

MEETINGS OF MINISTERS OF JUSTICE OR
OTHER MINISTERS OR ATTORNEYS GENERAL
OF THE AMERICAS

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Eighth Meeting of the Working Group on Cyber-crime

**PREPARATORY QUESTIONNAIRE
FOR THE EIGHTH MEETING OF THE WORKING GROUP ON CYBER-CRIME**

INTRODUCTION

The object of this questionnaire is to collect useful information for the purposes of the Eighth Meeting of the Working Group on Cyber-Crime, which will take place in early 2014, with regard to the recommendations that have been put forward at previous meetings and that been adopted in the framework of the process of Meetings of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA), which are in accordance therewith.

To that end, the questionnaire is divided into five thematic areas: (I) Legislation; (II) International Cooperation; (III) Specialized Units and National Efforts; (IV) Results of Cyber-Crime Investigations and Prosecutions; and (V) Training.

Bearing the foregoing in mind, kindly submit the response of your State to this questionnaire by e-mail (LegalCooperation@oas.org) or fax (+ (202) 458-3598) to the OAS General Secretariat (Department of Legal Cooperation, Secretariat for Legal Affairs) by **Tuesday, December 10, 2013.**

Please use any extra space that might be required for each response, or attach additional pages, as necessary.

I. LEGISLATION

A. SUBSTANTIVE LEGISLATION:

1.1. Has your country criminalized the following types of cyber-crime?

- | | |
|--|------------------|
| a) Illegal access | Yes () No (/) |
| b) Illegal interception | Yes (/) No () |
| c) Data interference | Yes () No (/) |
| d) System interference | Yes () No (/) |
| e) Misuse of devices | Yes () No (/) |
| f) Computer-related forgery | Yes () No (/) |
| g) Computer-related fraud | Yes () No (/) |
| h) Child pornography | Yes (/) No () |
| i) Offences related to infringements of copyright and related rights | Yes () No (/) |
| j) Other offences (please list): _____ | Yes () No () |

If you answered yes to any of the foregoing, please list and enclose a copy, preferably electronic, of those laws:

Section three(3) of the Interception of Communications Act No. 21 of 2008: illegal interception section 350 of the criminal Law (Offences) Act, Cap 8:01: Child

Pornography.

1.2. Has your country implemented legislation which:

- a) Criminalizes the attempted commission of any of the above-noted types of cyber-crime? **Yes** (/) **No** ()

If so, please list and enclose a copy, preferably electronic, of those laws: **Section 20 of the Summary Jurisdiction (Offences) Act, Cap. 8:02.**

- b) Criminalizes aiding and abetting in the commission of any of the above-noted types of cyber-crime? **Yes** (/) **No** ()

If so, please list and enclose a copy, preferably electronic, of those laws: **Section 19 of the Summary Jurisdiction (Offences) Act, Cap. 8:02.**

- c) Contemplates the possibility of corporate responsibility for cyber-crimes, i.e., legislation wherein legal persons can be held responsible for criminal offenses related to cyber-crime? **Yes** () **No** (/)

If so, please list and enclose a copy, preferably electronic, of those laws:

B. PROCEDURAL LEGISLATION:

- 1.3. If your country does not have a cyber-crime law that criminalizes any of the above conduct, are there currently any efforts to enact such laws: **Yes** (/) **No** ()

If so, please describe those efforts: **The Attorney General (AG's) Chambers is currently drafting cyber-crime legislation.**

- 1.4. Does the legislation of your country allow criminal investigators to compel Internet Service Providers to preserve electronic evidence without the need for a court order?

Yes () **No** (/)

If so, kindly provide a brief description of the provisions and/or other measures in place in that regard, together with a copy, preferably electronic, thereof: _____

1.5. Has your country adopted legislation or other necessary measures whereby its competent authorities can:

a) Seize, confiscate, or attach computer systems or computer-data storage media? **Yes (/) No ()**

b) Copy and keep the computer data accessed? **Yes (/) No ()**

If so, kindly provide a brief description of the provisions and/or other measures in place together with a copy, preferably electronic, thereof:

Section 16(2) of the Interception of Communications Act No.21 of 2008. Sections 10 and 29 of the Mutual Assistance in Criminal Matters Act No. 38 of 2009 allows for assistance with seizing ‘thing’ defined as “document, liquid, substance or matter.”

II. INTERNATIONAL COOPERATION

2.1. Has your country joined the G8 24/7 High Tech Crime Network? **Yes () No (/)**

If not, has your country taken any steps to join it? **Yes () No () Do Not Know (/)**

If so, please describe those steps:

2.2. Do the laws of your country allow for the processing of requests for mutual assistance from other states for the purpose of obtaining evidence in electronic form?

Yes (/) No () Do Not Know ()

If so, kindly provide a brief description of the provisions and/or other measures in place in that regard, together with a copy, preferably electronic, thereof: **Section 26(1) of the Mutual Assistance in Criminal Matters Act No. 38 of 2009 allows for requests for assistance from Guyana with obtaining evidence including the production, copying or examination of a document which is defined as, inter alia, anything on which there is writing, or which sounds or visual images are capable of being reproduced.**

- 2.3. Has your government presented or received requests for mutual assistance for the investigation or prosecution of cyber-crimes or for the purpose of obtaining evidence in electronic form and taking other steps necessary to facilitate the investigation or prosecution of cyber-crimes? Yes () No (/) Do Not Know ()

If so, please indicate the number of requests presented and/or received and the status of those requests: _____

III. SPECIALIZED UNITS & NATIONAL EFFORTS

- 3.1. Is there a specialized unit or agency in your country specifically charged with the **investigation** of cyber-crimes? (police authority) Yes () No (/)

If so, please supply the following information:

- Name of the unit or agency: _____
- Institution to which it reports: _____
- Internet address of the unit or agency: _____
- Contact information:
 - o Name of contact: _____
 - o Address: _____
 - o Telephone(s): _____ Fax: _____
 - o E-mail address: _____

- 3.2. Is there a specialized unit or agency in your country specifically assigned the responsibility of **prosecuting** cyber-crimes? Yes () No (/)

If so, please supply the following information:

- Name of the unit or agency: _____
- Institution to which it reports: _____
- Internet address of the unit or agency: _____
- Contact information:
 - o Name of contact: _____
 - o Address: _____
 - o Telephone(s): _____ Fax: _____
 - o E-mail address: _____

- 3.3. Has your country established any Internet pages to provide citizens with information on how to avoid falling prey to cybercrimes and on how to detect and report such crimes to competent authorities when they do occur?

Yes () No (/)

If so, kindly provide the respective Internet address/es of the page/s, as well as a brief description of the website/s: _____

- 3.4. Has your country implemented any probity or awareness-raising programs on the dangers of cyber-crime, or produced manuals or guides to orient and alert the public on the dangers of cyber-crime and how to avoid becoming a victim thereof:

Yes () **No** (/)

If so, kindly provide a brief description of those programs, manuals, or guides:

IV. RESULTS OF CYBERCRIME INVESTIGATIONS AND PROSECUTIONS

- 4.1. Please indicate the number of **investigations** that your country has carried out with respect to each of the following cyber-crime offenses or conduct, from January, 2012 to the present:

- | | |
|---|---------------------------------|
| a) Illegal access | Number of investigations: _____ |
| b) Illegal interception | Number of investigations: _____ |
| c) Data interference | Number of investigations: _____ |
| d) System interference | Number of investigations: _____ |
| e) Misuse of devices | Number of investigations: _____ |
| f) Computer-related forgery | Number of investigations: _____ |
| g) Computer-related fraud | Number of investigations: _____ |
| h) Child pornography | Number of investigations: _____ |
| i) Offences related to infringements
of copyright and related rights | Number of investigations: _____ |

- 4.2. If your country has criminalized any of the cyber-crime offenses referred to in question 1.1, above, please indicate the number of **prosecutions** that your country has carried out with respect to each of the corresponding cyber-crime offenses, from January, 2012 to the present, as well as the number of cases that resulted in a **conviction**:

- | | | |
|---|-------------------------|-------------------|
| a) Illegal access | Cases prosecuted: _____ | Convictions _____ |
| b) Illegal interception | Cases prosecuted: _____ | Convictions _____ |
| c) Data interference | Cases prosecuted: _____ | Convictions _____ |
| d) System interference | Cases prosecuted: _____ | Convictions _____ |
| e) Misuse of devices | Cases prosecuted: _____ | Convictions _____ |
| f) Computer-related forgery | Cases prosecuted: _____ | Convictions _____ |
| g) Computer-related fraud | Cases prosecuted: _____ | Convictions _____ |
| h) Child pornography | Cases prosecuted: _____ | Convictions _____ |
| i) Offences related to infringements
of copyright and related rights | Cases prosecuted: _____ | Convictions _____ |

- 4.3. Have you encountered any difficulties with respect to the investigation and/or prosecution of the above offenses? Yes () No ()

If so, please provide a detailed and specific description of the type of difficulties that have been encountered: **Not** **Applicable**

- 4.4. Are there any areas related to the fight against cyber-crime in which your country could benefit from technical cooperation provided by other Member States? **Yes** (/) **No** ()

If so, please provide a detailed and specific description of the type of technical cooperation that would be of benefit to your country:

Law Enforcement Capacity Building.

V. TRAINING

- 5.1. Does your country provide training to law enforcement personnel on cyber-crimes and the collection of electronic evidence? **Yes** () **No** ()

If so, please provide a brief description on the type of training and number of personnel trained: _____

- 5.2. Does your country provide training to prosecutors on cyber-crimes and the collection of electronic evidence? **Yes** (/) **No** ()

If so, please provide a brief description on the type of training and number of personnel trained:

Under the Justice Sector Reform Programme, in anticipation of the enactment of the cyber-crime law, prosecutors were trained.

- 5.3. Does your country provide training to judges on cyber-crimes and the collection of electronic evidence? **Yes** () **No** ()

If so, please provide a brief description on the type of training and number of personnel trained: _____

INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please provide the following information:

(a) State: GEORGETOWN GUYANA

(b) The official to be consulted regarding the responses to the questionnaire is:

MRS: SHALIMAR ALI-HACK

Title/position: **DIRECTOR OF PUBLIC PROSECUTIONS (DPP)**

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