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Strasbourg, 6 December 2013

T-CY (2013)28E rev

Cybercrime Convention Committee (T-CY)

10th Plenary

Strasbourg, 2-3 December 2013

Abridged meeting report

1 Introduction

The T-CY Committee, meeting in Strasbourg on 2 and 3 December 2013, was chaired by Markko Künnapu (Estonia). Some 90 representatives of State Parties and Observers participated.

The meeting was addressed by Jan Kleijssen, Director of Information Society and Action against Crime. It was followed by the Octopus Conference on Cooperation against Cybercrime (4 – 6 December 2013).

2 Decisions

The T-CY decided:

Agenda item 2: Status of signatures, ratifications, accessions to the Budapest Convention and its Protocol

- To note with appreciation the accession by Mauritius to the Convention on Cybercrime;
- To take note of steps underway in view of ratification or accession to the Convention or its Protocol in Andorra, Argentina, Colombia, Czech Republic, Luxembourg, Mexico, Monaco, Morocco, Panama, Philippines, Senegal, Slovakia, Spain, South Africa, Sweden and Turkey;
- To encourage States that have signed or been invited to accede to become Parties as soon as possible;

Agenda item 3: Information provided by parties and observers – Tour de table

- To note with interest information provided on legislative developments, training or major cases by Armenia, Belgium, Bosnia and Herzegovina, Czech Republic, Croatia, the Dominican Republic, Finland, Georgia, Japan, Malaysia, Moldova, Montenegro, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey, USA;
- To invite States to share laws, training and other materials with the Secretariat in view of sharing these with parties and observers;

Agenda item 4: Dialogue with international organisations (T-CY observers)

- To welcome the information shared by the African Union Commission, the European Union, the International Telecommunication Union, the Organisation of American States and ENISA;
- To invite international organisation to continue their efforts to coordinate their activities with each other;

Agenda item 5: Assessment of Articles 31 and related Articles on international cooperation: Review of draft report

- To request the T-CY Bureau to circulate an updated and consolidated draft Assessment Report by February 2014 for consideration by Parties and Observers that participated in the assessment for comments;
- To invite Parties to provide the Secretariat with additional information upon request and without delay;

- To present the consolidated draft report for consideration and adoption at the 11th Plenary;

Agenda item 6: Transborder access to data

- To adopt the report presented by the Transborder Group for 2013 (T-CY(2013)30); and thus to request the Transborder Group:
 - to continue the dialogue with relevant stakeholders;
 - to take into account the results of the current round of T-CY assessments;
 - on this basis to submit a report with proposals to the 12th Plenary for consideration;
- pending consideration of this report to put on hold the decision taken at the 9th Plenary regarding the preparation of a Protocol to the Convention;

Agenda item 7: Guidance notes¹

- To take note of the progress made in the preparation of the Guidance Note on Subscriber Information for an IP address in a Specific Communication (document T-CY (2013) 26);
- To invite Parties and Observers to provide additional information on the concept of IP addresses as subscriber information as opposed to traffic data in their domestic law and practice, and to request the T-CY Bureau to prepare a brief questionnaire to this effect;
- To request the Bureau to submit an updated version of the Guidance Note for consideration to the 11th Plenary;

Agenda item 8: T-CY Workplan: review and adoption of the workplan 2014-15

- To adopt the T-CY Workplan for the period 1 January 2014 – 31 December 2015 (document T-CY(2013)24);

Agenda item 9: Rules of Procedure

- To adopt the rules of procedure as amended at the 10th Plenary (document T-CY(2013)25rev) ad referendum (deadline 20 December 2013);

Agenda item 10: Financial resourcing of the T-CY for 2014-15

- To strongly encourage Parties and Observers to consider voluntary contributions to the project Cybercrime@Octopus in view of ensuring co-funding of the T-CY in line with the decision taken at the 9th Plenary in June 2013;

Agenda item 11: Activities of technical cooperation projects and the Cybercrime Programme Office

- To take note of the capacity building projects of the Council of Europe;
- To note with appreciation the launch of the joint project of the European Union and the Council of Europe on Global Action on Cybercrime (GLACY);
- To welcome the establishment of the Cybercrime Programme Office of the Council of Europe (C-PROC) in Bucharest, Romania;

¹ http://www.coe.int/t/dqhl/cooperation/economiccrime/cybercrime/T-CY/Default_TCY_en.asp

Agenda item 12: Any other business

- To take note of the decision of the Pompidou Group of the Council of Europe to establish a working group on drug-related cybercrime, and to encourage T-CY members to share information with this working group in view of linking up cybercrime and drug control investigators;

Agenda item 13: Next meeting of the T-CY

- To propose to hold the 11th Plenary of the T-CY in June 2014 subject to the availability of resources.
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3 Appendix

3.1 Annotated agenda

Annotated agenda

(Please note that agenda items marked with * are for decision by the members representing contracting Parties to the Budapest Convention)

1.	Opening of the 10 th Plenary and adoption of the agenda
2.	<p>Status of signatures, ratifications, accessions to the Budapest Convention and its Protocol</p> <p>Participants are invited to discuss the status of signature, ratification or accession by specific countries.</p>
3.	<p>Information provided by parties and observers – Tour de table</p> <p>Participants are invited to present information on legislative developments, major cases, important events, training provided to other countries, including by international organisations etc.</p> <p>Participants are in particular invited to provide information on initial and continued domestic training for judges and prosecutors.</p>
4.	<p>Dialogue with international organisations (T-CY observers)</p> <p>Representatives of international organisations with observer status in the T-CY are invited to present relevant activities and engage in a dialogue with T-CY members. Observers include the African Union Commission, ENISA, European Union, Interpol, ITU, OAS, OECD, OSCE, UNODC, G8 High-tech Crime Subgroup.</p>
5.	<p>Assessment of Articles 31 and related Articles on international cooperation(cont'd): Review of draft report and draft recommendations*</p> <p>For consideration and decision by the 10th Plenary: Given the relevance of international cooperation provisions, the T-CY Bureau proposes that the Assessment of Article 31 and related Articles be extended and that the final report be only adopted at the 11th Plenary in June 2014.</p> <p>Based on an updated draft assessment report, T-CY members are invited to provide additional information and to discuss draft conclusions and recommendations.</p> <p>It is strongly recommended that delegations comprise practitioners responsible for mutual assistance in the Parties.</p>
6.	<p>Transborder access to data*</p> <p>The Ad-hoc Sub-group on transborder access to data and data flows will present a summary report on its work in 2012-2013 for consideration by the T-CY.</p> <p>This includes an updated draft Guidance Note # 3 on Transborder Access to Data in view of seeking further comments for consideration in conjunction with the work on the Additonal Protocol.</p>

<p>7. T-CY Guidance Notes*</p> <p>The T-CY is invited to consider draft Guidance Notes in view of their adoption:</p> <ul style="list-style-type: none"> – Guidance Note # 8 Subscriber information <p>Parties are invited to make proposals for additional Guidance Notes.</p>
<p>8. T-CY Workplan: review and adoption of the workplan 2014/15*</p> <p>Parties are invited consider the draft workplan in view of its adoption.</p>
<p>9. Rules of procedure / statute</p> <p>Pending future consideration of a possible Statute, the T-CY is invited to consider draft rules of procedures prepared by the Bureau in view of their adoption.</p>
<p>10. Financial resourcing of the T-CY for 2014-15*</p> <p>The Secretariat will inform participants on the state of financial resources available for the T-CY in 2014-15.</p> <p>Following the decision on T-CY financing taken at the 9th Plenary, Parties are invited to consider financial support to the T-CY through voluntary contribution to the CYBERCRIME@OCTOPUS project.</p>
<p>11. Activities of technical cooperation projects and C-PROC</p> <p>The Secretariat will provide an update of technical cooperation projects and the state of the Council of Europe Programme Office on Cybercrime in Bucharest.</p>
<p>12. Any other business</p> <ul style="list-style-type: none"> – Proposal for a working group on drug-related cybercrime under the Pompidou Group of the Council of Europe.
<p>13. Next meeting of the T-CY*</p> <p>T-CY members are invited to decide on the proposal to hold the 11th T-CY Plenary in June 2014. This proposal is subject to the availability of funding.</p>

3.2 List of participants

Bureau members

Country	Name	Position & institution
ESTONIA	Mr Markko KÜNNAPU (T-CY Representative – Chair)	Adviser Ministry of Justice
NETHERLANDS	Mr Erik PLANKEN (T-CY Representative – Vice-Chair)	Senior Policy Advisor Cybercrime Law Enforcement Department Ministry of Justice
JAPAN	Mr Tsuyoshi KITAGAWA (T-CY Representative)	Principal Deputy Director, International Safety and Security Cooperation Division, Foreign Policy Bureau, Ministry of Foreign Affairs
ROMANIA	Ms Ioana ALBANI (T-CY Delegate)	Chief Prosecutor, Head of the Cybercrime Unit, Prosecutor's Office attached to the High Court of Cassation and Justice, Directorate for the Investigation of Organised Crime and Terrorism offences
USA	Ms Betty SHAVE (T-CY Representative)	Assistant Deputy Chief for International Computer Crime Computer Crime and Intellectual Property Section US Department of Justice
SERBIA	Mr Branko STAMENKOVIC (T-CY Representative)	Head of the Special Department for High-Tech Crime of HPPO Belgrade Office of the Public Prosecutor of Serbia
PORTUGAL	Mr Pedro VERDELHO (T-CY Representative)	Public Prosecutor General Prosecutor's Office of Lisbon Procuradoria Geral da Republica
UNITED KINGDOM	Mr Justin MILLAR (T-CY Representative)	Head of Cyber Crime Policy, Home Office

Parties to the Convention

Country	Name	Position & institution
ALBANIA	Ms Diana STILLO SILA (T-CY Representative)	Department of Foreign Jurisdictional Relations Ministry of Justice
ARMENIA	Mr Armen ABRAHAMYAN (T-CY Delegate)	Officer, Division of Struggle Against High-tech Crimes, General Department of Struggle Against Organized Crime, Police of the Republic of Armenia
ARMENIA	Mr Karen AMARYAN	Deputy Chief of 3rd Department, General department of combat against organized crime, Police of Republic of Armenia
ARMENIA	Mr Bagrat GHAZINYAN	Prosecutor of the Prosecutor General Office's Department for Investigation by National Security Agencies and on Cyber Crimes, Second class Councillor of Justice
AUSTRALIA		
AUSTRIA	Mr Kai MAYER (T-CY Representative)	Criminal Intelligence Service Federal Ministry of the Interior
AZERBAIJAN	Mr Hajiaga HAJIYEV	Ministry of National Security
BELGIUM	Mr Philippe VAN LINTHOUT	Investigating Judge, Court of First Instance of Mechelen
BELGIUM	Mr Koen SMETS	Chief Inspector Detective Computer Crime Federal Computer Crime Unit
BOSNIA AND HERZEGOVINA	Mr Tomislav CURIĆ (T-CY Representative)	Expert Adviser Department for Combating Organized Crime and Corruption Ministry of Security
BULGARIA	Mr Vasil PETKOV (T-CY Delegate)	Inspector Cybercrime, IPR and Gambling Section, General Directorate Combating Organized Crime, Ministry of Interior
CROATIA	Mr Ivan MIJATOVIĆ (T-CY Delegate)	Chief Police Inspector, High-tech Crime Department, Economic Crime and Corruption Service, National Police Office for Suppression of Corruption and Organized Crime, Criminal Police Directorate, General Police Directorate, Ministry of the Interior
CYPRUS	Mr Andreas ANASTASIADES	Head of the Office for Combating of the Cyber Crime & Digital Forensic Lab Cyprus Police Headquarters
CZECH REPUBLIC	Mr Tomáš HUDEČEK (T-CY Representative)	Department for International Cooperation Ministry of Justice
DENMARK		

Country	Name	Position & institution
DOMINICAN REPUBLIC	Mr César MOLINÉ RODRÍGUEZ (T-CY Representative)	Legal advisor Instituto Dominicano de las Telecomunicaciones
DOMINICAN REPUBLIC	Mr Claudio PEGUERO	24/7 Point of Contact for Cybercrime, ITC Director National Police
ESTONIA	Mr Markko KÜNNAPU (T-CY Representative)	Adviser Ministry of Justice
FINLAND	Mr Mikko MONTO (T-CY Representative)	Counsellor of Legislation Ministry of Justice
FRANCE	Ms Delphine GAY (T-CY Representative)	Capitaine de Police OCLCTIC Ministère de l'Intérieur
GEORGIA	Mr Giorgi TIELIDZE (T-CY Representative)	Chief Specialist, International relations department Ministry of Internal Affairs
GEORGIA	Mr David GABEKHADZE	Chief Inspector of Operative-Technical Department, Ministry of Internal Affairs
GEORGIA	Mr George MITAGVARIA	Cybercrime Detective-Investigator, Cybercrime Division (24/7 contact point), Central Criminal Police Department, Ministry of Internal Affairs
GERMANY	Mr Ullrich WETZEL (T-CY Delegate)	Federal Ministry of Justice Division II A 4
HUNGARY		
ICELAND	Mr Sigurður Emil PÁLSSON (T-CY Delegate)	Ministry of the Interior
ITALY		
JAPAN	Mr Tsuyoshi KITAGAWA (T-CY Representative)	Principal Deputy Director, International Safety and Security Cooperation Division, Foreign Policy Bureau, Ministry of Foreign Affairs
JAPAN	Mr Yamauchi YOSHIMITSU	Senior Attorney for International Affairs / Deputy Director of the International Affairs Division Criminal Affairs Bureau, Ministry of Justice
JAPAN	Ms Akino KOWASHI	Official, International Safety and Security Cooperation Division, Foreign Policy Bureau, Ministry of Foreign Affairs
JAPAN	Mr Makoto NAKAMURA	Assistant Director, Cybercrime Division, Community Safety Bureau, National Police Agency
JAPAN	Ms Yumi MANITA	Assistant Director, Cybercrime Division, National Police Agency
JAPAN	Mr Takaaki SHINTAKU	Attorney/Consul Consulate-General of Japan in Strasbourg

Country	Name	Position & institution
LATVIA	Mr Aleksandrs BUKO (T-CY Representative)	Head of cybercrime enforcement and IPR protection unit State police of Latvia
LATVIA	Ms Aleksandra TUKISA (T-CY Delegate)	Head of 24/7 contact point International Cooperation Bureau State police of Latvia
LITHUANIA	Mr Žilvinas SIDERAVIČIUS (T-CY Representative)	Chief Investigator Police Department Ministry of the Interior Criminal Police Board
MALTA		
MAURITIUS		
MOLDOVA	Mr Veaceslav SOLTAN (T-CY Representative)	Prosecutor Chief of Department on Information Technology and Cybercrime Investigation General Prosecutor Office
MOLDOVA	Mr Eugeniu MORARU	Head of the Centre for Combating Information Crimes
MOLDOVA	Ms Iulia GHEORGHIȘ	Senior Consultant, Treaties and European Integration Division, Ministry of Justice
MONTENEGRO	Mr Vladimir VUJOTIC (T-CY Representative)	Adviser Ministry of Justice
NETHERLANDS	Mr Erik PLANKEN (T-CY Representative)	Senior Policy Advisor Cybercrime Law Enforcement Department Ministry of Justice
NORWAY	Mr Eirik TRØNNES HANSEN (T-CY Delegate)	Prosecutor, Kripas
PORTUGAL	Mr Pedro VERDELHO (T-CY Representative)	Public Prosecutor General Prosecutor's Office of Lisbon Procuradoria Geral da Republica
ROMANIA	Ms Cristina SCHULMAN (T-CY Representative)	Legal Adviser, Ministry of Justice, Treaties, International Relations and Liaison Magistrates Unit, Department of International Law and Judicial Cooperation
ROMANIA	Ms Ioana ALBANI (T-CY Delegate)	Chief Prosecutor, Head of the Cybercrime Unit, Prosecutor's Office attached to the High Court of Cassation and Justice, Directorate for the Investigation of Organised Crime and Terrorism offences
SERBIA	Mr Branko STAMENKOVIC (T-CY Representative)	Head of the Special Department for High-Tech Crime of HPPO Belgrade Office of the Public Prosecutor of Serbia
SLOVAKIA	Mr Branislav KADLECIK (T-CY Representative)	General State Counsellor International Public Law Division, International Relations Department, Ministry of Justice of the Slovak Republic
SLOVENIA	Mr Toni KASTELIC (T-CY Representative)	Head of Computer Investigation Centre Criminal Police Directorate

Country	Name	Position & institution
SPAIN	Ms Maria Elvira TEJADA DE LA FUENTE (T-CY Representative)	Head, Cybercrime Prosecutor's Office, General Prosecutor's Office
SPAIN	Mr Cesar LORENZANA (T-CY Delegate)	Captain, Deputy Head of Cybercrime Central Unit Guardia Civil
SWITZERLAND	Mr Andrea CANDRIAN (T-CY Representative)	Stv. Chef, International Criminal Law Unit Federal Office of Justice
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"	Mr Vladimir MILOSHESKI (T-CY Delegate)	Public Prosecutor Basic Public Prosecutor's Office in Skopje
UKRAINE	Mr Valentyn PETROV (T-CY Representative)	Expert Security Service of Ukraine
UKRAINE	Mr Leonid TYMCHENKO	Deputy Chief, Cybercrime Division, Ministry of Internal Affairs
UKRAINE	Mr Vitaliy KULYK	Senior inspector, Cybercrime Division, Ministry of Internal Affairs
UNITED KINGDOM	Mr Justin MILLAR (T-CY Representative)	Head of Cyber Crime Policy, Home Office
USA	Ms Betty SHAVE (T-CY Representative)	Assistant Deputy Chief for International Computer Crime Computer Crime and Intellectual Property Section US Department of Justice

Observers

Country	Name	Position & institution
ANDORRA	Mme Carmen PERNA	Conseillère juridique Gouvernement de la Principauté d'Andorre
ARGENTINA	Mr Norberto FRONTINI (T-CY Representative)	Subsecretaria de Política Criminal Ministerio de Justicia Seguridad y Derechos Humanos
CANADA		
CHILE		
COLOMBIA	Mr Álvaro VALENCIA	Conseiller de relations extérieures, Ambassade de Colombie en France
COSTA RICA	Mr Francisco SALAS RUIZ (T-CY Representative)	Procuraduría General de la República
GREECE		
IRELAND		

Country	Name	Position & institution
ISRAEL		
LIECHTENSTEIN		
LUXEMBOURG	Mr Laurent THYES	Attaché de Gouvernement 1er en rang Ministère de la Justice
MEXICO	Mr Santiago OÑATE LABORDE	Permanent observer Ministry of Foreign Affairs, Permanent Mission of Mexico to the Council of Europe
MEXICO	Mr Víctor Manuel LAGUNES SOTO RUIZ	Director General of Information Technologies Office of the President of the Republic
MEXICO	Mr Jacobo BELLO JOYA	Commissioner in Chief, Coordinator of Prevention on Electronic Crimes National Commission of Security
MEXICO	Mr Oliver GONZÁLEZ BARRALES	Director General of Laboratories in Electronic and Forensic Research National Commission of Security
MEXICO	Dr. Jorge CICERO FERNÁNDEZ	Deputy Director General Ministry of Foreign Affairs, Direction General for Global Affairs
MEXICO	Mr Humberto LOPEZ- PORTILLO SANCHEZ	Office of the Attorney General of the Republic's Deputy Legal Attaché for Europe Office of the Attorney General of the Republic
MEXICO	Mr Alejandro MARTÍNEZ PERALTA	Deputy Permanent Observer Ministry of Foreign Affairs, Permanent Mission of Mexico to the Council of Europe
MONACO	M. Gabriel RAVEL	Adjoint au Représentant Permanent de Monaco auprès du Conseil de l'Europe
MOROCCO	M. Abdeljalil TAKI	Commissaire Divisionnaire auprès de la Direction Générale de la Surveillance du Territoire (DGST)
PANAMA	Mr Raul MILLAN (T-CY Representative)	Dirección Nacional de Tecnología y Transformación Centro Nacional de Respuesta a Incidentes de Seguridad Informática – CSIRT PANAMÁ Autoridad Nacional para la Innovación Gubernamental
PHILIPPINES	Geronimo L. SY (T-CY Representative)	Assistant Secretary Department of Justice
POLAND		
RUSSIAN FEDERATION	Mr Dmitry FINOGENOV	Expert, Federal Security Service of the Russian Federation
RUSSIAN FEDERATION	Mr Andrey MELKOV	Expert, Federal Security Service of the Russian Federation
RUSSIAN FEDERATION	Mr Boris VASILYEV	Third Secretary, Department of New Challenges and Threats, Ministry of Foreign Affairs of the Russian Federation
SAN MARINO		

Country	Name	Position & institution
SENEGAL	M. Papa Assane TOURE (T-CY Representative)	Magistrat, Conseiller Technique en charge de la cybercriminalité Ministère de la Justice
SENEGAL	M. Gormack TALL	Substitut Général à la Cour d'Appel de Dakar
SENEGAL	M. Amadou SEYDI	Procureur de la République Adjoint près le tribunal régional hors classe de Dakar
SENEGAL	M. Samba SALL	Juge d'instruction en charge du 2e Cabinet au tribunal régional hors classe de Dakar
SENEGAL	M. Papa GUEYE	Lieutenant de Police, Chef de la Brigade Spéciale de Lutte contre la Cybercriminalité, Direction de la Police Judiciaire
SOUTH AFRICA	Mr Zoyisile MSHUNQANE	Manager, Government of South Africa
SWEDEN	Mr Mikael KULLBERG	Legal Adviser, Division for Prosecution Issues, Ministry of Justice
TURKEY	Mr Bilal SEN (T-CY Delegate)	Cyber Crimes Department
TURKEY	Mr Tayar ÖGMEN	Repourter judge Ministry of Justice Department on MLA in Criminal Matters

Other states

Country	Name	Position & institution
MALAYSIA	Ms Shariffah Rashidah SYED OTHMAN	Cyber and Space Security Division, National Security Council, Prime Minister's Department
SINGAPORE	Mr GNANASIHAMANI Kannan	Senior State Counsel / Deputy Public Prosecutor Senior Director, Corruption Directorate & Senior Director, Technology Crime Unit Economic Crimes & Governance Division Criminal Justice Division Attorney-General's Chambers
SOUTH KOREA		

Observer organisations

Organisation	Name	Position
African Union Commission (AUC)	Mr Okechukwu Emmanuel IBE	Coordinator, Office of Chairperson
African Union Commission (AUC)	Mr Matias Bertino MATONDO	Advisor

Organisation	Name	Position
EUROPEAN UNION	Ms Julie RUFF	Policy Officer DG Home Affairs Unit A.2 – Fight against organised crime European Commission
European Union Agency for Network and Information Security (ENISA)	Mr Steve PURSER	Head of Core Operations Department
International Telecommunications Union (ITU)	Mr Tomas LAMANAUSKAS	Head, Corporate Strategy Division
Organisation for Economic Co- operation and Development (OECD)		
Organization of American States (OAS)	Mr Belisario CONTRERAS	Program Manager, CICTE Secretariat

Council of Europe committees & other bodies

Committees	Name	Details
POMPIDOU GROUP	Mr Tony VERACHTERT	Chief commissioner Belgian Police
CDPC (European Committee on Crime Problems)		
Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (T-ES)		
Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD)		
Parliamentary Assembly of the Council of Europe (PACE)		

Council of Europe Secretariat

Name	Details
Mr Jan KLEIJSEN	Director of Information Society and Action against Crime Directorate General Human Rights and Rule of Law
Mr Alexander SEGER	Secretary of the Cybercrime Convention Committee Head of Data Protection and Cybercrime Division Information Society and Action against Crime Directorate Directorate General Human Rights and Rule of Law Tel +33 (0)3 90 21 45 06 Fax +33 (0)3 90 21 56 50 alexander.seger@coe.int
Ms Sophie KWASNY	Head of Data Protection Unit Data Protection and Cybercrime Division Information Society and Action against Crime Directorate Directorate General Human Rights and Rule of Law Tel +33 390 21 43 39 sophie.kwasny@coe.int
Ms Marie AGHA-WEVELSIEP	Project Officer Data Protection and Cybercrime Division Information Society and Action against Crime Directorate Directorate General of Human Rights and Rule of Law Tel +33 3 9021 5666 marie.agha-wevelsiep@coe.int
Ms Maria ORESHKINA	Project Assistant Data Protection and Cybercrime Division Information Society and Action against Crime Directorate Directorate General Human Rights and Rule of Law Tel +33 390 21 40 26 maria.oreshkina@coe.int
Ms Despina TRAMOUNTANI	Project Assistant Data Protection and Cybercrime Division Information Society and Action against Crime Directorate Directorate General Human Rights and Rule of Law Tel +33 390 21 47 72 despina.tramountani@coe.int
Ms Szilvia SIMOND	Project Assistant Data Protection and Cybercrime Division Information Society and Action against Crime Directorate Directorate General Human Rights and Rule of Law Tel +33 390 21 55 44 Szilvia.SIMOND@coe.int
Mr Renato LEITE MONTEIRO	Trainee Tel +33 390 21 55 09 renato.leite@coe.int