

OPENING REMARKS
THE HONOURABLE DATO PADUKA HAJI HAIROL ARNI BIN HAJI
ABDUL MAJID

ATTORNEY GENERAL
AS
CONFERENCE CHAIR
OF

The 11th China-ASEAN Prosecutors-General Conference
"Enhancing Cooperation and Capabilities in Addressing
Cybercrime"

14th to 15th August 2018
THE RIZQUN INTERNATIONAL HOTEL
BRUNEI DARUSSALAM

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
السلام عليكم ورحمة الله وبركاته
A very good morning

The Honourable
Dato Seri Setia Haji Awang Abdul Mokti bin Haji Mohd Daud,
Minister at the Prime Minister's Office.

Yang Mulia,
Datin Seri Paduka Hajjah Elinda Bte CA Mohammad,
Deputy Minister at the Prime Minister Office

***Excellencies/My fellow Attorneys & Prosecutor Generals and
Heads of Delegations***

Distinguished Guests,
Ladies and Gentlemen,

It is with great pleasure that I warmly welcome you to Brunei Darussalam, the Abode of Peace and I wish you a pleasant stay in your brief time here.

The Attorney General's Chambers, Brunei Darussalam is honored to host such a distinguished gathering and I would like to express our deepest gratitude to the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam for enabling this important Conference to be held here.

On behalf of the Organising Committee, may I also especially thank The Honourable Dato Seri Setia, Awang Haji Abdul Mokti bin Haji Mohd Daud, Minister at the Prime Minister's Office for taking time out from his busy schedule, for kindly agreeing to do us the honour of officiating this opening ceremony today. As we all know, The Honourable Minister advocated the importance of enhancement of cyber security and creating better legal framework in order to curb the dangers posed by technology. Thank you Dato for joining us this morning and we look forward to hearing your insights on the theme of this meeting.

Also, I would like to acknowledge and convey my sincere gratitude to the Organizing Committee and Secretariat of the Conference for their hard work, dedication and the excellent arrangements.

The China-ASEAN Prosecutors-General Conference is a regional multilateral, international cooperation mechanism, in the prosecutorial field. Since its establishment, in 2004, the Conference has been committed to promote capacity-building of prosecutorial organs, on combating crimes, protecting welfare and maintaining peace and stability in the region. I would also like to thank the People's Republic of China for their firm commitment and continuous support for this Conference.

Associated benefits and risks of technology

The Theme of the Conference, "**Enhancing Capabilities and Cooperation in Addressing Cybercrime**", is very important and timely.

Over one third of the world's population has access to Internet. In Brunei Darussalam, the internet penetration rate has reached 95% in January 2018. The increase of access to internet, offers huge opportunities for economic, cultural and welfare advancements. Whilst, we embrace such potential upsides, we must also be prepared to face the vulnerabilities spread by technology and the opportunities created for criminals, who are seeking to exploit others for profit and gain.

Cybercrime, continues to escalate at an alarming rate, very much due to its swift, anonymous and borderless nature. A smart cybercriminal

can make hundreds of thousands, even millions of dollars with almost no chance of getting caught. Now, with the anonymity of secure payment systems, through cryptocurrencies such as Bitcoin, it's very hard to catch these criminals in the act.

I echo the remarks made by the Honourable Minister, our Guest of Honour today, at the 14th Conference of the ASEAN Ministers Responsible for Information (AMRI) and Related Meetings in May this year. The Honourable Minister said that 'human creativity intertwined with the exploitation of digital technology have been largely responsible, in the distortion of truth and creation of fake news for the purpose of misinforming the public'.

Indeed; fake news, unfortunately, has and is becoming a more regular occurrence in our society. Even a small jurisdiction like ours, is not spared. This is only one of the many perils of the cyber-world, which we have to face. I applaud the efforts taken by the Royal Brunei Police Force and relevant Ministries to counter or dispel fake news by immediately responding to these news through the news and social media.

Cybercrime comes in many forms. It can come in the form of traditional crimes such as fraud, defamation or harassment carried out with online technology. It can also be classified as crimes against computers and technology such as "phishing" emails or the access or hacking of computer systems with the use of malicious software. The recent attack involving the "WannaCry" virus, was an indication of how

cybercrime can have such a devastating impact, whereby the ransomware attack hit hundreds of thousands of users in more than 150 countries and greatly affected businesses worldwide, costing losses amounting to billions of dollars. I know that some of Your Excellencies will be sharing your own story during the plenary session and we look forward to that.

Transnational nature of cybercrime

Another cause for our common concern is that, Cybercrime is an evolving form of transnational crime; a transboundary problem and very much difficult to police. Legislation alone is not the answer. These are crimes which take place in the borderless realm of cyberspace. The perpetrators and victims can be located in different regions and its effect can ripple through societies from around the globe. This global transnational crime presents governments with a unique and challenging task particularly for law enforcement agencies to secure and analyses electronic evidence in countries from where the crimes or attacks originate. As these criminal activities transcend national boundaries, law enforcement agencies have to be equipped with the right legal tools to effectively detect and combat the elusive perpetrators of cybercrime.

Combating cybercrime at the ASEAN level

In order to combat cybercrime successfully and effectively, governments must be ready to cooperate fully with one another. In this regard, at the ASEAN Summit late last year, Brunei joined other ASEAN

countries in signing the ASEAN Declaration to Prevent and Combat Cybercrime which amongst others, reiterates the need to enhance cooperation against cybercrime, aimed at the protection of our community in the region and acknowledges the importance of harmonization of laws related to cybercrime and electronic evidence.

This Declaration resolved to strengthen the commitment of ASEAN Member States to cooperate at the regional level, in preventing and combating cybercrime through measures such as exploring the feasibility of acceding to existing regional and international instruments in combating cybercrime, and developing national plans of actions in addressing cybercrime. The Declaration also recognizes the importance of community education and awareness to prevent cybercrime.

The ASEAN Leader's Statement on Cybersecurity Cooperation at the recent 32nd ASEAN summit in Singapore, is also testament to our region's commitment, in response to the increasing urgency and sophistication of transboundary cyber threats. It is through this regional solidarity that we can tackle Cybercrime more effectively.

Excellencies, Distinguished Delegates, Ladies & Gentlemen,

AGC's efforts

Let me take this opportunity to share some of the AGC Brunei Darussalam's initiatives, in addressing cybercrime.

Our prosecution Unit is very much involved in ensuring that perpetrators are brought to justice and that appropriate legal measures are in place, to deal with any issues pertaining to transnational crimes, including cybercrime. From 2011 until December 2017, Chambers have prosecuted 14 offences related to cybercrime in particular those related to social media such as defamation, spreading of false information and uploading of obscene media on various social media platforms. As part of the Criminal Justice Division's ongoing efforts to deal with cases of social media offending, justly and efficiently, we have developed a guideline to our approach. These guidelines were introduced in January 2017 but are by no means a checklist which must be adhered to. They are matters which ought to be present in a prosecutor's mind in deciding whether or not, prosecution is appropriate and help to ensure a consistent approach across the division to matters concerning social media offending.

His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam had expressed on numerous occasions his concern on cyber threats in particular for children and the rise of possible seditious and subversive postings online. Taking heed of His Majesty's concerns, Chambers saw an opportunity to increase public awareness in this issue and the Criminal Justice Division initiated an outreach programme, to schools and educational institutions. Even to this day, the requests by schools and institutions have increased significantly, and our officers are doing their best to cope with the demand, whilst also having to prioritize their core work of doing prosecution. It is hoped that the awareness programme will prevent more cases from occurring and create a shared awareness amongst users to make the cyber world a safer place.

Another initiative taken by Chambers is that we have established a Cybercrime Focus Group. The Cybercrime Focus Group consists of prosecutors under the Criminal Justice Division who have all undergone training both locally and abroad, on cybercrime and cybersecurity related matters, with the aim of forging closer cooperation with other authorities in Brunei Darussalam, to ensure that we are protected from such threats. This includes key areas such as reviewing and strengthening the legislations to ease investigative procedures and enhance penalties where necessary. In fact, Chambers is currently reviewing the relevant existing legislation with a view to adapt to technological advancement and the risks attached to it.

It is worth emphasizing, that in order for our legal frameworks governing cybercrime to be strong, and robust, they need to be supported by capable human capital and resources. We need to cultivate experts in our jurisdictions in these areas, now more than ever before and continuously train our authorities to increase their knowledge in order to better implement the provisions of our laws. I understand that numerous invitations have been extended in the recent years to officers from my Chambers to attend various workshops and trainings in the area of cybercrime particularly in Singapore, the Philippines and Indonesia. These trainings have no doubt, provided a vital opportunity for our nations to forge closer connections, share expertise and further reinforce our commitment and cooperation. On this note, I would like to express my utmost gratitude to His Majesty's Government and the Prime Minister's Office for the support and I hope that it will continue.

Excellencies, Distinguished Delegates, Ladies & Gentlemen,

Let me conclude by saying, that Brunei Darussalam greatly values the cooperation amongst China and ASEAN. The interconnected world we live in today, offers many opportunities and benefits. But it also offers unprecedented opportunities for criminals, terrorists, and other hostile actors. This is why it is becoming more important and urgent for us to continue to work together, in building our resilience to tackle technological innovation and to harness international cooperation.

Lastly, I wish all delegates, a pleasant stay in Brunei Darussalam as well as a fruitful conference. I look forward to meeting and learning from all of you and may our co-operation and friendship be broadened and strengthened.

وبالله التوفيق والهداية والسلام عليكم ورحمة الله وبركاته

Thank You.