

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

OEA/Ser.K/XXXIV
CIBER-VI/doc.3/09
17 November 2009
Original: English

Sixth Meeting of the Working Group on Cyber-Crime
January 21 and 22, 2010
Washington, D.C.

PREPARATORY QUESTIONNAIRE
OF THE SIXTH MEETING OF THE WORKING GROUP ON CYBER-CRIME

INTRODUCTION

The object of this questionnaire is to collect useful information for the purposes of the Sixth Meeting of the Working Group on Cyber-Crime, with regard to the recommendations that have been put forward at previous meetings and 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 four thematic areas: (1) Legislation; (2) Specialized Units and Bodies; (3) International Cooperation; and (4) 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 December 10, 2009.

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

I. LEGISLATION

1.1. Has your country adopted laws to prevent, investigate, and punish cyber-crime? Yes ()
No (X)

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

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

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

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

If your country has criminalized any of the above conduct, briefly mention the results that have been obtained in that regard, such as judicial proceedings undertaken and their outcome: The above mentioned provision has been approved on 14 July 2009 by parliament, so there are no judicial proceedings undertaken yet.

If your country has not criminalized any of the above conduct, please mention what steps, if any, it has taken to do so: The penal code has been amended and is already approved by the cabinet of ministers in Suriname. The next step should be approval by parliament. Above mentioned after-cure offences are incorporated in the draft penal code.

Has your country adopted substantive or procedural legislation or other necessary measures to enable it to obtain and preserve evidence in electronic form of any criminal offence? Yes () No (X)

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:

12. Has your country adopted substantive or procedural legislation or other necessary measures to enable the admissibility in criminal investigations and proceedings of evidence in electronic form? Yes () No (X)

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:

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

a) Order a person in its territory to provide information in their possession or control, which is stored in a computer system or a computer-data medium? Yes () No (X)

b) Order a service provider (e.g. an ISP) offering its services in its territory to release subscriber information in its possession or control relating to such services? Yes (X) 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: According to the Law on TELECOMMUNICABLE PROVISIONS (Wet Telecommunicatievoorzieningen S.B. 2004 no. 151)

the attorney-general and the president of the Republic of Suriname are the competent authorities.

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

- a) Seize, confiscate, or attach computer systems or computer-data storage media? Yes () No (X)
- b) Copy and keep the computer data accessed? Yes () No (X)
- c) Maintain the integrity of the stored computer data? Yes () No (X)
- d) Render inaccessible or remove the data in the accessed system? Yes () No (X)

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

Has your country adopted substantive or procedural legislation or other necessary measures whereby its competent authorities can obtain and intercept traffic and content data of specified communications transmitted in its territory via computer systems? Yes () No (X)

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:

II. SPECIALIZED UNITS

2.1. Has your country established specialized units or agencies specifically charged with the investigation and prosecution of computer crimes? Yes () No (X)

If so, please supply the following information:

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

2.2. Has your country established specialized units or agencies specifically charged with the prosecution of computer crimes? Yes () No (X)

If so, please supply the following information:

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

2.3. What measures has your country adopted to strengthen relations between the authorities responsible for the investigation and prosecution of cyber-crime and the private sector, especially companies that provide information and communication technology services, in particular Internet services? NONE

III. INTERNATIONAL COOPERATION

3.1. Has your country acceded to the Council of Europe Convention on Cybercrime? Yes () No

If not, has your country considered application of the principles contained in that Convention? Yes No ()

If so, please describe what that consideration has entailed: a merging of the penal code

3.2. 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

If so, please describe those steps: _____

Has your country adopted laws or other measures that enable processing of requests for mutual assistance from other states which, in conformity with their domestic laws, have the power to investigate or prosecute computer crimes? 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: _____

3.3. Has your country adopted laws or other measures that enable processing of requests for mutual assistance from other states for the purpose of obtaining evidence in electronic form and taking other steps necessary to facilitate the investigation or prosecution of computer crimes? 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: _____

3.4. Has your government presented or received requests for mutual assistance for the investigation or prosecution of computer crimes or for the purpose of obtaining evidence in electronic form and taking other steps necessary to facilitate the investigation or prosecution of computer crimes? Yes () No (X)

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

IV. TRAINING

4.1. Does your country provide training to law enforcement personnel on computer crimes and the collection of electronic evidence? Yes () No (X)

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

4.2. Does your country provide training prosecutors on computer crimes and the collection of electronic evidence? Yes () No (X)

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

4.3. Regarding your country's efforts to provide training on investigating and prosecuting crimes involving computers and the Internet, please describe your country's goals for the next two years and the necessary conditions to achieve those goals: The necessity of procedural legislation, setting up a specialised unit for investigation means and becoming a party to the cyber-crime convention.

4.4. Has your country sent officials to workshops presented by the Working Group on Cyber-crime? Yes (X) No ()

If so, please provide a brief description of who has participated in these workshops, whether the workshops have provided useful training, and how the participants have applied this training in their work: Mr. R. SITKIEWICZ, MINISTRY OF JUSTICE AND POLICE, legislation department. Attended workshop on cyber-crime legislation included 13-15 may 2007. Provided training was helpful in the process of drafting the penal code.

4.5. Please provide recommendations on the most important topics related to computer crime and electronic evidence that should be incorporated into Working Group workshops for the next two years: For countries which do not have sufficient legislation on cyber-crime matters there should be special programmes on updating their legislation. Also more attention is required on investigative techniques and jurisdiction issues.

4.6. Within the mandates of the REMJA, please provide recommendations on how the Working Group on Cyber-crime can best assist your country in developing or enhancing its ability to address crimes involving computers and the Internet: provide training for government officials; if possible financial aid is also welcome for setting up a specialized unit

INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please provide the following information:

(a) State: PARAMARIBO, SURINAME
 (b) The official to be consulted regarding the responses to the questionnaire is:
 (X) Mr.: RANDHIR HYBIENDRA SITBLOIN
 () Ms.: _____
 Title/position: JUNIOR LEGISLATIVE LAWYER
 Agency/office: MINISTRY OF JUSTICE AND POLICE, department of legislation.
 Address: HENCK BRON STR. NO. 3
 Telephone number: 473841 EXT. 221 MOBILE: 085 20182
 Fax number: 471961
 E-mail address: RANDRO@hotmail.com.

MP00523B01