

The Golden Liquid and Criminal Opportunity

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ABSTRACT

The situation of the COVID-19 pandemic resulted in the whole world scrambling to find a vaccine that could help contain the pandemic that is raging. This is because COVID-19 vaccines are seen as the best possible solution for containing the virus in the current situation. However, once the vaccines for COVID-19 received approval for use, the high demand for this new 'liquid gold' has resulted in some unscrupulous parties taking advantage of the situation by committing organised crime with the intention of profiting from the vaccines. As a result, there are now threats of substandard and counterfeit vaccines in the supply chain. The high demand for the vaccines globally and the limited supplies have further spurred this criminal intent. Additionally, the desperation among the global population to get a hold of the COVID-19 vaccines has seen the online platform being used as the medium for perpetrating these criminal activities. The allocation and distribution of the vaccines are also unprecedented because of the global scale of the pandemic and many countries are rushing to get their population vaccinated in the hope of curtailing the virus. Thus, the risk of corruption may take place at any stage of the allocation and distribution process, and eventually, this could pose serious threats to public health goals. For this reason, these threats must be identified, mitigated and handled carefully. Co-operation, communication and networking among the relevant bodies and the pharmaceutical industry are therefore vital. Additionally, law enforcement agencies need to be prepared and ready for any unanticipated circumstance. Governments must be transparent and accountable, and governance must be put in place. Awareness among all parties involved is indeed crucial but most importantly, the public must be educated on the risk of purchasing COVID-19 vaccines online.

Keywords: COVID-19; COVID-19 vaccine; organised crime; online sales; law enforcement

INTRODUCTION

In 2019, the whole world was alarmed by the news regarding human cases of COVID-19. The disease is caused by the novel coronavirus named SARS-CoV-2. It was first reported by officials in Wuhan City, Hubei Province of China, on 31 December 2019.¹ From that first detected case, the disease then began spreading all over the world. As of 29 October 2021, a total of 245,373,039 confirmed cases including 4,979,421 deaths of COVID-19 and 6,838,727,352 vaccine doses administered were reported to WHO worldwide.²

On 11 March 2020, the World Health Organisation (WHO) declared the new coronavirus SARS-CoV-2 (COVID-19) as a pandemic.³ From that moment on, the pandemic continues to spread, and the number of cases and the death toll continue to increase daily and now, the virus itself has evolved and mutated with new variants. Various different interventions have been taken to treat COVID-19 patients. WHO revised and replaced The Emergency Use Assessment and Listing (EUAL) Procedure with The Emergency Use Listing (EUL) Procedure to

facilitate expediting the availability of unlicensed medical products which are desperately needed during this unparalleled public health emergency situation.⁴ Correspondingly, many pharmaceutical companies began their scramble to be the first to produce vaccines for the virus with many investing in research and development (R&D) to produce vaccines that could treat COVID-19. The positive outcome from those who have been vaccinated led to authorities in various countries around the world to expedite and facilitate the evaluation process of the vaccines within their respective capacity in order to approve its usage for their citizens without compromising on safety, quality and efficacy.

As a result of such a situation, every country began to rush towards securing and obtaining sufficient vaccines to cover their citizens. Accordingly, the World Health Organization (WHO) through COVAX⁵ emphasised on the importance of the vaccines being affordable, accessible and fairly distributed.⁶ The key element to ensure such a goal can be achieved is through good governance. Every nation needs to look into this matter carefully and any gap, barrier or risk must be identified to ensure the entire world

population has fair and equitable access to the vaccines. This is a critical period for almost every part of the world as there is a huge risk of sustained community spread of COVID-19 over a prolonged period if a significant proportion of a country's population is not vaccinated, and the likelihood of the virus to mutate into more aggressive variants is thus higher.

THE GOLDEN LIQUID

Vaccines stimulate the immune system to protect the body from diseases. Weakened, killed or inactive components of a particular organism (e.g., virus) are injected to the body which would stimulate the production of antibodies to fight against the infection. As for the COVID-19 vaccine, there are a few vaccines that have already been approved by the World Health Organization (WHO) to be used during this emergency situation to fight against the COVID-19 virus; additionally, a few more are still under development and evaluation. These vaccines are obtained from various methods as described below:

1. *Inactivated or weakened virus vaccines*, which use a form of the virus that has been inactivated or weakened so it does not cause illness, but still generates an immune response;
2. *Protein-based vaccines*, which use harmless fragments of proteins or protein shells that mimic the COVID-19 virus to safely generate an immune response;
3. *Viral vector vaccines*, which use a safe virus that cannot cause the disease but serves as a platform to produce coronavirus proteins to generate an immune response; and
4. *RNA and DNA vaccines*, a cutting-edge approach that uses genetically engineered RNA or DNA to generate a protein that itself safely prompts an immune response.⁷

Some examples of the vaccines include the Pfizer BioNtech vaccine, Comirnaty which was listed for WHO Emergency Use Listing (EUL) on 31 December 2020 while the SII/Covishield and AstraZeneca/AZD1222 vaccines developed by AstraZeneca/Oxford and manufactured by the State Institute of India and SK Bio respectively, were given EUL on 16 February 2021 and the Janssen/Ad26.COV 2.S developed by Johnson & Johnson, was listed for EUL on 12 March 2021.⁸ The Moderna COVID-19 vaccine (mRNA 1273) was listed for EUL on 30 April 2021 and the Sinopharm COVID-19 vaccine

produced by Beijing Bio-Institute of Biological Products Co Ltd, a subsidiary of China National Biotech Group (CNBG), was listed for EUL on 7 May 2021, while, the Sinovac-CoronaVac vaccine which was produced in China was listed for EUL on 1 June 2021.⁹ Some other vaccines are either in the pipeline and waiting to obtain approval from the WHO or are still in the clinical trial or development phase.

Initially, there are three (3) vaccines being used in Malaysia's National COVID-19 Immunisation Programme. Those vaccines are produced by Pfizer, Astra Zeneca and Sinovac. On 15 June 2021, the Drug Control Authority Malaysia approved, CanSino and Johnson & Johnson's COVID-19 vaccines in Malaysia.¹⁰ Altogether there are 5 COVID-19 vaccines approved to be used in Malaysia.

THE GOLDEN LIQUID AND CRIMINAL OPPORTUNITY

While people around the world are confronting the impact of COVID-19 which is affecting their lives and livelihood, the pandemic situation has also given rise to other threats on people's safety and national security. As can be observed from the news, social media and online sales platforms have been used by various unscrupulous parties for activities of illicit trade¹¹ and this has become an issue of concern during this pandemic period. It should be borne in mind that even before the COVID-19 pandemic, problems of trafficking and smuggling are already an issue of concern in the pharmaceutical industry.¹² However, the current situation of this particular pandemic has resulted in the rapid rise of illicit trades across the internet on various social media, e-commerce platforms and online marketplaces, raising alarm among many law enforcement authorities and the broader public community globally.¹³

The INTERPOL has issued an Orange Notice on 2 December 2020 regarding the potential of criminal activity in relation to the falsification, theft and illegal advertising of COVID-19 and flu vaccines. As observed by the INTERPOL, the pandemic has triggered unprecedented opportunity for criminal behaviour in relation to COVID-19 vaccines.¹⁴ According to the alert, COVID-19 vaccines have become the prime target of criminals where individuals have been found advertising, selling and administering fake vaccines. The INTERPOL has also cautioned that the rise in illegal sales of these vaccines by these criminal organisations could lead to a disruption of the vaccine supply chain.¹⁵ Hence, as more vaccines gain approval and are distributed

globally, the need to identify and eradicate illegal websites to ensure the safety of the supply chain becomes even more crucial.

Evidence revealed that during this pandemic crisis, there are offers of COVID-19 vaccines made by criminals in the dark web, and using the prices of the vaccines as proxy, the value of the shipment itself is worth up to USD 100 million.¹⁶ Such value is an indicator of how profitable and lucrative this business could be worth. It is not only the demand for COVID-19 vaccines that is creating opportunities for these criminals, other pharmaceutical supplies like supplements and personal protective equipment (PPE) somehow or rather may create an opportunistic pathway as well.

The current situation where lockdowns, closures of stores, and stricter movement control are a norm during the COVID-19 crisis has meant that physical face to face sales, transaction and direct cash payment are no longer a common practice. Many of us stay or work at home and highly depend on digital solutions for many things. The use of online transaction and payment has become the medium of choice for doing sales, purchase, payments, and so on. The World Customs Organization in their operation found that criminals exploit the pandemic situation, running illegal trade networks in several ways and these include smuggling of substandard medicines, sanitising gel, fraudulent medical equipment kits, and many others.¹⁷ As a means to avoid customs checks, the modus operandi of these criminals is via small consignments and online orders.¹⁸

What is even more alarming is that it has become a trend now for cybercriminals to set up illegal websites claiming to be legitimate national and/or world organisations offering pre-orders for vaccines against the COVID-19 virus where these websites use Bitcoins and some other forms as their payment processing methods.¹⁹ These cybercriminals have also been found to use the trademark logos of the pharmaceutical companies producing the approved COVID-19 vaccines on the illegal websites where these websites are used for phishing attacks and/or to mislead and misguide victims into giving charitable donations, simultaneously exposing the personal data of the victims and making it more vulnerable to theft.²⁰

Incidence of cyber-attacks such as ransomware which is engineered against hospitals, laboratories, local governments and others has also been detected where the computer systems of these organisations are remotely blocked, and payment is demanded to

unblock them.²¹ An example of a reported case is the cyber-attack on the infrastructure of the Brno University Hospital in the Czech Republic which forced the hospital to shut down its entire IT network, postpone urgent surgical interventions and re-route new acute patients to other hospitals nearby.²²

Similarly, incidence of illegal trade activities involving COVID-19 vaccines was also detected in Malaysia. In March 2021, the Royal Malaysian Police (RMP) investigated two (2) cases of fraudulent purchase of COVID-19 vaccine which involve a loss of RM285,499.95.²² In June 2021, the Commercial Crime Department, RMP arrested suspects involved in a syndicate whose activity was selling COVID-19 vaccines at RM420 for two doses and the suspects were investigated under the Penal Code for attempted fraud.²³ Meanwhile in July 2021, the Department tracked down cases of fraudulent sales of COVID-19 vaccines and it was reported that the department had received 38 case reports from victims which amounted to a total of RM54,500.²⁴ The sales activity was conducted via social media. Up until July 2021, a total of three cases were still being investigated by the RMP while one case was dropped from prosecution due to the lack of sufficient evidence to charge the suspect.²⁵

Most recently, these criminals have begun to target governments with the intent of defrauding the governments, with fake offers of COVID-19 vaccine sales being made to the health ministries and hospital personnel.²⁶ Through their modus operandi, they target professionals and the potential buyers' e-mail accounts including making telephone calls to these people by masquerading as the manufacturers of COVID-19 vaccines or staff of government agencies.²⁷

As highlighted above, the COVID-19 pandemic crisis has given rise to unprecedented opportunities to obtain easy money which are quickly taken advantage of by these criminals. These criminals are opportunistic, and they are using the current crisis to execute their criminal agenda by preying on the urgency and apprehension of the population who wants to get vaccinated. Moreover, every government around the world is engaged in getting their citizens who are affected by the virus treated as best possible and arranging as well as implementing vaccination programmes to protect their nation. Everywhere people are looking forward to getting vaccinated as at the moment, it is the best possible solution in containing the pandemic and saving lives. Thus, the demand and pressure from the population

in many parts of the world exist. In executing their plans, the online mechanism has become the targeted medium of these criminals as the online environment is one of the most challenging areas to handle in terms of illicit trade of COVID-19 vaccines for law enforcement agencies.

As an emergency plan to treat COVID-19, the WHO has issued a green light for several vaccines to be used. Following the announcement, as reported in the media, many governments have set up their own COVID-19 vaccination programmes aimed at covering vaccination for their population. In every country, vaccine distribution is controlled by the government to ensure the security and efficiency of the process. As COVID-19 is a global pandemic, the whole process of allocation, distribution and prioritisation of the vaccines is therefore expected to be complex and is expected to take time and for this reason, there are unavoidable chances of unexpected scenarios such as cases of unmet demand, logistical difficulties, hold-ups in distribution and potential risks occurring.²⁸

The most highly anticipated concern among law enforcement authorities is the risk of corruption that could take place during the development of the vaccines itself as well as during the distribution and procurement process and this includes the possibilities of vaccine thefts within the distribution systems as well as leakages in emergency funding designated for the development and distribution of vaccines.²⁹ For this reason, the corruption risks plus all other risks must be identified and mitigated to ensure access to safe and effective COVID-19 vaccines for the population as well as for the vulnerable and marginalised groups. Comprehensive effort must be established and put in place to mitigate such threats especially during this pandemic crisis.

In a report by the G20, it was conveyed that there exist corruption risks and threats in many areas related to COVID-19 management,³⁰ and this demands every government to look into this issue comprehensively. Failure to do so may lead to collapse and damage in the aspect of transparency and accountability that could further lead to corruption risks which have been reported to have proliferated across various areas, threatening life-saving assistance and further hurting the population especially the marginalised and vulnerable groups.³² Thus, during the COVID-19 pandemic situation, it is pertinent that national governments and the relevant authorities take actions and make decisions expeditiously and expediently. In this respect, we do

not wish the same incidence which happened some time ago to repeat itself, where the world witnessed how corruption impacted and undermined the Ebola mitigation measures during the Ebola crisis. The Ebola audit findings in Sierra Leone and Liberia in 2014 found inconsistencies and corruption and these included disbursements made without any documentation, corruption in procurement of medical equipment, and claims of Ebola “ghost workers.”³³

It can be seen in the Ebola case how corruption impacted global health in many aspects. These include the impact on the supply system of life-saving medicines, on the health interventions performed, and on the response during the emergency situations which all caused substantial losses of designated allocations and investment.³⁴ Hence, the same must be avoided during the management of the current COVID-19 crisis so that history does not repeat itself. In the context of Malaysia, corruption cases in relation to COVID-19 management or COVID-19 vaccines have been highlighted; however, investigations have revealed that such accusation is not true.^{35,36} At this point of time, it can be concluded that such incidence did not occur in Malaysia.

WHAT SHOULD AND COULD BE DONE

The COVID-19 is a new virus, and many parts of the world are still struggling in terms of the best way to manage the pandemic situation. The same situation can be said of the challenges faced by governments and enforcement agencies around the world in their effort to counter organised crimes related to the COVID-19. As the situation with COVID-19 is one that is unprecedented, there is no example, documentation or past experience that can be referred to or can be used as guidance. Every enforcement agency therefore needs to prepare the best they can for any unknowing threats or unforeseen circumstances.

Presently, the COVID-19 vaccine is a valuable, sensitive, and exclusive item. It is the new ‘liquid gold’ in the current global pandemic situation. As of now, securing the vaccine and its distribution process can only be carried out through government procurement and distribution channels. No COVID-19 vaccine so far is allowed to be purchased openly in the market. For this reason, every country has come out with their own national vaccination programme. The public has been asked to get their vaccination at the dedicated places identified by the respective governments. This means, if there is any

offer for vaccination or any sales and supply of the vaccine from an open market, it is an indicator that the vaccine is not genuine. Any sales or offer from the open market or via online is either a scam or illicit.³⁷

As an example, in Malaysia, the government has taken an integrated and structured approach in its vaccine acquisition effort for the country by leveraging on its diplomatic relations and strategic international cooperation with other countries, vaccine manufacturers as well as world health bodies and affiliates.³⁸ Malaysia's plan for COVID-19 immunisation was clearly spelt out in the National COVID-19 Immunisation Programme and periodically the Government of Malaysia makes announcements for any updates on the programme. Currently, there are three (3) vaccines being used in the National COVID-19 Immunisation Programme, namely Pfizer, Astra Zeneca and Sinovac. The most recent vaccine included in the list is the CanSino. In the near future, some other vaccines might be included in the list as well. These vaccines are only stored at the identified Vaccine Storage Centres (VSC) and are only available at the Vaccine Administration Centres (VAC) and given for free to eligible citizens as well as foreigners residing in the country, including students, refugees and illegal immigrants. This is indeed how Malaysia ensures that its population and foreign residents would receive genuine vaccines so that a safe environment can be achieved, and the virus can be contained.

Based on the earlier discussion, it is clear that monitoring of the online environment is a critical step that every government must take during this pandemic situation. Undoubtedly, it would pose challenges and place a high degree of responsibility on the law enforcement agencies. During the Pangea³⁹ XIV Operation from 18 to 25 May 2021, in Malaysia alone, a total of 2,600 websites including the dark web were blocked for selling various unregistered products including those claimed for COVID-19 treatment and prevention where the value of the unregistered medicinal products that were seized was around RM2.2 million.⁴⁰ Nonetheless, based on the news report, there was no mention of COVID-19 vaccines being seized in the operation in Malaysia so far. This is such a great news for the country as it ascertained that no illicit or counterfeit COVID-19 vaccines are being sold in the Malaysian market.

As commonly known, criminals are normally one step ahead of the enforcement agencies or regulators. Thus, co-operation at either the local or international level is mandatory to monitor the trends as well as to detect the risk as soon as possible. Information sharing is therefore important. In the case of COVID-19 vaccines, co-operation between the enforcement agencies and the respective pharmaceutical companies is vital in ensuring the supply chain is legitimate and the vaccines are genuine. Communication, co-operation, and networking are thus vital.

At this point, education and awareness are crucial. The public must be made aware of the danger and the potential threat especially when doing online purchasing. It must be made known to the public that it is definitely impossible to purchase authentic and effective COVID-19 vaccines online. Even if the seller could obtain authentic COVID-19 vaccine products, it is very unlikely that they could manage its temperatures for storage or even delivery. At the same time public must be vigilant, sensitive and cautious so that they are not deceived.

As for the law enforcement agencies, the present pandemic situation poses new challenges and requires more critical and practical approach as criminals can be anywhere and the crime could take place at any time. More monitoring, profiling, intelligence and risk assessment tasks are indeed needed. Accordingly, the use of IT technology in facilitating these tasks has become essential. Previously, we commonly hear that scammers would target the public as their potential victims but during this pandemic situation, even governments and health agencies have fallen victim and are vulnerable to such fraudulent activities. For this reason, it is crucial for law enforcement agencies to prepare themselves for the unexpected.

Similarly, governments too need to face the challenges with efficiency and efficacy, including establishing strong policies, legal framework and governance. The current pandemic has highlighted the need for governments to act fast and put in place robust strategies. Most importantly, governments must be transparent in their action and in disseminating information to the public as practical measures need to be set to combat the COVID-19 virus from spreading even further. Support for public health system must exist and even more importantly, governments must have strategies in ensuring public safety.

CONCLUSION

In the current COVID-19 pandemic situation, the COVID-19 vaccine has become an item of criminal target in their attempt to obtain easy money and fast profit, and the medium that is used to accomplish their goal is the online platforms. This has posed challenges and created an unprecedented situation for enforcement agencies around the world. Such activities pose a threat to public health, especially to the vulnerable and marginalised groups. These risks and threats must be identified, mitigated and handled properly and this can only be achieved through co-operation, communication and networking among the relevant bodies and industry players. The law enforcement agencies must prepare themselves not only in terms of enforcement but also for the unprecedented circumstance surrounding the current pandemic crisis. Governments, on the other hand, must be transparent and accountable. Strong policies and legal framework must be put in place. Most importantly, raising awareness among all parties involved is indeed crucial.

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