Law Enforcement and Investigations
• crime is no longer “national”

• digital evidence in most of the crimes

• global services are used everywhere (email, social networks, cloud services)

Need to obtain evidence outside the borders of the State
Most of the cases require obtaining e-evidence transborder
- MLA is expanding brutally
- The current system is not responding

Transborder access
- Conflicting regulations
- Data flows across the globe in one second, while obtaining it, by law enforcement, may take one year

- direct access?
- informal requests to service providers?
- International production orders?
“HELP! I’M LOST IN THE MIDDLE OF NOWHERE!”
MY CONCLUSION NUMBER 1

• Need of
  • Training and
  • Specialization
• LEA, prosecutors and judges
“Please, can you tell me the way to the darkweb?”
evidence stored by global providers ...in multiple or undetermined locations
Still physical location
Still geographic limits
Still political borders
Need of

• Introduce **procedural internal laws**
• Following the international standards
• Describing conditions and safeguards
Not all bad news!

- **Budapest Convention**
  (already in place)
  (63 parties / 5 continents)

- The Future 2nd Additional Protocol
  a **new approach**
  new ways to request data from other States
direct/transborder access to data
States should all access the Budapest Convention

It is the only International Treaty with global dimension

Compatible with other regional instruments (vg. The Arab League Convention, The African Union Treaty, EU instruments)
• States should all access the Budapest Convention

• It is the only global dimension
  • Compatible (vg. The Arab Union Treaty)
“We shall overcome...”
(The 2nd Additional Protocol)

• **direct cooperation** with international providers (subscriber information)

• **simplified MLA** requests

• **international production orders**

• the **power of disposal**, as jurisdiction **connecting factor**
Law Enforcement and Investigations

THANK YOU! QUESTIONS?