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Joint Workshop on International Cooperation in Cybercrime: Joint Investigation Teams/Joint Investigations

19 October 2021, The Hague, Netherlands (virtual meeting)

**Jointly organised by Eurojust and the
Council of Europe, Cybercrime Programme Office (C-PROC)**

Outline

Background and justification

Cybercrime is a transnational phenomenon by its nature and requires a rapid and effective international cooperation between criminal justice authorities of states for qualification of the offences, identification of the procedural powers to be used and jurisdictions that apply to different illegal activities. Moreover, the quick access to data that is stored for limited time on the IT infrastructure rely on international and domestic legal tools available in the countries for the cooperation with the private sector.

The misuse of information technology by offenders not only in cybercrime activities are posing great challenges for criminal justice authorities and to the rule of law. Therefore, with the raise of offences involving computers and electronic evidence, effective countermeasures to enhance international judicial cooperation in cybercrime cases in a consistent and harmonized manner is essential. [Eurojust](#) and the [Council of Europe](#) have agreed to join forces to tackle this problem *inter alia* through capacity building.

Eurojust stimulates the coordination of investigations and prosecutions between the competent authorities in the Member States of the European Union and improves cooperation between competent authorities of EU Member States, by facilitating the execution of international mutual legal assistance, the implementation of extradition requests as well as the establishment of Joint Investigations Teams (JITs). Moreover, Eurojust supports in any way possible the competent authorities of the EU Member States to render their investigations and prosecutions more effective when dealing with cross-border crime the same types of crime and offences for which Europol has competence, cybercrime being one of them.

The European Union and the Council of Europe assist countries through a range of [joint capacity building projects](#) implemented by the Cybercrime Programme Office of the Council of Europe (C-PROC). The cybercrime capacity building projects are targeting primarily the criminal justice authorities from countries committed to follow the international standards on legislative and policy frameworks compliant to the Budapest Convention on Cybercrime and related

instruments, aiming to reinforce their capacities to deal with cybercrime and electronic evidence.

The Budapest Convention on Cybercrime is the most relevant international treaty on cybercrime and electronic evidence, with currently **66 Parties and 11 Observer States**. Some of its provisions – e.g. Article 26 on “spontaneous information” – are also used in the context of joint investigations. A new, second additional protocol to the Budapest Convention on enhanced cooperation and disclosure of electronic evidence is about to be adopted and is expected to be opened for signature in Spring 2022. This Protocol will include a specific provision on “joint investigation teams and joint investigations” for cases of cybercrime or involving electronic evidence.

Organized jointly by Eurojust and the Council of Europe (C-PROC), the event aims to present the challenges of operational cooperation and how they can be addressed through the establishment of JITs or joint investigations when the conditions for JITs are not met. Moreover, the event is expected to introduce the new legal tools offered by the Second Additional Protocol to the Budapest Convention on enhanced international cooperation between states and how they complement the existing ones. Therefore, countries will be invited to express the benefits and potential difficulties to implement them at the national level.

Expected outcome

By the end of the workshop, the participants are expected to:

- have a better understanding of the existing and future legal framework on Joint Investigation Teams/Joint Investigations in cybercrime
- become familiar with the challenges in setting up JITs and required capacities of criminal justice authorities for handling joint investigations in cybercrime.

Organisation and Participants

The event will be organised jointly by the cybercrime capacity building projects implemented by C-PROC.

Therefore, the participation is sought for three representatives from each of the following 42 countries/areas representing respective C-PROC projects:

- **GLACY+**: Benin, Brazil, Burkina Faso, Cabo Verde, Chile, Colombia, Costa Rica, Dominican Republic, Ghana, Mauritius, Nigeria, Paraguay, Philippines, Senegal, Sri Lanka, Tonga, Belize, Fiji and Cote D’Ivoire.
- **CyberEast**: Armenia, Azerbaijan, Georgia, Moldova and Ukraine;
- **iPROCEEDS 2**: Albania, Bosnia and Herzegovina, Kosovo*¹, Montenegro, North Macedonia, Serbia and Turkey
- **CyberSouth**: Algeria, Jordan, Lebanon, Morocco and Tunisia.
- **Octopus Project**: Barbados, Jamaica, Montserrat, Saint Lucia, Suriname, Trinidad and Tobago

¹ This designation is without prejudice to positions on status and is in line with UNSC Resolution 1244/1999 and the International Court of Justice Opinion on the Kosovo Declaration of Independence.

Each participating country should designate representatives of their law enforcement authorities dealing with cybercrime investigations, prosecution service and central authority - responsible for mutual assistance in cases of cybercrime and electronic evidence. All participants should be officials engaged in cybercrime investigations or international cooperation matters in their day-to-day work.

In addition, the following organizations/institutions will also be invited to appoint participants in the following ratio:

1. Liaison prosecutors of participating countries represented at Eurojust;
2. European Commission;
3. Cybercrime Convention Committee (T-CY) of the Council of Europe.

Location

The workshop will take place virtually, hosted by the Council of Europe on KUDO platform to account for the needs of interpretation.

All times indicated correspond to local time in the Hague, Netherlands, unless indicated otherwise.

Interpretation will be provided in **English, French, Spanish and Portuguese**

Programme (draft)

| Tuesday, 19 October 2021 | |
|--------------------------|--|
| 13h30 | <p>Opening session</p> <ul style="list-style-type: none"> - Mr. Virgil SPIRIDON - Head of Operations, Cybercrime Programme Office, Council of Europe - Mr. Ladislav HAMRAN - President of the College of Eurojust - Ms. Tania SCHROETER - Deputy Head of Unit, DG JUST, European Commission |
| 13h50 | <p>International legal framework on Joint Investigation Teams/Joint Investigations</p> <ul style="list-style-type: none"> - Procedures to be followed for setting up Joint Investigation Teams and applying Joint Investigations in cybercrime and support offered by Eurojust <ul style="list-style-type: none"> · Mr. Slawomir BUCZMA - Seconded National Expert (judge) to the Joint Investigation Teams Network Secretariat (15 mins) - New legal tools on Joint Investigation Teams and Joint Investigations in cybercrime introduced by the Second Additional Protocol to the Budapest Convention <ul style="list-style-type: none"> · Kenneth HARRIS - U.S. Department of Justice (15 mins) - Q&A session (25 mins) |
| 14h45 | <p>Coffee break</p> |
| 15h00 | <p>Joint Investigation Teams/Joint Investigations in cybercrime: practical aspects and lessons learned</p> <ul style="list-style-type: none"> - Actors involved, coordination, resources, exchange and admissibility of evidence, emergency situations <ul style="list-style-type: none"> · Case study (50 mins) Mr. Baudoin THOUVENOT - National Member for France at Eurojust Ms. Myroslava KRASNOBOROVA - Liaison Prosecutor for Ukraine at Eurojust - Capacity building on Joint Investigation Teams/Joint Investigations in cybercrime <ul style="list-style-type: none"> · Mr. Virgil SPIRIDON - Council of Europe (10 mins) - Q&A session (30 mins) |
| 16h30 | <p>Closing of Workshop</p> |

Contacts

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