

PROSECUTING CYBERCRIMES: COLLECTING AND PRESENTING DIGITAL EVIDENCE

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Background

Cybercrimes has been an international issue. The development of technology and the World Wide Web make the world flatter and borderless. There's changing culture from paper-based to paper-less society. In the cyberspace, anyone can have freedom to be someone else by using anonym or pseudo identity. The development of proxy servers provides services for surfer to surf from different server. Such conditions create challenges for regulators in regulating the cyberspace, and for law enforcement agencies in combating the cybercrimes. Determining *tempus* and *locus delicti*, investigating the crime scenes, and collecting the evidences require proper tools and particular skills. In some cases, in combating the crimes, the agencies need assistance from other law enforcement agencies. Indeed, it is crucial for countries to have cooperation in combating cybercrimes.

As one of emerging countries in the world, Indonesia is in a view to establish comprehensive cyberlaw systems that comply with international standard. Therefore, this seminar attempts to discuss the best practices of cyberlaw regulation implemented in various countries, and challenges faced by law enforcement agencies in prosecuting cybercrimes particularly in collecting, securing, exchanging, and presenting electronic evidence. This specific issue is a part of investigation process that should be discussed thoroughly in order to gain clear understanding about legal framework and boundaries of electronic evidence in various countries. The result of the seminar shall be valuable input to enrich Indonesian government in establishing cyberlaw and to enhance cooperation among the law enforcement agencies with various countries.

In order to have common standard, it is useful for the participants to look up to Convention on Cybercrime as main international instrument that provides a guideline and framework for international cooperation particularly in collecting, securing, and exchanging electronic evidence.

Emphasis of the Seminar

From the background described above, the issues discussed in the seminar are:

1. legal framework and best practices of prosecuting cybercrimes: collecting and presenting digital evidence in various countries;
2. international cooperation in prosecuting cybercrime pursuant to international standards;
3. liabilities of telecommunication companies in cybercrime;
4. further steps for Indonesian government to establish comprehensive cyberlaw particularly in prosecuting cybercrimes.

Participants

The seminars should be attended by:

1. National police;
2. National prosecutors;
3. Judges;
4. Civil servant investigators (PPNS);
5. Practitioners (banking and telecommunication);
6. Academicians;
7. Government officials;

Place of Seminar

About Yogyakarta

Yogyakarta is one of famous tour destinations in Java Island, Indonesia. Yogyakarta is a city with mixture of traditional and modern culture and traditions with many places you should visit. It was the center of the Ancient Mataram Kingdom which built Borobudur Temple, one of the biggest Buddhist temples in the world. The other archaeological heritages are Prambanan Temple, Ratu Boko Palace, and tens of temples spread out in Yogyakarta.

Yogyakarta at the present time is a city with mixture of traditional and modern culture. In this city, there is a Kraton (palace), the place where Sultan resides. The Sultan is the local administrator authority that admitted by national government. In this city you can visit Malioboro, the most famous traditional market in Yogyakarta.

You need to spare time in Yogyakarta to see Mount Merapi, an active volcano mountain in Indonesia which height is 9738 feet above sea level. Other place you would like to visit is Parangtritis with its legend of Nyi Roro Kidul (Queen of the South); Sadeng Beach which was the ancient mouth of the Bengawan Solo River before a powerful tectonic force lifted the surface; or Siung Beach which has 250 points of rock climbing.

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AGENDA*

Time-line	Agenda	Speakers
08:00-08:40	Registration	
08:40-08:50	Opening Speech	Minister of ICT of Republic of Indonesia
08:50-09:00	Welcome to the seminar	Mr. Ashwin Sasongko, DG of ICT Application
09:00-09:50	Committee's report	Governor of Yogyakarta
09:05-09:20	Break and morning coffee	
09:20-09:30	Background: The Information Age: Where is the Evidence?	Mr. Cahyana Ahmadjayadi
09:30-11:00	Session One – Legal Framework and Best Practices of Prosecuting Cybercrimes: Collecting and Presenting Digital Evidence in various countries 1. Mr. Alexander Seger, Council of Europe; a. Convention on Cybercrime (1) Prosecuting Cybercrimes: Collecting and Presenting Digital Evidence; (a) How digital evidence co-exists with traditional rules of evidence (b) Methods and principles implemented in EU; (2) International Cooperation in Prosecuting Cybercrime pursuant to CoC; b. Case studies (1) Developed countries;	Moderated by Mr.Yappie Manafe

* Tentative

	<p>(2) Developing countries.</p> <p>2. Mr. Robert Strang (residence Legal Adviser US Embassy in Jakarta)</p> <p>a. Prosecuting Cybercrimes: US Federal Rules of Criminal Procedure in Prosecuting Cybercrimes</p> <p>(1) Admissibility of Digital Evidence: requirements for digital evidence to be admissible in the court;</p> <p>(2) Searching and Seizing Digital Evidence;</p> <p>(a) principles and exceptions (differentiation with traditional evidences);</p> <p>(b) Warrants in searching and seizing and their scope;</p> <p>b. Relevant case studies;</p> <p>3. Mr. Edmon Makarim (University of Indonesia);</p> <p>a. Indonesian regulations in prosecuting cybercrimes;</p> <p>(1) Criminal Legal Systems in Indonesia regarding the evidence (<i>negatief wettelijk bewijsstelsel</i>);</p> <p>(2) Admissibility of Digital Evidence: requirements for digital evidence to be admissible in the court within Indonesian criminal procedure system;</p> <p>(3) Telecommunication Companies' liability in prosecuting cybercrime pursuant to Indonesian laws and regulations;</p> <p>b. Relevant case studies;</p>	
11:00-12:00	Discussion	Moderated by Mr.Yappie Manafe
12:00-13:30	Lunch and Networking	
13:30-15:00	Session Two – Legal Framework and Best Practices:	Moderated by Mr. Teddy Sukardi

	<p>4. Mr. Geronimo L. Sy (Assistant Secretary of Department of Justice Republic of Philippines);</p> <p>a. Philippines regulations in prosecuting cybercrimes;</p> <p>(1) Admissibility of Digital Evidence: requirements for digital evidence to be admissible in the court within Indonesian criminal procedure system;</p> <p>(2) The advantages for Philippines in acceding Convention on Cybercrime within the context of international cooperation;</p> <p>b. Relevant case studies;</p> <p>5. Mr. Malcomm Crompton ([**]);</p> <p>a. Data Privacy Regulation pursuant to international best practices</p> <p>(1) the scope of data privacy;</p> <p>(2) principles implemented in data privacy regulation;</p> <p>b. Protecting Data Privacy in Prosecuting Cybercrime particularly in collecting digital evidence;</p> <p>6. Mr. Petrus R. Golose (Vice Director II on Economic Crimes, National Police Headquarters);</p> <p>a. How to collect, secure, and present digital evidence from Indonesian perspective;</p> <p>b. Relevant case studies;</p>	
15:00-16:00	Discussion	Moderated by Mr. Teddy Sukardi
16:00-16:30	Conclusion Remarks	Mr. Ashwin Sasongko, DG of ICT Application

