

Obstacles to international cooperation

- Differences in legislation and/or criminal justice standards
- Excessive restrictions on the provision of information and complicated procedures
- Lack of information about agencies authorized to provide information
- Lack of secured communication channels
- Differences in priorities
- Lack of trust
- Poorly translated requests
- Lack of bilateral treaties
- Use of diplomatic channels of transmitting requests
- Very slow MLA process
- Lack of political will

New Challenges: Requesting\obtaining electronic evidence!!!



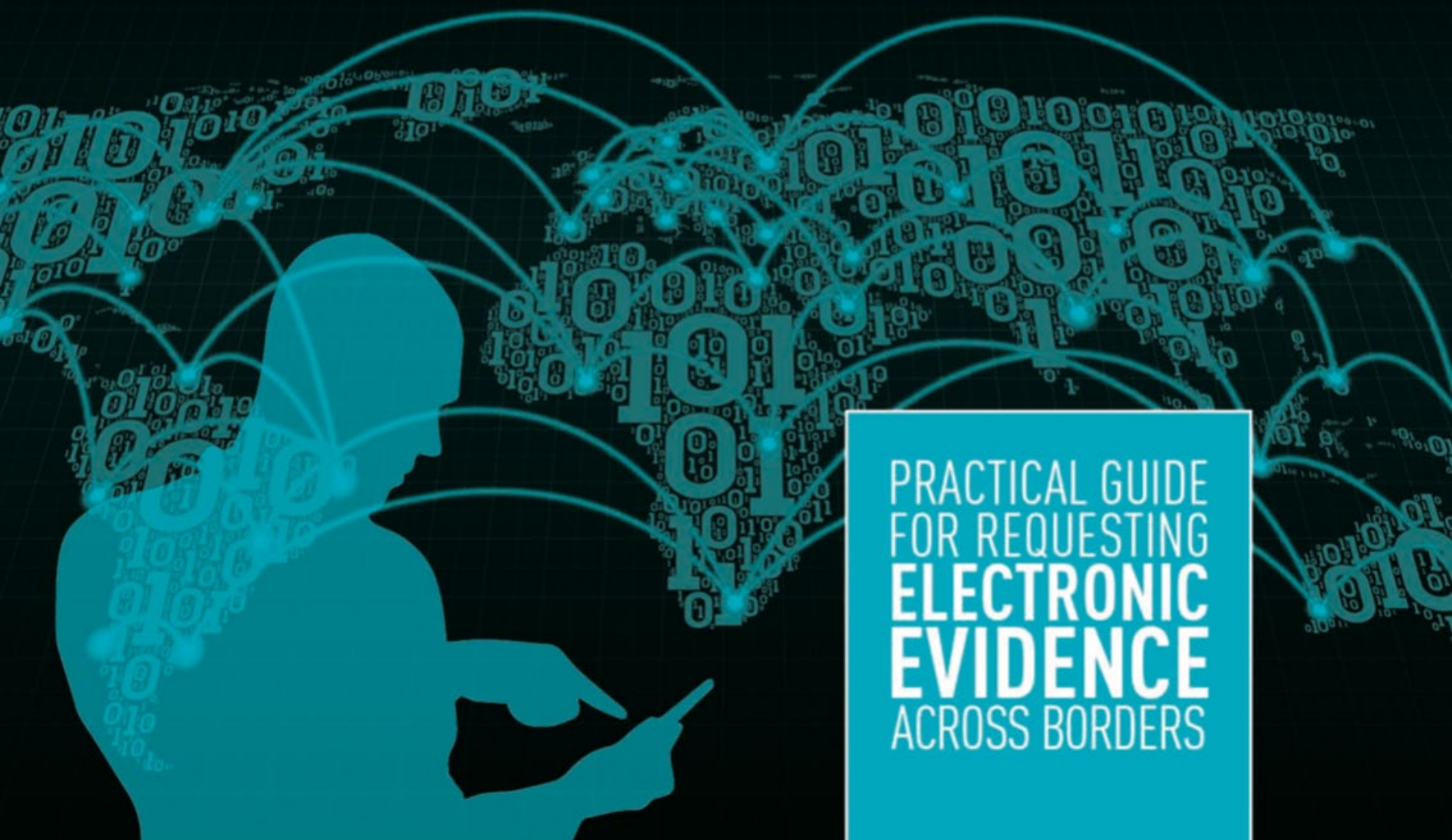
UNODC
United Nations Office on Drugs and Crime



UNITED NATIONS SECURITY COUNCIL
COUNTER-TERRORISM COMMITTEE
EXECUTIVE DIRECTORATE (CTED)



IAP
International Association of Prosecutors



PRACTICAL GUIDE
FOR REQUESTING
**ELECTRONIC
EVIDENCE**
ACROSS BORDERS

Practical Guide for Requesting Electronic Evidence Across Borders, 2019 (The Guide) – to provide some solutions to obstacles to international cooperation

- **Purpose:** Assist investigators, prosecutors, judges and Central Authorities to obtain admissible electronic evidence from Internet Service Providers (SPs) based in other states – focus on the U.S.
- **Why:** increase in e-evidence, lack of knowledge and experience
- **How:** 2 EGMs: 32 States of 5 Continents, International organisations, and SPs: Facebook, Google, Microsoft

The Guide

Chapters

1. Preservation (why, when and how)
2. Pre-Mutual Legal Assistance (open source, direct requests to SPs, direct contacts to account users, police-to-police)
3. MLA (BSI, traffic, content – stored and real-time)
4. Emergency disclosure requests (U.S. law, type of data provided, process)
5. Challenges and solutions (encryption, virtual private networks, proxy server, non-cooperative SPs, law reform)

The Guide

Annexes/Tools

- SPs mapping - summary procedures of 36 SPs, i.e. contacts, references to LE guidelines, forms and platforms
- Five types of model requests/forms:
 - Model preservation request form
 - Model emergency disclosure direct request form
 - Model direct request form for voluntary disclosure
 - Model MLAR for stored e-evidence
 - Model MLAR for real-time collection
- MLAR checklist

The Guide

Annexes/Information

- Regional legal instruments on cybercrime/e-evidence
- Legal requirements in selected states
- Data retention laws in selected states
- Contact points
- Glossary

Useful tips/exercises

- Important Notes
- Practical Notes
- Case Studies

Three steps to access the Guide

To gain access to Practical Guide, please follow 3 steps:

✓ Request Account

Step 1: Request an account using this link:

<https://sherloc.unodc.org/cld/en/v3/sherloc/cna/register/>

Note that access is restricted to government officials and that a work e-mail address must be used when requesting an account.

Write down the password you have used in this step!



Step 2: Allow UNODC 24-48 hours to check your request and create your user account.

Once it is ready, an alert will be sent to the e-mail address you provided in step 1.

 [Practical Guide Electronic Evidence ebook](#)

Step 3: Access the Practical Guide using your new credentials, via any of the following links:

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<https://sherloc.unodc.org/cld/v3/sherloc/cna/index.jspx>



CNA Directory

Online Directory of competent national authorities



unodc-legal@un.org



sherloc.unodc.org

powered by
SHERLOC

Thank you!

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