

The International Conference for the Criminalization of Cyberterrorism (ICCCT)

15-16 May 2017

Abu Dhabi, UAE

Introduction: Under Patronage of **HH Sheikh Abdullah Bin Zayed Al Nahyan, the UAE Minister of Foreign Affairs and International Cooperation**, the United Arab Emirates will host the “International Conference for the Criminalization of Cyber-terrorism”. This conference will focus on criminalizing cyber-terrorism in the light of conflicting legislations and sociocultural receding, with the purpose of finding a framework that balances between the fundamental human rights and the international efforts in combating cyber-terrorism. The conference will also discuss the prospects for cooperation between the counter cyber-terrorism organizations and institutions, and initiate a comprehensive international legal framework that criminalizes cyber-terrorism.

The “International Conference for the Criminalization of Cyberterrorism” (ICCCT) is expected to include many specialized workshops that will culminate in recommendations that support finding efficient and practical solutions within the international counter cyber-terrorism law. This important event will include presenting scientific seminars and research papers by international experts, political figures, representatives of international organizations and institutions, and activists in counter terrorism and counter cyber-terrorism affairs, in addition to legal experts, researchers, practitioners, and other figures from the international community.

As you know, the international counter-terrorism efforts led to many results that culminated in the UN Security Council resolution 1373, which first established the Counter-terrorism Committee. Five years later, the UN General Assembly member States adopted a common strategic framework for countering terrorism: the UN Global Counter-Terrorism Strategy. It is a unique instrument that enhances the international community efforts in countering terrorism based on 4 pillars: 1) Addressing the conditions conducive to the spread of terrorism, 2) Preventing and combating terrorism, 3) Building states' capacity and strengthening the role of the United Nations, and 4) Ensuring human rights and the rule of law being the most important element in countering terrorism. However, among the most important drivers that lead to the spread of terrorism, and that fall under the

first pillar in the global strategy, are social media, Internet, and Cybercrime. The media in general, and the use of social media by the terrorist and extremist groups in particular, have got special characteristics and have become increasingly important factors that need to be addressed. Even the plans and operations that are suppressed partially achieve the purposes of the terrorist groups; which is spreading fear and terror, and provoking reactions. This explains the danger of media as an enabling tool for terrorists on the one hand, and as a recruiting platform on the other hand. The technological advancement in telecommunications, especially in internet, led to producing amplified effects of messages, and impacted on the methods of recruiting. The terrorist and extremist groups abilities have been flexible and creative in taking advantage of the feelings of despair, injustice, exclusion, and the desire of finding one's self-worthiness, particularly among the youth, including women and girls. Most recruits are of ages between 17 and 27 years old from different education, social, and economic backgrounds. This made understanding the allure of terrorism and combating it more complicated, and made it difficult for the international community to respond to this problem efficiently. Therefore, it has become necessary to make a balance between protecting the rights of individuals to the freedom of speech and protecting people who are vulnerable to hatred, discrimination, and violence.

History of the UN combat against Cybercrime: The first official

statement was made in the letter of UN Secretary General Kofi Annan in the 15th May 2006 "In an increasingly interconnected and networked world, it has become very important to guarantee the safety of systems and infrastructure against cyber criminals, and to work on making electronic transactions, services, and software more trustworthy and reliable". Hence, if we look at counter-terrorism and cyber electronic warfare, we will conclude that they fall within the purpose of the Charter of the United Nations even if that charter does not directly criminalize the use of information warfare for terrorist purposes; which is known as the cyberterrorism. However, the spirit of the charter agrees on criminalizing cyberterrorism because it is a violation to the articles of the charter on "threatening or using force against the regional safety and political sovereignty of any State". Considering the UN Charter came to address the armed conflicts, if we look at cyberterrorism and the use of cyber electronic warfare as acts of assault to force a given State to make a given decision, then the force of law applies in this case. In this regard, the United Nations efforts culminated in the establishment of the Counter-Terrorism Implementation Task Force (CTITF) emanating from the UN Global Counter-terrorism Strategy, which works on the protection of critical infrastructure including Internet, vulnerable targets, and tourism. This task force aims at identifying and gathering stakeholders and those interested in discussing the misuse of internet for terrorist purposes such as encouraging extremism, recruiting, training, planning, and funding terrorist activities. CTITF also identifies how terrorists use internet as well as

assessing and quantifying potential risks of this misuse, and examining the available options to tackle cyberterrorism on the local, regional, and global levels, besides the role that the United Nations can play in this process without prejudice to the human rights, fundamental values, and the open nature of Internet itself. The CTITF achievements include a survey of the relevant laws, agreements, resources, and initiatives. The force was able to gather considerable amounts of information about the existing procedures to combat the misuse of internet for terrorist purposes. In February 2009, the team submitted a report that depicted the current threats and recorded the local, regional, and global initiatives to combat it. The report also provided initial recommendations for the way ahead and for the role the United Nations can play that in this regard. In 2011, CTITF started focusing its efforts and activities on combating attractiveness of terrorism through analyzing the role of counter-narratives and identifying the messengers who are able to convey such messages. The CTITF is still operating in the high levels of international cooperation within its mandate, in addition to the UN's previous sustainable efforts in promoting the awareness of cyber security - which were demonstrated in the World Summit on the Information Society (WSIS) in Geneva 2003 and Tunisia 2005 being the most successful international efforts that were sponsored by the United Nations. Among the most remarkable outcomes of the Summits were that all participating governments agreed that: "the political power on the general regulations relevant to Internet is a

sovereign right to all States"; as those States have rights and bear responsibilities by virtue of the international general policies relevant to Internet. The International Telecommunications Union (ITU) has become a major international gathering of such activities, and it works alongside with the European Council to produce the European agreement on the criminalization of cybercrime to be used during the elaboration of a legal international framework, and to encourage more security legislations on the Information Technology. In the context of these efforts, the United Nations established the Counter-terrorism Committee which requested the United Nations Office on Drugs and Crime (UNODC) in Vienna to put in place a sort of guidelines for the other countries to use during the elaboration and enforcement of counter-terrorism laws. In implementation, the UNODC presented in 2006 a list of guidelines that included four sections: 1) Identification of Criminal Acts, 2) Instruments that guarantee efficient criminalization, 3) Procedural law, and 4) Means of international cooperation in criminal affairs. At the end of these guidelines, the UNODC enclosed a draft counterterrorism law. The United Nations General Assembly issued many resolutions that demonstrated the increasingly international interest in the use of technology and telecommunications for non-peaceful purposes. In 2001, the UN member States agreed to establish the "Global Government Experts" group which started operations in 2004 with the aim of discussing the present and potential threats to international information security, together with the possible procedures that can be taken to establish an international basis that

strengthens the global information and communications security systems. That was the first time a political decision was made on the international level to action those international efforts. Regardless of the several meetings held by the UN Experts Group in 2004 and 2005 - with a view of coming out with a draft resolution - and even though the group made remarkable achievements at that time, it was not possible for it to achieve that objective due to problematic questions such as: Does the Human International Law, and the International Law more specifically, govern the security dimensions of international relations in the case of aggressive use of technology and communication for military and political purposes?

Therefore, the Global Experts Group efforts became fruitless despite the success they made in the beginning of their mission, as well as their contributions in raising awareness of the information security on the international agenda. Since then, the UN General Assembly decided to continue its efforts in examining this issue through several task forces emanating from the Global Counter-terrorism Strategy.

The UAE in the International context: The United Arab Emirates is aware of the vital role of information technology and communications, and it has solid sustainable development plans that were reflected in the 2016/2017 Global Competitiveness Index (GCI), which measure 12 groups of indicators including technological

readiness and creativity. The UAE came first among Arab countries and 16th among 138 countries worldwide, which made it the first country in Government purchases of Advanced IT products.

As for the Internet readiness of a given economy to leverage IT and communication capabilities to increase competitiveness and development, released by the World Economic Forum in the Global IT Report 2016 and based on official information from international organizations such as the International Telecommunications Union, the World Bank, and the United Nations, etc.), the UAE ranked first among Arab nations and 26th in the world among 139 countries. It also came first among Arab nations in terms of individual indexes which were subject to analysis and study in many standards such as: Electronic sharing index/ total internet safe servers/ decreased unlicensed software rates to the total software downloads.

Furthermore, the UAE was highly ranked in many indexes and by different international standards such as: 1st country in the use of IT, telecommunications, and government efficiency, in the importance of IT and telecommunications in the Government's vision for the future, in the government success in the development of IT and telecommunications. The UAE was also ranked fourth in the world in terms of IT and telecommunications regulations, Impact, and access to basic services as well as in the use of IT and communication in corporate transactions.

The UAE's advanced ranking in the sector of information technology

and telecommunications goes in line with the country's international interests in the issues of information security and human rights.

These interests were translated into enactment of a set of laws such as: Federal Law No. (7) of 2014 on “Combating Terrorism Offences”, Federal Decree - Law No. (5) of 2012 on “Combating Cybercrimes”, and Federal Law No. (51) of 2006 on “Combating Human Trafficking Crimes” and as amended under Federal Law No. (1) of 2015. This set of laws constitutes a framework that has its specific regional and international dimensions of cooperation with the international organizations in accordance with the United Nations' guidance that respects human rights and laws.

Description and Objectives: Under the patronage of H.H. Sheikh Abdullah bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation, the UAE hosts the International Conference on the Criminalization of Cyberterrorism. This conference will focus on cyberterrorism within the context of conflicting legislations and social and cultural receding; aligning the human rights principles with the efforts exerted in combating cyberterrorism and moving towards a comprehensive legislative framework for criminalizing cyberterrorism. The conference will include several special thematic panels and is expected to come out with recommendations on the development of efficient and practical solutions to cyberterrorism within the legal framework.

Participants: Participants in this international conference will include political and international figures and organizations, and counter-terrorism and cyberterrorism actors as well as legal experts, in addition to researchers, practitioners, and representatives of the international community who will participate in the panels and present research papers.

Deliverables: To make an impact that leads to overcoming the obstacles and working together towards an international law that criminalizes cyberterrorism in line with the United Nations efforts for counter-terrorism.

Source: The United Nations and Supporting the Peaceful Use of Cyber Space, Article by Dr. Adel Abdel Sadeq published in the Arab Center for Cyber Space Research 06/08/2015

Source: The United Nations official website.

Source: The United Nations framework activities in the implementation of the Global counter-terrorism strategy, report of the Secretary General on 12/04/2016- the UN General Assembly- Page 6 –Article 16)

Source: The United Nations framework activities in the implementation of the Global Counter-terrorism Strategy, report of the Secretary General on 12/04/2016- the UN General Assembly-

Page 5 –Article 14)

Source: The United Nations framework activities in the implementation of the Global counter-terrorism strategy, report of the Secretary General on 12/04/2016- the UN General Assembly- Page 20 –Article 61)

Source: UAE Ranking in the International Studies – UAE's Telecommunication Regulation Authority – 01/01/2017

Source: From the report (Measuring the Information Society) – Annual Edition 2016. International Telecommunications Union.

Source: the Global Competitiveness Index report 2016-2017 – World Economic Forum.