

# HIPSSA Project

Support for Harmonization of the ICT Policies  
in Sub-Sahara Africa

**ITU/HIPSSA Technical Assistance on  
Cybercrime Law for the Republic of Rwanda,  
Kigali 11<sup>th</sup>-12<sup>th</sup> July 2013**

## **Draft Computer Crime and Cybercrime Bill**

Presenter: *Beata Mukangabo*, ITU/HIPSSA National Expert  
on cybercrime



# OVERVIEW

Existing Cyber security Legal frameworks

Objective of Computer and cybercrime laws

Summary of Cybercrime Model Law

Comparison of Cybercrime Model Law versus Penal Code

Cybercrime Model Law Vs Criminal Procedural Law

Cybercrime Model Law Vs E-transaction Law



# Existing legal framework

- Constitution (Fundamental principles)
- Organic Law instituting the Penal Code
- Law on electronic transaction, electronic message and electronic signature
- Law on telecommunications
- Criminal procedural Law
- ICT Bill



To provide a legal framework for the criminalisation of computer and network related offences.

To criminalize certain illegal content in line with regional and international best practices

**Objectives Computer crime and cybercrime legislative framework**

To provide the necessary specific procedural instruments for the investigation of such offences

To define the liability of service providers.



# Cybercrime Model Law Vs national legal framework



## Cybercrime Model Law

A stand alone law covering all cybercrime related issue (offences, procedural law and Liability)  
Common law legal drafting style  
Detailed definition of key terms used



## Rwandan cybercrime legal framework

Civil law legal drafting style  
No stand alone Cybercrime law  
Cyber and computer related Offences in Penal Code  
Different criminal procedural law  
Liability of service providers in e-transaction law and ICT Bill



# Overview of Cybercrime Model Law

Part I: Preliminary (Short title, long title and definitions)

Part II: Offences (comprises seventeen computer and network-related specific offences)

Part III: Jurisdiction (the jurisdictional confines of the offences )

Part IV: Electronic Evidence (its admissibility in Legal proceedings)

Part V: Procedural Law (pre-trial criminal procedure)



Substantive Criminal Law	CYBERCRIME MODEL LAW	RWANDAN PENAL CODE	Transposition into National Law
Illegal Access to a Computer	✓	✓	Amendment
Illegal Remaining in a Computer	✓	✓	Amendment
System Interference	✓	✓	Amendment
Illegal Interception	✓	✓	Amendment
Illegal Acquisition of Comp. Data	✓	✓	Amendment
Illegal Data Interference	✓	✓	Amendment
Data Espionage	✓		New provision
Illegal Devices / Misuse of Devices	✓	✓	Amendment
Computer-related Fraud	✓	✓	Amendment
Computer-related Forgery	✓		New provision



Substantive Criminal Law	CYBERCRIME MODEL LAW	RWANDAN PENAL CODE	Comment
Pornography	✓	✓	Amendment
Child Pornography	✓	✓	Amendment
Dissemination of Racistic Material	✓		New provision
Identity-related Crime	✓		New provision
SPAM	✓		-
Threat and Harassment	✓		New provision
Disclosure of an Investigation	✓		New provision
Failure to permit assistance	✓	✓	-
Harassment	✓		New provision





# Cybercrime Model law vs Penal Procedural Law

Procedural Law	HIPPSA Procedural Law	National penal procedural law	Comments
Search and Seizure	✓		Amendment
Assistance	✓		Amendment
Production Order	✓		New provision
Expedited preservation	✓		New provision
Partial Disclosure of traffic data	✓		New provision
Collection of traffic data	✓		New provision
Interception of content data	✓		New provision
Forensic Tool	✓		New provision



# Cybercrime Model Law vs E-Transaction Law & ICT Bill

Law on Liability	HIPPSA Model	Rwandan Law	Comment
No Monitoring Obligation	✓		-
Access Provider	✓		-
Hosting Provider	✓		-
Caching Provider	✓		-
Hyperlinks Provider	✓		-
Engine Provider	✓		-



# Conclusion and Way forward

Review of national laws cybercrime and procedural law and proposed amendments in line with international best practices

Having a special comprehensive chapter/section on cybercrime in penal code and a special section on cybercrime investigation in penal procedural law

Development of Cybercrime Investigation Skills

Intensive awareness of the public on cybercrime related issues



Thank you for your kind attention

Beata Mukangabo, ITU National Expert

E-mail: [mukangabo@rura.gov.rw](mailto:mukangabo@rura.gov.rw);

[mukbeata@yahoo.fr](mailto:mukbeata@yahoo.fr)

**Union Internationale des Télécommunications**  
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