

06th session of the Open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime, 27-29 July 2020

# Transforming International Cooperation

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## **Transforming International Cooperation – The What & Why?**

- International Cooperation - Formal & Informal / Police to Police/ Judicial/ LEA - Private Sector /**
- Cybercrime and Electronic Evidence is transnational -underpins the needs of countries for more efficient international cooperation in cybercrime cases and cooperation with service providers to track, arrest and prosecute offenders.**

## **Transforming International Cooperation – The Issues we face**

- **Delays in MLA requests,**
- **Investigators frustration with getting subscriber & traffic data from ISPs/ cloud storage**
- **AI /IoT Exacerbates Identifying & locating offenders,**
- **Data preservation/ data retention(or lack of)**
- **Collecting & sharing information and evidence,**
- **Transforming intelligence into evidence for prosecutions**

## **International Cooperation – Recommendations for Inclusion in the Report**

- **Multilateral Treaties & MLA – enhancing formal international cooperation frameworks for expediency to the point of being effective in cybercrime cases and electronic evidence, through consensus-based decision making.**
- **Informal cooperation – Strengthen 24/7 networks, inter-institutional collaboration, and improve interoperability through standardization of information requests and authentication procedures and multi-stakeholder buy-in.**
- **Adoption of provisions allowing for direct cooperation with service providers in other jurisdictions with regard to requests for subscriber information, preservation requests, and emergency requests**

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### **International Cooperation – Recommendations for Inclusion in the Report**

- Jurisdictional issues - Refine mechanisms to mitigate conflicts, and address the challenges of attribution and capacity to investigate.**
- Tools – Standardisation and dissemination of procedural tools ( such as production orders, expedited preservation, trans-border access, etc) available for LEA-Private Sector direct cooperation/solving the tracing problem and their appropriate usage.**
- The imperative to develop adequate (uniform?) data retention/data preservation rules and timelines to ensure that electronic evidence can be preserved or obtained to support further MLA requests.**

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### **International Cooperation – Recommendations for Inclusion in the Report**

- Standardization of provisions for giving effect to orders from another State for expedited production of data and extending searches.**
- Improvement of national implementation and enhance improved domestic coordination & synergy, for the collection & sharing of information and evidence for prosecutions.**
- Development/standardisation of interoperable technical standards for digital forensics and cross-border electronic evidence retrieval.**
- Standardising frameworks for special investigative techniques, joint investigations and joint investigation teams, to enhance attribution.**

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## **International Cooperation – Recommendations for Inclusion in the Report**

### **□ Training & Capacity building - sustainable**

**➤ Legislators/ Policymakers – commit to improve data retention for law enforcement use/Committing adequate personnel and resources.**

**➤ LEAs/Investigators, Analysts - Improve Ability to forensically Collect and Share Evidence Internationally**

**➤ Judges, Prosecutors, CAUs, lawyers – Effective Adjudication**

**➤ Networking and knowledge sharing – JITs/Engagement on regional and international level to enhance enforcement capabilities ...**