



Octopus Conference 2023

13-15 December 2023 – Bucharest, Romania

14h30-16h00
13 December

Workshop 2 - Spontaneous information sharing

Languages: EN/FR/ES/PT (passive)

Purpose: Criminal justice authorities often possess valuable information that they believe may assist the authorities of another country in a criminal investigation, but of which these other authorities are not aware of. Parties to the Budapest Convention may share this type of information through Article 26 on "spontaneous information":

"A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter..."

The relevance of Article 26 has been increasing over time, including within the context of cases related to the dark web or to the sharing of data retrieved from encrypted communications.

The aim of the workshop is to identify current practices of using Article 26 of the Convention on Cybercrime.

Moderators: Jan Kerkhofs, Federal Magistrate, Head of the Cyber Unit, Federal Prosecutor's Office, Belgium
Antonio Segovia, Transnational criminal law professor, UAI University, Chile

Rapporteurs: Jorge Espina, Chair of the Cybercrime Team, Deputy National Member of Spain, Eurojust
Catalina Stroe, Programme Manager, Cybercrime Programme Office of the Council of Europe

Secretariat: GLACY+ team

► Introduction and objective of the workshop [5 min]

- Jan Kerkhofs, Federal Magistrate, Head of the Cyber Unit, Belgian Federal Prosecutor's Office

► Application and interpretation of the concept of spontaneous exchange of information between judicial authorities in the EU Member States and the countries with a Liaison Prosecutor present at EUROJUST [10 min]

- Sofia Mirandola, Judicial Cooperation Advisor at the Casework Unit, Operations Department, Eurojust

- | | |
|--|---|
| | <ul style="list-style-type: none">▶ Panel discussion on the use of Article 26 of the Convention by Parties providing information: what are the procedures and conditions? [35 min]<ul style="list-style-type: none">– Benjamin Fitzpatrick, Senior Counsel, Computer Crime and Intellectual Property Section, Criminal Division, United States Department of Justice– Carlos Luis Leonardo Garcia, Director, National CSIRT, Dominican Republic– Open debates – moderated by Jan Kerkhofs
▶ Panel discussion on receiving spontaneous information: How can it be used as evidence? [35 min] – moderated by Antonio Segovia<ul style="list-style-type: none">– Anastasiia Ponarina, Senior International Cooperation Officer, Department of Cybersecurity, State Security Service, Ukraine– Esteban Aquilar Vargas, Prosecutor, Coordinator of the Cybercrime Unit, Public Ministry, Costa Rica– Open debates – moderated by Antonio Segovia
▶ Conclusions by the rapporteurs [10 min]<ul style="list-style-type: none">– Jorge Espina, Chair of the Cybercrime Team, Deputy National Member of Spain, Eurojust– Catalina Stroe, Programme Manager, Cybercrime Programme Office of the Council of Europe |
|--|---|