

**Statement by the Leader of Myanmar Delegation H.E. Mr. Win Myint,  
Deputy Attorney General of the Union Attorney General's Office, the  
Republic of the Union of Myanmar  
To 11<sup>th</sup> CHINA-ASEAN PROSECUTORS GENERAL CONFERENCE  
14-15 August 2018, BRUNEI DARUSSALAM**

Mr. Chairman,

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

It is honour and a privilege for me to have an opportunity to attend the China-ASEAN Prosecutors General Conference.

First of all, we are grateful to the Government of the Brunei Darussalam, the People of Brunei and the Attorney General Chamber of Brunei for the warmth and hospitality shown to myself and my delegation.

This Conference focuses on enhancing capabilities and cooperation in addressing cybercrime. So I would like to present the legal framework of Myanmar on cybercrime. Myanmar has provided the laws relating to the cybercrime. These laws are Computer Science Development Law 1996, Electronic Transaction Law 2004, Telecommunication Law 2013 and the Law Amending to the Evidence Act 2015.

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Now I am going to introduce to the original framework of investigation and prosecution of cybercrime. When a police officer receives the first information report (FIR) from any aggrieved person, the police officer started the investigation processes. In the investigation, the examination of witnesses, searching and seizing of necessary documents, obtaining the expert opinion for document are very essential for the issue of whether or not the offender has committed the crime. Later, the police officer submits the case file to the Law Office in order to get the legal advice in accord with the law. In this step, the law officer can instruct to the police officer to perform the requirements of the case in order to be a sound prosecution. When obtaining the legal advice from the law officer, the case is prosecuted by the police officer before the Court.

Every law officer has to perform their functions under the Attorney General of the Union Law 2010 and the Rules of the Attorney General of the Union 2016. Under these Law and Rules, the main functions of all law officers are to tender the legal advice in criminal cases and to appear in criminal cases before the Court on behalf of the State. Further, the another important function of law officer is to file the revision or appeal case to the upper level Court when the decision of

original Court is not consistent with the law. Therefore, the law officers may take part in both investigation and prosecution steps.

In Myanmar, most of the cybercrime cases were defaming cases and these were not famous. However, some cases alarmed to the people to have a reasonable degree of caution for cybercrime.

Myanmar has provided the related laws fighting against cybercrime. In order to effective investigation and cooperation with others, Myanmar has recently formed the cybercrime unit. Besides, a comprehensive cybercrime law in which includes cyber security, electronic government and electronic commerce is being drafted in accord with international standards and by incorporating from the practices and experiences of other countries' legislation. Further, Myanmar has been participating in the internal and external seminars, workshops, trainings for the improvement of capacity building. Moreover, the public awareness is being performed to avoid the misuses of internet.

For instance, I am going to highlight briefly about two cybercrime cases. The first case is concerned with the stealing of money form ATMs by hacking the computer network. The ATMs cards of Myanmar are based on Magnetic stripe. The code of magnetic stripe can easily be copied by the card reader. In this case, therefore, the offender can easily commit it because he has already known that the ATMs of Myanmar are low technical standards.

The second case is more complex than the first case. It relates to the money transfer stolen by the unknown hacker from the other jurisdiction. The offender

of this crime is being investigated by the cooperation of INTERPOL. In this case, we assume that Myanmar needs to receive international cooperation. When we look at these two cases, it is undeniable that Myanmar must strive to strengthen international cooperation and to build the capacity of cyber technology.

Likewise, we may note from the above cases that cybercrime is surely transnational crime. Now, I am going to present the some activities of Myanmar in combating cybercrime.

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Currently, Myanmar is trying to cooperate with international community in combating the cybercrime. Therefore, the Union Attorney General's Office formed Transnational Organized Crimes Programme in order to strengthen the capacity of law officers in handling transnational crimes, especially anti-money laundering, anti-narcotic drugs, anti-cybercrime and anti-trafficking in persons. Likewise, we do hope that Myanmar will strive to build international cooperation against cybercrime, and to transfer and punish transnational criminals under the domestic laws such as the Mutual Legal Assistance in Criminal Matters Law 2004

and the Extradition Law 2017. However, there are some challenges. These challenges are:

- Lack of ICT infrastructure
- Lack of the essential tools and techniques in both investigation and prosecution of cybercrime
- Lack of the technical and legal experts
- Lack of the awareness of cyber threats
- Misuses of internet by the people
- Low technical standards of cyber security

In this regard, we really hope that we can pass these challenges with the fruitful assistance of the developed countries, kindly assistance of ICT companies and firmly cooperation with each other. In order to ensure an effective criminal justice response against cybercrime, we do believe that Myanmar can strengthen cooperation with local law enforcement agencies as well as the private sector in accordance with the domestic laws and create more awareness and a better understanding of cybercrime threats impacting on children and the younger generation through public information, subject to the domestic capacities. Now, Myanmar is welcoming to all to invest in ICT sector for the development of that sector.

In my conclusion, I would like to point out that only one State cannot combat the cybercrime. Every State has responsible for combating of cybercrime. In order to reach this goal, every State has to cooperate and collaborate with each

other. Collective performances are very essential in combating the Cybercrime.

We strongly believe that we can do it together.

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Finally, I would like to wish again to extend my heartfelt thanks to the Government of Brunei, the People of Brunei, all officials concerned for excellent arrangements and everybody assist to us behind the scene, and to all delegations for your sharing knowledge and active participation relating to cybercrime and cyber security.

Thank you.