

International cooperation

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Current challenges

- Most of the cybercrime offences are of crossborder nature
- Perpetrators, victims in different jurisdictions
- Electronic evidence often stored abroad
- International cooperation needed to obtain evidence and identify the perpetrators
- Freeze and confiscation of assets
- Arrest and extradition

Need for an effective international cooperation

- Cooperation not possible with every country
- Dual criminality
- Lack of sufficient capacity
- No legal basis available

Electronic evidence

- Volatile nature
- Traditional MLA tools not suitable
- Slow process
- Jurisdictional issues

More effective use of existing instruments

- Budapest Convention
- Most UN Member States have legislation in place similar to the Convention
- Procedural measures applicable to electronic evidence related to any criminal offence
- Use of 24/7 Network
- Spontaneous information
- MLA

2nd Additional Protocol

- Additional tools for law enforcement
- Faster MLA
- Emergency situations
- Direct cooperation with Service Providers abroad

Conclusions

1. International cooperation is of key importance, make use of existing instruments such as the Budapest Convention and UNTOC
2. Legal basis, tools, competent authorities, culture of cooperation
3. Make use of networks of practitioners, including 24/7 Network
4. Capacity building and technical assistance are relevant – networking, joint meetings and trainings, sharing best practices, training materials, templates for cooperation
5. Budapest Convention is being used a standard for capacity building and technical assistance worldwide
6. Welcome reforms undertaken by many governments worldwide with regard to legislation on cybercrime and electronic evidence
7. Countries need to be encouraged to follow their example
8. Need to ensure rights and freedoms online
9. More and more countries are joining the Convention and benefit from the cooperation as well as from capacity building programs
10. 2nd Additional Protocol will enhance cooperation further

Thank you!

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