



CyberSouth

Cooperation on cybercrime
in the Southern Neighbourhood

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Study on judicial training systems and capabilities in the Southern neighbourhood region – Jordan and Lebanon

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CyberSouth Project

Disclaimer

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1. INTRODUCTION

1.1 DESCRIPTION OF THE CYBERSOUTH PROJECT

CyberSouth is a joint project of the European Union (European Neighbourhood Instrument) and the Council of Europe aiming at strengthening legislation and institutional capacities on cybercrime and electronic evidence in the region of the Southern Neighbourhood in line with human rights and rule of law requirements.

In this framework five specific results (Immediate Outcomes) have been defined:

Result (Immediate Outcome) 1: Criminal law frameworks strengthened in line with the Budapest Convention on Cybercrime, including rule of law safeguards (Article 15).

Result (Immediate Outcome) 2: Specialized police services and interagency as well public/private cooperation strengthened with a sustainable approach.

Result (Immediate Outcome) 3: Judicial training on cybercrime and electronic evidence mainstreamed.

Result (Immediate Outcome) 4: Criminal justice authorities have better skills and tools for more effective international cooperation on cybercrime and e-evidence.

Result (Immediate Outcome) 5: Strategic priorities on cybercrime and electronic evidence identified and assessed.

Under result 3, the project seeks to provide support for mainstreaming the judicial training on cybercrime and electronic evidence. In this context, under the framework of the project, the following activities were organised or will be organised:

1. Prepare assessments (studies) on judicial training systems and capabilities in the Southern Neighbourhood region.
2. Organise of a regional workshop for representatives of judicial training institutions to reach agreement on the approach to follow.
3. Organise in-country trainings of trainer's workshops (in five countries).
4. Support the adaptations of training materials (basic and advance courses).
5. Support the delivery of one basic course by trainers trained in five countries.
6. Organise a regional conference on the progress made and on the integration of training of cybercrime and e-evidence in the curricula of training institutions.
7. Support the delivery of TOT training to reference magistrates.

In view of assessing the judicial training system of the priority countries (Lebanon and Jordan), the CyberSouth project is conducting a study to identify their domestic capabilities and provide recommendations in order to reinforce the knowledge of magistrates on how to handle cybercrime investigations and e-evidence in accordance with international standards.

1.2 AIM OF THE STUDY

The aim of this study on judicial training systems and capabilities in Jordan and Lebanon on cybercrime and e-evidence is to identify institutions in charge of the judicial training and their training programmes on cybercrime and electronic evidence in use or in planning, to recognize and briefly analyse training materials if available, as well as to identify plans and strategies for the feasibility of cybercrime training and possible existence of the pool of trainers.

The aforementioned study should be developed based on the resources provided by the Council of Europe and the online research of existing legal framework and institutional setup in Jordan and Lebanon.

1.3 ELEMENTS OF THE JUDICIAL TRAINING SYSTEM

A number of different judicial trainings systems and accompanying training programmes exist in the world today regarding regular judicial (prosecution included) training, but there are also specialized ones in different areas. Cybercrime and cyber-criminality are still considered as the new fields for the training of

law enforcement, prosecutors and judges, although in some countries, training programmes with this focus are implemented for some time already. Still, even in these countries, cybercrime training is a “moving target” with a changing subject which needs to be carefully followed regarding its substance, and updated, or significantly changed and widened, in accordance with new threats and trends of cybercrime and criminality.

The judicial training system should be organized around the central pillar of the starting and continuous education of judicial professionals. That central pillar is not the Law Faculty, but rather the institutions which train already graduated Masters (or equivalents) of Law. In a prevailing number of countries, that institution is a Judicial Academy (or equivalent) acting as a judiciary institution in charge of training of future or in-service prosecutors and judges.

In societies that follow the human rights standards and rule of law, the judiciary (prosecution included in many countries) represents the third pillar of the organization of the state and has an independent position in relation to the legislative and executive branches of state powers. Hence, its training institution also has at least autonomy, if not an independence, in governing how the future and in-service magistrates will be educated. Of course, this autonomy or independence is not unconditioned, since judicial training institutions are considered as parts of the judiciary and thus, their managing mechanisms are directly connected to the highest levels of the Prosecution and Judicial systems.

The practice at the international level for the composition of the management board of the judicial training institution is for it to consist of elected or appointed prosecutors and judges by the General Prosecution Office and the Supreme Court of the country, representatives of the Collegium of the Law Faculties in the country, as well as representatives of the Ministry of Justice. In some cases, other representatives are elected as members, like the ones representing the Attorney Bar, the Public Notaries Bar and other professions which are considered to be connected, but not the building part of the judiciary.

However, judiciary representatives are the majority in this body and the president of the board comes from the ranks of the member judges or prosecutors. The director of the institution has a technical position, as she/he manages the logistical aspect of the institution’s work and is appointed or elected by the board only. In this way, undue influences on the activities of the training institution should be avoided.

Training programmes on cybercrime available at the international level differ on substance matter and rely on national inputs. Most of them are coming from the criminal law system of the country and the reality of the present and near future cybercrime cases. Also, it depends on the level of awareness and readiness of the decision makers, judiciary and training institution to recognize existing cybercrime threats and trends. It is not a simple task and the support provided by international community helps countries in mainstreaming the judicial training programmes by following the international best practices and standards.

Contemporary training programmes usually consist of the basic and advanced level of training. The basic level of the training covers basic topics and serves as the introduction to next levels of the education. The advanced level is consisted not only of an in-depth and detailed exploration of some topics covered during the basic training, but also includes new topics which require more knowledge and a thorough understanding from the participants. The exact topics and subjects to be covered in both of these trainings depend on the local level of cybercrime awareness and the types of the cyber criminality present in the country or region.

The specialized levels of the cybercrime training are following basic and advanced courses and they can be on specific topics which are of the most interest for the country in question. They can be organized regarding international cooperation, terrorism, abuse of the child and minors, infringements of the intellectual property rights and more. The judicial training institution should be the one to make the decision about what topics are important, how they will be covered, and what decision preferably should be rendered as the result of the inputs provided by the trainers and in-service prosecutors and judges.

The judicial training institution should be in charge of making the plans and strategies about all levels of cybercrime training, their curriculums, training materials substance and, what is very important, the

professionals who are going to produce and deliver the training course. This group of trainers should be consisted of the best available practitioners who are highly or similarly knowledgeable and skilled regarding cybercrime and which already had significant experience in handling cybercrime cases. What is very important is that the consistency of this group should be prevailed, since the undue changes can prolong the process and make it less consistent or of lesser quality.

The international support on judicial training is relevant especially for the countries who do not have training strategies in place and the national approach is rather based on the ad-hoc training courses. Another benefit is the structure of the international training programmes, which is developed based on international standards and best practices and can be followed at the national level with minor adaptations to the domestic requirements.

The Council of Europe has more than a decade of experience in supporting capacity building in all parts of the globe with training programmes developed and delivered by experts coming mostly from the active professional ranks of the prosecutors and judges.

The CyberSouth project, following on the approach of the Council of Europe, is seeking to support the priority countries (Jordan and Lebanon) in reinforcing the training programmes on cybercrime and e-evidence and the creation of a pool of trainers at national level that can further provide training courses to their peers.

2. THE SUPPORT ON JUDICIAL TRAINING PROVIDED UNDER THE FRAMEWORK OF THE CYBERSOUTH PROJECT TO JORDAN AND LEBANON

2.1 THE OUTCOMES OF THE REGIONAL WORKSHOP ON JUDICIAL TRAINING STRATEGY ON CYBERCRIME AND ELECTRONIC EVIDENCE ORGANIZED IN LEBANON, 23-25 JANUARY 2019

The Council of Europe, together with counterparts from the countries participating in the CyberSouth project, organized a three-day regional workshop on judicial training strategy on cybercrime and electronic evidence. This activity was built on the previously adopted approach in assisting priority countries to develop or adapt their own judicial training strategies on this topic and to develop domestic training materials in cooperation with the Council of Europe.

The concept paper of the Council of Europe regarding existing training programmes was presented during the conference and it supported this approach by underlining importance of including the cybercrime training into the curricula of the judicial training institutions of the CyberSouth countries.

Participating countries reported that, at the moment, they do not have a judicial training strategy on cybercrime and electronic evidence, though the subjects on some of the related topics are integrated in the existing regular courses but not on a consistent level.

The agenda of the workshop was composed of several sessions which will be presented further on in the current chapter.

2.1.1 The current situation in Jordan and Lebanon

During this session, Jordan reported that their primary objective is to improve and amend the existing legal framework in order to enhance the current legislation on cybercrime. A training course on cybercrime exists as an integrated part of the curricula of the Judicial Institute of Jordan, but it needs to be reviewed. A plan about the introduction of cybercrime topics in continuous training for active judges exists and should be implemented by the High Judicial Council. The plan is encompassing three gradual phases in form of initial, advanced and specialized trainings. Electronic evidence is recognized as a training topic with special attention to be given for the properly positioning within the training on the investigation techniques for cybercrime. Jordan representatives reported that Jordan is moving towards the training of specialized cybercrime magistrates for the purpose of enhancing the quality of the investigations. The organization of

the national team tasked to prepare such in-service training and a national guide on a cybercrime suppression strategy is under discussion.

Lebanon reported that the initial judicial training has the duration of three years and that training for in-service judges exists but only on voluntary basis. One of the reasons behind this approach for in-service judges is their small numbers (only six hundred active judges), which makes their time very valuable as well as makes them less opened for taking training courses comparing to the amount of work they have. They are connected into the network of judges which compensates, currently, continuous training. Given the new law on cybercrime, which has been enacted in 2018, cybercrime training is rather a necessity, especially for the understanding of the new legal offences and instruments.

It was emphasized that the question of judicial training strategy is usually the product of policies adopted and implemented at the governmental level and embedded in a national policy and strategy on cybersecurity and cybercrime.

The workshop discussion on the responsibility for development and implementation of the judicial training strategy for cybercrime concluded with the fact that each country has to take the lead and invest more effort in its' creation and application.

The results of the workshop on judicial training strategies on cybercrime and electronic evidence, held in June 2014, within the framework of other Council of Europe's capacity building programmes, were shared and advised to be used as a reference for CyberSouth countries in order to build up their own strategy, Jordan and Lebanon included.

Jordan and Lebanon agreed that as CyberSouth countries, they will, as a first step, develop consistent modules on cybercrime and electronic evidence, test and make them final before moving towards the adoption of national judicial training strategies.

2.1.2 Development of the initial course on cybercrime and electronic evidence

During this session, the countries had the opportunity to:

- Present the content of their curricula on cybercrime and electronic evidence delivered in their respective schools for future magistrates
- Share ideas on what should be the content of this curricula
- Share proposals on the training methodology

On the basis of the discussion ensued after the presentations and the sharing of ideas and proposals, it was agreed that in case of Jordan, the initial course should address the following:

- Legislation related to cybercrime: national law and international law including the
- Budapest Convention on Cybercrime
- Weakness and gaps of national legislation
- Specific elements of traditional crime scene and crime scene with electronic evidence
- The understanding on when to qualify an act as a cybercrime
- Collection of electronic evidence
- Authorities/jurisdiction
- Safeguards on special investigation technics
- Implementation of procedural powers

In the case of Lebanon, the initial course should include the following:

- Recent aspect of the law on cybercrime and challenges on the implementation of the law
- International dimension of cybercrime with four chapters in following way:
- Chapter 1:
 - Digital transformation
 - Legislative tools at national and international levels
 - Data transfer and how the internet works

- Degrees of internet: deep web
- How to use the internet in cybercrime
- Internet of things
- Technological developments
- Service providers
- Proxy
- Bitcoins/crypto currencies
- Chapter 2:
 - Investigation technics: authorities, responsibilities of private sectors and LEA
 - Pure cybercrime and cyber enabled crime (introduce videos on theft of credit card)
 - Procedural law (Budapest convention), preservation, disclosing data, private sector cooperation, safeguards
 - Authorities/powers
- Chapter 3:
 - Electronic evidence: importance of preservation and how to deal with – practical examples, chain of custody
- Chapter 4
 - International cooperation
 - Budapest Convention

2.1.3 Training methodology

One outcome of the workshop was that priority countries agreed that the typical module on cybercrime and electronic evidence presented in the concept paper could be used as the basic course in the curricula of judicial training institutes for future magistrates but also as the basic level of training for active magistrates.

Jordan and Lebanon, together with other CyberSouth countries, also agreed that:

- Practical exercises should be introduced with case studies in the course
- The technological neutrality of the course should be maintained where possible, to facilitate its update
- Yearly update of the course should be planned with a legal team and a technical team
- The private sector should be involved in some sessions
- Each country should ensure flexibility of the curricula and integrate feedback from trainees to improve the course
- The training should be ensured for magistrates changing their position

Representatives of Jordan stated that the specialisation of magistrates in cybercrime is utmost important and they would like to move in that direction. For now, three prosecutors are appointed in the capital of the country, Amman, and new appointments are expected to come soon at the first-degree chambers, appeal and cassation.

Lebanon representatives stated that for the time being they do not have a structured proposal in that regard.

2.1.4 Development of the advanced training course

Regarding the second stage of the training curricula, Jordanian representatives stated that the target group of the advanced training should be magistrates in charge of cases related to cybercrime, specialised judges and future magistrates' trainers on cybercrime.

On the content, in addition to the concept paper, Jordan stated that following topics should be considered:

- Threats and risks resulting from cybercrime to national security and trade
- Impact on the way cases are treated: building technical capacity
- Provisions dealing with cybercrime

- Training about planning on how to deal with cybercrime cases from start to finish
- Training in order to enhance the capacity to deal with the crime scene
- Training about the electronic evidence and its admissibility
- International cooperation and international agreements

Representatives of Lebanon were of the opinion that the advanced course should be preceded by an intermediate course with length of 10 to 15 hours, which should include:

- Case studies – complex – multiple crimes with international dimension – extracting evidence from the crime scene without tempering the data
- How to issue confiscation order
- Practical exercise in court
- Specialized advanced courses on Dark market investigation, cryptocurrency, cyber MLA, terrorism, drugs and guns and human trafficking

Following this intermediate training, the advance course should be organized in the following way:

- How to issue expedited data preservation
- Integrate the advanced course developed by the Council of Europe
- Practical course with the Internal Security Forces (how the data is retrieved)
- Search and seizure order
- Job based case solving exercise involving chain of custody with 3 situations:
 Situation 1: the victim claims not to be the owner of the device or data
 Situation 2: the criminal claims the data has been altered
 Situation 3: the lawyer states that the evidence has not appropriately been retrieved and preserved and human rights were not respected
- Chain of custody and integrity of data
- Specific cases of the moment, i.e. electronic games inciting to suicide

Regarding the specialized training, Lebanon representatives stated that the target group should be consisted of prosecutors and investigative judges and that the content of the specialised course should address the following:

- First responder course – how to gather evidence, how to unplug a pc, how to check evidence on the crime scene
- Use of open source - how and why
- Darknet - how to track, crypto-currency
- Focus on money laundering, terrorism, drugs, guns and human trafficking

2.1.5 CyberSouth Network of Magistrates

During the workshop, a session on the topic of creating the network of magistrates in the region and its possible connection with training capabilities was organized. Discussions on the eventuality of establishing the network resulted in a number of conclusions regarding its purpose. What is relevant is that the participants at the meeting, including representatives of Jordan and Lebanon, agreed that the network on cybercrime and electronic evidence should also aim at:

- Exchange of experience, information, expertise and good practice
- Exchange on training programmes
- Facilitate informal cooperation
- Advice on legislation
- Exchange on daily challenges such as preservation of evidence
- Build up the relationship among experts
- Publish a periodical publication on cybercrime and electronic evidence

2.2 JUDICIAL TRAINING COURSES SUPPORTED BY THE PROJECT IN JORDAN AND LEBANON

2.2.1 Lebanon, September 2018

The starting training course in Lebanon was the Basic Judicial Training on Cybercrime and Electronic Evidence and it was organized in Beirut in September 2018. 17 magistrates took part in this event. The majority of the participants were magistrate judges, with only one prosecutor among them. During the introductory part of the training course, it was noted that a minority of the delegates are working in the field of criminal law, which should be considered for further nominations.

During the training course, it was taken into account that Lebanon does not have a law on cybercrime and electronic evidence at the moment, and that the training was an opportunity for magistrates to better understand the need for them to have a proper legislation to address issues such as illegal access, data interference and system interference.

Magistrates were interested in understanding the technical aspects of the course, which was a positive development, since most of the judges outside of the training courses, when confronted with cybercrime and electronic evidence, tend to avoid this topic. They also required to benefit from the presentation of the work and proceedings of the Forensic Unit within the Internal Security Forces, in order to better understand how electronic evidence is being processed by them.

However, the difficulty to discuss actual cybercrime cases during the training course was noted, as participating magistrates did not really have experience in handling such cases.

2.2.2 Jordan, November 2018

The starting training activity of the CyberSouth project in Jordan was the organization and delivery of the Basic Judicial Training on Cybercrime in November in the national capital Amman. It was delivered together with the Judicial Institute of Jordan and Jordan Armed Forces.

During the course, participants expressed the opinion that it is worthy to make magistrates understand the principles of electronic evidence, as it will be very unlikely for them to turn to experts for every basic case, and that they will need, at some point, to know exactly what and how to ask the police officers, forensic officers, or experts under their supervision. It was also noted that this opinion will be important to be included during the integration of the training course, and, even more, to insist on this aspect of the training.

Regarding other particularities of the training course, it was noted that Jordan, at the moment, does not have a mutual legal assistance legislation which was the source of the discussion on international cooperation mechanisms, and what is considered or not an offence in another country. For example, online defamation is a very sensitive issue when it relates to the crime of "lèse majesté".

The section of the course related to technology led to some debates among participants as to the weakness of the current law. In the current practice of Jordan, judges and prosecutors rely on forensic experts and generally do not consider that they need to understand the technical part. The training course raised awareness about this issue and influenced them to better understand possible benefits of changing the approach in this regard.

2.2.3 Lebanon, January 2019

The organization of the Advanced Judicial Training took place from 16 to 19 January 2019 in Beirut and was opened to all magistrates who participated in the basic judicial training held on 11-15 September 2018. The participants in this training course were mostly selected amongst the ones who were present during the basic training. The expected outcome of this activity was to consolidate a group of magistrate trainers on cybercrime and also to start planning with them further incorporation of the Council of Europe training material into the local training curricula. However, it was noted that the presence of the magistrates and their commitment was not always at the same level.

During the training course, participating magistrates were involved, and they actively followed presentations and exercises by giving their valuable contributions. It was clear that practitioners are recognizing the value of this training course and that they consider its' incorporation into Lebanon's cybercrime training programme as an important addition.

Still, some gaps were recognized, mostly connected to the feasibility of the adaptation of the training material without the cooperation of the Institute of Judicial Studies and the High Judicial Council. This was additionally underlined with the fact that except the launching conference of the project, for which the Head of the Institute of Judicial Institute was invited, no further contact was made.

What should be avoided is a risk that the knowledge disseminated through the basic and advanced training courses on cybercrime and electronic evidence will be lost, and the investment in the future magistrates' trainers will not be used.

2.2.4 Jordan, March 2019

Jordan continued to show strong commitment to organize further activities. Thus, two advanced training courses on cybercrime and electronic evidence for magistrates who have already followed the basic judicial training course were organized in the capital of Jordan, Aman, during March of 2019.

Training courses were organised in coordination with Jordan Armed Forces, the Judicial Institute of Jordan and the High Judicial Council. The participants were divided in two groups composed of civil and military judges. The exercise was useful and helped to identify a group of very motivated and skilled magistrates to be nominated as part of the working group that will be in charge of developing the national manual on cybercrime and electronic evidence.

However, some questions about the content of the training were raised, mainly directed towards requesting to have a course that is more aligned with local needs and topics connected to, for example, criminal acts of the promotion, incitation of terrorism, online terrorist recruitment, special investigation technics and similar.

It seems that some difficulties occurred on the ownership of the training and the determination of the institution in charge. Still, the training was successfully finished; the trainees expressed their appreciation about the quality of the training and the needed support for further planned activities.

As part of the plan for the next phase of the programme, a meeting was organised on the 18th of March at the High Judicial Council, to take a decision about further steps. It was agreed that the first meeting of the working group in charge of developing a local course on cybercrime and electronic evidence will be held in the week of 15 September with the support of experts from the Council of Europe and UNODC.

2.2.5 Jordan, September 2019

As a follow-up on the previous activity, the working group's meeting of magistrates, in charge of making the curricula and training material, was held in Amman during September 2019. Detailed outlines of the local training courses at introductory level for trainees and in-service judges and prosecutors were developed by the participating magistrates, as well as the outline for the advance training courses for in service training and trainees' judges and prosecutors. All delegates engaged actively in the process and accepted to take responsibility for developing aspects of the course material. The delegates worked well as a team and agreed to produce the full draft introductory training packs by 15th November 2019, and the draft of the advanced course's training packs by 15th January 2020, for consideration of COE. In addition to the training courses, the delegates also identified additional training needs in specific subject areas. Some of these may be met by utilizing existing COE training courses that have been developed by parallel cybercrime projects.

Interventions by the delegates indicated that there are specific needs for the training on electronic evidence and international cooperation mechanisms, specifically, on how to obtain evidence from foreign

jurisdictions. This thread continued through the event and the delegates emphasized on the following subjects:

- Learning how to deal with cybercrime from the 1st report to the court's ruling.
- Expedited assistance for the collection of evidence.
- Dual criminalisation, particularly from the context that some important crimes in Jordan are not criminalised in countries from which they seek evidence.
- Service Provider access to training (or good practice).
- Substantive, procedural and international cooperation mechanisms for cybercrime at national and international level.
- Care for victims subjected to cybercrime, especially in cases where the victim may be reluctant to or embarrassed to file a complaint.

Activities continued with the delegates working on the development of the outlines for the introductory courses for new trainees and in-service judges and prosecutors. The delegates produced clear agendas for these activities including outlines of the subject areas and the content to be covered. The courses were based on Council of Europe's materials with changes and additions made to meet the national requirements. Discussions moved on to the advanced training course and there also was a discussion about the timetable of the COE course.

By the end of the activity, the course's outlines, agendas, subjects and task allocations were complete for the introductory and advanced courses for both new trainees and in-service magistrates. It is fair to say that the content of the courses for each level was similar, with differences being more about the level of complexity and details between them.

The final discussion was about the potential need to create a specialised course with the topics to be included and any support that may be required. The following areas were considered important for further training by the delegates:

- Electronic crime relating to terrorism, child abuse, money laundering and electronic fraud.
- Cases of electronic fraud, identifying electronic evidence and MLA's.
- How criminals commit fraud against business. Electronic evidence identifying gathering and legality of evidence in all cases involving technology.
- Training for police, judges and prosecutors on seizure. It should be about the legality of the actions of the police. It is necessary and possible to have a training on electronic evidence that brings together the police, prosecutors and judges.
- The need to be better informed on MLA and international cooperation mechanisms, especially regarding international and local service providers.

Although the participation of the delegates at this event has been approved by the Judicial Council, there may be a need for the Council of Europe to engage directly with the Judicial Council to ensure their continued involvement in the development and future delivery of the training courses.

2.2.6 Portugal, December 2019

The Office of the Prosecutor General of Portugal supported the organisation of the first meeting of CyberSouth Network, that gathered 12 representatives from Algeria, Jordan, Lebanon, Morocco and Tunisia. This first meeting confirmed the need for such a network and agreed that the second meeting should be held in Tunisia, with permanent members of the network to be nominated.

The discussions focused on how such a network would be viable in a region that is governed by formalism in the exchange of information at national level between institutions, and even more with other countries. The participants were interested in having similar tools of mutual legal assistance to those used in the European Union, like the joint investigation teams.

The discussions resulted into defining the objectives of the network in a specific manner:

- Exchange of experience and best practice (legal information, jurisprudence and best practices).
- Forum of an informal dialogue on the difficulties and trends in cybercrime and in obtaining digital evidence.
- Legislative gaps – legal advice – consultation.
- Best means to facilitate cooperation on channels.

One of the conclusions drawn was that each country should nominate 2 permanent members of the network. The role of these members is to help fulfil the objectives of the network and also to report back the results in the meetings.

It was agreed that the next meeting could also be open for discussion on the following topics:

- Digital evidence in criminal justice investigation and in administrative investigation: how to strike the balance between the need to collect evidence and to protect the right of individuals.
- Overview on the concept of cybercrime worldwide and the type of measures and sanctions.

3. INSTITUTIONS IN CHARGE OF THE JUDICIAL TRAINING, TRAINING PROGRAMMES ON CYBERCRIME AND ELECTRONIC EVIDENCE, TRAINING MATERIALS, PLANS AND STRATEGIES, POOL OF TRAINERS

3.1. JORDANIAN INSTITUTIONS

The Judicial Institute of Jordan is the only governmental institution in the Hashemite Kingdom of Jordan that is responsible for the preparation of qualified persons to assume judicial posts through the Institute's diploma program established by Law No. 3 of 1988 and the provisions of the Institute's Law No. (6) of 2010 and its amendments.

The Judicial Institute has a vision to become a center of judicial training and for supporting administrative bodies distinguished on national, regional and international levels, with a mission to become a center that showcases all stakeholders in the justice sector on national, regional and international levels.

Strategic objectives of the Institute are defined as follows:

- Qualify candidates for judicial posts, build and develop judicial and administrative capacities.
- Institutionalize and develop the relationship with the Jordanian Judicial Council and the Ministry of Justice.
- Build the institutional capacity and instill the culture of excellence.
Strengthen cooperation with local, regional and international institutions.
- Contribute to the dissemination of legal culture among community groups.

The Institute is engaged in constructive and fruitful relations of cooperation in the fields of judicial and legal training and enjoys partnerships with Arab and international legal and judicial institutions and bodies. It is part of the Euro-Arab Network's cooperation agreement in the field of judicial training. It hosts the Permanent Secretary of the Network and the Director-General as its Secretary- General.

The Judicial Council plays also an important role in developing the training for magistrates. Its main role is to increase the authority and independence of the judicial branch in Jordan. It has also the legal authority to oversee the affairs of all judges in the country on matters related to employment, discipline, accountability, transportation, promotions, loans, mandates and retirement.

3.1.1 Training programmes

The Judicial Institute of Jordan organizes continuous and specialized trainings. The program of continuous and specialized training courses for judges is carried out through an annual training plan and in continuous coordination with the Judicial Council. The Institute also holds training courses to raise the capacity of the

supportive administrative bodies in the Ministry of Justice, as well as specialized training programs for public and private sector employees and for delegates from external and international bodies.

The initial training lasts three years, with two years of studies and one-year practice. The Institute has integrated a course with the duration of 12 hours on the use of technology in committing crimes. There is also available an e-learning course regarding sexual abuse through social media. In-service training programme of continuous and specialised training is elaborated with the Judicial Council.

However, specialized training on cybercrime and electronic evidence is non-existent at this moment.

3.1.2 Training materials

New training materials on cybercrime and electronic evidence are under development with the support of the CyberSouth project. At the moment, a group of previously trained and selected magistrates is working on the basic and advanced judicial training material, after the agenda and the outline was adopted in the working meeting with project experts in September 2019. Although it was agreed that the material is going to be ready in the November 2019 and January 2020, so far, it has not been provided for the consideration of project experts.

3.1.3 Pool of trainers

As it was reported earlier on, a group of motivated and skilled magistrates coming from civil and military prosecution and courts exists, and it has been trained by the project experts on the basic and advanced level. The majority of them are part of the group that is developing new training material. However, it is important that consistency in the composition and the commitment of this group continues, otherwise, it can produce a set-back in the delivery of the programme.

This first group of trainers, once the materials are produced and ready to be used, should be the initial group of trainers who will instruct the next groups of trainers, and thus, enable a more expedited dissemination of the training courses and knowledge.

3.2 LEBANESE INSTITUTIONS

The Institute of Judicial Studies was established by Decree 7855 in November 1961 and is the oldest judicial training facility in the region, having trained judges from Jordan, Qatar and Tunisia prior to 1975. It functioned only sporadically during the civil war period.

The Institute is divided into three departments: judicial, administrative, and financial. The head of each is represented by the President of the Higher Judicial Council, the President of the Council of State, and the President of the Audit Court, respectively. A board consisting of the General Director of the Ministry of Justice, the President of the Institute, the first President of the Court of Cassation, and two judges appointed by the Ministry of Justice and the Higher Judicial Council oversee the Institute and determine the training program. On average, approximately 50-60 judicial trainees are trained every year.

After the Ministry of Justice obtains information from the Higher Judicial Council on the number of judges needed in the judiciary, the Minister requests the Council to organize an entry exam for the Institute. The Council appoints a commission to prepare the exam. Accepted candidates participate as trainees for the next three years.

In 1993, the Institute's program shifted from largely theoretical training to an emphasis on the practical training, the result of the introduction of a more demanding entrance exam. The written and oral exams introduced at the time were seen as providing a more accurate gauge of applicants' knowledge in the field, with the accompanying realization that the prolonged emphasis on theoretical training duplicated many aspects of legal education. The training program now provides six months of course work, followed by two and half years of practical training in courts with two to three-month rotations. Courses include real estate, landlord/tenant, Civil Procedure, execution of judgments, computer training, and writing judgments. Courses are planned at the biannual meetings of the Institute's Board. Trainees are also required to

prepare a paper on a specific area of law. The President of the Judicial Department of the Institute prepares an evaluation on each trainee.

The impact on the judiciary, as a result of the lack of continuing education is, therefore, a concern to judges and lawyers. Budget limitations prevent the execution of a mandated three-week course for judges when they are rotated to a new court. As a result, judges have to fill in the knowledge gap themselves.

Judges in Lebanon are initially trained at the Institute of Judicial Studies for a period of 3 years. This Institute also trains future prosecutors and civil servants but does not ensure in-service training for already-appointed judges, which is dealt by the High Judicial Council. At the initial training stage, there is no training on cybercrime. It is the board of Directors of the Institute that organizes the academic curricula. The Judicial Institute has also partnered with the French School of magistrates.

The principle of a continuous training was recently adopted. It should cover specific topics and will be supervised by the High Judicial Council. As a first step, this training will be on a voluntary basis, although it may need to become mandatory and permanent.

According to article 5 of Decree-Law No. 150/83, the High Judicial Council is entrusted with a wide range of powers related to the careers of judges, including appointments, preparing proposals for individual or collective judicial transfers, judicial discipline, and requesting the Judicial Inspectorate to investigate judges and subsequently to take appropriate measures and decisions. Additional information about the role of the High Judicial Council in the training of the judges was not available while composing this report.

However, in the implementation of all these functions, the Minister of Justice plays a central role, including on issues pertaining to the selection, training and disciplining of judges.

3.2.1 Training programmes

The training programmes of the Institute for Judicial Studies were not available at the moment of the composition of this report, since the web page of the Institute was not operational and other online resources were not found.

3.2.2 Training materials

Due to interagency miscommunication, the start of the adaption of the training materials on cybercrime and electronic evidence training was only commenced recently, on the beginning of August 2020, and it was interrupted because of the Beirut Port blast. So far, only the agenda for the training judges and, to some extent, in-service judges for the basic judicial training has been produced as the result of a two-days meeting between the project expert and selected magistrates. It is expected that this activity will be continued once circumstances allow that.

3.2.3 Pool of trainers

A group of magistrates including prosecutors and judges has been trained by project experts both on the basic and advanced level. Some of them were present during the first meeting on the adaptation of the training material. It is yet to be seen how the pool of trainers will form out of this group. Like in the case of Jordan, consistency should be preserved, and already trained magistrates should make the initial group of trainers, continue training new trainers and thus, disseminate the training material knowledge in this field.

4. RECOMMENDATIONS AND CONCLUSIONS

4.1 JORDAN

Jordanian authorities in charge of the judicial education and training expressed their readiness to participate and organize necessary events for facilitating the introduction of cybercrime suppression education into the curriculum and the training programmes that already exist in Jordan. Their cooperation

with Council of Europe's staff and experts engaged on the CyberSouth programme was, and is, commendable. The training courses were implemented in the judicial institute in partnership with the judicial council with the support of the CyberSouth project. The Jordanian Institute for Judges has certain level of capabilities, both human and technical, for the organization of the cybercrime training courses, but it seems not to be enough at the moment for achieving a higher level of training quality.

It was noted the Jordanian Institute for Judges has no full ownership of the training courses, since other state authorities are involved in the process as well. The Institute and judiciary, including prosecutors, would certainly benefit more by including civil judges and prosecutors into the decision-making process. After recognizing the specificities of the Jordanian state authorities and society's organization, it seems that room exists for more active and substantive participation of the judges and prosecutors coming from regular courts and prosecution offices on localization and further implementation of the cybercrime training programme in the country.

The following can be recommended as the way forward:

- Full implementation of the already agreed upon and adopted conclusions and recommendations from the elapsed project period, especially the ones from the Lebanon and Lisbon conferences.
- Strengthen the role of the Jordanian Institute for Judges as the central pillar for the initial and continuous education of the prosecutors and judges, together with strengthening of the technical capacities and capabilities for the facilitation of cybercrime training courses.
- Provide continuous and sustainable support by the competent authorities, especially the Ministry of Justice, High Judicial Council and Jordan Institute for Judges for the project, curriculum changing, localization of the training material, production of the additional content if needed and the organization of the future training courses.
- Agree on the national approach for validation of the training materials on cybercrime developed by the working group and decide on its implementation into national curricula and further delivery.
- Ensure stability of the members of the national working group responsible for the development of the national judicial course on cybercrime until the completion of the process.
- Integration of the judicial cybercrime training on initial and continuous level into the curriculum of the Jordanian Institute for Judges.
- Strengthen the role of the regular court judges and prosecutors in the work of the team responsible for producing the material for basic and advanced training course for cybercrime both for student and in-service judges.
- Select the pool of trainers who are going to deliver the cybercrime training courses.
- Organise training courses on the basis of the adopted cybercrime curriculum.
- Deliver the first draft of the localized material for the basic and advanced training courses for both trainee and in-service judges, facilitated by additional engagement of Council of Europe's experts, if needed.
- Commit and support the creation of the CyberSouth Judicial Network.
- Organise additional meetings between Jordanian authorities and CyberSouth team aiming to introduce recent developments regarding judicial training courses of the Council of Europe and assess how Jordan can benefit of them.
- Continue to support the implementation of the CyberSouth's project activities for mainstreaming the judicial training programme in Jordan.

In summary, the Judicial Council considers that although Jordan is not a Party to the Budapest Convention, it should be taken into consideration when training the judges and prosecutors in cybercrimes as best practice.

4.2 LEBANON

Lebanon was faced with some political difficulties during 2019 and 2020 which impacted the possibilities for continuing the work on the new cybercrime curriculum and the production of the localized training material by the project team and Institute for the Judicial Studies. Moreover, it seems that frequent changes in the leadership of the competent and participating authorities made a negative influence on the readiness of the institutions and local experts to participate in this endeavor.

However, the events organized so far showed that there is a group of Lebanese judges and prosecutors who are motivated and willing to put up additional effort for continuing the work on the development of the training materials and adaptation of the curriculum. The confirmation of this thesis is the fact that additional activities have been agreed between Lebanon's competent authorities, members of the group and Council of Europe project team. Further activities will take place during September of 2020 and the following months. Having that in mind, it seems that there is a will for the continuation of the process of making and adopting the cybercrime curricula of the Institute for Judicial Studies, possibly of the High Judicial Council as well, and the localization of the training material.

In order to achieve such progress, more efforts from the competent Lebanese authorities, the Institute for Judicial Studies and project team members are required, by reinforcing the working group with additional members in order to get more coherent and sustainable results.

The following can be recommended as the way forward:

- Full implementation of the already agreed upon and adopted conclusions and recommendations from the elapsed project period, especially the ones from the Lebanon and Lisbon conferences.
- Strengthen the role of the Institute for the Judicial Studies as the single focal point for the adaptation of the training curriculum, implementation of the training material on cybercrime and the organization of the training courses for student and in-service judges.
- Provide continuous and sustainable support by the competent authorities, especially the Ministry of Justice and High Judicial Council for the project's implementation, curriculum changing, localization of the training material, production of the additional content if needed, and the organization of the future training courses, with additional support from the Institute for the Judicial Studies.
- Reinforce the organizational and technical capacities of the Institute for Judicial Studies for the organization of the cybercrime training courses at all levels and subjects.
- Agree on the national approach for validation of the training materials on cybercrime developed by the working group and decide on the implementation into national curricula and further delivery.
- Ensure the continuity of the members of the national working group and strengthen its capacity with additional members with significant expertise in the cybercrime field.
- Completion of the localized material for the basic and advanced training courses for both training and in-service judges, supported by the CyberSouth project.
- Selection of the pool of trainers who are going to deliver the cybercrime training courses.
- Organise training courses on the basis of the adopted cybercrime curriculum.
- Deliver the first draft of the localized material for the basic and advanced training courses for both training and in-service judges, facilitated by additional engagement of the Council of Europe experts, if needed.
- Commit and support the creation of the CyberSouth Judicial Network.
- Organise additional meetings between Lebanese authorities and the CyberSouth project team aiming to introduce recent developments regarding judicial training courses of the Council of Europe and assess how Jordan can benefit of them.
- Continue to support the implementation of the CyberSouth project activities for mainstreaming the judicial training programme in Lebanon.

4.3 CONCLUSIONS

Jordan and Lebanon are recognized as the priority countries in the region of the North Africa and Near East, and as such, are included in the CyberSouth project of the Council of Europe. The continuously growing threat of cybercrime is witnessed every day and it is utmost importance for these countries to be ready to detect, suppress and adjudicate such cases.

So far, a certain advance has been achieved in both countries regarding raising the awareness of the competent state and government authorities, analysis of the existing legal framework and organizational systems, as well as for the training of law enforcement, prosecutors, and judges in the field.

Also, the initial work on laying out the cybercrime curriculum, training programmes and its materials, and the preparation of the first drafts of the domestic training course was organized with certain success, and it can be noted that both countries are showing continuous interest for the finalisation of this process.

However, certain challenges have been recognized, especially in Lebanon, and they need to be met with a proper answer and support by the Council of Europe, in order to achieve goals, set by the CyberSouth project's workplan. The list of the recommendations included in this analysis should not be the final one and should be complemented with new goals recognized and requested by the countries.

The competent authorities on judicial training from both countries should take full ownership of the process of mainstreaming the cybercrime judicial programme and seek additional support from the CyberSouth project, aiming to reinforce the capacities of the judiciary to deal with cybercrime cases and electronic evidence. Losing the already achieved progress from the countries is to be avoided by the commitment and engagement of the countries.

Appendix:

Sources:

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