

Synopsis

Cyberspace from a crime scene to an area of justice

Content:

1. Crime and electronic evidence in cyberspace
2. Fragmented legal and institutional environment
3. Judicial and law enforcement cooperation - legal frameworks and tools
 - European – Budapest Convention - with universal vocation
 - EU legislative proposals
 - Euro-Mediterranean Digital Evidence Manual
4. Personal data protection

Almost all types of crime leave digital traces that can serve as evidence in court proceedings. Often it will be the only evidence law enforcement authorities and prosecutors can collect.

Frequently electronic evidence is stored on cloud servers in foreign jurisdictions.

More than half (55%) of all criminal investigations today include a cross-border request to obtain electronic evidence held by service providers based in another State. To obtain such data, judicial cooperation and mutual legal assistance is needed, but the process at present is slow and cumbersome.

Almost two-thirds of crimes where electronic evidence is held in another country cannot be properly investigated or prosecuted, mainly due to the time it takes to gather such evidence or due to fragmentation of the legal framework.

International cooperation plays a crucial role in serving justice in the borderless cyberspace. Cross border transfers of criminal evidence navigate through a complex legal framework of several co-existing levels of regulations governing criminal investigations. Moreover, exchanges of information and effective judicial and police cooperation in criminal matters must ensure a high level protection of the personal data of natural persons.

EuroMed Justice IV has produced outstanding and unique result - EuroMed Manual on Digital Evidence - with its new approach focused in fostering judicial cross-regional cooperation in criminal matters in the Euro-Mediterranean area.