

## BLACK TECH FORENSICS

### New age technology threats and vulnerabilities

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#### When is a Cybercrime Really a Cybercrime?

*The notion of cyberlaw – legal rules peculiar to the electronic communications context – make no more sense than printlaw, newspaperlaw, movie law, T.V.-law, shopping center law, videogame law or indeed washing-machine law. The network....is too slippery for any statute.*<sup>1</sup>

~ Curtis Karnow

Internet criminal activities can come from anywhere in the world. The computer laws of many countries do not necessarily identify the same activities that are considered to be “cybercrimes” in the U.S. to be illegal acts in their country. The best example of such jurisdiction issues is the “I Love You” virus. The virus was written in the Philippines where virus creation was not considered to be against the law at the time. The “I Love You” virus was sent around the world, and it created billions of dollars in damages. If the creator of the “I Love You” virus had initially released the virus in the U.S. instead, he would be in jail next to the U.S. creator and sender of the Melissa virus.

<sup>1</sup>Curtis Karnow, “Recombinant Culture: Crime in the Digital Newtwork.” July 1994, DEFCON II, Las Vegas NV <[http://www.cpsr.org/cpsr/computer\\_crime /net.crime.karnow.txt](http://www.cpsr.org/cpsr/computer_crime/net.crime.karnow.txt)>.

The legal jurisdiction in which a possible “criminal activity” was committed defines if a real cybercrime has occurred. If the criminal is sitting at a computer in South Africa, the web page is on a server in Aruba, money is transferred to a bank in Canada with a final destination to the criminal’s bank in London, where did the crime occur? It may be difficult to decide on the jurisdiction. A criminal who is aware of these jurisdiction differences can shop for jurisdictions with the weakest laws.

Currently there are two hundred and forty-nine countries with domain registration country codes listed at the InterGOV International ([http://www.intergov.org/public\\_information/general\\_information//view\\_countries.html](http://www.intergov.org/public_information/general_information//view_countries.html)). The countries with registered domains include Afghanistan (AF), Cook Islands (CK), and Tuvalu (TV). Each country has active web servers and each country has different laws, or no laws, to define cybercrimes. In addition, there may not be an extradition treaty with the United States.

Prior to reviewing cybercrime statutes, the underlying legislative perspective adopted toward cybercrimes needs to be understood. Criminal statutes are written to prevent fraud or protect tangible assets or intangible rights such

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