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Fight against cybercrime : challenges for the prosecutors, strategies and answers in France

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Objet : Synopsis of the presentation

Introduction

What is cybercrime ?

- A criminality which is born with the new technologies (in particular internet, social medias...) and which is expanding with them ;
- A criminality which covers a wide range of unlawfull behaviours : classical offences committed through internet (frauds, attempts to private life, illegal activities like prostitution of children...) as well as specific offences (attaks against vital information systems, spying, theft of data...)
- A criminality which is always in progress, following the evolution of the technologies

Consequently, the fight against cybercrime is not an easy task for the authorities which are :

- the State at first : France has vital interests which can be attacked or threatened by cyber hackers, criminal groups as well as other States
- and as well, that's our purpose, investigation and judicial authorities.

So, how this fight has been organised in France ? First, we answer to the phenomenon by the specialisation of the main actors (State agencies, investigators and prosecutors) and by the development of operational and efficient methods of investigation as well (1) ; second, we try to define strategies as the national level and to be part of strategies at the international level and to implement them efficiently through a coordination of the actors (2).

However, new steps forward have to be done and the plenary and the discussions of today will may be help to find together some solutions.

1. The specialisation of the actors and the development of suitable and efficient methods of investigation

A. The specialisation of the actors

- State agencies : National Cybersecurity Agency (ANSSI) ; intelligence agency (TRACFIN)
- investigation services : at the national, regional and local level
- prosecution service : specialisation of a section of the public prosecution of Paris (with local, regional and national jurisdiction, depending on the case)

B. Development of suitable and efficient methods of investigation

- jurisdiction of French Courts when the author of the cybercrime is abroad but when some victims are living or based in the country
- investigation under a pseudonym
- data capture ...

2. A global strategy to define and to implement

A. A global strategy to define

Objectives : to protect against cyberattacks and to ensure the safety on the immaterial space

- at the European level : the NIS directive (2016) which will be renewed in the coming months
- at the national level : the National Cybercrime Strategy (2015)
- on the ground : plans and procedures to define in order to prevent and/or to tackle cyberattacks

B. A global strategy to implement

- necessity to train the actors (public and private) and to train them together. Good practise : to organise exercises gathering all the EU Member States simulating a cybercrime attack (i.e 26-27/01/22)
- necessity to coordinate them : through the creation of agencies which will have this task to perform (i.e mission for preventing and fighting cybercrime in the ministry of justice, forum gathering the main public and private actors working to prevent and to fight cybercrime in France)
- importance of the networking : necessity to exchange information, to be informed of good practices developed by partners or in other countries... Meeting of the 3 main networks within the EU the 16/05/22 (CSIRTs, CyCLONe, NIS cooperation group)

Conclusion

In a moving world, more and more digitalised, it is crucial to adapt the regulations, the behaviors, the coordination of the actors in order to prevent and to fight against cybercrime. The public has to be more informed and trained in order to be able to better protect its data. The governmental authorities

must recruit more personnel, for working on prevention, investigation and fight. It must as well ensure a high level regulation, efficient for preventing the cyberattacks and for fighting them. The efforts of coordination and in order to have more and more common tools and procedures at the national and at the European level should be emphasised.

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