

# **GPEN - Global Prosecutors' E-Crime Network**

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## **ORIGINS**

The origins of the GPEN initiative lie in the UK's developing strategy in recent times to combat high-tech crime and in related activities within the Crown Prosecution Service of England and Wales ("CPS").

All prosecutors, worldwide, now have to deal with growing numbers of cases where computers or other electronic devices are used:

- as a crime tool (for example in the distribution of child pornography, identity theft, online fraud, credit card exploitation);
- as the target of criminals (by hacking and unauthorised access and manipulation);
- and as storage and communication mechanisms to facilitate the commission of offences, such as drug dealing.

GPEN was designed to assist in solving some of the high-tech crime prosecution problems and meeting some of the challenges in practice that Esther George from the CPS noticed UK prosecutors were experiencing. Being anxious to learn from others, but also to share, the CPS (an IAP organisational member) approached the IAP with a view to establishing a global network of E-crime specialists. The IAP has enthusiastically embraced the task.

## **IAP's INVOLVEMENT**

The 13<sup>th</sup> Annual Conference of the IAP was held in Singapore in August 2008, the theme of which was 'New Technologies in Crime and Prosecution: Challenges and Opportunities'. Much of the emphasis was upon 'cybercrime.' The conference aims were:

1. To identify new challenges for prosecutors in combating the rise of criminality which is either facilitated by technology or where technology is the target.
2. To identify new ways of harnessing technology to assist in the detection, investigation and prosecution process.

3. To identify three practical steps that the IAP can take either through its membership or in collaboration with affiliated organisations to address 1 and 2 above.

One of the three practical steps identified in the outcomes of the Singapore conference was:

#### Capacity-Building

- IAP will facilitate training, education and sharing good practice via exchange of contact details, training materials, legislative tools, details of existing training programmes, etc;
- Accumulative training covering both general practitioners and high-tech crime specialists;
- Training to include judiciary and law enforcers, with the benefit of industry input where appropriate;
- Address needs of developing countries and specific regions e.g. Africa;
- GPEN to be the primary vehicle under leadership of the Development Board.

GPEN was seen as the main vehicle to promote training, heighten awareness, disseminate information, facilitate communication, spread good practice and link prosecutors with industry and law enforcement in the area of E-crime. It was also recognised that there was a need to promote the Council of Europe Convention on Cybercrime, being the only international instrument on such forms of criminality.

#### GPEN's PROGRESS

GPEN is managed by a ten member Development Board with a two member secretariat (Elizabeth Howe and Esther George), being a selection of appropriately experienced and influential prosecutors from 11 countries in all parts of the globe.

Briefly, the idea is for GPEN to provide password access on the IAP website for all IAP members (individual members and authorised officers of organisational members) to a secure system through which they can:

- enhance international cooperation of member countries in the E-crime arena (by identifying contacts and exchanging information);
- reduce duplication of training effort and realise significant cost savings, as countries will no longer need to devise their own training material from scratch, but can share the product of work that has already been done;
- develop appropriate training courses to train prosecutors who will be able to train their colleagues;
- encourage the sharing of best practice and dissemination of lessons learnt;
- improve the exchange of crucial information and data quickly and efficiently, especially in relation to crimes with an inter-jurisdictional dimension; and
- encourage all jurisdictions to develop a co-ordinated approach for dealing with E-crime that supports effective prosecutions and promotes the principles of the Council of Europe's Cybercrime Convention.

It is now over 18 months since GPEN was launched at the Singapore conference by the UK Attorney General, Baroness Scotland. A number of things have happened to GPEN in that time.

1. The first GPEN training program was held in Bermuda in August 2009. Rory Field, DPP for Bermuda and a member of the GPEN Development Board, hosted it. The "Prosecutions: Technological Challenges and Practical Solutions" two day training workshop was attended by prosecutors from fifteen Caribbean nations. It was divided into two parts and the initial morning training session was an open forum for the Bermuda judiciary, Ministry of Justice, Ministry of Telecommunications, Police, Customs and other stakeholders in the Bermudan criminal justice system. Over the course of the next day and a half the basics of high-tech crime and digital technology were explained. The participants were all encouraged at the conclusion of the training to become members of the IAP (if they were not already) and obtain access to GPEN. The training was funded by the DDP of Bermuda, the Commonwealth Secretariat and GPEN/IAP. The training was extremely successful and was an example of how different jurisdictions can collaborate under the auspices of GPEN in this field.
2. The GPEN website has been active and in operation since April 2009. New material is being posted online, the "dummy" files on the GPEN prototype are being removed and replaced by actual documents. All material listed can be used by members free of copyright restrictions. There are security restrictions to the network to ensure that the material available to members is not open to misuse by criminals. There are four web areas that can only be accessed by members using a password:
  - a virtual Global E-Crime Prosecutors' College, containing a database of E-crime training courses and presentations;
  - a library collection of E-crime material, for example, national legislation and legal guidance;
  - a discussion forum (message/chat board) for the exchange of queries and advice; and
  - a contacts database of fellow nominated E-crime prosecutors from around the world.
3. Each IAP member country was invited to nominate at least one prosecutor (preferably with a knowledge of E-crime) to be registered with GPEN as a contact point for that country for queries, enquiries and requests for E-crime advice. 45 jurisdictions responded out of 136 organisational members. In a follow-up by the Development Board only 17 jurisdictions confirmed their "GPEN representatives" (so there is a way to go).
4. GPEN has a new "Industry Page". During the launch of GPEN in Singapore in 2008 members of industry who were present wanted to know how they could be involved. Cisco made a donation to GPEN which enabled the GPEN secretariat to not only activate GPEN but also to design an industry page, so that the IAP will act as a conduit between prosecutors

and industry by participating in industry networks, inviting industry to contribute to IAP/GPEN horizon-scanning exercises to assess future challenges and opportunities and encouraging cross-training involving industry. Microsoft is also becoming involved in this aspect of our work.

5. Members of the GPEN Development Board and the GPEN secretariat have spoken about GPEN at numerous events around the world. The most significant and prestigious were:
  - a meeting of three G8 subgroups in Japan in November 2008;
  - a virtual global meeting in February 2009;
  - a speech on GPEN and cybercrime at the Council of Europe Octopus Interface Conference for cybercrime experts in March 2009; and
  - a presentation on GPEN at the 6<sup>th</sup> IAP Middle East & Asia-Pacific Regional Conference in Dubai in November 2009.There have also been discussions at the UN in Vienna.
6. The Council of Europe Convention on Cybercrime [which is the only international instrument on cyber-crime and extends beyond C of E members] was a topic that was covered during the first GPEN training programme held in Bermuda. It was impressed on delegates how important the Convention is. GPEN is working with the Council of Europe looking at addressing the concept of cybercrime training for judges and prosecutors. This is still at an early stage, but GPEN has been involved in three meetings on this matter to date and will assess any developments in respect of this and keep our members fully informed and engaged.
7. Members of the Development Board held most productive informal meetings during the 14th Annual Conference of the IAP in Kyiv (Kiev) in September 2009. The Conference Outcomes in Kyiv included: "Development of GPEN and associated training to continue".

The next (and first formal) Board meeting was held in Bahrain on 19-20 January 2010. At that meeting the Board agreed a Governance Document for GPEN and a Work Plan for 2010-2011.

The Minutes of the Bahrain meeting are **Annexure A**.

The proposed Governance Document is **Annexure B**.

The Work Plan is **Annexure C**.

8. We are also engaging the United Nations, in particular in anticipation of the 12<sup>th</sup> UN Crime Congress in Salvador, Bahia in Brazil in April 2010. Our General Counsel has been involved in preparatory meetings for a workshop to be held during the Congress upon international criminal justice education on the rule of law and intends to demonstrate the value of GPEN as a means of delivering to prosecutors all over the world training and information about cybercrime and how to combat it. This is of particular relevance to the Congress, as one of the substantive themes is 'Recent developments in the use of science

and technology by offenders and by competent authorities in fighting crime **including the case of cybercrime**' [emphasis added]. Further, Esther George attended an informal expert group meeting arranged by UNODC in Vienna in October 2009, on behalf of GPEN, to discuss and assess UNODC's role in the fight against cybercrime. The group considered the initiatives and programs already in place by other organisations and institutions to explore how UNODC can best collaborate with existing activities in order to promote a more coordinated and sustainable approach to combating cybercrime in developing countries. Obviously, GPEN must be a potential world leader in this context. We shall wait to see how this develops.

We have begun to fulfil GPEN's potential, but to take it further we need more members of the IAP to get involved. GPEN exists for and through you and our members. You, together with the Development Board, will have a strong say in determining what the next twelve months hold for GPEN and its course thereafter.

#### ACTION

- 1 Consider and comment upon the Minutes of the GPEN Development Board meeting in Bahrain, 19-20 January 2010 (**ANNEXURE A**).
- 2 Consider for approval and endorsement the GPEN Governance Document and Annex (**ANNEXURE B**) noting especially:
  - Creation of the GPEN Development Board as a committee of the IAP under Article 8(2)(m) of the Constitution and proposal of that to the General Meeting in The Hague in September 2010;
  - Financial support to GPEN as foreshadowed in the Work Plan;
  - Ongoing relationship between GPEN and IAP.
- 3 Consider and comment upon the Work Plan (**ANNEXURE C**).