



IAP
INTERNATIONAL
ASSOCIATION OF
PROSECUTORS

DIGITAL EVIDENCE PROJECT

CALL FOR EXPRESSIONS OF INTEREST FROM EXPERTS

DEADLINE: FRIDAY 20 DECEMBER 2024

The IAP are seeking Expressions of Interest from individual prosecutors/experts or jointly from two or more prosecutors/experts to lead on the development of guidelines for prosecutors on digital evidence collection in compliance with international standards on freedom of expression and privacy (“the Guidelines”) as outlined in this document.

Expressions of Interest should be sent to the IAP General Counsel, Shenaz Muzaffer, at gc@iap-association.org, copied to the IAP Executive Programme Manager, Irina Beridze, at epm@iap-association.org on the attached form by Friday 20 December 2024.

PROJECT PARTNERS

The United Nations
Educational, Scientific and
Cultural Organisation
(UNESCO)

Co-ordinator

International Association of
Prosecutors (IAP)

Implementing Partner

PROJECT OUTLINE

Objective 1: To develop and disseminate Guidelines for prosecutors on digital evidence collection in compliance with international standards on freedom of expression and privacy.

Expected Outcome 1: These Guidelines will be designed to improve consistency, efficiency, effectiveness, transparency and lawfulness in prosecutorial collection of digital evidence in various cases, as well as to provide prosecutors with practical tools and methods available to collect digital evidence. The Guidelines will be made publicly available in order to raise further awareness, promote deeper understanding and enhance prosecutors’ capacity on these issues.

Objective 2: To participate in a series of two webinars organised by the IAP on digital evidence collection in the context of freedom of expression and privacy, based on the Guidelines.

Expected Outcome 2: The online sessions will be built on the Guidelines and will be organised by the Implementing Partner. The webinars will aim to introduce the Guidelines to the global community of prosecutors, legal professionals and other interested parties to raise awareness of this operational tool and to strengthen capacities of prosecutors on the practical application of the guidelines in their respective jurisdictions to effectively collect digital evidence while safeguarding freedom of expression and right to privacy.

TASKS TO BE PERFORMED BY THE EXPERT/S

1. To develop Guidelines that provide practical guidance for prosecutors in the following areas:
 - a) Tools and methods available to collect digital evidence, including data retention policies that account for the needs of legal investigations and the establishment of special interface for investigative purposes;
 - b) Freedom of expression fundamentals - definition, legitimate limits and how the principles relate to digital evidence collection;
 - c) International legal instruments on freedom of expression;
 - d) Links between freedom of expression and privacy;
 - e) Collection of digital evidence and requirements for privacy;
 - f) Definition, sources and nature of digital evidence;
 - g) Digital evidence collection phases (identification, access, preservation, sharing, etc.) and risks of unnecessary/disproportionate intrusions and/or restrictions of freedom of expression;
 - h) Risk-prevention and mitigation tools/approaches for prosecutors;
 - i) Evaluation of the lawfulness and reliability of collected digital evidence in compliance with relevant international standards on freedom of expression and best practices, including through the provision of a checklist for prosecutors;
 - j) Digital evidence and use of AI, and concerns related to reliability, transparency, interpretability and bias in such evidence;
 - k) Case examples/scenarios/testimonies providing deeper insight into the practical aspects of digital evidence collection - challenges encountered by prosecutors, good practices, etc
 - l) Standards of freedom of expression in digital evidence collection through public-private partnerships;
 - m) Freedom of expression in the cross-border acquisition of digital evidence - international cooperation in criminal matters.
2. To contribute to the development of and participate in two webinars organised by the IAP on digital evidence collection in the context of freedom of expression and privacy, based on the Guidelines.

DELIVERABLES	
<p>1. Development of an outline of the Guidelines and identification of and collaboration with an advisory board</p>	<p>An outline of the Guidelines (2-3 pages) should be prepared for submission to the IAP and UNESCO.</p> <p>Although the contracted expert/s will take the lead on the development of the Guidelines, the Guidelines must be drafted with the involvement of a multi-regional advisory board in the preparatory/consultation phase, composed of UNESCO, the IAP, and of prosecutors and criminal justice professionals with specific expertise in the field from common and civil law jurisdictions, as identified by the expert/s. Through a minimum of two rounds of consultations, the board will provide inputs to the expert/s responsible for developing the Guidelines on aspects that they may need to incorporate into the Guidelines and other related aspects.</p>
<p>2. Development of and finalisation of Guidelines</p>	<p>The Guidelines should provide practical guidance for prosecutors in the areas specified above.</p> <p>The expert/s will produce an initial draft of the Guidelines, which must be reviewed and validated by the IAP, UNESCO and the advisory board.</p> <p>Following feedback, the expert/s will then produce a revised draft, which again must be reviewed and validated by the IAP, UNESCO and the advisory board before being finalised.</p> <p>The Guidelines shall comprise of approximately sixteen (16) standard pages and shall be written in English.</p>
<p>3. Development of and participation in two webinars on digital evidence collection and the right to freedom of expression and privacy</p>	<p>The expert/s will contribute to the development of, and the delivery of, two webinars organised by the IAP.</p> <p>The webinars will introduce the Guidelines to the global community of prosecutors, legal professionals and other interested parties including investigative journalists, media representatives and communication service providers.</p> <p>Webinar One will be on an introduction to the Guidelines and Webinar Two will be on digital evidence collection and freedom of expression and privacy.</p>

KEY DATES	
Commencement date	As soon as possible
Completion date	Deliverable 1: By 23 January 2025
	Deliverable 2: By 23 April 2025
	Deliverable 3: By 22 August 2025
PAYMENT	
Deliverables 1 and 2	6,000 Euros (gross)
Deliverable 3	1,500 Euros (gross)