

7	<i>The jurisdictional challenges of Electronic Evidence in the cloud</i>
Room 1	<i>Wednesday, 17 October 2018, 14h00-17h30</i>
<p><u>Background</u>: The proliferation of cybercrime and other offences involving electronic evidence, technological change such as cloud computing and related uncertainty regarding data location and jurisdiction, pose major challenges to law enforcement authorities and the rule of law in cyberspace. Additional solutions are required to permit criminal justice authorities to obtain specified electronic evidence in specific criminal investigations. Such solutions are currently being developed by the Council of Europe (proposed Additional Protocol to the Budapest Convention) and the European Union (e-evidence proposals) or have been adopted such as the US CLOUD act.</p> <p><u>Purpose</u>: To review the significant of challenges and the relevance of solutions for Africa.</p>	
<p><u>Chair</u>: Carlos BANDIN-BUJAN, Programme Manager Security, Nuclear Safety, Directorate-General for Development and Cooperation, European Union Commission</p> <p><u>Rapporteur</u>: Philippe VAN LINTHOUT, Investigating Judge, Co-President of the association of Investigating Judges, Court of First Instance of Antwerp, Belgium</p> <p><u>Panel</u>:</p> <p>► Crime and evidence in the cloud : challenges and issues [60 min]</p> <ul style="list-style-type: none"> - Introductory presentation - Access to evidence in the cloud: territoriality and enforcement jurisdiction - The effectiveness of mutual legal assistance - Cooperation with the private sector: opportunities and limitations <ul style="list-style-type: none"> - Philippe VAN LINTHOUT, Belgium - Emilar GANDHI, Public Policy Manager, Facebook <p>► Towards solutions [60 minutes]</p> <ul style="list-style-type: none"> - Introductory presentation - US CLOUD act <ul style="list-style-type: none"> - Timothy FLOWERS, U.S. Department of Justice - European Union E-evidence proposals <ul style="list-style-type: none"> - Carlos BANDIN-BUJAN, European Commission - Solutions within the context of the Budapest Convention <ul style="list-style-type: none"> - Alexander SEGER, Council of Europe <p>► Discussion: what way ahead for Africa? [60 minutes]</p> <ul style="list-style-type: none"> - Panel discussion [Ghana, Nigeria, Senegal] <ul style="list-style-type: none"> - Albert ANTWI-BOASIAKO, Ministry of Communications, Ghana - George-Maria TYENDEZWA, Federal Ministry of Justice, Nigeria - Papa Assane TOURE, Primature, Senegal 	
Reference materials	<ul style="list-style-type: none"> ► Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Production and Preservation Orders for electronic evidence in criminal matters; ► Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings; ► Enhanced international cooperation on cybercrime and electronic evidence: Towards a Protocol to the Budapest Convention ► Negotiations of the Additional Protocol to the Budapest Convention ► US CLOUD Act