

Generalstaatsanwaltschaft Celle
Zentrale Stelle Organisierte Kriminalität und Korruption



16th IAP European Regional Conference
22 – 24 May 2017

Tirana

Formal Mutual Legal Assistance in Organized Crime Cases using the Internet as Medium of Communication



Prosecutor General's Office Celle

Central Unit Organized Crime and Corruption

**Contact Point of
European Judicial Network
National Eurojust Coordination System**

**Chief Senior Public Prosecutor
Christian Schierholt**





Central Unit Organized Crime and Corruption

- Investigation in Corruption of Members of Parliament
- Extradition from Germany

- Support
 - Cybercrime
 - Organized Crime
 - Corruption
 - Confiscation
 - Money Laundering
 - International Cooperation





European MLA-Convention

- European Convention on Mutual Assistance in Criminal Matters
- ETS 30 (=European Treaty Series)
- 20.04.1954

- „Letters rogatory“
- Diplomatic channel
- Art. 8





European Convention on Extradition

- European Convention on Extradition
- ETS 24
- 13.1.1957

- „The request shall be in writing“
- Art 12 § 1

- with „Original or authenticated copy“
- Art 12 § 2





Urgency

- Cyber Crime Cases
 - Windows Encryption Trojan => Avalanche
- Controlled Deliveries of Drugs
- Drugs Smuggling Albania -> Germany
 - Elbasan-Xibrake
 - „on the flight“





Comfort

- Quick and easy forwarding of request
- Electronic file
- E-evidence





2nd Additional Protocol MLA

- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
- ETS 182
- 08.11.2001

=> through any electronic or other means of telecommunication provided that the requesting Party is prepared, upon request, to produce at any time a written record of it and the original

- Art 4





3rd Additional Protocol Extradition

- Third Additional Protocol to the European Convention on Extradition
- CETS 209 (=Council of Europe Treaty Series)
- 30.11.2010

- Means of Communication:
- Electronic or any other means affording evidence in writing
- Which allow to ascertain the authenticity
- Art. 8





Security

- Fax
- E-Mail

Problems:

=> Not encrypted

=> Cyber Criminals





Interpol - ICPO

- **IP-Nachricht 2010-0002571**
- **Von:** L A <ncb.tirana6@al.igcs.int>
- **An:** INTERPOL WIESBADEN
<ncb.wiesbaden@de.igcs.int>
- **Nachrichtlich:** IT 03 IP Eingang
- **Eingang:** Dienstag, 04. Mai 2010 12:27:12
- **Priorität:** HOCH
- **Status:** empfangen
- **Anlagen:** D - photo.jpg
- D .pdf
- **Betreff:** WANTED ALBANIAN NATIONAL D FN D





Interpol - ICPO

„Interpol Global Communication System 24/7“ I-24/7

- Pro
- Covers most parts of the world
- Foreseen in Council of Europe Conventions
- E.g. art 15 § 5 MLA-Convention

- Con
- Central Units in the states (NCBs)
- No direct communication





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Europol - SIENA

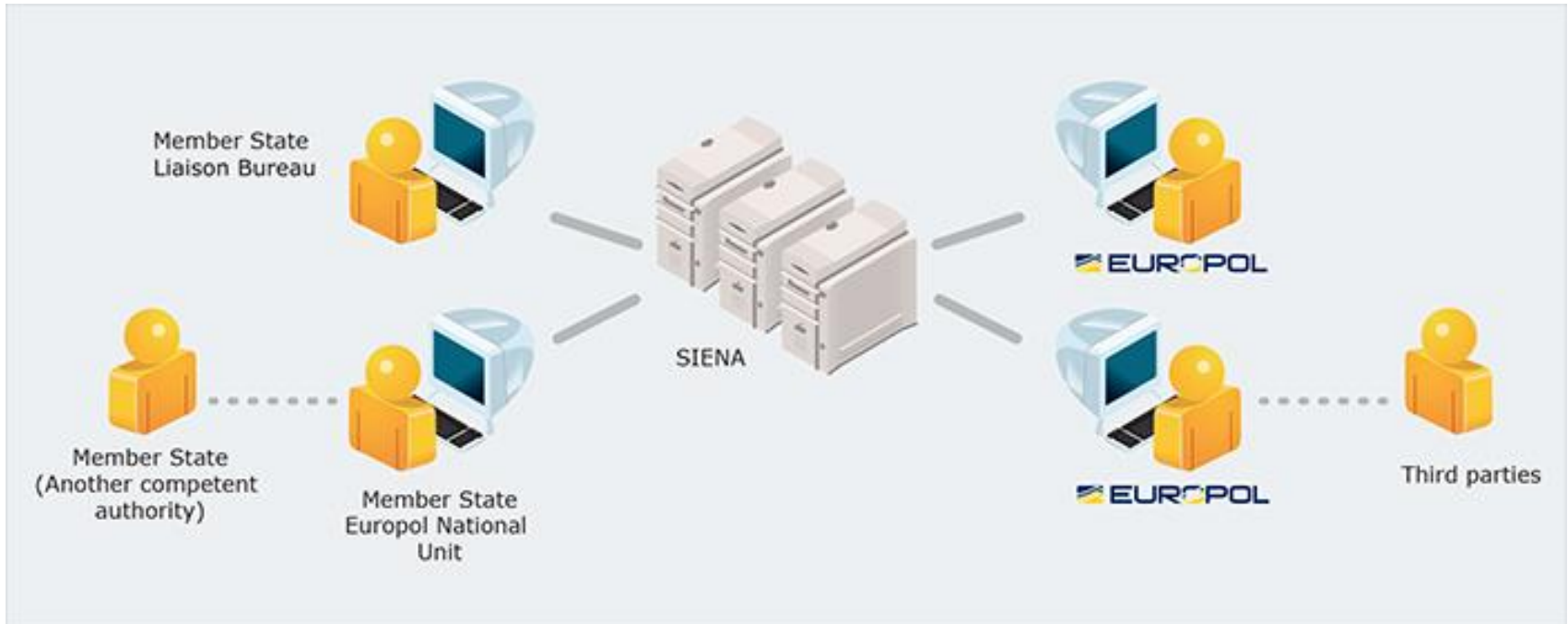
„Secure Information Exchange Network Application“

- Pro
- All over EU
- And certain other states (Albania, USA, Eurojust)
- Con
- Only EU and certain other states
- Structured information exchange
- No direct communication





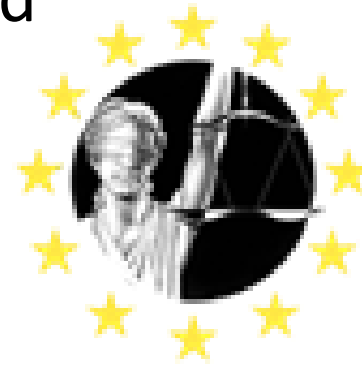
Europol - SIENA





EJN-Telecommunication Network

- Pro
 - Easy way of connecting EJM-CP
 - Eurojust is also connected
- Con
 - Only EJM-CP
 - Direct communication not possible
 - Always via EJM-CP
 - No 24/7
 - Not very „user friendly“



**EUROPEAN
JUDICIAL
NETWORK**





EJN-Telecommunication Network



Member states		
AT	BE	BG
HR	CY	CZ
DK	EE	FI
FR	DE	GR
HU	IE	IT
LV	LT	LU
MT	NL	PL
PT	RO	SK
SI	ES	SE
UK		

Candidate countries		
AL	MK	ME
RS	TR	

Associated Countries			
IS	LI	NO	CH





e-codex

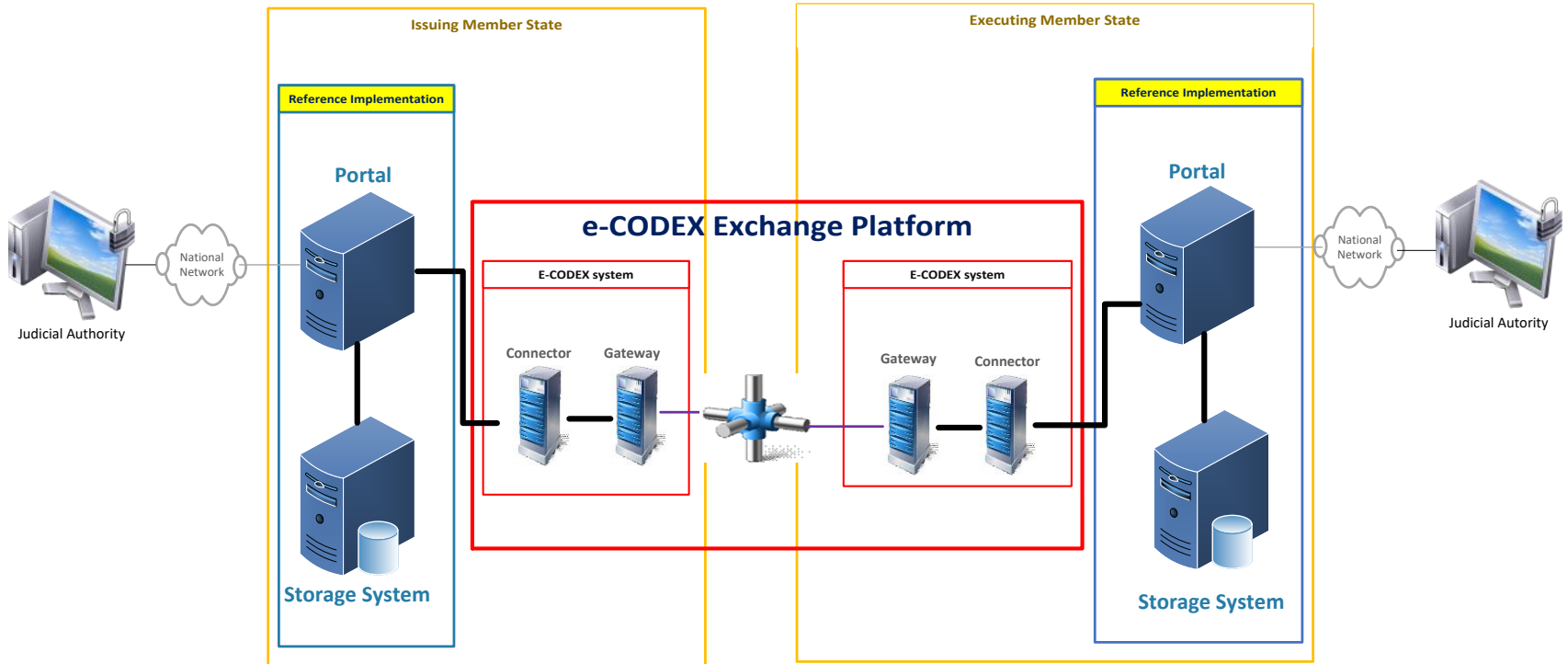
- Pro
 - EU-project
 - Available all over the EU
 - Can be connected to national systems
- Con
 - Available only in the EU
 - Not yet functional





e-codex

e-EVIDENCE SYSTEM - PROPOSED SOLUTION





S/MIME - PGP

- Encryption of individual message
- Pro
- Standards available all over the world
- Con
- Exchange of public keys necessary
 - Simpler procedures possible (one key for the whole office/unit)
- security problems for administrators





Questions?

Remarks?

Ideas?

