



iPROCEEDS

Project on targeting crime proceeds on the Internet
in South-eastern Europe and Turkey

www.coe.int/cybercrime

Activity 3.2.1

Regional workshop on obtaining and using electronic evidence

2-3 November 2017, Bucharest, Romania

Athenee Palace Hilton Bucharest Hotel
Episcopiei Str. 1-3

Provided under the iPROCEEDS project

Outline

BACKGROUND

Complete and effective legislation that meets human rights and rule of law requirements is the basis for criminal justice measures on cybercrime and the use of electronic evidence in criminal proceedings. This is particularly true for specific procedural law powers available under the Budapest Convention, as comprehensive domestic criminal law framework for such powers, also facilitates international cooperation on cybercrime and electronic evidence with other Parties to the Convention. Clear notions of electronic evidence, categories of data and precise limits and conditions for procedural powers are essential in this regard. Thus, the adoption of complete and effective legislation on cybercrime and electronic evidence that meets human rights and rule of law requirements is considered a strategic priority.

The Council of Europe will carry out an initial assessment of the national regulatory framework for obtaining and using electronic evidence in criminal proceedings in Albania, Bosnia and Herzegovina, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia", Turkey and Kosovo*¹ on the basis of a corresponding questionnaire to be filled in by the national project team members. The results of the questionnaire and the discussions during the regional workshop will serve as a basis for the assessment report on obtaining and using electronic evidence in criminal proceedings with corresponding recommendations that will allow the national criminal justice authorities to further improve relevant national framework and develop guidelines for obtaining and using electronic evidence in criminal proceedings.

¹ *This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

EXPECTED OUTCOME

Carried out under Result 3 of the iPROCEEDS project – **Cybercrime units, financial investigators and financial intelligence units cooperate with each other at the domestic level in the search, seizure and confiscation of online crime proceeds** the objective of the regional workshop is to improve relevant national framework and develop guidelines for obtaining and using electronic evidence in criminal proceedings. Specifically:

- Participants will be familiar with the relevant conditions for accessing electronic evidence, admissibility requirements and the processing of electronic evidence in the context of criminal investigations and proceedings, in line with the provisions and practice of the Budapest Convention on Cybercrime;
- Participants have identified legislative/regulatory gaps and challenges which hinder effective access and use of electronic evidence in criminal proceedings;
- Participants will have agreed on the next measures and next steps for improvement of national regulatory framework on obtaining and using electronic evidence in criminal proceedings.

PARTICIPANTS

Cybercrime investigators, digital forensic specialists, financial investigators, prosecutors, and the judiciary from Albania, Bosnia and Herzegovina, Montenegro, Romania, Serbia, "the former Yugoslav Republic of Macedonia", Turkey and Kosovo*.

The working languages will be English. Interpretation will be ensured.

PROGRAMME

2 November 2017	
9h00	Registration
09h30	Opening session Alexander SEGER, Head of the Cybercrime Programme Office of the Council of Europe
09h45	Session 1: Notions and admissibility of electronic evidence: legal aspects - Legal background: standards of proof, admissibility requirements in criminal proceedings, and evaluation of evidence (summary of the national findings based on the questionnaires; overview of the Council of Europe Electronic Evidence Guide); - Admissibility of electronic evidence in international cooperation on cybercrime and electronic evidence: access to evidence in foreign jurisdictions, and in the cloud. Speaker: Nigel Jones (lead), Betty Shave, Dave O'Reilly, Council of Europe experts
10h45	Coffee break

11h15	<p>Session 2: Processing of electronic evidence: cybercrime reporting, chain of custody and digital forensics</p> <p>Speaker: Nigel Jones (lead), Betty Shave, Dave O'Reilly, Council of Europe experts</p>
12h15	<p>Session 3: Access to electronic evidence through criminal procedure and pre-investigation/operative measures</p> <p>Speaker: Nigel Jones (lead), Betty Shave, Dave O'Reilly, Council of Europe experts</p>
13h15	Lunch
14h30	<p>Session 4: General overview of cybercrime and electronic evidence in the South eastern Europe and Turkey: notions and challenges</p> <ul style="list-style-type: none"> - National definitions and concepts of electronic/digital evidence, as well as substitutes used for admitting such type of evidence as regular types of evidence (e.g. documents, materials, etc.); - Electronic evidence, applicable standards and challenges of accessing such data (legal and practical); - National rules on processing electronic evidence; - Admissibility of electronic evidence in criminal proceedings: standards of proof, admissibility requirements, and evaluation of electronic evidence. <p>Presentations by cybercrime investigators and prosecutors of the project countries/areas.</p> <p>Tour de table: Albania, Bosnia and Herzegovina and Montenegro (<u>20 minutes each</u>).</p> <p><i>Moderator: Council of Europe experts</i></p> <p>Discussion facilitated by experts</p>
15h30	Coffee break
16h00	<p>Session 5: General overview of cybercrime and electronic evidence in the South eastern Europe and Turkey cont'd</p> <p>Presentations by cybercrime investigators and prosecutors of the project countries/areas.</p> <p>Tour de table: Serbia, "The former Yugoslav Republic of Macedonia", Turkey and Kosovo* (<u>20 minutes each</u>).</p> <p><i>Moderator: Council of Europe experts</i></p> <p>Discussion facilitated by experts</p>
17h30	End of day 1
19h30	Social dinner

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09h30	Session 6: Storage of and access to data held by private sector entities Speaker: Dave O'Reilly, Council of Europe expert
10h15	Coffee break
10h45	Session 7: Methods of presenting electronic evidence in the criminal proceedings Speaker: Betty Shave, Council of Europe expert
11h45	Session 8: Measures and next steps for improvement of national regulatory framework on obtaining and using electronic evidence in criminal proceedings Working groups facilitated by Council of Europe experts.
13h00	Lunch
14h30	Session 9: Measures and next steps cont'd Reports from each working group. <i>Moderator: Council of Europe experts</i>
15h30	Closing
16h00	End of Day 2

CONTACT

For any additional information please contact:

Mariana CHICU
Project Manager
Cybercrime Programme Office of the Council of Europe (C-PROC)
Tel: +40-21-201-7840
Email: mariana.chicu@coe.int

Liliana TROFIM
Project Officer
Cybercrime Programme Office of the Council of Europe (C-PROC)
Tel: +40- 21-201-7825
Email: liliana.trofim@coe.int