



Octopus Conference 2018

Cooperation against Cybercrime

11 – 13 July 2018

Palais de l'Europe, Council of Europe, Strasbourg, France

Version 6 July 2018

Conference Programme

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COUNCIL OF EUROPE



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Programme overview

WED, 11 JULY		
<i>Plenary session</i>	<i>Hemicycle (E/F/S/R)</i>	
14h00	Opening session Criminal justice in cyberspace: key challenges 2017/2019 Introduction to the workshops	
20h00 Social dinner		
THU, 12 JULY		
<i>Workshop sessions</i>	<i>Hemicycle (E/F/S/R)</i>	<i>Room 11 (E/S/F)</i>
9h00	Workshop 1: <ul style="list-style-type: none"> ▶ Evidence and jurisdiction in cyberspace: multi-stakeholder consultation on the Protocol to the Budapest Convention 	Workshop 2: <ul style="list-style-type: none"> ▶ Global state of cybercrime legislation: progress 2013 – 2018
12h30 – 14h00	<i>Lunch break</i>	
<i>Workshop sessions</i>	<i>Hemicycle (E/F/S/R)</i>	<i>Room 11 (E/F/S)</i>
14h00	Workshop 1 (cont'd): <ul style="list-style-type: none"> ▶ Evidence and jurisdiction in cyberspace: multi-stakeholder consultation on the Protocol to the Budapest Convention 	Workshop 3: <ul style="list-style-type: none"> ▶ Capacity building on cybercrime and e-evidence: what impact?
FRI, 13 JULY		
<i>Workshop sessions</i>	<i>Hemicycle (E/F/S/R)</i>	<i>Room 11 (E/F/S)</i>
9h00	Workshop 4: <ul style="list-style-type: none"> ▶ WHOIS: What now? 	Workshop 5: <ul style="list-style-type: none"> ▶ Cyberviolence: challenges and responses
12h30 – 14h00	<i>Lunch break</i>	
<i>Plenary session</i>	<i>Hemicycle (E/F/S/R)</i>	
14h00	Plenary: <ul style="list-style-type: none"> ▶ Results of workshops ▶ Futures: artificial intelligence and cybercrime ▶ Concluding panel 	
17h00	<i>End of conference</i>	

Please note that Chatham House rules apply to permit open discussions throughout the Conference.

Detailed programme

WED, 11 JULY	
Plenary session	Hemicycle (E/F/S/R)
14h00	<p>Plenary</p> <p>► Opening session [14h00 – 14h45]</p> <ul style="list-style-type: none"> - Jan Kleijssen (Director of Information Society and Action against Crime, Council of Europe) - Ursula Owusu-Ekuful (Minister of Communications, Ghana) - Marcela Ordonez Fernandez (Minister Plenipotentiary, Coordinator of Crime Prevention, Ministry of Foreign Affairs, Colombia) - Bessolé René Bagoro (Ministre de la Justice, des Droits Humains et de la Promotion Civique, Garde des Sceaux de Burkina Faso) - Ronald Kay Warsal (Minister for Justice and Communication Services, Vanuatu) <p>► Criminal justice in cyberspace: key challenges 2017/2019</p> <ul style="list-style-type: none"> - Threats and responses: Is criminal justice up to the challenges? [14h45 – 15h45] <ul style="list-style-type: none"> - Antonio Lopez Melgarejo (National Police of Spain) – A 1 billion EUR cyber bank robbery - Axel Petri (Senior Vice President, Group Security Governance, Deutsche Telekom) – TELCO perspective on e-evidence proposals - Jean-Paul Laborde (Directeur du centre d'expertise sur la lutte contre le terrorisme, Titulaire de la Chaire Cybersécurité/cyberdéfense, St-Cyr, France) – Terrorism, cybercrime and e-evidence - Daniel Grubb (Cyber Crime Policy, Home Office, UK) – the Budapest Convention in operation - Discussion - Democracy under attack [16h00-16h45] <ul style="list-style-type: none"> - Alexander Seger (Head of Cybercrime Division, Council of Europe) - Simona Granata-Menghini (Deputy Secretary of the Venice Commission, Council of Europe) - Gail Kent (Global Security Lead Public Policy, Facebook) - Cybercrime and electronic evidence: threats to human rights [16h45-17h30] <ul style="list-style-type: none"> - Katitza Rodriguez (International Rights Director, Electronic Frontier Foundation, USA) - Maryant Fernandez Perez (Senior Policy Adviser, European Digital Rights (EDRI), Brussels, Belgium) - Andrea Tamietti (Deputy Registrar, Section IV, European Court of Human Rights, Council of Europe, Strasbourg) – ECtHR: Benedik vs. Slovenia - Robert Golobinek (Head of Division, Ministry of Justice, Slovenia) <p>► Introduction to the workshops [17h30-18h00]</p> <ul style="list-style-type: none"> - Workshop moderators to briefly present the issues to be addressed in their workshops
Coffee break 15h45-16h00	
19h00	Social Dinner

THU, 12 JULY	
<i>Workshop sessions</i>	<i>Room 11 (E/F/S)</i>
9h00	<p>Workshop 2 – The global state of cybercrime legislation: progress and lessons learnt 2013 – 2018</p> <p>Specific legislation, consistent with human rights and rule of law requirements, is the basis for criminal justice action on cybercrime and electronic evidence. Many governments around the world have undertaken legal reforms during the past five years, often using the Budapest Convention on Cybercrime as a guideline. The adoption of substantive legislation to criminalize offences against and by means of computers and of procedural powers to permit the collection of electronic evidence is often the starting point for further capacity building activities. Measurable progress is being noted and important lessons can be drawn from this experience.</p> <p>The aim of this workshop is to review progress made worldwide during the past five years, including examples of good practices and problematic areas.</p> <p>Moderators: Zahid Jamil (Barrister-at-law, Jamil & Jamil, Pakistan) / Karuna Devi Gunesh-Balaghee (Ag Parliamentary Counsel, Attorney General's Office, Mauritius)</p> <p>Rapporteur: Jayantha Fernando (Legal Advisor/Program Director – Policy & eLeadership, ICT Agency of Sri Lanka)</p> <p>Secretariat: Giorgi Jokhadze (Project Manager, C-PROC, Council of Europe) / Ana Elefterescu (Project Officer, C-PROC)</p> <p>► From 2013 to 2018: overview of progress made in the adoption of legislation on cybercrime and electronic evidence [9h00 – 9h30]</p> <ul style="list-style-type: none"> - Preliminary results of a survey by the Cybercrime Programme Office of the Council of Europe (C-PROC) - Discussion <p>► Substantive criminal law [9h30 – 10h30]</p> <ul style="list-style-type: none"> - Introduction: Budapest Convention requirements for substantive law (Zahid Jamil) - Examples– short presentations by the countries: (15 min): <ul style="list-style-type: none"> - Botswana (Khursheed Rossenkhan, Attorney General's Chambers) (TBC) - China (Shenkuo WU, CCLS & Law School, Beijing Normal University, Senior Consultant of United Nations for Cybersecurity and Cybercrime issues, Consultant of Supreme Court of People's Republic of China, Head of Research Centre of Internet Society of China) TBC - Singapore (Kannan Gnanasihamani, Attorney-General's Chambers) (TBC) - Problems encountered and risks to human rights – open discussion with countries participating in the workshop on: <ul style="list-style-type: none"> - Freedom of speech and broadly defined criminalization of conduct online
<i>Coffee break 10h45 – 11h00</i>	

► **Criminal procedure law: law enforcement powers to secure electronic evidence** [10h30-10h45, 11h00-12h00]

- Focus on production orders:
 - Introduction on the recent T-CY Guidance Note on Article 18 of the Convention (Karuna Devi Gunesh-Balaghee)
 - Implementing production orders in national law: examples of good practices
 - Production orders for subscriber information: Dynamic versus static IP addresses – [Benedik vs. Slovenia](#):
Introduction by Marko Juric, University of Zagreb, Croatia and C-PROC)
Comments by Robert Golobinek (Ministry of Justice, Slovenia)
- Session on rule of law safeguards in the context of procedural powers of the Budapest Convention (Marko Juric)
 - Introduction: Results of [Article 15 Safeguards Study in the Eastern Partnership region](#) (update 2018)
 - Discussion on implications of court decisions (domestic courts, Court of Justice of the European Union, European Court of Human Rights) regarding data retention, WHOIS data, interception and surveillance powers and of new data protection rules (Convention 108+, EU [General Data Protection Regulation](#)) on procedural powers to secure electronic evidence

► **How to ensure completion of legislative reforms?** [12h00-12h20]

- Open discussion: how to “sell” good cybercrime legislation to decision makers?

► **Conclusions** [12h20-12h30]

12h30 – 14h00

Lunch break

	<p>Germany)</p> <ul style="list-style-type: none"> - Hania Helweh (Judge, Cybercrime Focal Point, Ministry of Justice, Lebanon) - Henry Bryers (Senior Manager – Threat Response, National Cybercrime Unit, National Crime Agency (NCA), United Kingdom) - Karuna Devi-Gunesh (Ag. Parliamentary Counsel, Attorney General’s Office, Mauritius) - Albert Antwi-Boasiako (National Cyber Security Policy and Strategic Advisor, Ministry of Communications, Ghana) <p>- The problem of casual link: how do we know that impact is due to project interventions?</p> <ul style="list-style-type: none"> - Introduction (Panagiota-Nayia Barmaliou) - Discussion <p>► Impact of projects: case studies [16h00 – 17h00]</p> <ul style="list-style-type: none"> - How is impact determined in concrete projects? Introductory presentations followed by discussions: <ul style="list-style-type: none"> - Example UNODC project (Neil J. Walsh, Chief, Cybercrime and Anti-Money Laundering Section, UNODC) - Example GLACY+ (Manuel de Almeida Pereira, Council of Europe) - What is the main risks adversely affecting impact? <ul style="list-style-type: none"> - Introduction (Panagiota-Nayia Barmaliou) - Discussion <p>► Lessons learnt: Ensuring impact in project design and implementation [17h00 – 18h00]</p> <p>Brainstorming session (moderated by Panagiota-Nayia Barmaliou and preliminary considerations by the Rapporteur (George-Maria Tyendezwa):</p> <ul style="list-style-type: none"> - Good and bad lessons learnt? - Take-aways for better projects and impact in the future?
18h00	End of day 2

- Registrars and registries
 - Caroline Greer (European Public Policy, Cloudflare)
 - Spencer Payton (Senior Internet Resource Analyst, RIPE Network Coordination Centre)
- Criminal justice and cyber security organisations: WHOIS “gone dark”?
 - Erica O’Neil (Assistant Deputy Chief for Computer Crime, Computer Crime and Intellectual Property Section, United States Department of Justice)
 - Jaap Van Oss (Senior Expert Cybercrime, Police, The Netherlands)
 - Peter Cassidy/ Pat Cain (Secretary General/ Resident Research Fellow, Anti-Phishing Working Group)
- Q & A

► **Solutions under consideration** [11h30 – 12h00]

- Layered access and accreditation system for legitimate users
 - Elena Plexida (Government and IGOs Engagement Sr Director, ICANN)
- Public Safety and LEAs
 - Tjabbe Bos (Policy Officer Cybercrime, European Commission)
 - Gregory Mounier (Head of Outreach and Prevention – European Cybercrime Center EC3, Europol)
 - Erica O’Neil (Assistant Deputy Chief for Computer Crime, Computer Crime and Intellectual Property Section, United States Department of Justice)
- Private sector
 - Peter Cassidy/ Pat Cain (Secretary General/ Resident Research Fellow, Anti-Phishing Working Group)

► **The way ahead** [12h00 – 12h30]

- Open discussion

Lunch break

- International responses:
 - ECtHR case-law on cyberviolence (Robert Spano, Judge, President of Section II, European Court of Human Rights)
 - Role of the Lanzarote Convention (Christel De Craim, Vice-Chair, Lanzarote Convention Committee, Maria José Castello Branco, Lanzarote Convention Bureau Member)
 - Role of the Istanbul Convention (representative of GREVIO [TBC])
 - Role of the Budapest Convention and the Protocol on Xenophobia and Racism (Gareth Sansom, T-CY Bureau member)

▶ **Role of service providers**

- Maximilian Schubert (Vice President, EuroISPA)
- Acadia Senese (Corporate Counsel, Law Enforcement and Information Security, Google)

▶ **Lessons learnt: good practices and challenges**

- Participants' advice to other countries
- Participants' goals for their own countries
- Participants' advice to victims

▶ **Conclusions: What synergies?**

12h30 – 14h00

Lunch break

FRI, 13 JULY	
<i>Plenary session</i>	<i>Hemicycle (E/F/S/R)</i>
14h00	<p>Plenary</p> <p>► Results of workshops [14h00-14h30]</p> <ul style="list-style-type: none"> - Workshop rapporteurs to present outcome of each workshop <p>► Futures: Artificial intelligence and cybercrime [14h30-15h45]</p> <p>The rapid progress of artificial intelligence and machine learning raises fundamental questions on the future of humanity but also specific questions regarding benefits and risks related to cybercrime and criminal justice. The purpose of this panel is to discuss what we need to do today to prepare for the future of AI:</p> <ul style="list-style-type: none"> ▪ AI and machine learning: what is this all about? ▪ What are the implications for cybercrime and criminal justice: <ul style="list-style-type: none"> ○ AI to improve cybersecurity, and facilitate the detection, investigation and attribution of cybercrime? ○ AI to further automate cybercrime (scanning systems for exploiting vulnerabilities, social engineering/ID theft; autonomous cybercrime by machines)? ○ AI, cybercrime and the law: Who is liable for decisions made and crime committed by machines and neural networks? ○ What ethical standards for the use of AI in criminal justice? ▪ AI and cybercrime: How to prepare for the future? <p>Moderator:</p> <ul style="list-style-type: none"> - Jan Kleijssen (Director, Information Society and Action against Crime, DG 1, Council of Europe) <p>Panellists:</p> <ul style="list-style-type: none"> - Rebekah Overdorf (Department of Electrical Engineering, KU Leuven, Belgium) - Claudia Peersman (Bristol Cyber Security Group, University of Bristol, UK) - Pavel Gladyshev (University College Dublin, Ireland) - Pavan Duggal (Advocate, Supreme Court of India, Chairman International Commission on Cyber Security Law) <p>► Concluding panel [16h00 – 17h00]</p> <ul style="list-style-type: none"> - Estela Bernabe (Justice, Supreme Court of the Philippines) - Mamadú Iaiá Djalo (Ministre de la Justice, Guinea-Bissau) - Mohamed R. Swaray (Minister of Information and Communication, Sierra Leone) - Gabriel Juarez Lucas (Deputy Minister for Information and Communication Technologies, Guatemala) - Agni Prasad Kharel (Attorney General, Nepal)
17h00	<i>End of conference</i>