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# Cooperation in emergency situations: the role of 24/7 points of contact

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# Common types of electronic evidence in MLA

- **Existing electronic evidence challenges reflecting on MLA proceedings:**
  - **Identification** and location of the evidence
  - **Securing** the hardware
  - **Capturing** and analysis of the data
  - **Maintaining** integrity and chain of custody
  - **Complying** with rules of court and admissibility
  - **Linking** the suspect to use of the device at the relevant time ('Attribution')





# Competent Authorities Setup – Central and Executing

- **Available solutions in different countries:**
- **Ministry (Department) of Justice** as central authority and one national unit to process all requests
- **Single points of contact (SPOC)** in different authorities (MoJ, LEA, Prosecution, Court etc.)
- **One task force/unit with liaison officers from competent services like:**
  - Police
  - Investigators (where different)
  - Prosecutors/Investigating Judges
  - National Security
  - Forensic service



# Competent Authorities Setup – Central and Executing

- **Whichever system is in place, following should be strongly recommended as a minimum:**
  - ✓ **trained and equipped personnel** should be available 24/7 to facilitate the operative work and conduct or support mutual legal assistance (MLA) activities
  - ✓ **advanced experience** of the personnel in criminal investigations to keep awareness of the context
  - ✓ **strong information technology/digital** forensics background to execute requests where necessary
  - ✓ **strong knowledge of the MLA** legal framework and procedures
  - ✓ **competence and possibility to:**
    - **immediately assist** in investigations or trial proceedings concerning criminal offences related to computer systems and data
    - **collect evidence** in electronic form about criminal offence
    - **exchange electronic evidence** without further due with requesting country competent authority

# Budapest Convention

## Second A.P. – Emergency MLA (24/7)

### ➤ Article 10 – Emergency Mutual Assistance

- ✓ Each Party may seek mutual assistance on a rapidly expedited basis where it is of the view that an emergency exists.
- ✓ A request under this article shall include, in addition to the other contents required, a description of the facts that demonstrate that there is an emergency and how the assistance sought relates to it.
- ✓ Each Party shall ensure that a person from its central authority or other authorities responsible for responding to mutual assistance requests **is available on a twenty-four hour, seven-day-a-week basis** for the purpose of responding to a request under this article.



- ✓ Existing electronic evidence challenges reflecting on MLA proceedings
- ✓ Available solutions in different countries and recommendations
- ✓ Budapest Convention Art. 35 (24/7)
- ✓ Second Additional Protocol instruments: Emergency MLA (24/7) and Joint Investigation Teams



# Utilizing Electronic Evidence Acquisition Through International Cooperation Mechanisms



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