

Speech of the Director CBI on the occasion of Inauguration of the three day India-US International Co-operation Workshop on Mutual Legal Assistance and Extradition

(February 4, 2015 at CBI HQ, New Delhi)

It is a pleasure to have the opportunity to speak to you today, on the first morning of the three-day International Cooperation Workshop.

First of all, on behalf Central Bureau of Investigation and Government of India, I would like to convey my gratitude to US Department of Justice and US Government for their alacrity in lending their support in organizing this International Cooperation Workshop on Mutual Legal Assistance in Criminal Matters and Extradition.

Let me also extend my appreciation to IS-II Division, Ministry of Home Affairs, CPV Division, Ministry of External Affairs, the two Central Authorities of India in giving us an opportunity to host this workshop. I would also like to acknowledge the presence of officers of Police Departments and other Law Enforcement Agencies of various States and Central Governments. It goes without saying that your presence adds value to this workshop. The organization of three-day Workshop is an important step in achieving our objectives of International Cooperation in Criminal Matters.

Let me at the outset assure you that India and CBI, the designated National Central Bureau of India are committed to assist nations across the globe and render the best and widest possible measures in ensuring that no crime shall go unpunished. In doing so, we are strengthening our collaboration and cooperation with Nations in preventing, investigating and prosecuting the criminal offences.

Ladies and gentlemen,

While integration of world economies and ease of travel across borders has allowed international criminals to operate across the world with impunity, the law enforcement agencies remain confined to national boundaries. It's a fact of life that Sovereignty, a fundamental principle which grounds the relations of States, is also a major tool in the armoury of the criminal element in our societies. Criminals depend heavily upon the barriers of sovereignty to shield themselves and evidence of their crimes from detection. It is in this light that it becomes imperative for nations, the world-over to take the issue of international cooperation with all seriousness in order to effectively tackle the activities of local, regional and international organized crime groups.

Rapid advances in technology have transformed the ways in which we can communicate and conduct transactions. However, these advancements in ICT have also created new opportunities for criminals. The technology has changed the ways in which criminals can engage with their victims. Organised criminal gangs are using sophisticated techniques to steal individuals' personal data, addresses, and passwords in order to commit frauds. Businesses are susceptible to online attacks which are intended to steal high-value intellectual property, such as product designs and other trade secrets. Through the use of computers and sophisticated technologies, Transnational Organised criminals today have an unprecedented capability to obtain, process, and protect information and elude law enforcement and the criminal investigation machinery.

The very configuration of the World Wide Web enables cyber criminals to attack victims in other jurisdictions. This further complicates the task for law enforcement agencies and investigators to identify the origins of these attacks, and to access evidence located in different jurisdictions. Half a decade ago, the prophetic Canadian author, Marshall McLuhan coined a daring metaphor 'global village' and it's a reality today. We are all witnessing what he predicted forcefully in 1967 that "the new electronic interdependence recreates the world in the image of a global village". This has had a dramatic impact on many aspects of life and society and law enforcement is no exception.

Once law enforcement has identified the jurisdiction in which evidence is located, usually it must be acquired via mutual legal assistance (MLA) processes. These processes can be time consuming and expensive, and executing these MLA requests sometimes imposes significant demands on another state. The international nature of cyber-crime requires a response co-ordinated at an international level. The volatility of digital evidence calls for swift request for preservation and meeting the statutory timelines. Compounding the problem and raising it to all together a higher level, is the increased use of the Internet and technology by contemporary terrorist for the purposes of recruitment and radicalisation, training, financing and coordinating attacks. As most of the servers are located in US, an understanding of US Legal Framework with regard to Stored Digital Information becomes crucial.

Asset recovery is another area where swift and sustained cooperation across the borders is necessity. The layering of proceeds of crime to evade money trail has made the task of locating, restraining and confiscating all the more daunting. The privacy and bank secrecy laws make the operation even more challenging. The instant workshop would like to focus on obtaining electronic evidence and bank records from USA and the team from US is all prepared to make our officers familiar with the legal framework.

Ladies and gentlemen,

In this workshop, I would like to sincerely hope that we are able to exchange views and having constructive discussion on various issues relating to Mutual Legal Assistance, Extradition, obtaining Digital Evidence, Assets Recovery and provisions of bilateral MLAT based on the experience and perspective of the India and USA.

I would look forward to the contribution from our State Police and Central Investigative Agencies, in sharing their expertise and knowledge on the topical issues that will enhance the quality of the workshop.

Finally, let us work together in this Meeting in order to produce positive results. I look forward to having a fruitful and successful discussion.

Thank you.
