



Role of 24/7 points of contact regarding MLA requests for computer data/e-evidence, Cooperation with competent authorities

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General consideration on Cybercrime in Romania

- Criminals rapidly had found and exploited the technological development and freedom of movement, engaging their resources to transfer knowledge and to commit crimes borderless
- The migration of organized criminal groups to Cybercrime it is considered the most significant fact that created, starting with 2003, the new design of Cybercrime in Romania
- The shifting to an organized character had affected the entire way of investigating and prosecuting Cybercrime
- Criminal enterprise, similar to any lucrative activity is based on concepts of efficiency, in order to obtain maximum profits. Computer crimes and credit card fraud offer maximum profits at low costs.

Difficulties in dealing with Cybercrime

The extraneous element present in 80% of the cases

- offences committed home /results abroad (victims)
- offences committed abroad by Romanian nationals
- offences committed entirely abroad/proceeds of crime transferred or collected in Romania

Consequence

- delay in obtaining /assessing evidence/ e-evidence
- difficulties in incorporating evidence, e-evidence into the national proceedings

Way to tackle – steps taken

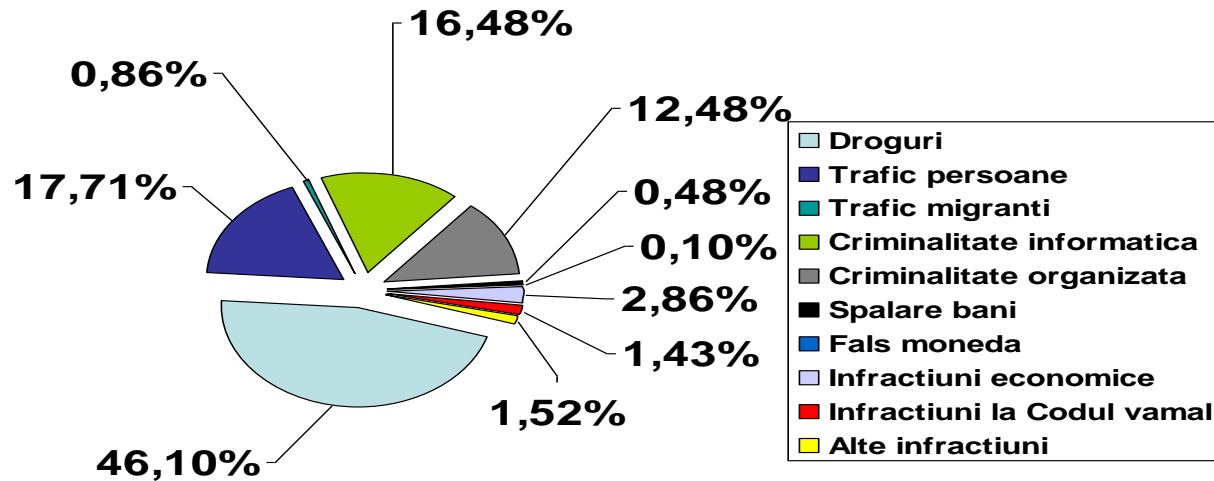
2001 – Romania signed the CCC; 2004 ratification

2003 – Law on Cybercrime (substantive and procedural provisions)

- Creation of **specialized units** within National Police and the General Prosecutor Office
- Creation of the 24/7 contact point

2004 - establishment of the **Organized Crime and Terrorism Offences Investigation Directorate** within the General Prosecutor Office incorporating, among others a **Specialized Cybercrime Unit** and a **Office for representation and international cooperation**

Ponderea Rechizitoriilor 2013 pe infractiuni



OCTOID indictments 1053/ 3922 defendants/2000 arrested of which
Cybercrime 173 indictments /373 defendants/ 153 arrested, of a total
 2905 cc registered cases (1121 solved /report 1784)

OCTOID international cooperation

389 requests for Cybercrime and Credit Cards fraud of a total **871 requests (43%)**

Incoming 136

Outgoing 253

The 24/7 Contact Point established by art.62 Law no.161/2003 (the Service for Preventing and Combating Cyber Criminality)

- provides specialized assistance and offers data on the Romanian legislation in the domain
- disposes the expeditious preservation of data as well as the seizure of the objects containing computer data or the data regarding the data traffic required by a competent foreign authority
- **executes or facilitates the execution** of letter rogatories in cases of cyber-crime fighting, cooperating with all the competent Romanian authorities.

Service for Preventing and Combating Cyber Criminality have also nationally investigative jurisdiction on cyber crime cases and works directly with the **International Judicial Assistance Office**, that was created with the purpose of enabling the mutual legal assistance regarding the investigations of crimes falling under the Directorate' jurisdiction, ensuring as well the data and information exchange

In fact the 24/7 Contact point is :

- An **intermediary** to the investigative national authorities and similar ones abroad with the purpose of **securing evidence, especially e-evidence**

20 preservation requests received in 2013 / 3 sent

- **subscriber information (90%)**
- **content (10%)**
 - 60% followed by letters rogatories
 - 40% failure – no clear identification / Large Scale NAT system
- An **advisor** to the investigative national authorities and similar ones abroad on effective measures for obtaining e-evidence or their effectiveness
- **Requested authority** for complex cybercrime requests or investigative unit for joint /parallel investigation with other authorities abroad
 - **3 parallel investigations**
 - **1 case as investigative unit and requested authority**

I. National case regarding a group specialized in “phishing” and WU fake transfers

- monitoring of the internet activity revealed a fraudulent “vishing” scheme
- announcement of an American Television regarding a “vishing” scheme with traces in Romania was retransmitted by a Romanian Television

The FBI legal attaché was contacted and asked to: confirm facts , contact local authorities

As a result: swift contact established, ATMs identified, surveillance camera images and journals obtained

The legal process of obtaining evidence continued its own trail.

Consequence : specifically evidence asked and received it quicker

Spontaneous exchange of information

Romania served 5 house search warrants simultaneous with an operation conducted in US by the DoJ and the FBI.

Outcome: In US 38 suspects have been indicted by the a Federal Court and 5 of them have been arrested during the operation

II. Parallel investigation/ same facts/same actors

Started as a preservation request for subscriber information

- Preservation requests are to be followed by mutual legal assistance requests in order to get the evidence
- Many requests
- Decision to open a national case
- Investigative measures
- Exchange of data
- Decision to give preference to the US case
- Extradition request granted



QUESTIONS ?

THANK YOU !