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| Lesson: 11 – Preparation of Electronic Evidence for Court | **Duration: 45 Minutes** |
| **Resources required for an off-line delivery:**   * Laptop or PC running an operating system with an office suite (capable of showing pptx) * Projector and display screen * Internet access * Whiteboard * Whiteboard pens (at least 2 each of blue, black, red and green) * 1 Flipchart with adequate paper * Student notepaper and pens * Blu tack or a similar product to allow for paper to be affixed to the walls temporarily * Files:   + Session 11 Preparation of Electronic Evidence for Court.pptx   **Resources required for an on-line delivery:**   * Laptop or PC for each trainee (if attending from home) or for a groups of trainees, depending on availability * A strong internet connection * An online tool should be provided that allows video conferencing and is specifically aimed at providing training. Due to the fact that the trainers have to stay in visual contact with the trainees, it is important that when the slides are shown, the trainers still see the trainees (in some online video conferencing tools only the slide can be seen). It is in any case also a plus to be able to provide online break-out rooms. * Files:   + Session 11 Preparation of Electronic Evidence for Court.pptx | |
| **Aim:**  The purpose of this session is to bring to the attention of the participants what they need to think about when preparing their case for court. It is important that it is made clear to them that this is **an evidentiary hearing**, and that guilt or innocence is therefore not addressed. It only concerns the admissibility and integrity of the electronic evidence. Considerations will be given to the participants to enable them to prepare their case (attack/defend) in a well-considered, punctual and creative way for the hearing. | |
| **Objectives:**  At the end of this session, delegates will be able to:   * Manage and plan prosecution and defence * Deal with arguments on admissibility of electronic and other evidence * Choose methods for presenting electronic evidence in court | |
| **Introduction**  First of all, it will be made clear to the participants that they need to prepare for an evidentiary hearing, and that the debate is therefore limited to the admissibility of the electronic evidence. Discussions about guilt or innocence are not allowed. Only the (electronic) evidence, its admissibility, its integrity, its credibility are at stake.  Furthermore, some general observations are made with regard to going to court, such as to consider combining adversarial and inquisitorial approaches, and how to manage prosecution and defence. It will be brought under the attention of the participants that classically, the defence has it a little easier: the defence can often afford to launch an attack against any facet of evidence. The defence has to sow doubt and can and may go very far in doing so. In other words, the defence sometimes has the luxury of being destructive. The public prosecutor, on the other hand, always has the task of constructively building up the evidence.  Further, the assessment criteria of the reliability and authenticity of electronic evidence is brought under the attention of the participants, as well that they should be ready to deal with jurisdictional issues, especially with regard to electronic evidence that was gathered cross border. The defence team should think about how to develop defence arguments on that subject. The prosecution team should think about how to defend cross border electronic evidence.  Finally, we will elaborate on the way in which the arguments concerning the electronic evidence can be brought before the court, and which points of interest deserve special attention. Presentation techniques and tools will be brought to the attention. But also the attention for the principles of a fair trial will be emphasized.  This session is meant as a reflection exercise. It is advisable to interact with the participants and ask them "how they would do it" and what they are thinking about. | |
| **Practical Exercises**  There is no practical exercise foreseen in this session, besides interactive discussion. | |