***Specialized Judicial Course on International Cooperation***

**Session 2.3**

**Utilizing Electronic Evidence Acquisition Thru International Cooperation Mechanisms**

**WolfJäger Case Study Questions Lead**

Q: *What are the main directions of the investigation*?

A: Identification of all or as many as possible victims, obtaining electronic evidence from their computers – especially Internet traffic, their bank transaction records acquisition, mutual legal assistance planning.

Q: *What should be investigated first*?

A: Identification of the IP addresses of the persons who defrauded victims.

Q: *Is there any kind of urgency connected to some part of the investigation?*

A: Yes, since it’s not certain for how long data/electronic evidence is going to be preserved.

Q: *What kind of requests Prosecution/Investigative Judge will send*?

A: Article 29 – Expedited preservation of stored computer data, Article 31 – Mutual assistance regarding accessing of stored computer data

Q: *To whom requests will be sent*?

A: Bulgaria, Czech Republic, Serbia

Q: *What facts and actions are going to requested*?

A: Which ISP providers hosted IP addresses of the perpetrators, identification of the contract users of the IP addresses, identification of the possible suspects, possibility for the financial investigation commencing, search and seizure of the premisses and objects, interrogation of the suspects and questioning of the witnesses, seizure of the illicit property. Other facts and actions can be added by the delegates

Q: *What evidence will be requested*?

A: ISP IP records and contracts, copies/mirrors/clones of the hard drives from computers used by “brokers” and “management”, records from the search and seizure actions, preliminary expert reports, analysis of the data base connections about victim-broker-manager communication and exchange, analysis of the way how victims investment accounts where manipulated, records from interrogations and questionings, bank records and transfer orders, property check. Additional evidence can be suggested by delegates.

Q: *Is there need for any special investigative actions*?

A: No, if continuation of the defrauding actions is not detected.

Q: *What actions are going to be required from foreign LEA/Prosecution/Investigative Judge*?

A: Warrants to the ISP, companies, banks and other entities holding data, preservation, search and seizure of the premisses, arrests, interrogations and questionings, possibly permission for presence of the requesting country authorities during undertaking of some actions, freezing of the assets, commencing of the financial investigation, identification of possible additional leads. Other actions.

Q: *How Prosecution/Investigative Judge will determine to whom, how and what should be sent?*

A: Branching of the actions starts from the identification of the IP addresses and their users at the time of the perpetration. Delegates should explain how they would do it in accordance with Budapest Convention and local set of the rules.

Q: *Are there grounds for commencement of the Financial Investigation?*

A: Yes, since there is ground for the reasonable doubt that money and goods are deriving from the criminal activity. Requesting country reported possible damages in millions of Euros.

Q: *What are other steps and/or measures/actions which should be undertaken?*

A: answer depends on previous answers

Q: *Is there something else you would do in your country?*

A: Delegates should be invited to actively take the part in providing answers.