



Version 12th October 2008

**Workshop on Cybercrime
For Hon. Judges
&
Workshop for Investigators, prosecutors and lawyers**

Colombo, Sri Lanka, 27-28 October 2008

Organised by ICTA in cooperation with the Council of Europe

Background

Societies worldwide are increasingly dependent on information and communication technologies (ICT) and thus vulnerable to threats such as cybercrime. This also true for Sri Lanka where ICT are gaining in importance.

In 2007, Sri Lanka enacted the Computer Crimes Act No. 24 of 2007, brought into operation with effect from 15th July 2008. It is now important that investigators, prosecutors and judges receive the necessary training to apply this legislation in practice.

The investigation of cybercrime is difficult without the cooperation of internet service providers. In April 2008, a global conference on cybercrime organised by the Council of Europe adopted guidelines for such cooperation. These may also be useful for Sri Lanka.

Cybercrime is the most transnational of all crimes. It is therefore essential that Sri Lanka is in a position to cooperate internationally in an efficient manner. The Convention on Cybercrime of the Council of Europe provides a framework for international cooperation that may also be of benefit for Sri Lanka.

The dedicated workshop for Judges and the workshop for Investigators, Prosecutors and Lawyers will provide an opportunity to discuss these issues.

Objectives

The aim of the Conference is to raise awareness of the challenges ahead and to promote measures against cybercrime, in particular:

- The strengthening of skills of law enforcement and criminal justice authorities regarding the investigation, prosecution and adjudication of cybercrime
- The strengthening of law enforcement – service provider cooperation
- The strengthening of international cooperation

Programme (draft)

Monday, 27 October 2008 – Workshop for Hon Judges	
16h00 – 18h30	<p>Opening session & Workshop for Hon. Judges "Cyber Crime & Role of Judiciary"</p> <ul style="list-style-type: none"> ➤ Outline of Sri Lankan Computer Crime Act (Jayantha Fernando) ➤ Why should judges worry about cybercrime? (Alexander Seger) ➤ The need for international cooperation and the Convention on Cybercrime (Henrik Kaspersen) ➤ Implementing the Convention and the role of judges: practical examples from Romania (Cristina Schulman)
1845h 19h onwards	<p>Arrival of Invited Guests Cocktails and Dinner</p>
Tuesday, 28 October 2008 – Workshop for Enforcement Personnel and Lawyers	
9h00 – 9h30	Opening
09h30 – 10h30	<p>Session 1: The threat of cybercrime and international standards</p> <ul style="list-style-type: none"> ➤ Current cybercrime threats and trends ➤ The Convention on Cybercrime ➤ Other international standards and mechanisms
11h00 – 13h00	<p>Session 2: Criminalising cybercrime</p> <ul style="list-style-type: none"> ➤ International standards (Council of Europe expert) ➤ Provisions under Sri Lankan law (Sri Lankan experts)
14h00 – 15h30	<p>Session 3: Investigations and criminal proceedings</p> <ul style="list-style-type: none"> ➤ Procedural measures under the Convention on Cybercrime ➤ National procedural law ➤ Law enforcement – service provider cooperation in the investigation of cybercrime
16h00 – 17h00	<p>Session 4: International cooperation</p> <ul style="list-style-type: none"> ➤ The Convention on Cybercrime ➤ The network of 24/7 points of contact and other mechanisms ➤ International cooperation by Sri Lankan authorities
17h00	<p>Closing session</p> <ul style="list-style-type: none"> ➤ Outlook: Internet Governance Forum, December 2008

Contact

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Profile of Speakers

Prof. Dr. Henrik Kaspersen (the Netherlands) obtained his law degree at Utrecht University after a career as computer scientist. In 1991 he became the director of the Computer/Law Institute of the Vrije Universiteit in Amsterdam. Prof. Dr. Kaspersen scientific research relates to several topics and aspects of computer law. Prof. Dr. Kaspersen is a specialist in the field of cyber crime. He was involved in the preparation of the Dutch Computer Crime Act 1993. Further, between 1995 and 2003 he performed as the chair of three expert committees of the Council of Europe that prepared a Recommendation on procedural law concerning investigation of Cyber Crime R (95) 13, the Cyber Crime Convention (CETS 185) and the First Additional Protocol to that Convention on racist and xenophobic messages in Cyberspace (CETS 189). In 2006 and 2007 he was the Chair of the Cybercrime Convention Committee (T-CY) that has been set up to propose amendments to the Cybercrime Convention. Within the Octopus program of the Council of Europe he is active in promoting implementation of or accession to the Cyber Crime Convention.

Cristina Schulman is Legal Adviser, International Law and Treaties Department, Ministry of Justice of Romania. She holds a law degree (University of Iasi, Romania 1990) and post graduate diploma in international law (University of Bucharest, Romania, 2004). From 1999-2001 she was legal adviser in the Legal Department of the Government of Romania having as a main responsibility reviewing and giving advisory opinion on draft laws. Since 2001 she has been working for the Ministry of Justice of Romania in the international law field dealing with the harmonization of the national legislation in order to assure its compatibility with the obligations assumed by Romania under international treaties, including the obligations resulting from the Romania's quality as a Member State of European Union. She has been involved in the process of ratification and implementation of international treaties, including the Council of Europe Convention on Cybercrime. She has been speaking on cybercrime legislation on a number of Council of Europe and other events. She is currently Vice-chair of the Cybercrime Convention Committee which is supervising the implementation of the Convention on Cybercrime.

Alexander Seger has been with the Council of Europe in Strasbourg, France, since 1999. He is currently head of the Economic Crime Division at the Directorate General of Human Rights and Legal Affairs where he is responsible, among other things, for programmes against cybercrime. From 1989 to 1998 he worked in international drug control for the United Nations in Vienna, Laos and Pakistan and as a consultant for the German Government. He holds a PhD in political science, law and social anthropology after studies in Germany (Heidelberg and Bonn) and France (Bordeaux).

Jayantha Fernando is Program Director & Legal Advisor at the ICT Agency of Sri Lanka (ICTA). He is an Attorney at Law by Profession and holds a specialized Masters Degree (LLM) in IT & Communications Law from the University of London, which he completed as a recipient of the *Chevening Scholarship* of the UK Govt (2002/03). He is visiting lecturer at the Sri Lanka Law College, Dept of Computer Science University of Moratuwa and University of Colombo School of Computing.

Jayantha leads the *e-Laws* program of ICTA, through which several ICT legal reforms efforts were initiated in Sri Lanka, resulting in the enactment of Electronic Transactions Act No. 19 of 2006, the Computer Crimes Act No. 24 of 2007 and the preparation of Data Protection Code of Practice. He worked initially as Judicial Intern to Senior Justice of the Supreme Court and then practiced in the appellate courts, before venturing into the sphere of ICT Law appearing in several software copyright infringements and telecom related cases. He has over 12 years experience in ICT Policy and legal reforms, Internet

governance, Domain Name System and negotiating & drafting IT contracts for large Information Systems Procurements.

In the international arena Jayantha advised the South African Regional Trade Block (SADAC secretariat) on ICT related legal reforms, in a USAID reforms initiative (2003/04). In 2005 Jayantha was enrolled as an expert to serve in the global 21 member Registry Services Technical Evaluation Panel of the US based ICANN, which is responsible for global security and stability of the internet.