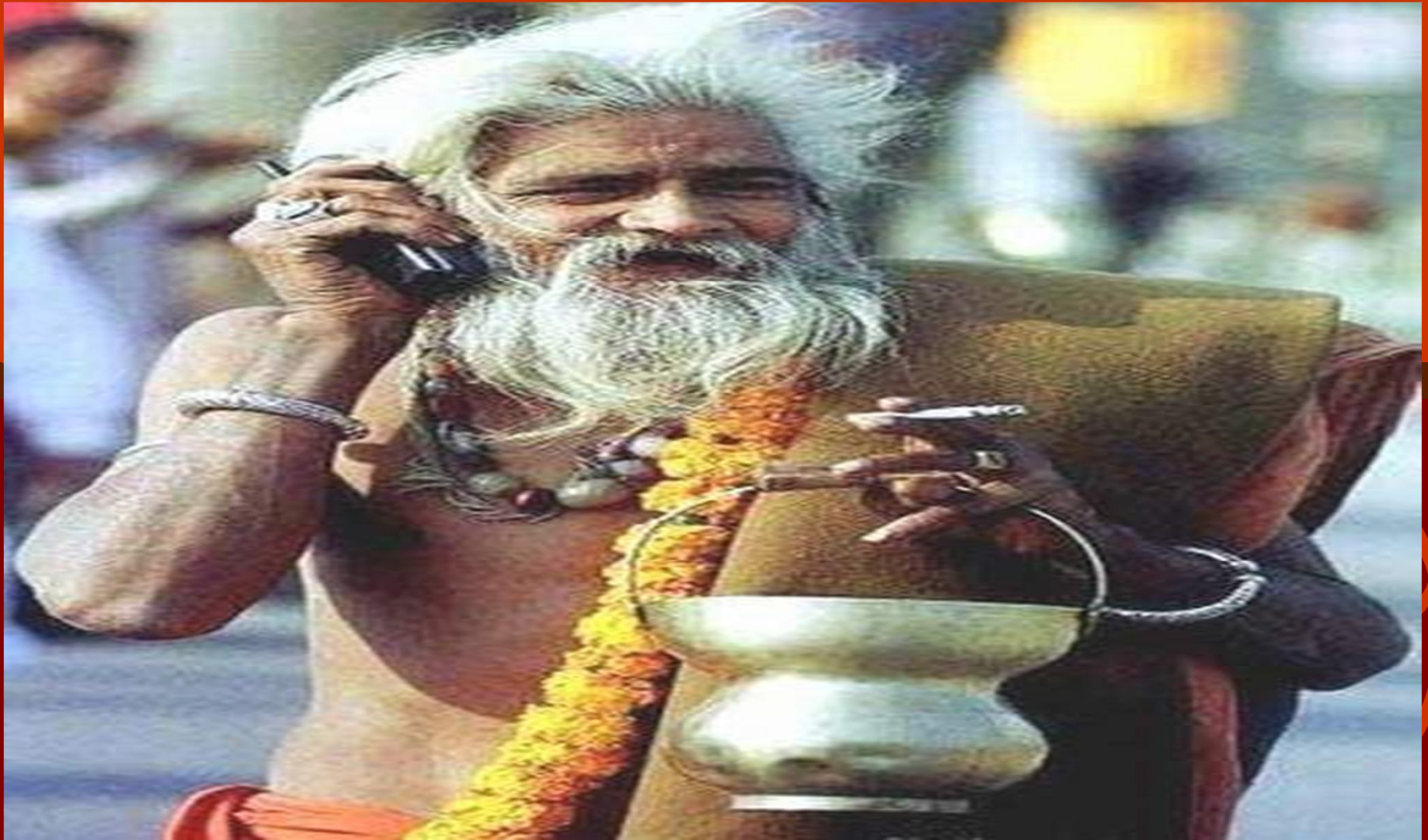


Legal Framework to Combat Cyber Crimes in the Region: Qatar as a Model

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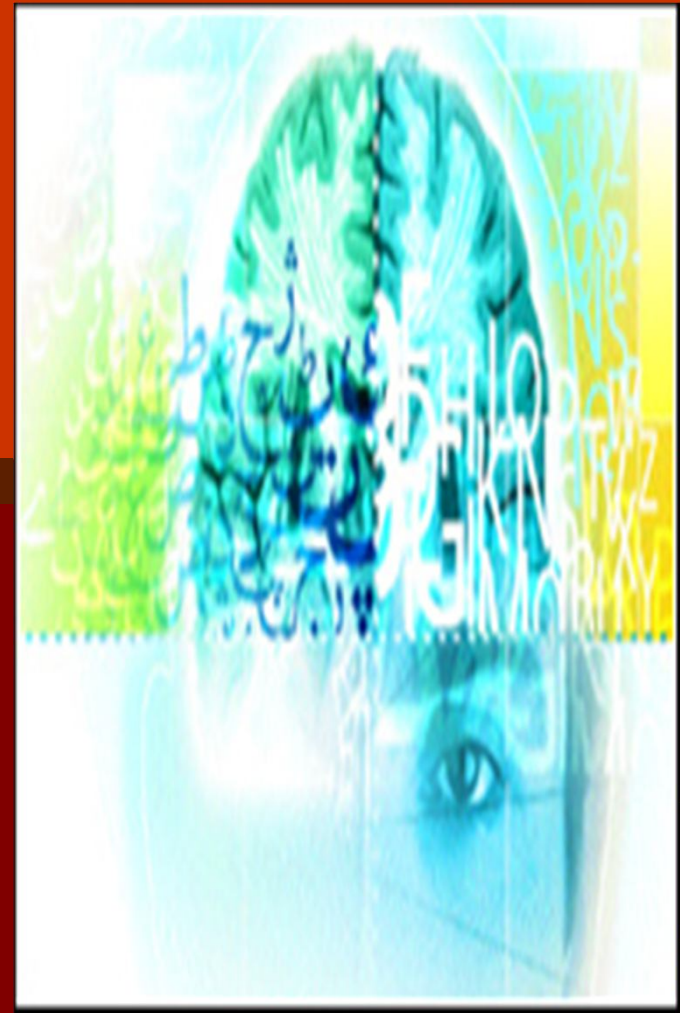


Why should we care about
CYBER CRIME & CYBER SECURITY?

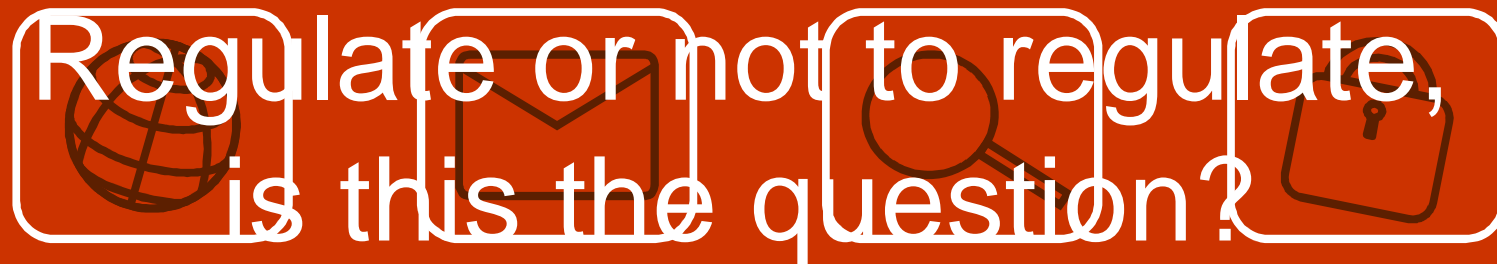


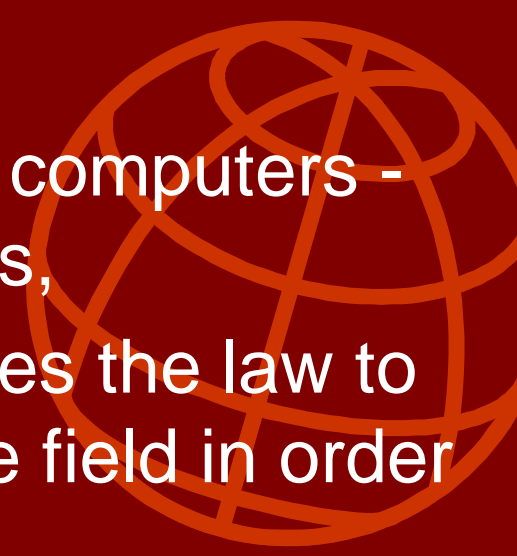
Clarification of definitions

- Cyber Crime.
- Internet Crime.
- Computer Crime.
- Hi-tech Crime.
- Information Technology Crime
- OVER, ON, THROUGH, WITH computers, mobiles and Internet.



Regulate or not to regulate, is this the question?



- 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.
 - The interaction problems between technicians and lawyers.
 - 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.
- 



Types of threats



– Computers may be a tool (instrument)/fraud or incidental to an offence, but still significant for law enforcement purposes /saved data or subject (target) to crimes?





Classical crimes! 1



–A-Computer related crimes:

- Theft and Fraud.
- Industrial espionage.
- Facilitation of prostitution.
- Forgery.
- Terrorism.





Classical crimes! 2

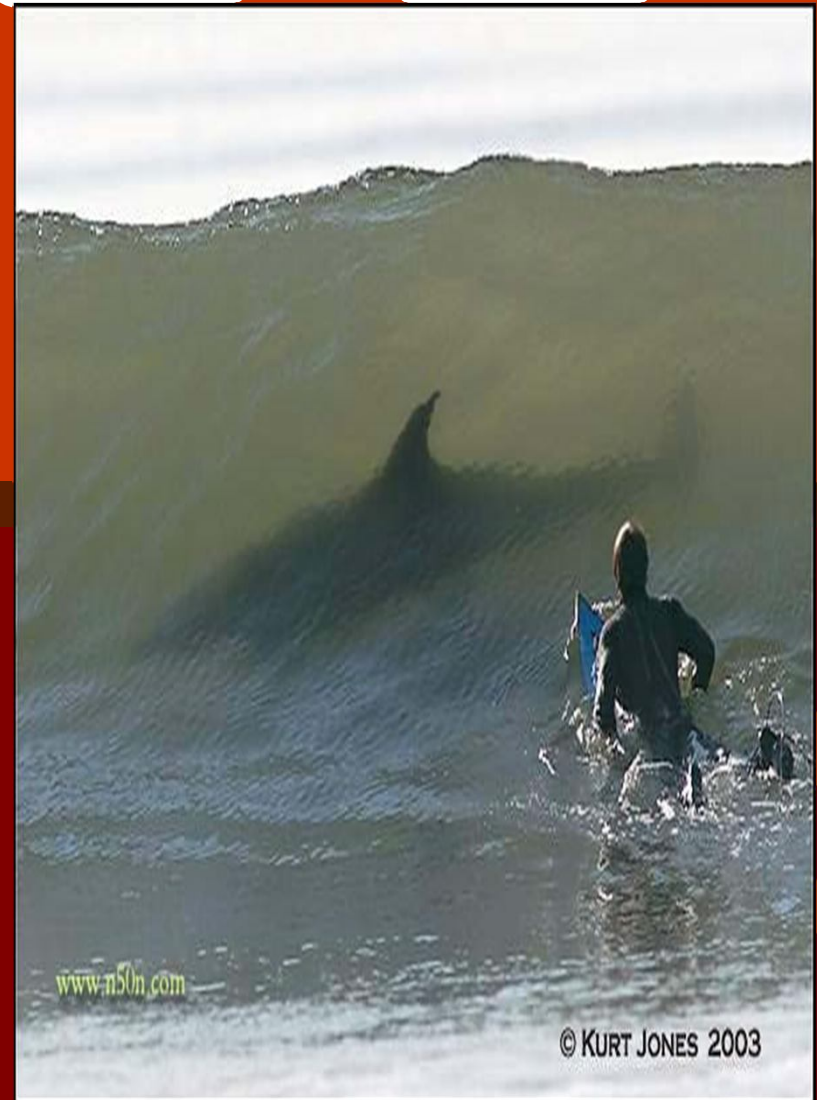
- B- Content related crimes:
- The information and the data which are processed by computers are most of the times much more valuable than the hardware itself.
- Copy rights.
- Child abuse online.
- Stalking,
- Harassment,
- Hate Speech.
- Offences against Morality.





Classical crimes! 3

- Our existing legal systems can accommodate this type of computer related crime in many cases.
- It would better that some articles in the penal code be modified in order to make this accommodation process nice and easy for all the interested parties such as law enforcement bodies and judges.

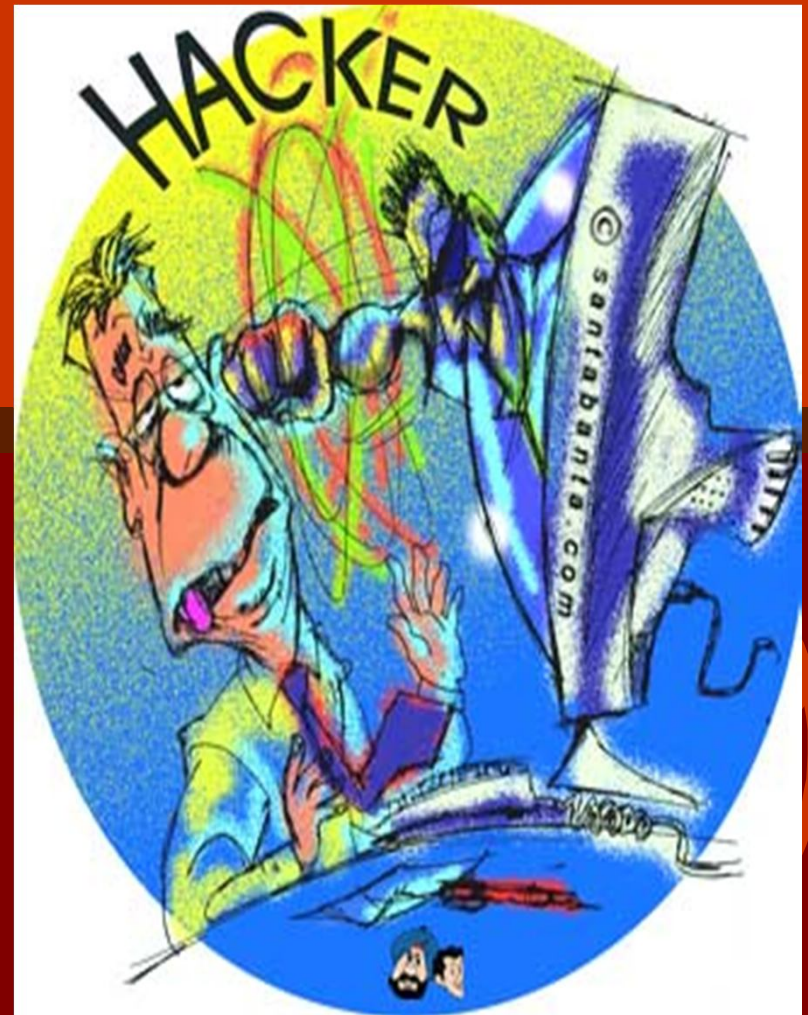




C- Sabotage crimes 1



- This type of cyber crimes covers the crimes which affect the
 - security, integrity, confidentiality, reliability and availability of computer systems.

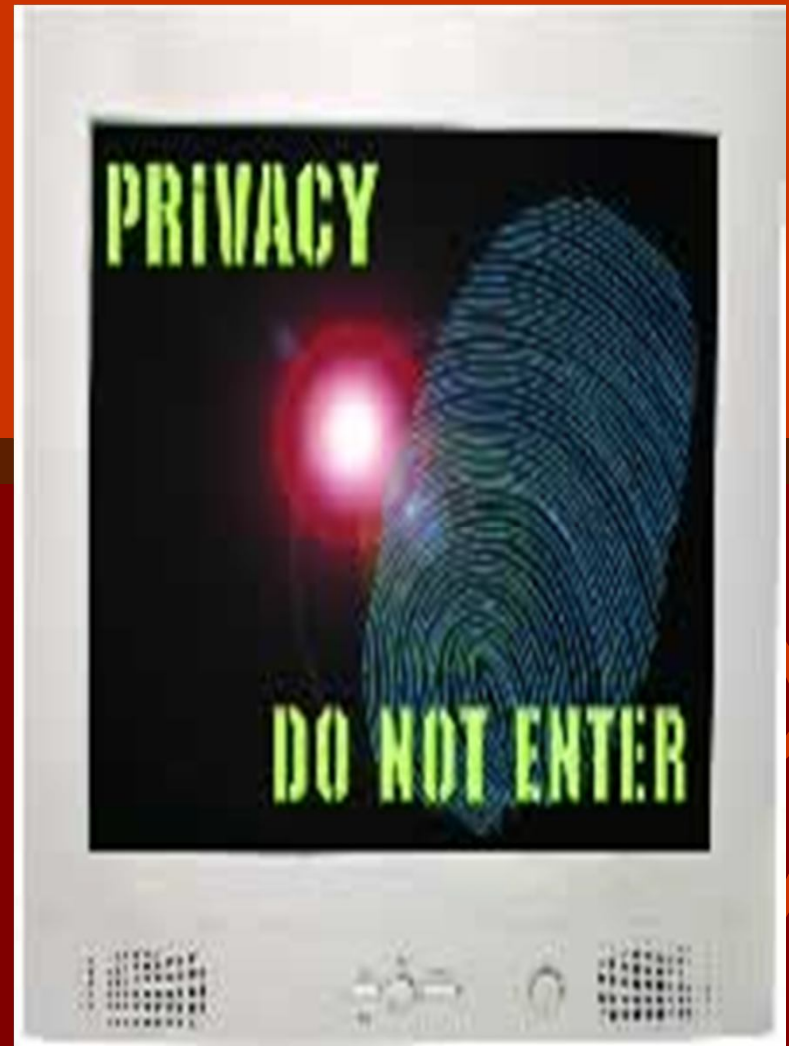




C- Sabotage crimes 2



- Unauthorised access to computer systems:
- Unauthorized access:
- Unauthorized access with out committing crimes.
- Unauthorized access with the intention to commit another crime:
- Copy – send.
- Unauthorized modification.
- Delete.
- DOS.
- Compromise.
- Improve?





C- Sabotage crimes 3



- In this type of crimes,
- A legislation is needed.
- For a very simple reason, that they did not exist before, and therefore they are not covered yet by the current laws.
- Egypt draft law for cyber security.



Procedural laws



- 1- Substantive and procedural rules
- 2- How to do?
- 3- legitimacy and admissibility: Evidence law must allow for the admission of evidence at trial.
- 4- Prosecutors do not need to be computer forensic experts, Do need to be able to translate technical issues into ordinary language.
- 5- Search warrants.
- 6- Content stored at ISPs.
- 7- Capture source and destination information.
- 8- Interception of the content of communication.



gathering electronic evidence



A- Officers trained in computer forensics

- Know how to gather evidence without altering it
 - Example: computer in truck of police car
- Know what to look for
 - Example: encryption passwords

B- Officers trained in computer networks

- How to obtain email and other stored content
 - Example: child pornography servers
- How to locate a suspect
 - Example: Lowes bombing

C- Commitment from the highest levels for ongoing resources

D- Centralized forensic facilities

- Example: Regional Computer Forensics Laboratories in the U.S.

C- Training for “first responders”



Challenges for procedures and law enforcements! 1

- It is very volatile, easily unintentionally altered without obvious trace, and it is highly novel, creating problems not only of explanation but also of forensic testing.
- Computer forensics is a reasonably well-established subject area, but unlike most forms of forensic science many of its techniques have not been around long enough to have been properly tested by peer-reviewed publication.



Challenges for procedures and law enforcements! 2

- Needs not only a law to draw the procedures to be followed in computer crime but also to develop sort of Quality Assurance protocols that are used in more established areas of forensic science.



Challenges for procedures and law enforcements! 3

- A simple way of procedural regulation may be an article,
- Which provides for the search of any premise and seizure of any evidence with a warrant, if there is reasonable cause to believe that an offence under the Act has been committed.



Challenges for procedures and law enforcements! 4

- Legitimizing the activities of the various units that investigate and prosecute computer crime.
- This should cover:
 - new means of scrutinising activity on the internet,
 - use new and advanced techniques to recover data from seized computers and data media,
 - and seek to infer actions and intent on the part of defendants by interpreting the way in which a computer may have been set up and, over a period, used.



Challenges for procedures and law enforcements! 5



- **Cyber cafes:**
- Situation in Egypt.
- Example from Italy.
- **WIFI:**
- Coffee shops.
- Companies.
- Houses.



Challenges for procedures and law enforcements! 6

- Ensure that the police force has the required resources and expertise to handle the investigations.
- Training for police officers should cover all the related area of forensic issues of computer crime such as searching, seizing, recording, intercepting...etc.



Challenges for procedures and law enforcements! 7

- Prosecutors should be trained to carry the proof of electronic evidence to the court and stand strongly behind them.
- Trained about the limits they should give their warrants within, in a way that assure a flexibility of movement for the police and maintain the basic human rights of the accused.
- Judges and legislators!



Challenges for procedures and law enforcements! 8

- Training between the theory and the practise.
- Who should design the training?
- How may the training be conducted?
- The crucial partnership with the private sector?
Investments- tools
High expectations of the judiciary?



French
agents
make the
arrest

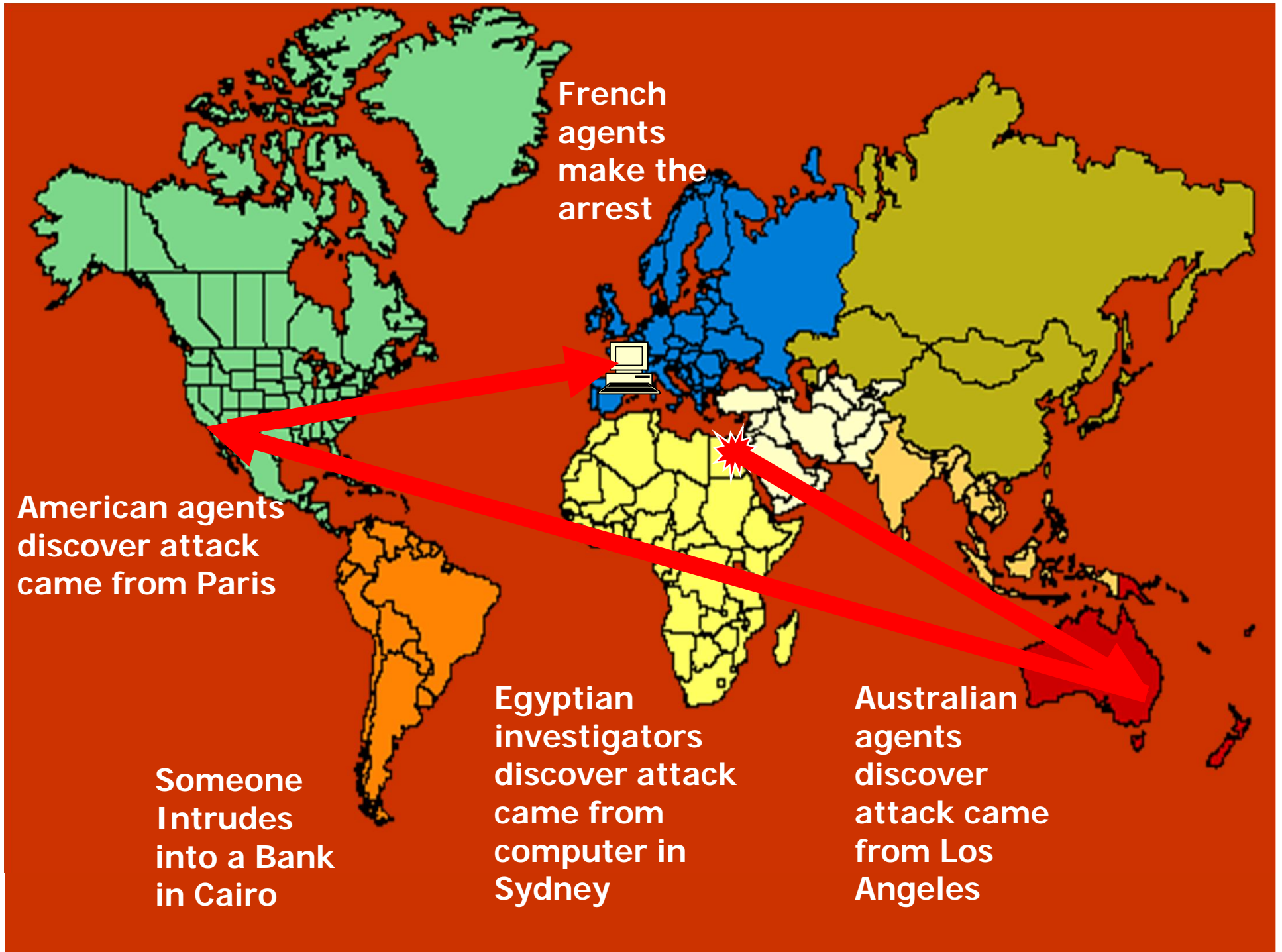


American agents
discover attack
came from Paris

Someone
Intrudes
into a Bank
in Cairo

Egyptian
investigators
discover attack
came from
computer in
Sydney

Australian
agents
discover
attack came
from Los
Angeles



Issues to be covered by Procedural Law



- Computer and Internet Investigations (Computer Forensics)
- Safeguards
- Expedited Preservation and Disclosure of Stored Computer Data (Quick Freeze)
- Data Retention
- Search and Seizure
- Production Order
- Real Time Collection of Data
- Collection of Traffic Data
- Interception of Content Data
- Regulation Regarding Encryption Technology
- Remote Forensic Software
- Authorization Requirement



Issues to be covered with regard to International Cooperation



- 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
- Trans-border Access to Stored Computer Data
- 24/7 Network of Contacts
- International Cooperation in the Stanford Draft Convention



Issues to be covered with regard to

Liability of Internet Providers



- Liability of Access Provider
- Liability for Caching
- Liability of Hosting Provider
- Exclusion of the Obligation to Monitor
- Liability for Hyperlinks
- Liability of Search Engines



Training and developing countries



- In order to capture and preserve important evidence left by offenders it is essential for law enforcement authorities to have the training and technical expertise to retrieve evidence consistent with domestic and international court requirements.
- Training must be made available to law enforcement, judicial and prosecutorial officials to help them understand how to conduct forensic analysis of computer hard drives and other devices.
- This training must be constantly updated to keep up with ever-changing technology and give them hands-on experience.
- There are many software suites which provide the tools to carry out read only examinations of seized media and training is often included in the purchase price of the suite.
- Expensive and beyond the reach of developing countries.
- Training from within the law enforcement and private security industry may be available with proper funding.
- Many companies in the private sector have the technology and the expertise to assist.



New draft in Qatar



- The status of cyber space in Qatar.
- The legal framework.
- How was the draft prepared.
- Status of the draft.
- Issuing law.
- The law itself.



New phase



- 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 NETWORK 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.
- Service providers.
 - Provide as legally requested.
 - Info of subscriber for 1 year.
 - Traffic data, content for 90 days.
- Government entities.



Chapter 4



- International Cooperation.
- General rules.
- Mutual legal assistance.
- Extradition.



Chapter 5 - General rules 1



- Other criminalization.
- Any other crime committed by the Internet, computer networks or IT tools.
- Breach confidentiality.
- Gross negligence – commit or facilitation of commission.
- Service provider.
- Juridical person.



Chapter 5 - General rules 2



- Help, support, agree.
- Attempt.
- Duplicate, public servant.
- Confiscation.
- Benefit for the informer.





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