



Project Cybercrime@EAP II

Արևելյան Գործընկերության
Східне партнерство Eastern
Partnership აღმოსავლეთ
პარტნიორობა Parteneriatul Estic
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Oriental Усходняе Партнёрства

Workshop on international cooperation on cybercrime and electronic evidence: Cooperation of 24/7 points of contact with relevant stakeholders and assessment of applicable regulations

**Organised by the Ministry of the Interior and the Prosecutor's Office of Georgia
in cooperation with the Council of Europe Cybercrime Programme Office (C-PROC)**

18-19 July 2016

Outline

Background

The expansion of ICT use worldwide results in a significant increase of illegal acts committed against computer systems and by means of computer systems. Cybercrime represents a growing threat to governments, businesses and individuals in their lawful use of Internet and information technology, and is particularly challenging to investigate due to volatility and short life span. Thus, retrieving evidence becomes essential in criminal investigations in order to prosecute offenders or to prove the innocence of suspects.

Cybercrime is often transnational crime and electronic evidence very often has a transnational dimension. International cooperation between states is therefore crucial. Expeditious international cooperation is a condition for effective measures against cybercrime and other offences involving electronic evidence.

The Budapest Convention on Cybercrime contains a range of procedural law and international cooperation measures aimed at preserving electronic evidence, search, seizure or intercept data and others. One of the solutions it offers is the creation and operation of the global network of 24/7 national points of contact, tasked with the provision of technical advice, preservation of data, collection of evidence, provision of legal information, locating of suspects in cases involving cybercrime and electronic evidence.

Programmatic Cooperation Framework for Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

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The Council of Europe Cybercrime Convention Committee, at its 12th Plenary (2-3 December 2014), adopted an assessment report on the mutual legal assistance provisions of the Budapest Convention on Cybercrime, recommended working “toward strengthening the role of 24/7 points of contact in line with Article 35 Budapest Convention”, including: pro-active promotion of the 24/7 role among domestic and foreign counterpart authorities; conducting regular meetings; considering procedures to follow up MLA requests and more support from the 24/7 POC in this process; and exploring possibilities to establish contact points in prosecution offices to permit a more direct role in mutual legal assistance and a quicker response to requests.

The project on Cybercrime@EAP II project, implemented jointly by the Council of Europe and the European Union, which is a follow-up of the project on Cybercrime@EAP completed in 2011-2014, has a major focus on strengthening the operation of the 24/7 network of the points of contact. Improving national capacities of 24/7 POCs is one of the directions in which the project can support this objective in the EAP countries. Given that Georgia has itself developed and voiced recommendations on 24/7 capacities and regulations in the previous regional meetings under the Cybercrime@EAP II project, the proposed workshop will help the authorities of Georgia to discuss and move forward with the development of the 24/7 point of contact in terms of applicable laws and regulations, and to strengthen its capacities in compliance with the T-CY recommendations noted above.

Objective

The primary objective of the workshop is to support the development of capacities of the Georgian 24/7 point of contact under the Budapest Convention in line with the Recommendation 5 of the Assessment Report on the mutual legal assistance provisions of the Budapest Convention on Cybercrime, adopted by the Cybercrime Convention Committee in 2014.

The workshop will be used as a venue to discuss and develop the applicable regulations (legal and by-laws) for the operation of the 24/7 points of contact in Georgia, and to increase its visibility and recognition among known and potential stakeholders.

Participants

Representatives from Georgia (up to 20 participants):

- Ministry of Justice (legislative and analytical services, Data Exchange Agency) – 3 representatives
- Judiciary institutions (primarily having jurisdiction on cybercrime/electronic evidence/international cooperation matters) – 1 or 2 representatives
- General Prosecutor’s Office (international cooperation and cybercrime supervisory units) – 3 representatives
- Cybercrime Unit of the Ministry of the Interior and 24/7 point of contact – 5 representatives
- Interpol national point of contact representatives – 1 or 2 representatives
- State Security Service – 2 representatives
- Other stakeholders proposed by the Georgian country team, specifically to increase visibility of the 24/7 point of contact.

Council of Europe:

- 2 representatives of the Council of Europe (project manager and project officer or assistant);
- 3 international experts in international cooperation on cybercrime and electronic evidence, specifically on the operation of the 24/7 points of contact.

The working languages will be English and Georgian.

Draft agenda

| Day I | |
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| 9h30 | <p>Opening session/introduction</p> <p>Government of Georgia, <i>Giorgi Gogadze, Deputy Chief Prosecutor, Prosecutor's Office</i></p> <p>Delegation of the European Union to Georgia, <i>Ketevan Khutsishvili Programme manager Justice, Freedom, Security/Visa Liberalisation/Gender Focal Person</i></p> <p>Council of Europe, <i>Giorgi Jokhadze, Project Manager, Cybercrime Programme Office of the Council of Europe</i></p> |
| 9h45 | Welcome coffee break |
| 10h00 | <p>Session I: Current standing and best practices of the 24/7 points of contact</p> <p>Necessity to have a 24/7 point of contact: requirements of the Cybercrime Convention and beyond (based on draft Guide for 24/7 POC) – <i>Giorgi Jokhadze, Project Manager, Cybercrime Programme Office of the Council of Europe</i></p> <p>Operation of the 24/7 point of contact: example of Latvia – <i>Aleksandra Tukisa, International Cooperation Bureau, State Police of Latvia</i></p> <p>Synergies between 24/7 points of contact and other authorities for international cooperation in criminal matters (Interpol, MLA, etc.) – <i>Eve Olesk, State Prosecutor, Office of the Prosecutor General of Estonia</i></p> <p>Challenges and practice of 24/7 cooperation with multinational service providers – <i>Eirik Trønnes Hansen, Police Prosecutor, National Criminal Investigation Service, Norway</i></p> |
| 11h30 | Coffee break |
| 12h00 | <p>Session II: Regulatory framework for the 24/7 point of contact and applicable practice in Georgia</p> <p>Current regulatory framework in Georgia for the operation of the 24/7 point of contact – TBC <i>presentation by the Prosecutor's Office and the Ministry of the Interior</i></p> <p>Institutional setup, competences and practices of the Georgian 24/7 POC – TBC <i>presentation by the Ministry of the Interior</i></p> <p>Functions of the Interpol national contact point in relation to cybercrime and electronic evidence – <i>presentation by Giorgi Mezvrishvili, Head of Unit, Interpol, Tbilisi NCB, the Ministry of the Interior</i></p> <p>Cooperation between cybercrime and cyber-security institutions (incident handling,</p> |

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| | cybercrime reporting and other issues) - <i>presentation by Nato Goderdzishvili , the Data Exchange Agency of the Ministry of Justice</i> |
| 13h30 | Lunch break |
| 14h45 | <p>Roundtable discussion: Identifying and developing necessary regulatory framework for the operation of the 24/7 POC in Georgia</p> <p>Overview of the existing laws and regulations in Georgia applicable to 24/7 POC and discussions on the following aspects:</p> <ul style="list-style-type: none"> - General legal framework for procedural powers - Institutional setup - Competences and standards - Cooperation with other stakeholders, and other relevant issues <p><i>Discussion facilitated by all experts</i></p> |
| 16h00 | Coffee break |
| 16h15 | Roundtable discussion continued |
| 17h30 | End of Day I |
| Day II | |
| 9h30 | <p>Session III: Focus on subscriber information</p> <p>Access to subscriber information in the context of international cooperation under the Budapest Convention – <i>Aleksandra Tukisa, International Cooperation Bureau, The State Police of Latvia</i></p> <p>Applicable definitions in Georgian law and practices, including data protection requirements and recent data retention developments – <i>presentation by Givi Bagdavadze , Prosecutor’s Office and/or David Gabekhadze, State Security Service</i></p> <p>Discussion on the ways in which access to subscriber information can be streamlined and facilitated in Georgia - <i>Discussion facilitated by all experts</i></p> |
| 11h00 | Coffee break |
| 11h30 | <p>Session IV: Institutional setup – prosecutorial oversight and guidance</p> <p>Synergy between police and prosecutorial functions in the context of the 24/7 point of contact – <i>Eirik Trønnes Hansen, Police Prosecutor, National Criminal Investigation Service, Norway</i></p> <p>Prosecutorial oversight and guidance in cases of cybercrime and electronic evidence in Georgia –<i>presentation by Mariam Gogoreliani and David Kutaladze, the Prosecutor’s Office of Georgia</i></p> <p>Discussion on possible solutions to increase cooperation between the 24/7 POC and prosecution service, as well as other possible stakeholders - <i>Discussion facilitated by all experts</i></p> |

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| 13h00 | Lunch break |
| 14h30 | <p>Session V: Involvement in the Mutual Legal Assistance process</p> <p>Overview of the MLA process in Georgia –<i>presentation by Nana Rapava, the Prosecutor’s Office of Georgia</i></p> <p>Examples of coordination between 24/7 and MLA processes – <i>Eve Olesk, State Prosecutor, Office of the Prosecutor General of Estonia</i></p> <p>Discussion on possible solutions to increase involvement of the 24/7 units in the regular MLA process and vice versa - <i>Discussion facilitated by all experts</i></p> |
| 15h25 | <p>Session VI: Costs of cooperation in terms of access to data from the private sector entities</p> <p>Discussion facilitated by all experts</p> |
| 15h45 | Coffee break |
| 16h00 | <p>Session VII: Cooperation with multinational service providers</p> <p>Current challenges in Georgia for cooperation with the multinational service providers – <i>presentation by Nana Rapava and/or Givi Bagdavadze, the Prosecutor’s Office of Georgia and Giorgi Pirveli, the Ministry of the Interior</i></p> <p>Discussion on possible solutions, including through capacity building to increase efficiency of access to evidence in the cloud - <i>Discussion facilitated by all experts</i></p> |
| 17h00 | <p>Closing session/final remarks/feedback</p> <p>Lessons learned: possible solutions and way forward (tour de table discussion) – <i>interventions by all experts and stakeholders</i></p> |
| 17h30 | End of the workshop |

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