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ANTI-CORRUPTION IN THE CONTEXT OF DIGITALIZATION OF THE JUSTICE SECTOR

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ПРОТИВОДЕЙСТВИЕ КОРРУПЦИИ В УСЛОВИЯХ ЦИФРОВИЗАЦИИ СФЕРЫ ЮСТИЦИИ

Thank you, Chairman, for giving me the floor. Ladies and Gentlemen, because we are behind schedule, I won't put up the presentation. I'll just make a couple highlights, so please excuse my improvisation.

First of all, I would like to say in a complimentary matter that the topic of this discussion – modern trends in the development of digitalization in the field of justice – is very timely. I have been on and off working in Uzbekistan for the last 3 years and I would say I can attest that you have made significant progress in this area. You have put digitalization on the top of the political agenda, and you have implemented a number of some very successful projects, which can be put side by side with some European solutions. Especially, in terms of accessibility of legislation to internet, specific projects in terms of notaries, intellectual property, tax collection etc. Is everything perfect? Of course it's not perfect. I don't know of a country where everything would be perfect.

What is important is the realization that law and justice offer unique opportunity for application of IT solutions and artificial intelligence. I say that with some credibility, because apart from being a lawyer, I also studied IT and I was a computer programmer. My wife still resents me that I went into law, and I didn't stay in IT, because if I did, I probably would now be a Bitcoin millionaire, but I'm a lawyer. Lawyers usually don't understand computer people, and computer people don't understand law, which always puzzled me, because both systems have so much in common. They're both based on rules, on algorithms, on how things should be done. In my opinion, law and justice are a perfect fit to apply IT digitalization and artificial intelligence. There was just too little discussion between those two spheres. Why? Because IT in 21st Century, with all it has to offer, it offers first to commerce and

profit, it offers to social media, and it offers to spying/national security. All is legitimate, but now it's really time to use that knowledge and bring it to building and strengthening the rule of law and AC, because the opportunities are here and some good practices I will mention later have all been used around the world.

First lesson – we need to speak together – those two fields – justice and IT need to speak, and we should overcome those barriers. Not only in court systems, but also in Ministry of Justice, legislation, and administration.

Second, we need to understand our limits. IT, digitalization can be used to optimize work processes. And most of the things that we heard today is about that – how we can use online services for that. You don't get a Nobel Prize if you implement a project like that, because there are so many good practices around the world. You already implemented some of them and I think you're on a good road to implement more. I think you should be faster in doing that, but that's my opinion, but you should do that. And why I'm saying that – not only because you come closer to the citizen and you make the transactions cheaper and more objective and professional, but also sometimes they say computers cannot be bribed. You can bribe a person; you cannot bribe a computer. So, in the AC world, in which I've worked for the last 25 years, digitalization and informatization has been a big issue, exactly for the reason that it objectifies, speeds up, and takes a lot of corruption risks away if you introduce computer solutions to different administrative procedures like licensing etc. These are relatively simple IT solutions. And please, those who are dealing in IT here, I hope you are not offended. I know they are not simple, because there is complex programming, a lot of databases, but when I say simple, I mean you don't really need artificial intelligence to optimize a procedure for applying for a driver's license, and for submitting a tax report. It has been going on in most European countries for the last 10 years at least and in your country also for the last couple of years. So, one is optimizing work processes. This is one avenue.

The second extremely important avenue, especially from the perspective of AC, but also from the perspective of rule of law and building the trust of the citizens in the rule of law, is transparency. Today also your country has a lot of data on its head. A lot of that data could be put on the internet in a structured form, in algorithms and services that would allow citizens to look at what's happening – the same as you already do and I think you do it well. I saw much worse cases in some European countries in regard to your legislation on the net. This I think is a good project. In the same way, of course, you need to progress with other regulations, also on the local level, with state and local budgets etc. Transparency is very important, and transparency is important for AC, and it is important for strengthening the trust of the people in the government. Again, it's a kind of a vicious circle if you don't have it, a vicious circle which fuels corruption etc.

For example, court decisions. A couple of years ago I came here and saw that you made a pilot project putting basically court hearings on the net, basically video streaming court hearings on the net. There is not a single country in Europe or in USA where that would happen. So, you went from one extreme to the other. Before

you had no transparency, then you put basically streaming of court cases on the net. It's not going on anymore, not at this scale. But what you can do, and what many countries including my own when I was Minister of Justice did, was require that all court decisions are accessible on the net. I know that you are already doing that for some of the decisions. The problem with that is you cannot just put a Word file on the net of a court decision because you need to protect personal data, you need to protect victims, witnesses. And in a country like that to then put court cases like, not only Supreme Court cases but also higher court cases, City Court cases, District Court cases, what would you need to do? You could do what we did in Slovenia 10 years ago, when we had court clerks after every decision read the decision and black out sensitive information. Or you could use this IT technology, artificial intelligence, that now automatically, and we did that in Slovenia, scans every court case and through a very complex algorithm deletes all the sensitive information and after that publishes the court decision. That's a good practice example.

Also court records. Please don't be offended. I'm not impressed by the way Uzbekistan generally keeps court records in criminal or civil trials. They're still not on the level of international standards. Today there are solutions, which were also employed for in most countries in Europe, that all court cases are now recorded, not by video recording, but by audio recording and then you use computer programs, artificial intelligence, to transcribe those recordings into text and be then available for lawyers, for prosecutors, for victims, for witnesses. All those solutions exist today. And many of those are not worth millions of dollars and being produced only by big international corporations or governments. Often you actually have research institutes in Slovenia, in Europe, in US, and in other parts of the world, which are making such algorithms and programs as part of a public research environment and it's often an open code system, which is extremely important if you are introducing something like that in your either government or court system, because the question of national security and confidentiality is important and with open code systems that question is usually put aside.

And that brings me to the last point that I want to make, where in a way Slovenia and Uzbekistan share a problem, and that is artificial intelligence. In meetings like this we jump very quickly to artificial intelligence and everything that can be done and how much was done in terms of big data processing, for example, in China and in some other countries. Do you know why China, apart from other reasons, is so successful in using artificial intelligence in their court system? Because they are so bloody big, because they have so much data that the computers can learn from. Because artificial intelligence at the end of the day is basically machine learning from big data. If you want to introduce something that would learn on the basis of what court decisions were made, you need millions and millions of court decisions to feed to this beast, which is called artificial intelligence, which would then swallow them through algorithms and make their own intelligence out of it. That works for China. It doesn't so much work for smaller nations like Slovenia or with nations with a rather unique language like Uzbekistan. This is the reality, but there are solutions also for that.

And finally in terms of artificial intelligence, first there are phases to come to that, in justice and in AC. First you need to digitalize your data – administrative decisions, court decisions, public procurement decisions, inspection decisions, legislation. You are to a large extent already there. Only when you digitalized that, you can feed it into the system where it can be used for individual investigations in terms of AC. I understand you had a lecture on IT forensics already. In today’s world in complex AC investigations you are totally lost, you’re bound to fail if you don’t use IT tools, forensic tools, and artificial intelligence. As a footnote, four years ago when I was the chief AC Commissioner of Slovenia, we confiscated the mail server of the Slovenian biggest bank NLB, because there was a lot of corruption allegations in giving loans. It was a bad scenario. It didn’t look very nice on my country. But, we were given hundreds of millions of emails to look through. No police force, no prosecution service is able to go through that. I could accommodate, and I didn’t have, hundreds of people to look through who is this manager, did he send an email to that person, to look and search... No. We asked around, we asked the FBI, do you have a softer for that and they said ‘yes, we do, and it costs \$10 million approximately’. Then we asked Scotland Yard. ‘Yes, we do, and it costs like £2 million.’ And then we asked Institute Jozef Stefan, which is a Slovenian Research Institute, and they said ‘yeah, we can provide you with such software, with our knowledge in a relatively quick time, and they did. The development of that software took four months and it worked. I will not tell you what the result in courts was afterwards, because it’s a disgrace. But they did that. Otherwise, you would need two years and I don’t know how many people investigators, prosecutors to look through that. So, you need IT for individual investigations also in criminal justice and forensic analysis.

And lastly you need, and here comes perhaps the most usable way of using artificial intelligence and IT in AC sphere, in justice. Artificial intelligence digitalization is absolutely great to identify anomalies. There are so many good examples including in Slovenia, but also in Europe and in the US, where they used artificial intelligence and IT to identify systemic corruption patterns or conflict of interest. I don’t have time to go into details of that, but this is something that you should keep in mind. And we are actually working now with your newly established ACA exactly in this area to develop such capacities. I’ll stop now because we don’t have much more time. Just to summarize, I think lawyers and computer programmers should talk much more, because they have a lot to learn from each other and there are great benefits. And because you have now kind of political priority to develop this area, you should seize upon these political priorities, and you should use good practices from other countries to develop it. While we speak different languages, Uzbek, Russian, Slovenian, English – computer language is the same. It’s code and it can transcend borders much easier than human language. Thank you so much.