

CRIME ON THE DARK WEB



As technology continues to advance and Police develop new sophisticated methods of investigation, the anonymity offered by the Dark Web and ability to engage in criminal behaviour disconnected from face to face transactions presents an increasing appeal for many types of criminal activity and poses greater obstacles in policing the more tech-savvy offender.

The Dark Web is a marketplace for anything illegal. A place where anonymity rules and unscrupulous criminals can engage in everything from money laundering and drug trafficking to child pornography and contract killing.

Despite the fact that the presence of the dark web and its illicit uses are widely known, the distinct lack of arrests and prosecutions within Australia arising out of this criminal playground clearly shows that authorities are not yet equipped to properly address the added complexity of this ever adapting forum.

Of those cases that have led to charges in Australia, the most significant penetration of the dark web by Australian authorities occurred in February 2019 when a drug syndicate operating as a vendor on the dark web, selling and distributing drugs around Australia was uncovered by Police on New South Wales' South Coast. It is alleged the 25-year old man at the centre of the syndicate facilitated the sale of more than \$17 million of illicit drugs.

By far the most successful black market operation on the dark web was the infamous "Silk Road" started by Ross Ulbricht in February of 2011 and later shut down by the FBI in October 2013, but not before generating almost \$1.2 billion in sales and \$100 million in Commissions. Ulbricht was later sentenced to life in prison, without the possibility of parole, following a trial in Massachusetts in 2015.

The foundation of the dark web and its operation through TOR browser has continued to evolve, dealing with many of the issues that initially existed which gave rise to the penetration by authorities into the dark web and uncovering the anonymity of its users.

Creevey Russell

LAWYERS

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One of the main fall-backs of the initial Silk Road model was that, although Tor was fundamentally sound in ensuring anonymity, the crypto-currency "Bitcoin" did not offer the same level of anonymity as Tor, as one can theoretically trace the origin of a transaction between users, thus removing the complete anonymity of dark web purchases.

However, the system evolved and the crypto-currency saw its first micro-laundering system develop to anonymise the currency itself, a process known as 'tumbling'. Bitcoin users would funnel the crypto-currency into a central server, where the bitcoin is mixed and jumbled, before being distributed to the end user as a different bitcoin or part thereof, making it essentially, untraceable.

The reality is that most of the dark-web based arrests in Australia have nothing to do with flaws within Tor or the ability of authorities to understand or penetrate the cyber systems.

Most of the arrests have been as a result of packages being intercepted through the Australia Post by sheer luck and the subsequent investigations of those people that followed.

Border Force and state based Policing units will seize packages, and often allow them through to the purchaser to determine the frequency that a person is ordering drugs through the dark web. Once a pattern is established, they will execute a search warrant on the person's address, seizing all computers, drugs and mobile phones, allowing them to make a case against the person.

Australia has been identified as the highest per-capita user in the world of dark web illicit drug purchasing, yet only a mere handful of cases have been prosecuted over the last decade. This shows that no matter what the authorities might want us to think about their ability to monitor our web activity and control our borders, this still largely mysterious and misunderstood "dark web" outmatches anything the authorities have to penetrate the protections it provides.

With the associated violence of face-to-face drug transactions and the involvement of recognised criminal organisations in the Australian drug trade, it really is a legitimate question to ask, albeit not an attractive one, is the dark web making the drug trade not only easier, but perhaps safer too?

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RECENT CASE - CHARGES DROPPED



A client of ours was charged with “perverting the course of justice” due to statements he made to Police at a time when Police knew he was intoxicated and had suffered injuries as the result of a car crash. Despite that, Police continued to question our client and ultimately charged him with attempting to pervert the course of justice.

We quickly engaged in case conferencing, pointing out the Police officer’s significant breaches of the Police Powers and Responsibilities Act 2000, which included the right to silence, right to contact a lawyer and failure to delay questioning in a situation where he knew our client was intoxicated.

The charges against our client were dismissed without the need to go to trial and incur significant stress and legal fees in defending his case.



Dan Creevey



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OUR SERVICES INCLUDE

Summary offences; Private criminal offences; CCC proceedings; Environmental Protection Act prosecutions; Animal prosecutions; Vegetation Management Act prosecutions; Health investigations; OHO and AHPRA investigations; Employment matters and internal discipline matters; White collar prosecutions; Director’s breaches; Misconduct proceedings; Show cause proceedings.