

**International Bar Association Transnational Crime Conference
Lisbon, 17-19 May 2017**

Last year I attended the IBA Transnational Crime Conference in Panama and knowing what a valuable experience it had been I was keen to attend again this year. The conference this year was held in Lisbon and whilst the travel costs were much lower, I would not have attended without financial assistance as the conference fees and accommodation would have made it an expensive few days. I was lucky enough to be granted funding again by the Bar Council and Criminal Bar Association by way of an International Legal and Professional Development Grant which covers the cost of two thirds of the whole trip. I would encourage all junior lawyers to apply for the grant and to take the opportunity to attend an international legal event.

Lisbon is a beautiful city and I was keen to see the sights whilst I was attending for the conference. I arrived a day before the conference started and made my way into the city centre. I took a whistle-stop tour of the main sights, starting off with a visit to the UNESCO world heritage sites the Torre de Belém and the Mosteiro dos Jerónimos. The 16th century monastery is worth queuing for to see the intricately designed cloisters inside and the ornate architectural style. I stayed in the area long enough to visit Pasteis de Belem to try a pastel de nata, Portugal's iconic egg tart. I then took tram 28 through some of Lisbon's historic streets and scaled the Santa Justa Lift for views over the city.

In early May one of the leading news stories was the cyber-attack on the NHS which locked its computer screens and informed users that the files would be lost unless payment was sent to a Bitcoin account, this of course being effectively untraceable. The malicious software spread to Europe and according to Europol affected 200,000 victims in 150 countries. This was a timely reminder of the relevance of the conference themes of data privacy and cybercrime. These issues require discussion and practical solutions and it seemed like a very good time to be going to a conference with 190 lawyers attending from around the world.

The conference opened with the keynote address from Professor Manuel da Costa Andrade, President of the Constitutional Court, he spoke passionately about the new challenges facing the criminal law from the threats of terrorism and technological crime. He highlighted the challenge of fighting these 'new crimes' on many battlefronts without sacrificing the freedoms of individual citizens. He proposed that in Portugal there is a need to define the core inviolable rights individuals are entitled to so as to limit intrusion from the state.

The first morning session considered data privacy and the challenges in internal cross-border investigations. The panel explained that although 120 countries have data privacy laws they vary greatly and that this international problem can only be resolved with an international solution. The EU have tried to strengthen and unify data protection for EU citizens by implementing the General Data Protection Regulation which becomes enforceable from 25 May 2018. It was noted that the challenge may be that enforcement outside the EU may not be effective, as it stands New Zealand is the only Asia Pacific Country on the EU 'white list' of countries offering adequate data protection standards.

The session I most enjoyed was *The right to silence when everyone else is talking*. The panel included lawyers from Portugal, Brazil, the UK and the USA and it was fascinating to consider the different approaches taken by countries in white collar fraud investigations. There has arguably been an erosion of the right to silence in these cases given the increased sharing of information between investigators and regulators with a tension between interviews conducted in the course of employment and those during criminal proceedings and how the information adduced may be used. The panel recognised the difficulty of there being different rights in different jurisdictions, even to the extent that lawyers have different obligations depending on the rules in their own countries.

The conference closed appropriately with a session on the current developments in cross-border cooperation which I found particularly useful given the cyber-attack which was still ongoing whilst I was at the conference. There remains a difference between countries in how white-collar crime is resolved, with the USA having developed a plea-bargaining system and the UK preferring to prosecute. The panel also discussed Interpol 'red notices' – a request to locate and arrest an individual pending extradition – which have increased fivefold in a decade with 13,000 notices issued in 2016 alone. There is a real concern about misuse but countries take different action in response, the UK for example will not act on a red notice alone whereas other countries will arrest and detain a person. The panel noted that it is now easier for law enforcement agencies to share evidence with each other but face the constant challenge of enforcing the law when technology is advancing quickly with crimes involving an enhanced level of sophistication.

The speakers at the conference were engaging, the sessions informative and the chance to gain an insight into the approach of other jurisdictions illuminating. On the Thursday evening, I joined the other delegates for a cocktail reception on the balcony of the Palácio da Rocha do Conde d'Óbidos, an historic palace on the Tagus River. It was a real privilege to meet lawyers from around the world and to discuss the differences in our laws and our approaches but to also recognise our similarities as members of one profession facing the same challenges from international crime, a problem which we can only tackle by working together.

The conference next year will take place in Krakow, Poland, perhaps I will see you there?

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KCH Garden Square
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