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
- 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
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
- Priorität: HOCH
- Status: empfangen
- Anlagen: D - photo.jpg
- D .pdf

Betreff: WANTED ALBANIAN NATIONAL D FN D
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
EJN-Telecommunication Network

- **Pro**
  - Easy way of connecting EJN-CP
  - Eurojust is also connected

- **Con**
  - Only EJN-CP
  - Direct communication not possible
  - Always via EJN-CP
  - No 24/7
  - Not very „user friendly“
EJN-Telecommunication Network
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**

- **Issuing Member State**
  - Portal
  - Reference Implementation
  - E-CODEX system
  - Connector
  - Gateway
  - Storage System

- **Executing Member State**
  - Portal
  - Reference Implementation
  - E-CODEX system
  - Gateway
  - Connector
  - Storage System

- **Network Connections**
  - National Network
  - Judicial Authority
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?