Madam Chair,

Distinguished colleagues,

Thank you for the opportunity to take the floor again and share additional positions regarding questions 8 to 12 about possible paths for mutual legal assistance in the cybercrime field and criminal justice cases.

We believe it is important to underline once again that cyber-dependent and cyber-enabled crimes are the major vectors of the contemporary criminality existence and development. This does not come as a surprise since we are witnessing sharp increase in numbers of cybercrime cases which are further affecting our societies and states.

Thankfully to international organizations like Council of Europe and its golden standard of Budapest Convention and its additional protocols, especially the Second Additional Protocol which in more details is putting at practitioner’s disposal contemporary needed tools for even more effective combating against cybercrime, we are not in unknown waters. Robust experience achieved on the basis of this and other international treaties should be used, and not collided or overlapped with.

International cooperation presents a corner stone of such fight against cybercrime. As we mentioned yesterday, these international cooperation articles are going put into the motion previously discussed articles of the substantive and procedural nature.

Thus, extradition request as a sensitive part of any international treaty should stay, like in the most cases, within the combined competencies of both judiciary and conducting ministry, most likely the ministry of justice. However, operational transmission of the mutual legal assistance request should be exchanged directly between executing authorities like prosecution and courts, depending on the procedural stage of proceedings.

Electronic evidence and information are already for number of years exchanged through expedited means of communication like trusted and confirmed emails and similar ways of electronic exchange of data, thus this experience can be of the substantive use in this case as well.
There are good examples of minimum information regarding cybercrime cases which should be sought or transmitted through the mutual legal assistance requests, and this convention can benefit from those documents and experiences, especially the ones which are tested and approved in practice.

Existing 24/7 networks for direct and almost instant cooperation in cybercrime cases, namely the ones organized on the Budapest Convention and G8 agreement, should also be used as a good example of how successful mechanisms for exchange and acquisition of information, evidence, and mutual legal assistance request, being them formal or informal, should be organized.

Use of secured channels of police-to-police communication on international level is welcome, but we should be aware that in growing, if not prevailing number of the countries around the world, police is not the authority authorized for mutual legal assistance in criminal matters, while prosecution and courts are. Also, it should be noted that 24/7 system of communication means exactly that – 24 hours a day, seven days a week available authority with trained personnel and equipment and sufficient authorization to reach every part of one country regarding execution of MLA in expedited manner.

Madam Chair,

Allow me to reiterate our yesterday’s position that if we want to be successful in world-wide combating of cybercrime, we should be ready to put our criminal justice systems in the position of the closest possible cooperation regardless of the physical borders, having on mind that these borders barely or do not exist in cyberspace, what fact cybercrime criminals are abusing immensely.

Thank you.