

# Responding to Transnational Organized Cybercrime in East Asia and the Pacific

-Towards AsiaJust

ITU Regional Cyber security Forum for Asia-Pacific Hyderabad, India
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# What has changed?

- 1990s digital revolution happens cyberspace emerges
  - Lower barriers to trade and investment
  - Boost illicit trade as well by Transnational Organized Cybercrime

"<u>Five Wars in Cyberspace</u>" – dirty money(fraud), drugs, arms (terrorism), human trafficking, intellectual property(pirate)

- Development of TOC Network
  - Decentralized + adaptable
  - <u>Multiple, loosely linked cells end of "command-and-control" (end of the cartel model)</u>
  - Inherently stateless

# What has changed?

- Progress of TOC activities
  - No clear line between "good guys" and "bad guys"
     (cf. VB: arms, blood diamonds + frozen fish, cut flowers)
  - "Multi-stranded": Separate stronghold from market place (cf. Internet Gambling Organization)
  - "Multiple revenue streams": Specialize in profitable transactions – not commodities/products

# Result

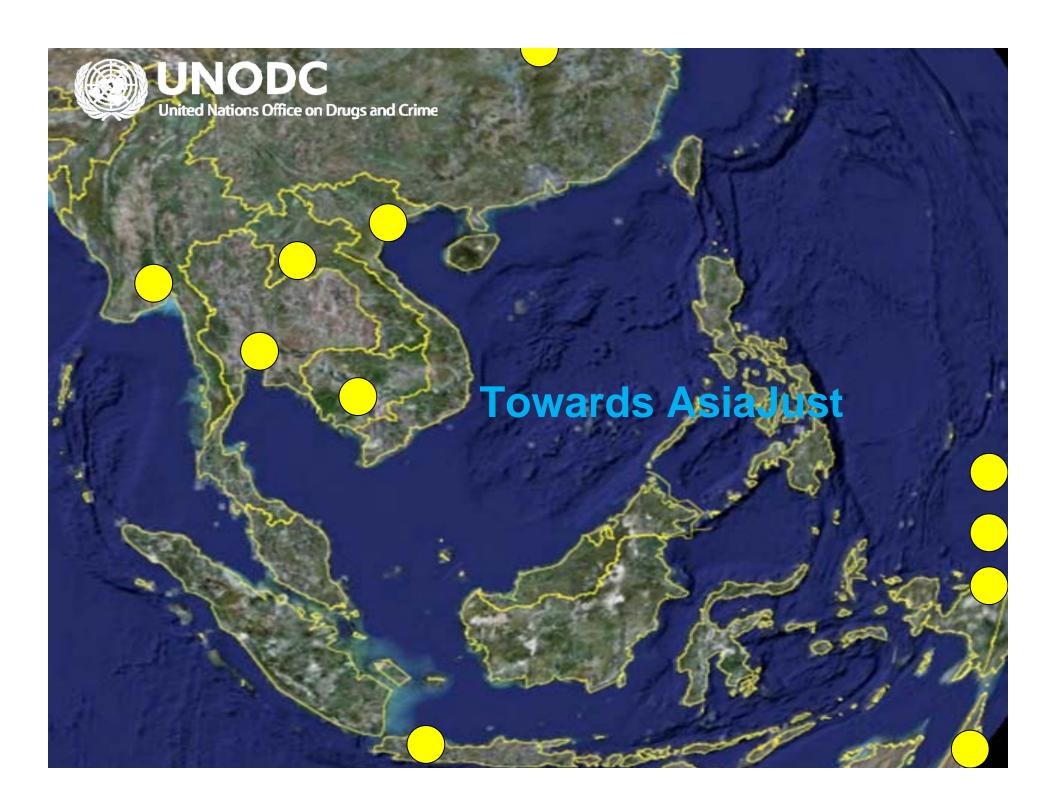
- Undermine governance hard to control TOC beyond jurisdiction
- Easier approach, harder identify
- No domino effect from top-down or bottom-up approach
- Response is therefore easily deferred or overlooked

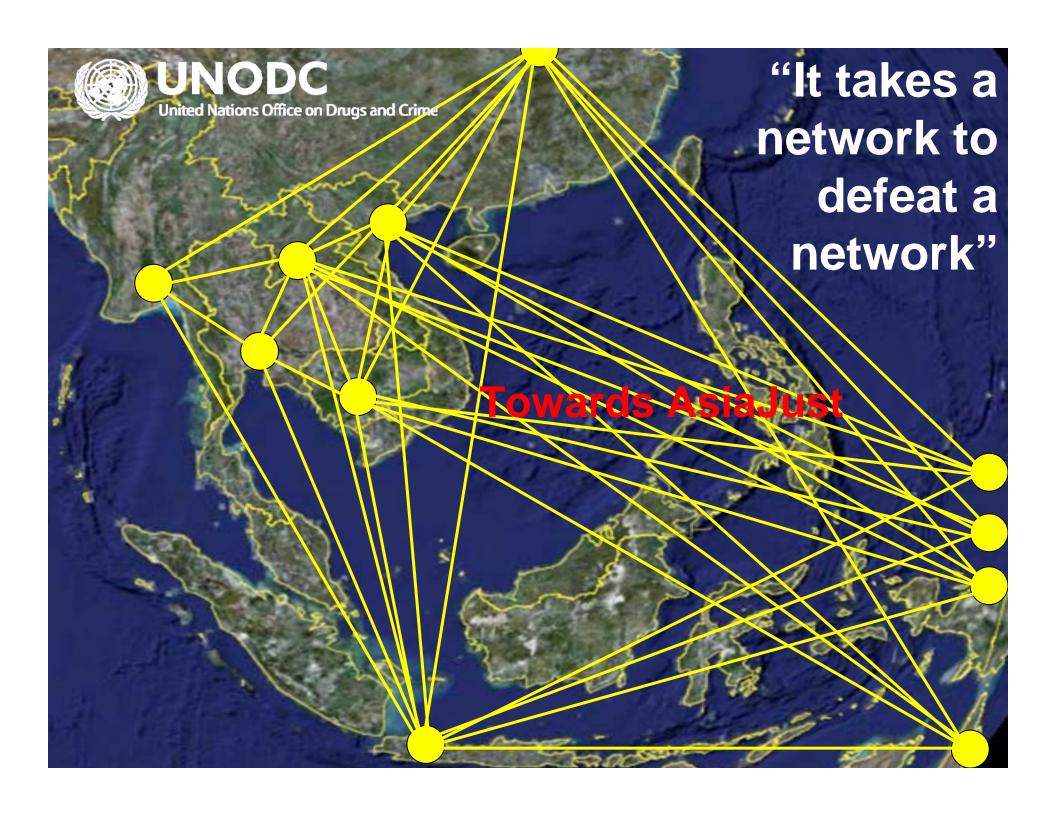
# Why we should be worried about the region

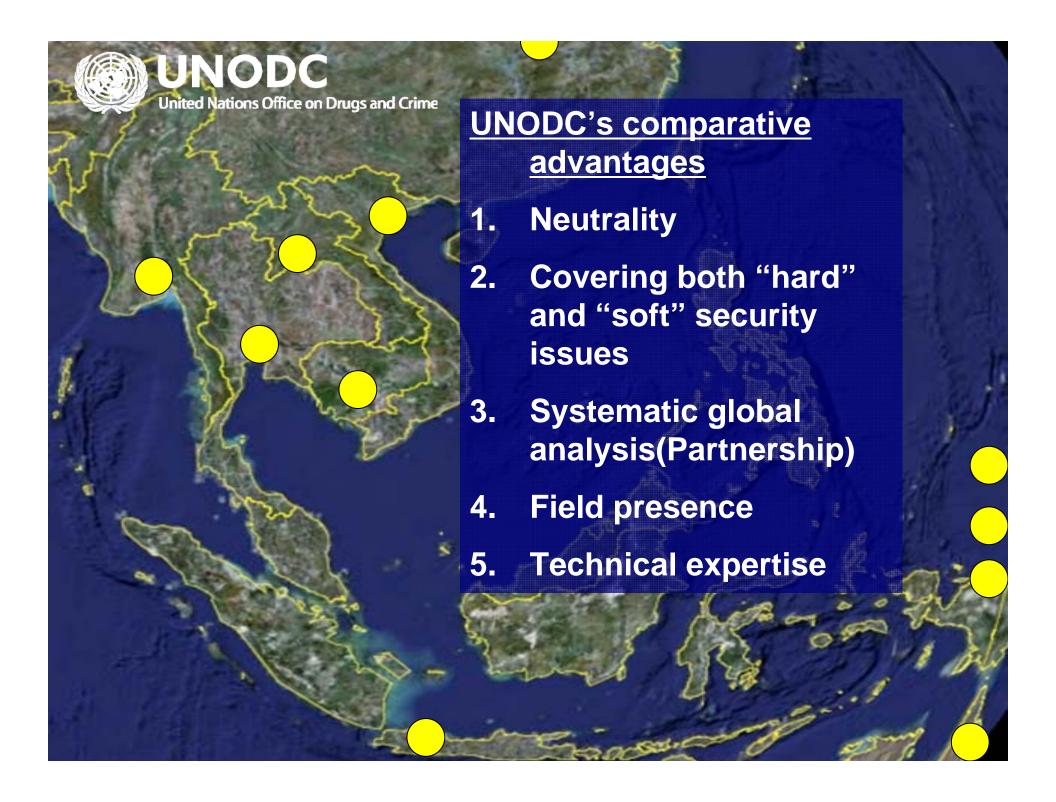
- 1. Governments
  - Shortage of special legislation on jurisdiction
  - Inadequate public budgets => lags behind TOC
- 2. Conflict or misunderstanding between judiciary and law enforcement => gives loophole to TOC
- 3. Few operational judicial network beyond jurisdiction (CNCP, EJN,EroJust,OAS, IberRed)
  - Unbalanced assessment of cases
  - Wide gap of development and understanding
     Unable to share digital forensic equipment
     Legal and technical difficulty in sharing evidence
  - Retarding process particularly in the area of extradition, recovery of proceeds, judicial procedure

# What should we do?

- 1. Study about each other
  - Knowledge is threshold of mutual understanding
    - Co-research on the cyber situation in comparative way
    - Open prosecutorial practice on cybercrime
    - Facilitating establishment of special legislation and infra
- 2. Bridge the gap between the developed and the vulnerable
  - CBT (cf: Timorlest, EEG, E-learning)
  - Creating standard of digital evidence gathering
- 3. Exchange of Information & Evidence
  - Real time evidence exchange
- 4. Facilitate understanding on cybercrime between JD and LE
  - Co-workshop and training course
- 5. Establish International J-NETWORK
  - : But Who. How Towards AsiaJust

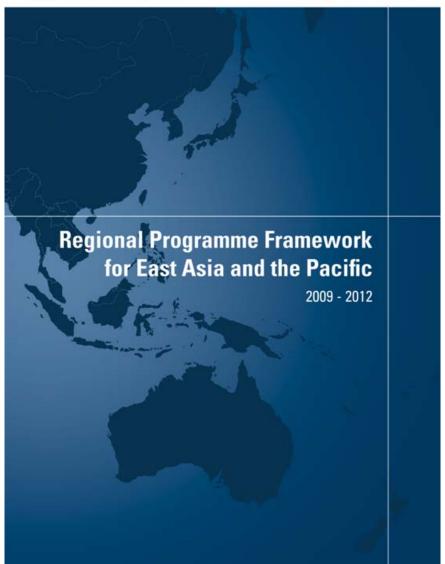








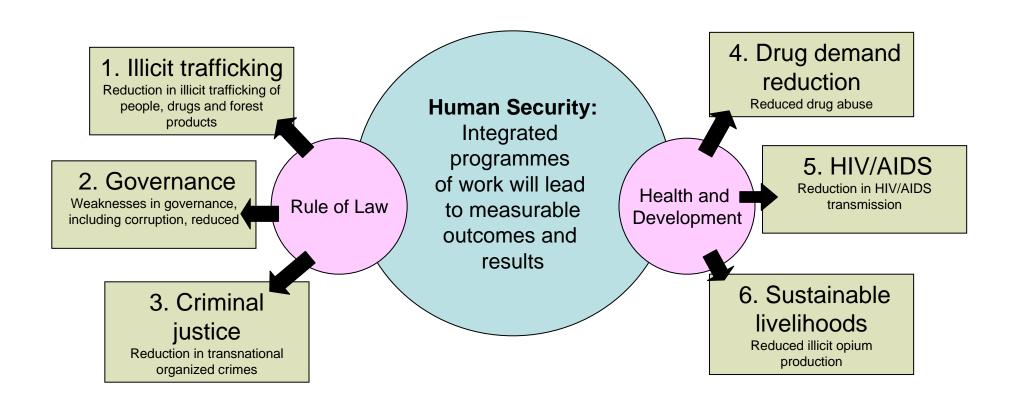
Regional Centre for East Asia and the Pacific



# Regional Programme Framework for East Asia and the Pacific

2009 - 2012

# **HOW CAN WE ACHIEVE THIS?**

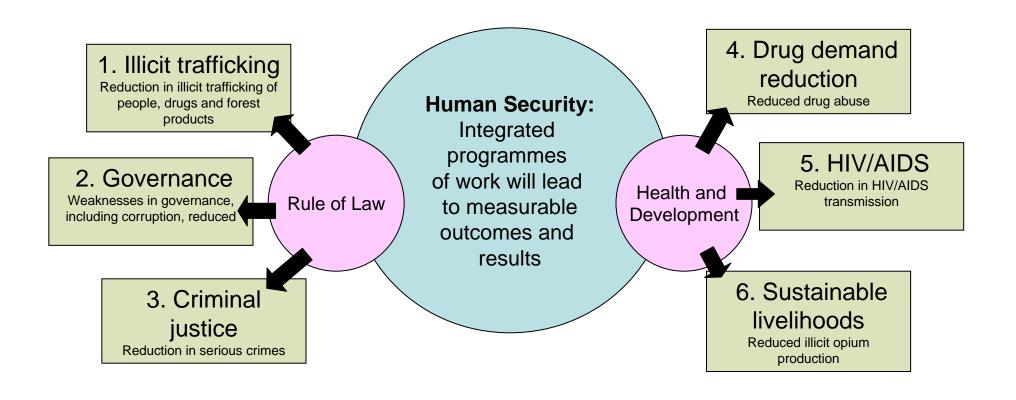




# **Vision**

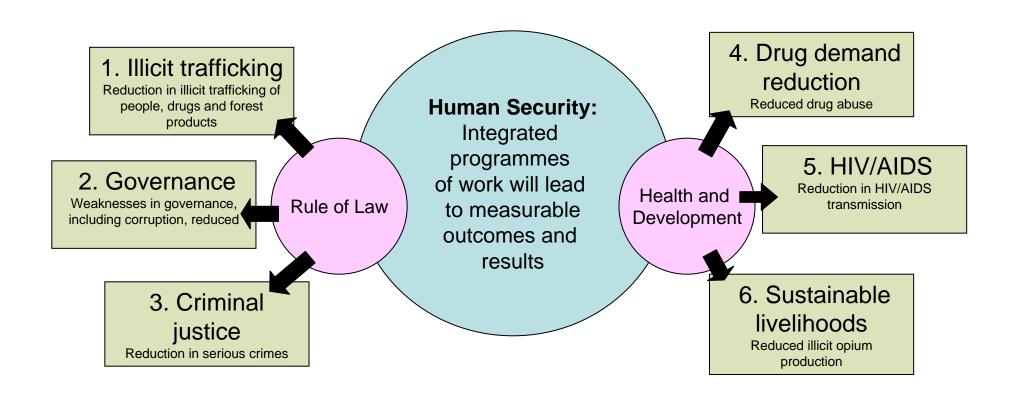
Long-term engagement 4, Drug demand 1. Illicit trafficking reduction Reduction in illicit trafficking of 2020"? **Human Security:** Reduced drug abuse people, drugs and forest products Outcor es and results Integrated programmes 5. HIV/AIDS 2. Governance of work will lead Measurai Weaknesses in governance, Rule of Law to measurable Development Ndicators including corruption, reduced outcomes and results Not a s 3. Criminal livelihoods justice Reduced illicit opium Reduction in serious crimes production







# Rule of Law 3. Criminal Justice





# 3. Criminal justice (Towards AJ)

Reduction in serious crimes

# Rule of Law 3. Criminal Justice

3.1 Ratification

Member states ratify international conventions and instruments

3.1.1 Member states aware of and responsive to the need for ratification

### 3.2 Legal Framework

Legislative and regulatory frameworks established

- 3.2.1 Legislation drafted and enacted
- 3.2.2 Substantive law and rules of procedure established and used
- 3.2.3 Legal procedures (based on international conventions, protocols and instruments) are understood and applied

### 3.3 Justice System

Integrity-based and accountable criminal justice systems established

- 3.3.1 Professional standards and oversight mechanisms established and implemented in law enforcement agencies and the iudiciary
- 3.3.2 Coordination and cooperation mechanisms established between law enforcement agencies, prosecutors and the judiciary
- 3.3.3 Measures to prevent violence against women established and implemented
- 3.3.4 Specialised witness protection programmes established and implemented
- 3.3.5 Enhanced prison management regimes established and implemented
- 3.3.6 Juvenile and child justice systems established and implemented
- 3.3.7 Aware and capable crime scene examiners, law enforcement officers, prosecutors and judges

# 3.4 Transnational Organised Justice

More efficient and effective transnational cooperation on criminal justice matters

- 3.4.1 Regional network of Prosecutors established and operational
- 3.4.2 Joint Investigation Teams established and operational
- 3.4.3 Judicial Liaison Networks established and operational
- 3.4.4 Designated Central Authorities on MLA, extradition and asset recovery established and operational
- 3.4.5 Baseline data established, shared and updated on transnational organised crimes



# 3. Criminal justice (Towards AJ)

# Rule of Law 3. Criminal Justice

Reduction in serious crimes

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(Module 1 : Pilot project with KIC)

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# **Activities for Pilot Project**

- 1. Shed light on the difference of prosecutorial system and practice of each country
- 2. Find out obstacles of mutual understanding between LE and PS
- 3. Recommend and implement effective coordination mechanisms to strengthen cooperation among PR and between LE and PS.



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(2009 - 2010)

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# 3. Criminal Justice



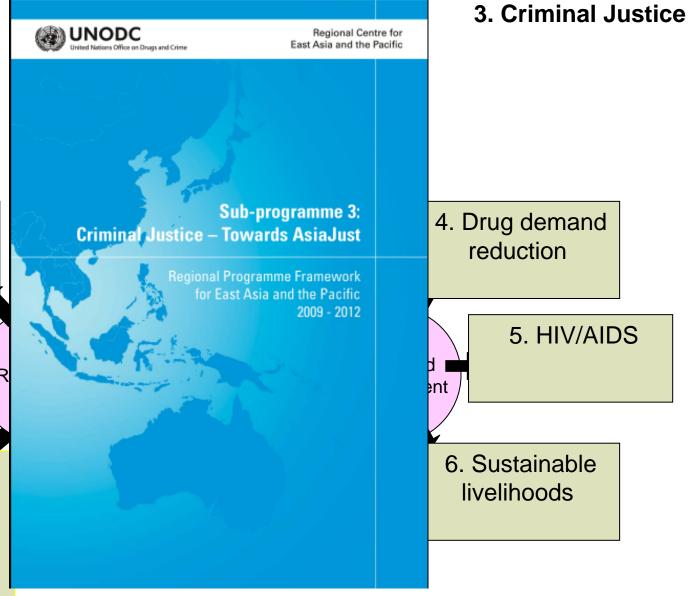
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- Regional Programme Framework
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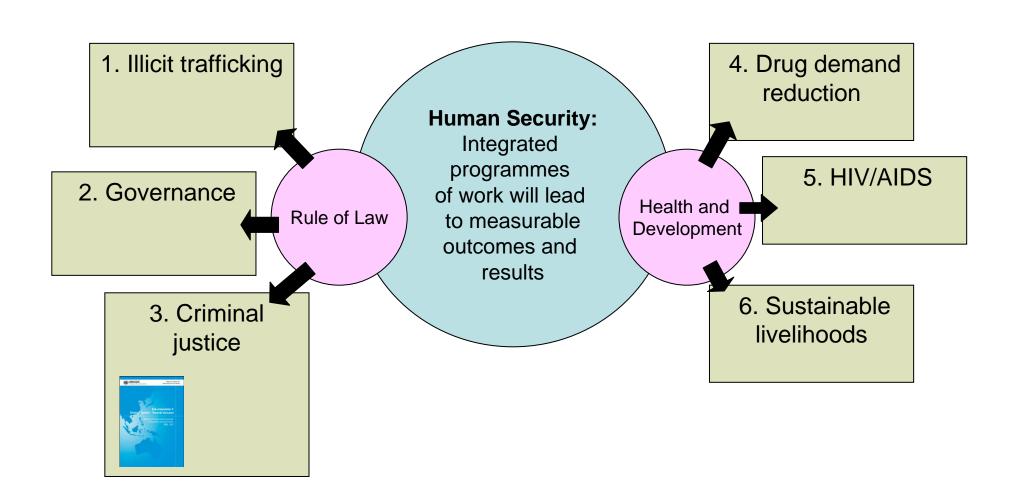


1. Illicit trafficking

2. Governance

3. Criminal justice







# **THANK YOU**

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