

Comments on the Comprehensive
Study on Cybercrime
Feb.-2013

With reference to the above mentioned study prepared for the open-ended intergovernmental expert group on cybercrime and in response to the letter dated 25th of February 2016 from the Sudanese Embassy in Vienna asking about our Comments, we are pleased to give the following :-

- (1) The traditional laws does not address digital evidence and computer data as acceptable and concrete evidence in courts of law.
- (2) Harmonization of Cybercrime laws internationally is essential in elimination of the cybercrime and facilitate data collection across the world.
- (3) The importance of the international cooperation in combating cybercrime as this type of crime has no geographical boundaries, and its effect is widely spread and can not easily be controlled.

The international cooperation could be done through the regional and international organizations, as well as the cooperation between the countries concerned for the purpose of achieving a good practice in law enforcement, and fill in the gaps in the different legal systems.

- (4) Regarding electronic evidence, the experience of Sudan collection and evaluation of electronic evidence can not be described as advanced as it should be. This means that the law enforcement authorities i.e. police, prosecution and judges do require technical assistance, capacity building and specialized knowledge and orientation concerning cybercrime .

- (5) With respect to jurisdiction, criminal responsibility in Sudanese laws is based on the principle of territoriality of laws, which means that any act performed outside the borders of Sudan is not deemed a crime unless it has been criminalized under Sudanese laws, and its effect extended to the Sudanese boundaries.**

In that respect, harmonization of laws is highly perceived to overcome the lack of cooperation between the different applicable laws and legal systems within the interrelated states.

- (6) Regarding Criminalization, we note that, there are some areas that are not identified as cybercrime, although they were criminalized under the traditional criminal law, i.e. racism. Therefore, if it has been committed through the internet, the electronic evidence is not yet widely recognized as an evidence before Sudanese courts.**

In relation to the freedom of expression, the incitement to hatred or humiliation of religious groups and their practices are considered as offences under Sudanese laws with a penalty not exceeding two years of imprisonment and/or fine .