Land of the Have-Nots
Population ~ 6 billion

Explorers
Navigators

Criminals and
Terrorists

Digital Divide

Cyberspace

Terra Incognita

Non-IP

Intranets

Hostile tribes

World Wide Web

Deep web
Crime and punishment

The “good old days”

Punishment was swift and severe

Now

U.S.A. 1995-2000
Kevin Mitnik, superhacker:
Arrested and sentenced to 5 years in jail
Fined US $4,200

The Philippines, 2000:
Author of the “I Love You” virus
Arrested, released without charges

The Netherlands, 2001
Author of the “Anna Kournikova” virus
Arrested, tried, sentenced to 150 days community service
The legal challenges

Traditional law is based on territorial boundaries

If cyberspace is the world of data and software, it is transnational and seemingly borderless

Whatever boundaries it has are porous and ill defined

Cyberspace enables transactions between people who do not know or cannot know the physical location of the other party
Major areas for cyberlegislation

Human Rights related
Workplace related
Regulatory issues
E-commerce and Intellectual Property

Civil law

Criminal matters
National Security
Military use of cyberspace
Cyber-terrorism
Information Security Law
Criminal matters

Fraud, sabotage, extortion, blackmail

Interception, modification and misuse of data and systems

Attempting, Aiding and Abetting cybercrime

Use of cyberspace by Organised Crime

- Money laundering
- Drugs, arms, slavery trade
- Offshore unregulated gambling
- Pornography
- Anonymous networks and IDs
National Security

Telecommunications interception and analysis

Event monitoring in cyberspace

Roles and responsibilities of vendors and service providers

Encryption software

Search, seizure and rules of evidence
Military use of cyberspace

Beyond the gathering of intelligence

What constitutes an act of war in cyberspace?

Can “information technology” be used as a weapon?

Rules of engagement?

Wait until it happens?
Cyber-terrorism

WHEN, not IF

Richness of opportunity
Availability and low cost of resources needed
Impact of successful attacks
Visibility

Ease of establishing global networks
Ease of hiding in cyberspace
Lack of legislation and jurisdiction
International Legislation

OECD: 1983-1985 - Criminalization of computer abuse

Council of Europe (COE): 1985 - Work begins towards a convention on cyber-crime

United Nations - Congress on the Prevention of Crime

COE Convention on Cybercrime
Signed in 2001 by 33 countries - not yet ratified
International review of criminal policy - United Nations Manual on the prevention and control of computer-related crime

The burgeoning of the world of information technologies has, however, a negative side: it has opened the door to antisocial and criminal behavior in ways that would never have previously been possible. Computer systems offer some new and highly sophisticated opportunities for law-breaking, and they create the potential to commit traditional types of crimes in non-traditional ways. In addition to suffering the economic consequences of computer crime, society relies on computerized systems for almost everything in life, from air, train and bus traffic control to medical service coordination and national security. Even a small glitch in the operation of these systems can put human lives in danger. Society’s dependence on computer systems, therefore, has a profound human dimension. The rapid transnational expansion of large-scale computer networks and the ability to access many systems through regular telephone lines increases the vulnerability of these systems and the opportunity for misuse or criminal activity. The consequences of computer crime may have serious economic costs as well as serious costs in terms of human security.

CONTENTS

First issued in 1994
Updated in 1997

Introduction

- The international problem
- Regional action
- The need for global action

THE PHENOMENON OF COMPUTER CRIME

- Definition of computer crime
- The extent of crime and losses
The COE Convention

Three primary groups of provisions

- Unauthorized computer intrusion, malicious code, the use of computers to commit acts which are already a crime
- Procedures to capture and retrieve on-line and other information by issuing “Retention Orders”
- Cooperation between signatory states to share e-evidence

Additional protocols are being developed
Reactions to the Convention

33 States (29 Council Members) plus Canada, Japan, South Africa and the United States of America signed it.

It will enter into force once ratified by 5 States (perhaps in 2003?)

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