



Implemented by the Council of Europe

EU/COE Joint Project on Global Action on Cybercrime

Legislation on cybercrime: Substantive criminal law

Joint ECOWAS-Council of Europe regional conference

Harmonization of legislation on Cybercrime and Electronic Evidence with rule of law and human rights safeguards

Abuja, Nigeria – 12 September 2017

Zahid Jamil

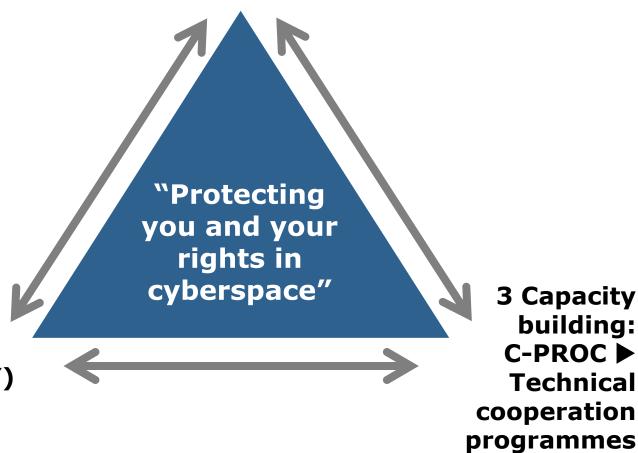
Council of Europe Expert, Pakistan

The Council of Europe Convention on Cybercrime



The approach of Council of Europe

1 Common standards: Budapest Convention on Cybercrime and related standards



2 Follow up and assessments: Cybercrime Convention Committee (T-CY)



Criminalising conduct

- Illegal access
- Illegal interception
- Data interference
- System interference
- Misuse of devices
- Fraud and forgery
- Child pornography
- IPR-offences



Procedural tools

- Expedited preservation
- Partial disclosure of traffic data
- Production orders
- Search and seizure
- Interception of computer data



International cooperation

- Extradition
- MLA
- Spontaneous information
- Expedited preservation
- MLA for accessing computer data
- MLA for interception
- 24/7 points of contact

Harmonisation

Substantive Criminal Law



Substantive provisions:

- Illegal access
- Illegal Interception
- Data Interference
- System Interference
- Misuse of Devices
- Computer Forgery & Fraud
- Child Pornography
- Intellectual Property Rights
- Aiding/Abetting
- Corporate Liability

Illegal Access

Computer / Data / Program





Article 2 – Illegal access

Each Party <u>shall</u> adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, <u>when</u> committed intentionally, <u>the access to the whole or any part of a computer system without right.</u>

A Party <u>may</u> require that the offence be committed by <u>infringing security measures</u>, with the intent of <u>obtaining computer data or other dishonest intent</u>, or in relation to a computer system that is connected to another computer system.

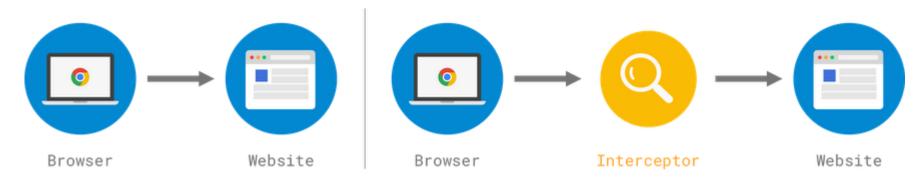
Illegal Interception

Non-public transmissions

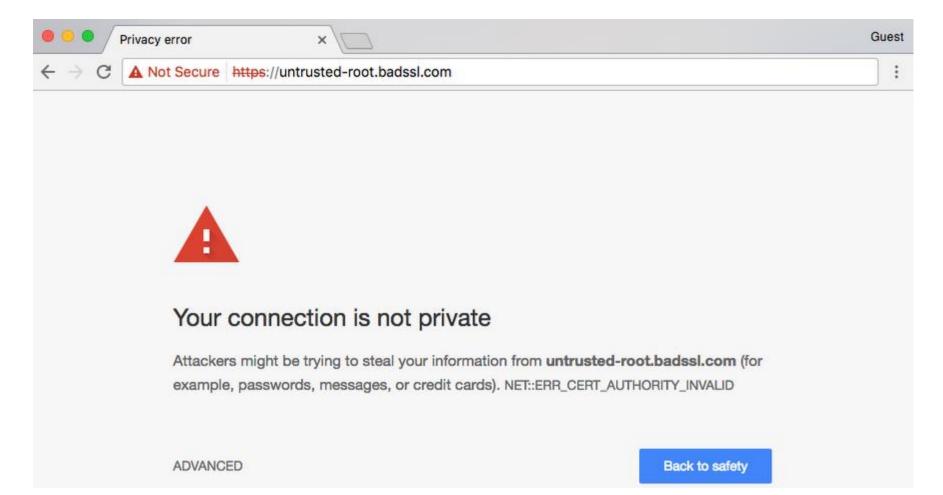
To a constant of the constant

Regular connection

Intercepted connection







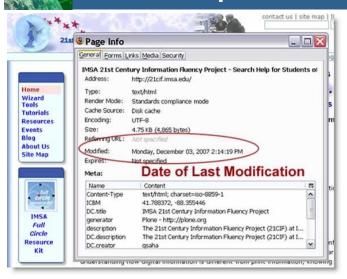
Article 3 – Illegal interception

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.

Interference

Computer / Data / Program

The Budapest Convention – Standards



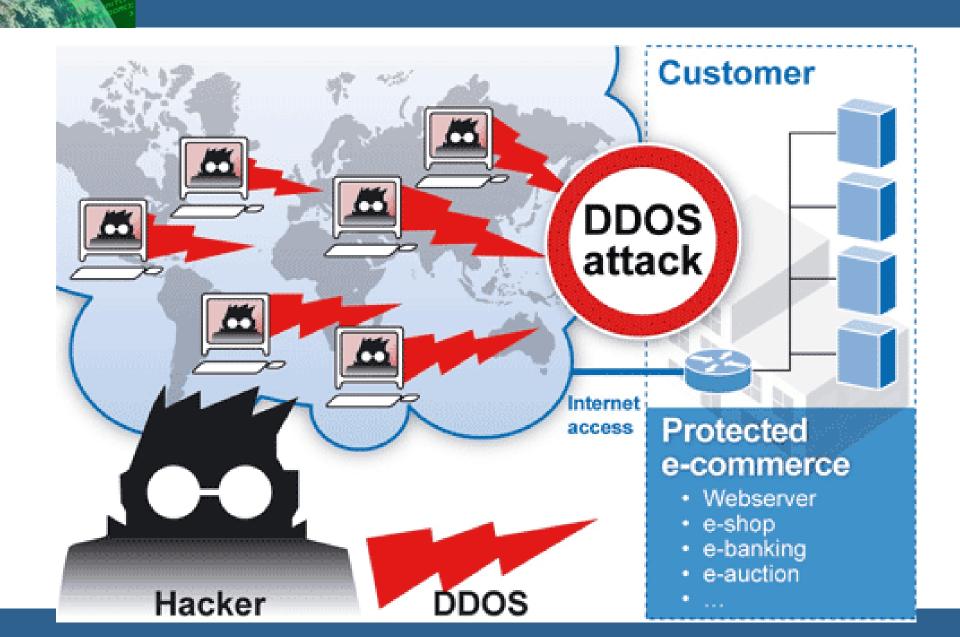




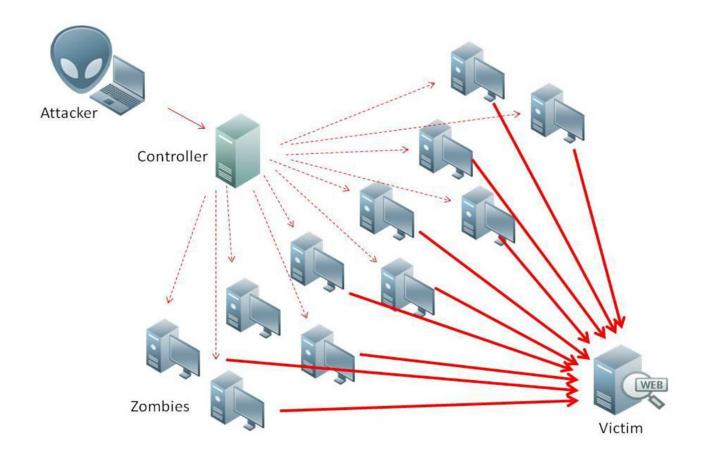


@ Can Stock Photo - csp16131199











Article 4 – Data interference

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right.
- 2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.

Article 5 – System interference

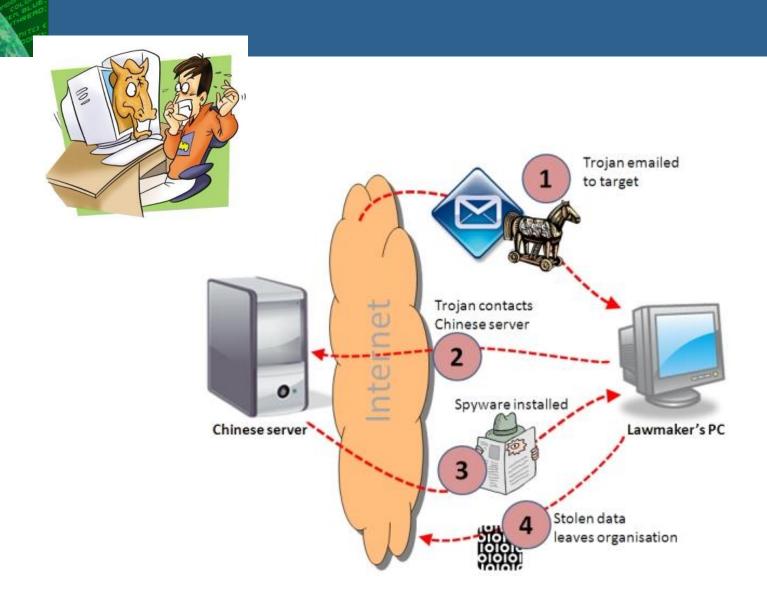
Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data.











Article 6 – Misuse of devices

1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right:

a the **production**, **sale**, **procurement for use**, **import**, **distribution** or otherwise **making available** of:

i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with Articles 2 through 5;

ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and

b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a number of such items be possessed before criminal liability attaches.

2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system.

3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 <u>a.ii</u> of this article.







WORST PASSWORDS OF 2013

ran	k passw	ord change from 2012	
#0	1 1234	56 21	
#0	2 passw	ord 😕1	
#0	3 12345	678	
#0	4 qwei	rty 😕 🔼	
#0	5 abc1	23 💝1	
#0	6 123456	6789 new	
#0	7 1111	11 🙈 2	
#0	8 1234	567 😕 🥱 5	
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E-Forgery

E-Fraud



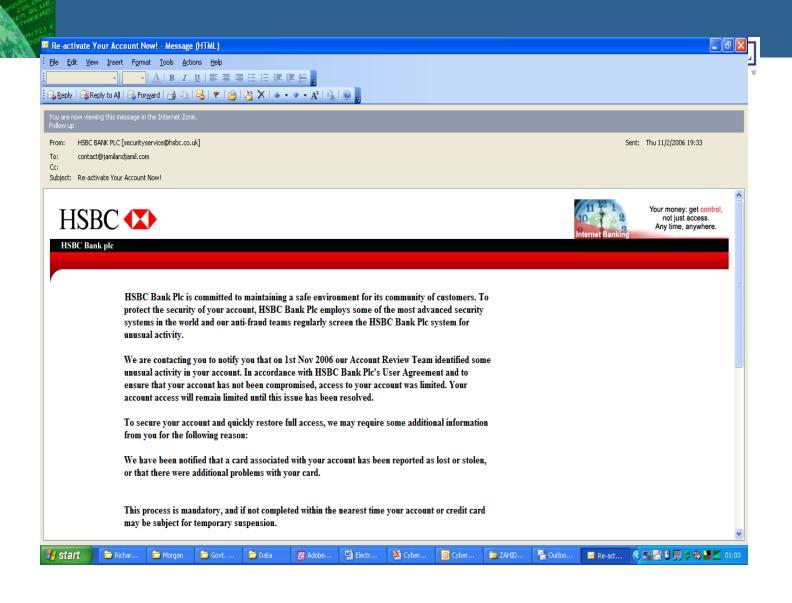


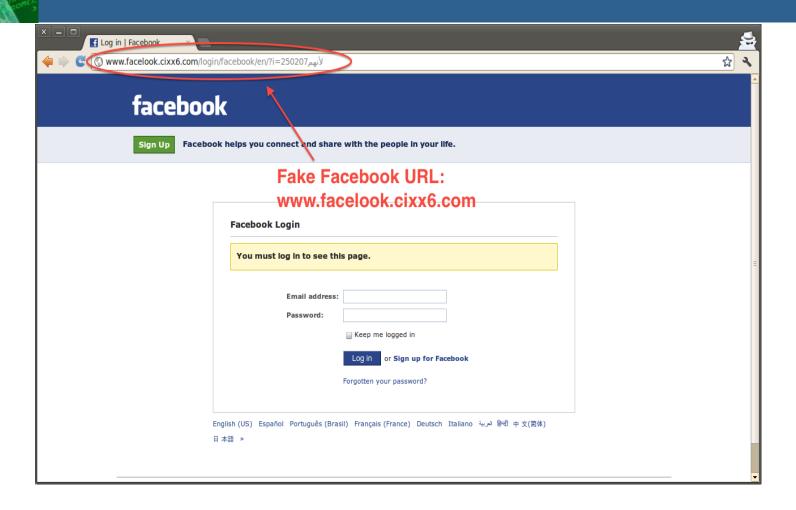
by Daniel J. Solove

Although we are seeing increasingly more sophisticated attempts at phishing, it appears as though many phishers still haven't been able to get their hands on a program with spell check. Why are we still seeing the \$10 million lottery winning emails? Or the long lost relative of yours living in Fiji who is leaving you \$4 million?

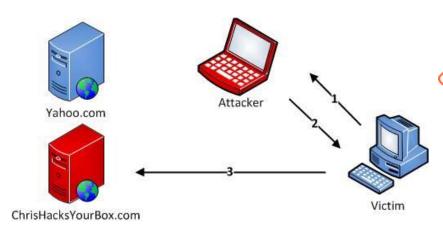
A recent article explains that for the phishers, it is all a numbers game:

"So, if 97 per cent of phishing attempts are unsuccessful, why is it such a large issue? Because there are 156 million phishing emails sent worldwide daily. . . . Of the 156 million phishing emails sent

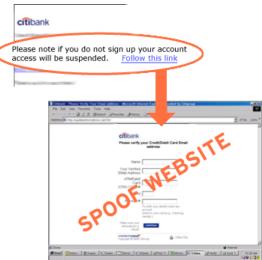


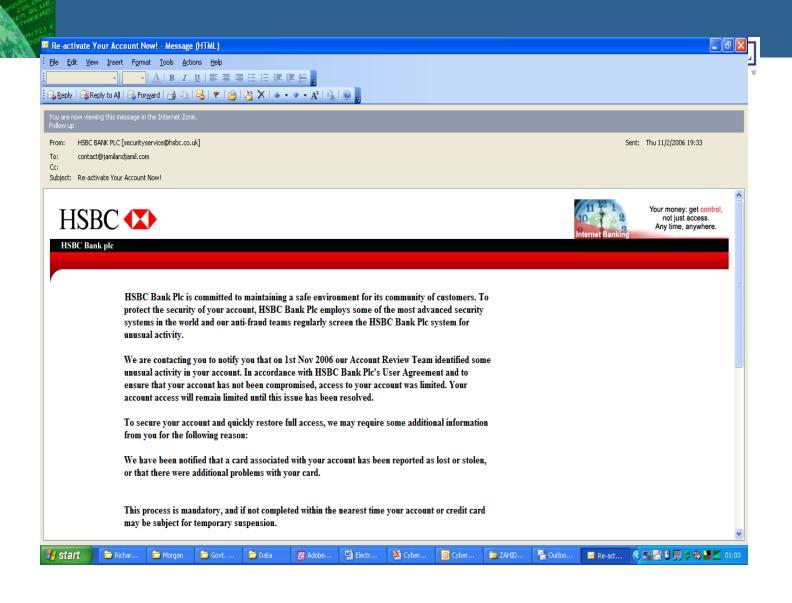


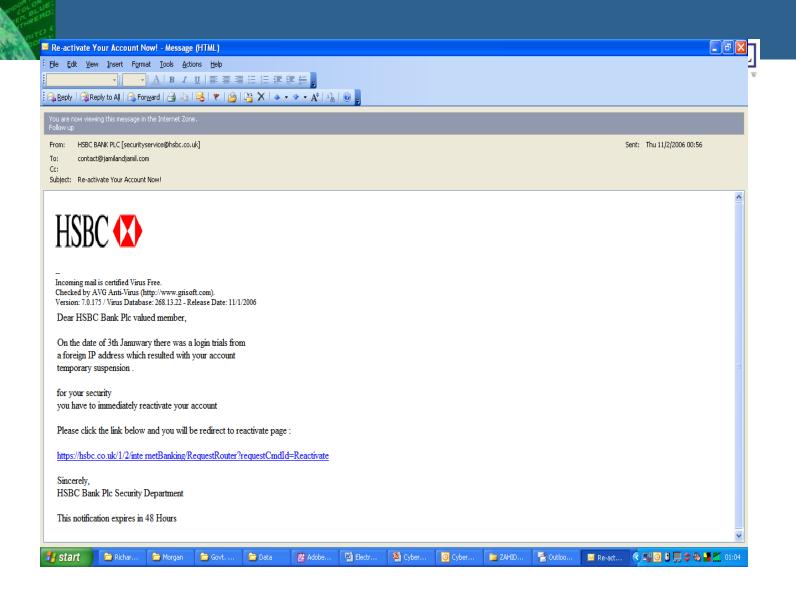


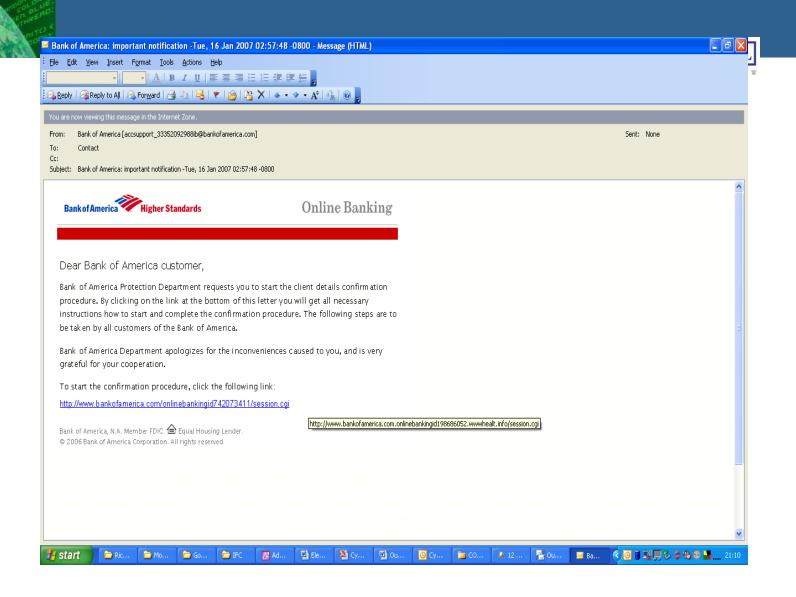


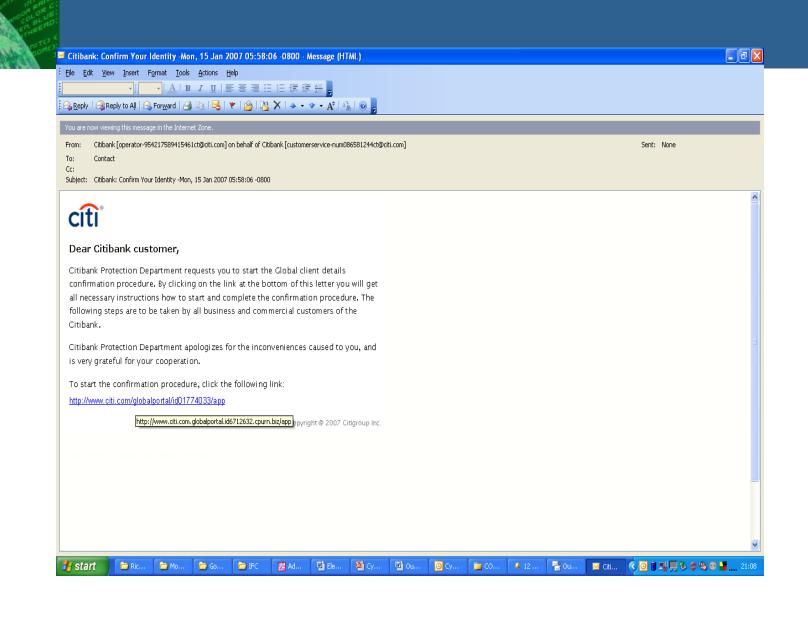
- 1. Legitimate DNS Request Destined for DNS Server
- 2. Fake DNS Reply from Listening Attacker
- 3. Victim begins communicating with malicious site as a result



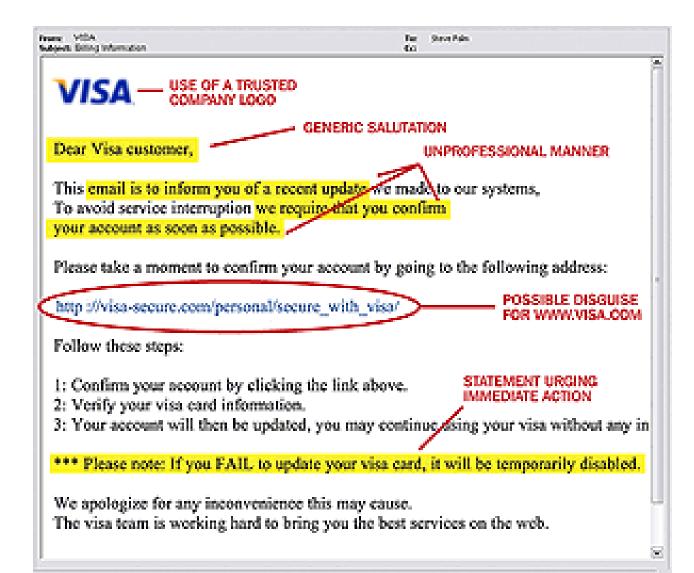












Phishing



Dear valued customer of TrustedBank,

We have recieved notice that you have recently attempted to withdraw the following amount from your checking account while in another country: \$135.25.

If this information is not correct, someone unknown may have access to your account. As a safety measure, please visit our website via the link below to verify your personal information:

http://www.trustedbank.com/general/cust/entyinfo.asp

Once you have done this, our fraud department will work to resolve this discrepency. We are happy you have chosen us to do business with.

Thank you, TrustedBank

Member FDIC @ 2005 TrustedBank, Inc.



-----Original Message-----

From: SunTrust Bank [mailto:clientserviceteam.refaz97178839404.nf@suntrust.com]

Sent: Wednesday, July 11, 2007 1:00 AM

To:

Subject: SunTrust Bank Client Service Team: Customer Alert!

Dear SunTrust Bank customer.

SunTrust Client Service Team requests you to complete Online Treasury Customer Form.

This procedure is obligatory for all business and corporate clients of SunTrust Bank.

Please click hyperlink below to access Online Treasury Customer Form.

http://onlinetreasurymanager-id66744585.suntrust.com/ibswebsuntrust/cmserver/customer.cfm

Thank you for choosing SunTrust Bank for your business needs.

Please do not respond to this email.

This mail generated by an automated service.

The Budapest Convention – Standards

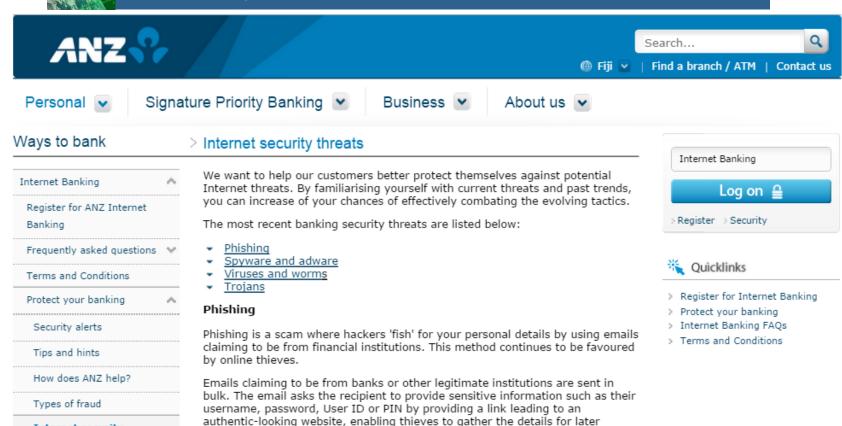
Internet security

Security software

threats

fraudulent use.

An example of a hoax email is shown below:





Dear ANZ BANK customer,

We recently reviewed your account, and suspect that your ANZ BANK account may have been accessed by an unauthorized third party. Protecting the security of your account and of the ANZ BANK network is our primary concern.

Therfore, as a preventative measure, we have temporarily limited access to sensitive ANZ BANK account features.

Click the link below in order to regain access to your account:

https://www.anz.com/account/update.asp

For more information about how to protect your account, please visit ANZ BANK Security Center.

We apologize for any inconvenience this may cause, and apriciate your assistance in helping us maintain the integrity of the entire ANZ BANK system.

Thank you for your prompt attention to this matter.

Sincerely,

The ANZ BANK Security Department Team.

Article 7 – Computer-related forgery

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in **inauthentic data** with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.

Article 8 – Computer-related fraud

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by: a any input, alteration, deletion or suppression of computer data,

b any interference with the functioning of a computer system, with **fraudulent or dishonest intent** of **procuring**, without right, an **economic benefit for oneself or for another person**.

Child pornography



Article 9 – Offences related to child pornography

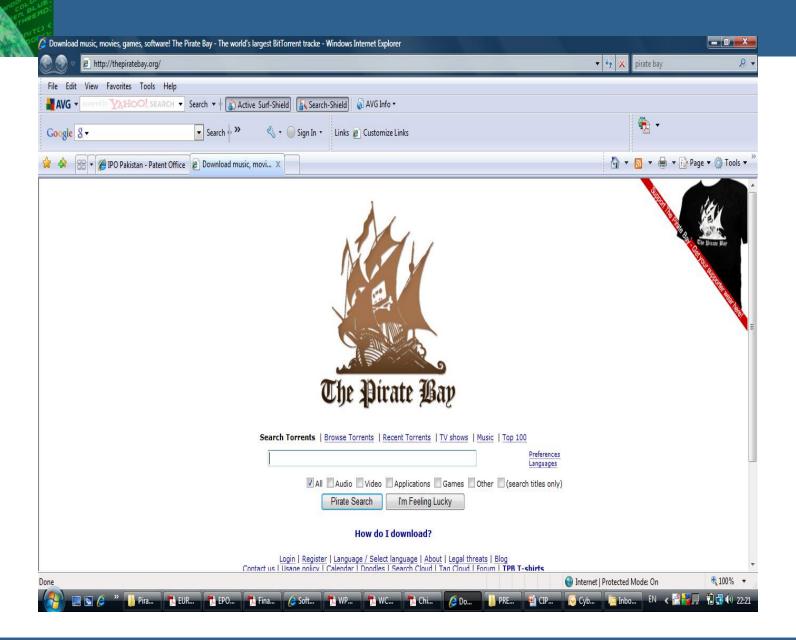
- 1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:
- a) producing child pornography for the purpose of its distribution through a computer system;
- b) offering or making available child pornography through a computer system;
- c) distributing or transmitting child pornography through a computer system;
- d) procuring child pornography through a computer system for oneself or for another person;
- e) possessing child pornography in a computer system or on a computer-data storage medium.

- 2. For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts:
- a) a minor engaged in sexually explicit conduct;
- b) a person appearing to be a minor engaged in sexually explicit conduct;
- c) realistic images representing a minor engaged in sexually explicit conduct.
- 3. For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years.

Intellectual Property

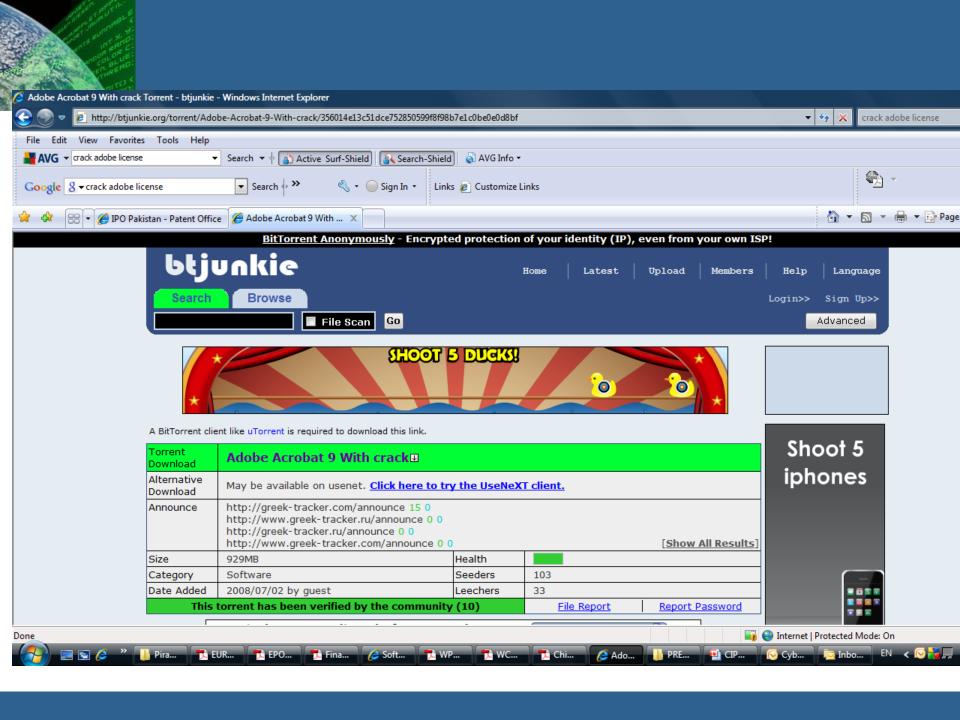
Music (IFPI)

Video (MPAA)





Software

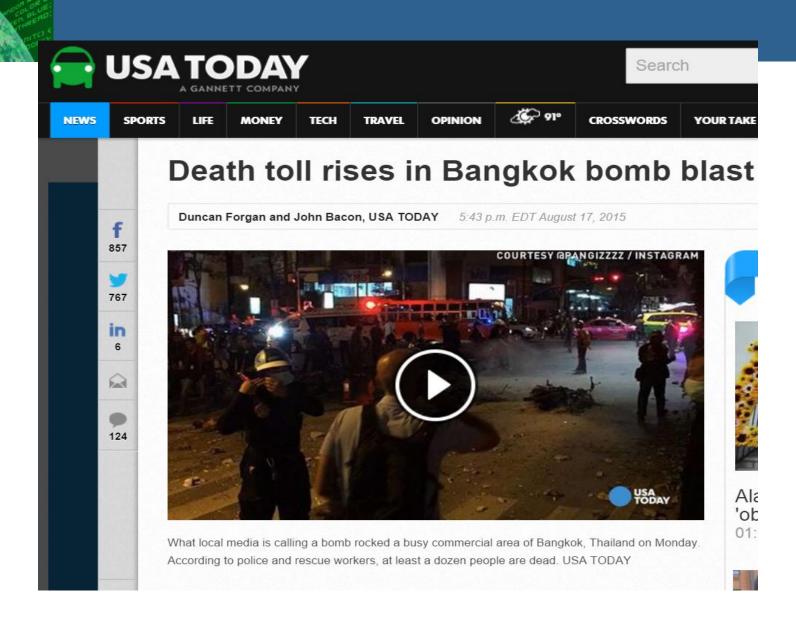


Article 10 – Offences related to infringements of copyright and related rights

- 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.
- Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system.



Terrorism







TRENDING: Donald Trump | Iran | Planned Parenthood | Sunday shows SPONSORED: America's Nuclear Energy Future

NEWS

POLICY

REGULATION

BLOGS

BUSINESS

CAMPAIGN

OPINION

CONTRI



COMMENTS 23



By Cory Bennett and Elise Viebeck - 05/17/15 07:30 AM EDT

Getty Images

Islamic terrorists are stoking alarm with threats of an all-out cyber crusade against the United States, and experts say the warnings should be taken seriously.

Hackers claiming affiliation with the Islamic State in Iraq and Syria (ISIS) released a video Monday vowing an "electronic war" against the United States and Europe and claiming access to "American leadership" online.



"Praise to Allah, today we extend on the land and in the Internet," a faceless, hooded figure said in Arabic. "We send this message to America and Europe: We are the hackers of the Islamic State and the electronic war has not yet begun."

FBI chief worries ISIS could use cyberattacks against U.S.

By Wesley Bruer, CNN

① Updated 1207 GMT (1907 HKT) May 21, 2015



56 photos: The ISIS terror threat

Smoke rises above a damaged building following a U.S.-led coalition airstrike against ISIS positions during a military operation to regain control of the eastern suburbs of Ramadi, Iraq, on Saturday, August 15.

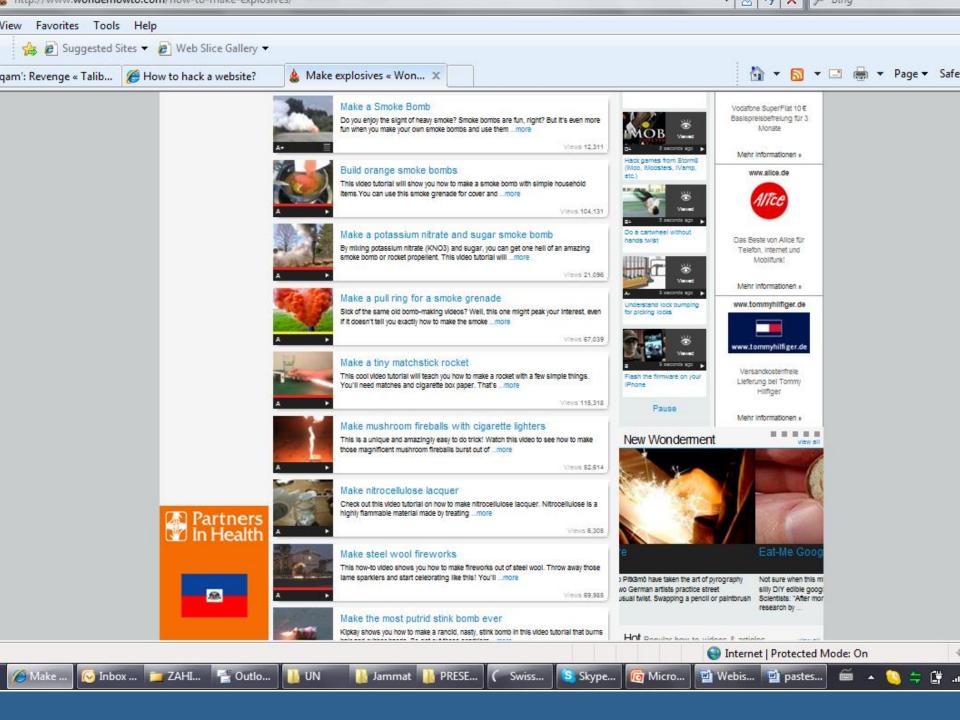
1 of 58 Hide Caption 🔨

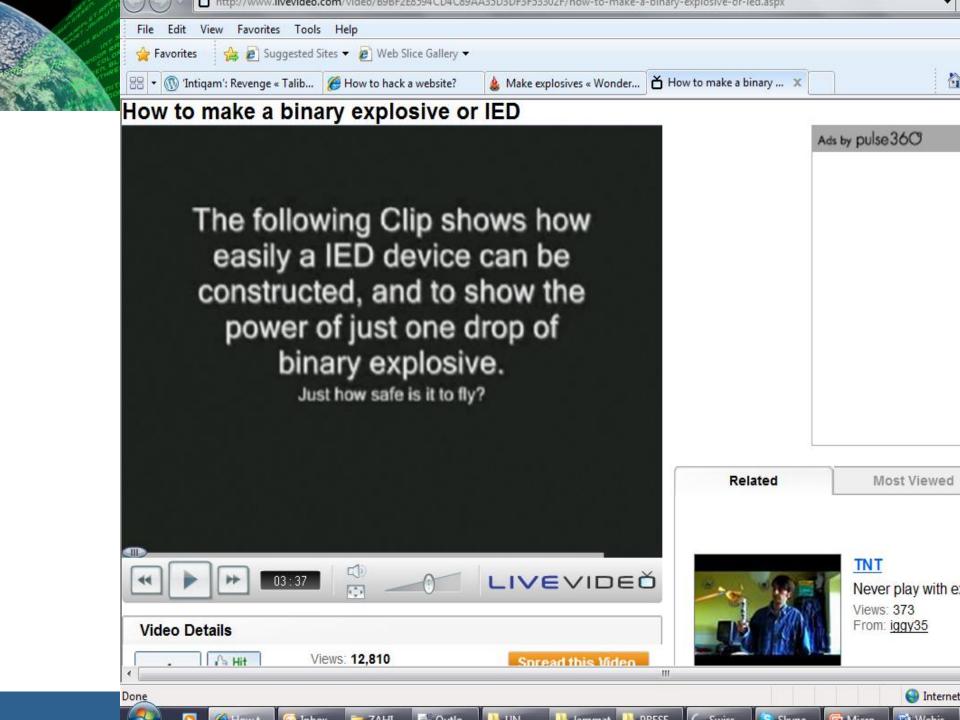


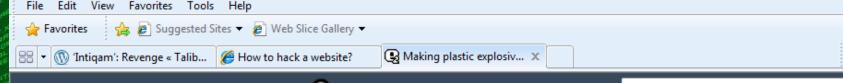
(CNN)—ISIS is "waking up" to the idea of using sophisticated malware to cyberattack critical infrastructure in the U.S., FBI Director James Comey said Wednesday.

"Logic tells me it's coming," and that the terror group is "looking into" whether it is capable of pulling off such attacks, Comey said at the Cybersecurity Law Institute at Georgetown University.

Over the last two years, Comey said there has been more attention paid to potential cyberattacks against the U.S., and although he hasn't seen them yet, "it just makes too much sense" to see destructive malware end up in the hands of terrorists.







Making plastic explosives from bleach

(idea)by anglopwr

Fri Mar 01 2002 at 0:31:12

This process is a valid (albeit dangerous) way to make potassium chlorate. The process can be summarized by the following reactions:

Step 1: When bleach (sodium hypochlorite) is heated, it decomposes into sodium chlorate and sodium chloride:

3NaOCl --(heat)----> NaClO₃ + 2NaCl

Step 2: The potassium chloride displaces the sodium in the sodium chloride to form potassium chloride and sodium chloride:

NaClO₃ + KCl ----> KClO₃ + NaCl

The problem with this synthesis method is that an excessive amount of stable table salt is produced. Not only does this reduce the effective yield of desired product, it requires purification, which is extremely dangerous for chlorates. You can lower the amount of salt produced by not adding the potassium chloride. By doing this, you will be left with



























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Questions