



**eSri Lanka**  
*smart people smart island*

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*ideas actioned*

The logo graphic for ICTA, featuring a stylized grid of black and white squares.

## Sri Lanka's journey to the Budapest Cybercrime Convention

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**Jayantha Fernando**

*General Counsel ICTA Director, Sri Lanka CERT*

T-CY, Council of Europe



# Cyber Security & Cybercrime Threats and challenges

**Biggest Global Policy Issue Affecting Nation States**



# “Digital Crime”???



**Computer Crime?**

**Cyber Crime?**

**Theft**

**Terrorism**

**Drug Trafficking**

**Murder**

**Internet Crime?**

**Technology Crime?**

**CRIME**

**Incitement**

**Deception**

**Harassment**

**Robbery**

**IT Crime?**

**High-Tech Crime?**

**Robbery**

**Identity Theft**

**Fraud**

**Child Abuse**

# Categories of Cybercrime ?



- **Crimes against persons:**
  - Hacking; Phishing; Harassment via E-Mails, Facebook, Twitter etc.; Carding; E-Mail Spoofing: e-mail misrepresents its origin
- **Crime against property:**
  - Cyber Trespass, Cyber Squatting, Malware Transmission; Intellectual Property violations
- **Crimes against government:**
  - Cyber terrorism – Sri Lanka Embassy Network attack - 1997
- **Crimes against society at large:**
  - Child Pornography; Online Gambling fraud; Financial Crimes

# “Cybercrime Challenges for Sri Lanka”

“Multi-National Nature, Tracing e-Evidence – Options”



## News

### Sri Lankan teller helps bust world's biggest bank fraud

By Feizal Samath

View(s): 5803

- **US\$ 1 billion scam involves China, Bangladesh, Lanka, the Philippines and US Fed**
- **CB launches massive money laundering probe on dubious NGO here**

Sri Lankan authorities have launched a massive probe into a dubious NGO here that tried to sneak in millions of US dollars stolen by Chinese hackers from the Bangladesh Central Bank, government officials here said, adding that this is part of a global crackdown on a money laundering scam.

They said the scam, which hit media headlines across the world, was thwarted two weeks ago by an alert teller at the Colombo branch of a foreign bank when an inward remittance of about \$25 million appeared to be suspicious.

The officials, who declined to be named, said a major probe was underway by the CB to ascertain the background of the intended receiver of the funds. “We found that the recipient NGO Shalika Foundation had been registered here by some outside parties who have now gone back. We are also probing whether there were any other funds that came from the source (hack-in) and had slipped through the radar here.”

Several NGO heads and activists said they had never heard of the Shalika Foundation. “Never heard of it,” said Dr. Vinya Ariyaratne from Sarvodaya. News of the theft, however, broke only this week, several days after the Sri Lankan teller’s query tipped off the US Federal Reserve, Bangladeshi authorities and the local Central Bank (CB),

exposing a near US\$1 billion theft through hacking, the biggest ever hack-in of bank funds in world history. CB Governor Arjuna Mahendran yesterday confirmed to the Sunday Times that “it was the Sri Lankan teller that alerted the US, Bangladesh and us (and the world) over a suspicious transaction”.



- Multi jurisdictional Nature

- Actions of criminals affects victims in many other countries
- Where was the offence committed?
- Which Country has jurisdiction?
- Evidence in multiple countries (“Evidence in the Cloud”)
  - Speed of MLA Requests?
- Jurisdiction does not exist for Cyber criminals
- Speed of International Cooperation essential factor!!
- Global Standard to address these challenges?

# Budapest Cybercrime Convention

Privacy Safeguards – Investigation & gathering Electronic Evidence



## Criminalising conduct

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

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## Procedural tools

- Expedited preservation
- Search and seizure
- Interception of computer data

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## International cooperation

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

Harmonisation



- Sri Lanka Invited to accede to Budapest Cybercrime Convention - 23<sup>rd</sup> February 2015 (process started in Oct 2008)
- Acceded to the Cybercrime Convention (29<sup>th</sup> May 2015)
  - Applicable on Sri Lanka - w.e.f - 1<sup>st</sup> September 2015
- **1<sup>st</sup> Country in South Asia & 2<sup>nd</sup> in Asia after Japan**
  - **Fastest ever Accession in Council of Europe history**
- Questions by MFA and MoJ - Await a Universal Treaty or adopt what's available - "Consensus"?
- **Journey towards accession was a Strategy** under "**e-Sri Lanka Initiative**" - **Sri Lanka's Digital Strategy**:-
  - Regulatory and Law reform based on "International Standards"
  - Capacity building measures - Law Enforcement & Judicial Training



# Sri Lankan Legislative Response & Challenges



- Primary Legislation – Computer Crimes Act No. 24 of 2007
  - Substantive Cybercrime offences
  - Procedural measures to obtain BSI and Traffic Data with Safeguards
  - Mutual Legal Assistance Act – **incorporated by Reference**
- **Other Legislative and Inter-connected measures**
  - Mutual Legal Assistance in Criminal Matters Act No. 25 of 2002
  - PAYMENT DEVICES FRAUDS ACT, No. 30 OF 2006
  - Intellectual Property Act, No. 36 Of 2003
  - Recommendations of Financial Action Task Force (FATF)
  - Penal Code Amendments (1995) and (2006) –Online Child Pornography
  - **ICCPR Act (2007) – Offences against Hate Speech etc**
    - No person shall propagate racial or religious hatred that constitutes incitement to discrimination, hostility or violence
- **Challenges**
  - Enforcement capacity? International cooperation - Delays?
  - Gathering and presenting Electronic evidence

# Addressing Challenges Through the Convention & GLACY



- As Party to the Budapest Convention (2015)
  - Harmonisation of Legislation, Continuous improvements based on regular assessments
  - **MLA Amendment Act No, 24 of 2018**
- Effective Capacity Building Measures
  - For Judicial, AG's Dept, CID & Police through GLACY + Program
  - ToT for Judicial authorities & adoption of e-Evidence Guide (over 300 Judges trained) – **International Coop, e-Evidence & Data Privacy**
  - **Sri Lanka Judicial Delegation – Training for Nepal Judges - 2017**
  - Over 650 Police officer trained by CID Cybercrime Unit
  - **Support for Cybercrime Legislation in Fiji**
- Sri Lanka CERT – [www.cert.gov.lk](http://www.cert.gov.lk)
  - National CERT established (full member of FIRST and APCERT)
  - Sector specific CSIRTS (eg:- **FinCERT**)
  - **Effective Public private cooperation, Expert assistance for digital forensics and “South – South Cooperation”**

# Impact of Budapest Cybercrime Convention

## Effective Criminal Justice cooperation



- Effectiveness of 24/ 7 contact points between Member Countries
  - Cybercrime Division of Sri Lanka Police
- **Easter Sunday Terror Bombings & e-Evidence – emergency response**
  - Spontaneous information (Art 26) & Real time Traffic data (Art 33)
- Convention is updated by Guidance Notes (GNs) and Protocols
  - Work of Cloud Evidence Group
- **Member States have Equal voice in Negotiation of Guidance Notes and Protocols to the Budapest Convention**
  - Sri Lanka –Lessons from Negotiating additional Protocol
  - Data Protection Bill – 25<sup>th</sup> November 2021



# Thank You !

[JFDO@icta.lk](mailto:JFDO@icta.lk) & [jayantha.fernando@cert.gov.lk](mailto:jayantha.fernando@cert.gov.lk)

[www.icta.lk](http://www.icta.lk) & [www.cert.gov.lk](http://www.cert.gov.lk)