



IAP
International Association of Prosecutors



Effective Access to Electronic Evidence: towards a new Protocol to the Budapest Convention

Version 26 October 2020

**A global webinar jointly organized by
the Council of Europe and
the International Association of Prosecutors**

9 November 2020

Outline

Background and justification

The increased use of new technologies by criminals to organize, plan and carry out illegal activities online put the spotlight on the use of electronic evidence in criminal investigations. The latter is crucial, not only for investigating cybercrime but any type of crime. The globalization of the communication infrastructure brings additional challenges for investigators as offenders, victims and electronic evidence may be located in multiple jurisdictions and conflicting national laws may apply to obtain such evidence.

Recent initiatives (US CLOUD Act, draft E-evidence Regulation and Directive of the European Union) are aimed at overcoming some of the problems of territoriality and jurisdiction in cyberspace. The Parties to the Budapest Convention on Cybercrime are also working on for solutions and are preparing a 2nd Additional Protocol to this treaty focus on more efficient mutual legal assistance and methods for direct cooperation with service providers in other jurisdictions.

The [International Association of Prosecutors](#) and the [GLACY+ project](#) of the Council of Europe and the European Commission are co-organising a thematic workshop to exchange views and share experiences on the existing and new forms of cooperation for effective access to electronic evidence.

Due to the COVID-19 pandemic and restrictions to travels and physical meetings, the event will take place online and will consist of a thematic workshop, open for participation for judges and prosecutors from countries of Europe, Africa, the Americas and Asia-Pacific.

Expected outcome

Carried out under Objective 3 Result 3.3.5 of the GLACY+ Project (Organise regional meetings to share experience and provide advice to neighbouring countries), the expected results of this activity are:

- Participants will have identified the challenges of international cooperation for access to electronic evidence and the risks to rule of law associated with these.
- Participants will be up-to-date and will have shared their views on current proposals on solutions aimed at more effective and efficient access to electronic evidence, including through the future 2nd Additional Protocol to the Budapest Convention.

Participants

The event is open for participation for judiciary and prosecutors from countries of Europe, Africa, the Americas and Asia Pacific.

Agenda

CET time	
15h00	<p>Opening session – Welcoming remarks and workshop goals</p> <ul style="list-style-type: none"> • Cheol-kyu HWANG, President of the International Association of Prosecutors and Chief Prosecutor at International Center for Criminal Justice, Prosecution Service of the Republic of Korea • Alexander SEGER, Head of the Cybercrime Division of the Council of Europe and Executive Secretary of the Cybercrime Convention Committee (T-CY)
15h10	<p>The impact of ineffective access to electronic evidence on the rule of law</p> <ul style="list-style-type: none"> • Marcos SALT*, professor of criminal law and procedure, and of cybercrime law, University of Buenos Aires, and T-CY representative of Argentina
15h30	<p>Criminal justice and the challenges of international cooperation when dealing with electronic evidence (1)</p> <ul style="list-style-type: none"> • Esther GEORGE*, Cybercrime and cyber security specialist and lead consultant for the Global Prosecutors E-Crime Network (GPEN), United Kingdom
15h50	<p>Towards a new Protocol to the Budapest Convention</p> <ul style="list-style-type: none"> • Alexander SEGER, Head of Cybercrime Division, Council of Europe
16h10	<p>Criminal justice and the challenges of international cooperation when dealing with electronic evidence (2)</p> <ul style="list-style-type: none"> • Ioana ALBANI*, Chief prosecutor at Cyber Crimes Unit, General Prosecutor’s Office, and T-CY representative of Romania
16h30	<p>Questions & answers</p> <ul style="list-style-type: none"> • Moderated by Council of Europe
16h50	<p>Key takeaways and concluding remarks</p> <ul style="list-style-type: none"> • Council of Europe • International Association of Prosecutors
17h00	End of the webinar

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