

CND THEMATIC INTERSESSIONAL 2021

October 21, 2021.

Respected Chair,

I thank VNGOC for this opportunity to present a statement at the CND Intersessional on the Thematic section: **THE CRIMINAL MISUSE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES FOR ILLICIT-DRUG RELATED ACTIVITIES IS INCREASING.**

Respected Chair,

Regulation traditionally lags innovation and as innovation continues to outperform regulation, the expanse of illicit economies has amplified. Mimicking traditional criminal manipulation, new technological tools have enabled execution with virulence and velocity. ICT's have opened tremendous possibilities for purpose of criminal cooperation, enabling greater anonymity and shielding from detection. The proliferation of use of anonymisation tools and encryption communication services, multiplication of sales platform on the surface web and dark web, underground payment systems through crypto currencies by malicious actors, drone technology has simplified execution with unprecedented ease, speed, and impact. This has significantly altered the criminal terrain and motivation of the offenders.

Guided and driven by new technological tools, the drug market has become more abundant, more sophisticated, and more diverse globally than it has ever been. Movement restrictions imposed by the coronavirus pandemic saw people move online to an unprecedented degree and witnessed a surge in criminal operations, including greater volume and movement of a wide range of illicit drugs. Drug Traffickers have been swift in resorting to ICT and with precision to keep their supply chains open.

In a recent drug haul from the city of Kochi in southern India, investigations uncovered the *modus operandi* of the pedlars, traffickers, and consumers. Orders for small quantities of drugs were placed through coded messages. The administrators would add members only after thorough verification including physical background checks. The theme and discussion in the groups would generally be on varied subjects to mask the real purpose of drug trafficking. Herein lies a real task, as pointed out by Manu P. Zacharia, cyber security expert and member of the Data Security Council of India, that enforcement agencies can scan social media space for such activities based only on a specific input. Detection thus remains a major challenge. Earlier in June of 2021, the Narcotics Control Bureau of India had arrested an individual, Makarand Adivikar, referred as the 'crypto king,' in Mumbai for providing bitcoins for the purchase of LSD. The drug was brought from the darknet web using bitcoins.

As per a research publication, the crypto markets have facilitated hundreds of thousands of illicit drug exchanges, likely worth more than two billion US dollars. Door to door delivery of a greater volume and wide range of illicit drugs have had serious repercussions- a reported

increase in fatal overdoses as that reported from United States, particularly involving the sale of fentanyl-laced counterfeit pills that have caused the death of teens and young adults in at least fifteen states. As per the US Centre for Disease Control data released for the period from March 2020 to March 2021, some 90,000 people had died of drug overdoses in a span of twelve months. The DEA Administrator, Anne Milligan, had voiced her serious concern at the lackadaisical attitude of the social media companies, in this case, Snapchat from where most of the pills were ordered. A report in the NYT mentioned that it was as simple as placing an online order for a pizza. While Snapchat did say that it has strengthened automated tools that proactively scan for potential drug related content, consulting with DEA and third-party experts to stay on top of this deadly game, yet, illicit drug operations have continued to grow bigger and resilient to assaults.

The Law Enforcement- Challenges

There is an obvious challenge here for law enforcement to not only keep pace with new technological developments but to effectively counteract technology-enabled crimes. These warrants developing new investigative tools and strategies and new forms of trans-national policing and jurisprudence. Naturally, the use of technology by law enforcement has considerable resource implications, not just in gaining access to or ownership of the technology in question, but in ensuring that adequate training is available to capitalise on the technology.

Combating crime however is not something that law enforcement can or should shoulder alone. A critical factor is to develop working relationships with private industry and academia.

Prevention is a key non-investigative measure that must also be considered. Regulatory system strengthening and harmonisation of legal and policy frameworks to meet the new challenges and pursue a shared commitment towards combating crime where these technologies are involved, is crucial. This demands cooperation between different sectors as well as different stakeholders. In such discussions, it is important for law enforcement to have a voice and to provide guidance and recommendations regarding the needs and requirements of law enforcement. Mechanisms for synchronization of international cooperation and coordination towards training and capacity building and mutual legal assistance are vital.

The need for a reliable and efficient mechanism for international cooperation in law enforcement matters have never been more urgent. As has been rightly said, 'The fight against cyber-crime either is a global one or it makes no sense.'

References

James Martin, Jack Cunliffe, Rasmus Musksgaard, *Cryptomarkets: A Research Companion*, Emerald Publishing Group, 2019.

<https://www.ashlandsource.com/news/overdose-deaths-hit-new-highs-from-march-2020-to-march-2021-cdc-data-show/article>.

Dr Kawal Deep Kour

South Asian Drugs and Addictions Research Council, New Delhi, India.

