

Rapporteur Report for the 19th Annual Conference and General Meeting of the International Association of Prosecutors, 23-27 November, Dubai, United Arab Emirates

Rapporteur: Anita Killeen, Barrister, Quay Chambers, New Zealand

Workshop 3:

Realising Prosecutorial Potential and Building Capacity – Are Prosecutors “Fit For Purpose” to Meet Heightened Expectations and Demands of Today, Particularly in Regard to E Crime

Chair: Patricia Gatling, New York City Human Rights Commissioner, USA

Speakers:

1. **Nicole Smith**, Crown Counsel, Department of Public Prosecution, Bermuda;
2. **John Lyons**, Chief Executive International Cyber Security Protection Alliance; and
3. **Seung Joo Baek**, Senior Prosecutor, Korean Prosecution Service

Nicole Smith:

- Discussed the challenges faced by Bermuda prosecutors.
- Bermuda is an affluent society.
- Technology is readily accessible and the potential for criminal enterprise is great.
- “Fit for purpose” in the Bermuda context requires prosecutors to be trained by experts in E Crime:
 - Prosecutors must be current in their understanding of internet applications, technology and street smarts of the community.
 - Being “fit for purpose” requires a constant state of learning, renewal and adaptation.

John Lyons:

- When it comes to prosecuting E Crime, the prosecutor is always the last person in the chain to get all the evidence and information in order to prosecute.
 - There is a timeline problem that works against prosecutors.
 - Prosecutors need to address the issue of dealing with large amounts of evidence that is blocked from use and assessment due to encryption devices.
- The way forward:
 - We need more effective legislation (we need to focus on developing more effective international treaties/mutual legal assistance);
 - There is a need for accurate information on the scale and impact of E Crime;

- We need to collaborate across borders and work together with “big business”; and
- Prosecutors need good cyber security intelligence systems to keep abreast of threat intelligence.

Seung Joo Baek:

- Focused on and outlined the creation of “CID” the Cybercrime Investigation Department at the Korean Supreme Prosecutors Office.
- The CID provides a response to major cybercrimes and provides support to prosecutors.
- The CID has 61 specialised prosecutors throughout Korea and has built a support network of 44 government and public/private agencies.
- The CID focuses on the following investigative skills:
 - IP tracing;
 - Cellphone analysis;
 - Digital forensic analysis;
 - Search and seizure;
 - Bank records; and
 - Computer and data analysis.

Main Themes from the Discussion Session:

- How can we reduce E Crime?
- How can we make our laws tougher?

Answers/Solutions explored in the Discussion Session:

- We need to focus on mutual legal assistance law changes and agreements to deal specifically with the challenges of E Crime.
- A successful Korean case example was discussed where the government had got international treaties working effectively with a number of neighbouring countries.
- We need to get business and technology specialists together with lawyers and legislators if we are to ensure we can draft effective legislation in the future.
- Most jurisdictions don't have specialist E Crime prosecutors so prosecutors need to work closer with business and technology specialists in order to prosecute this area of crime effectively.