

Memorandum of Understanding between
The COMNET Foundation for ICT Development and
The Global Prosecutors E-Crime Network (GPEN)

This Memorandum of Understanding (MoU) is made and entered into between the COMNET Foundation for ICT Development, as the agency appointed by the Commonwealth Secretariat to lead the Commonwealth Connects Programme, with its principal office located at Alfir, Reggie Miller Street, Gzira, Malta and the Global Prosecutors E-Crime Network (GPEN), which operates under the auspices of the International Association of Prosecutors (IAP), Hartogstraat 13, The Hague, The Netherlands, jointly referred to as the "Parties" and individually as the "Party".

WHEREAS the IAP is a non-Governmental, non-political organisation the objects whereof are set out in its Constitution and include:

- (e) to assist prosecutors internationally in the fight against organised or other crime...
- (h) to promote good relations between individual prosecutors and prosecution agencies; to facilitate the exchange and dissemination among them of information, expertise and experience; and, to that end, to encourage the use of information technology;
- (j) to co-operate with international and juridical organisations in furtherance of the foregoing objects.

WHEREAS GPEN was launched by the IAP in 2009 as primarily a web-based platform operating within the IAP network to enable all jurisdictions to develop a co-ordinated approach for dealing with e-crime that supports effective prosecutions and promotes the principles of the Council of Europe Budapest Convention on Cybercrime. GPEN thus promotes Internet Good Governance through knowledge-transfer, capacity building, policy development and multinational coordination.

AND WHEREAS the COMNET Foundation for ICT Development, through the Commonwealth Connects Programme, will assist developing member states to build their institutional, legislative and regulatory capacity through technology and knowledge transfer between Member states in ICT Development in areas of eGovernment, Telecommunication Regulation, Cyber Security and Cybercrime - activities having a bearing on national, social and economic development.

The purpose of this MoU is to formalise collaboration between the parties with particular emphasis on Cybersecurity and Cybercrime activities.

THEREFORE through the Commonwealth Connects Programme, the COMNET Foundation for ICT Development will assist Commonwealth developing member states and beyond to build their institutional and legislative capacity in fighting cybercrime through the sharing of expertise and best practice from the Council of Europe Budapest Convention on Cybercrime, the Commonwealth Model Law on Computer and Computer Related Crime as well as other resources including the BSA¹ Model Law, as appropriate through:

¹Business Software Alliance's Model Law - Based upon the Budapest Convention - '...BSA's model cybercrime law, to modernize and harmonize their domestic laws...' -.

- a minimum foundation and threshold with respect to common definitions and offences
- increasing harmonization of domestic criminal laws as they relate to cybercrime;
- the establishment of necessary procedural powers for investigation and prosecution;
- the establishment of legal frameworks that will *inter alia* enable international cooperation beyond simply government to government or Law Enforcement Agency (LEA) to LEAs, to promote cooperation between private sector entities (e.g. banks, telecommunication authorities (Telco's), internet service providers (ISPs) and the technical community e.g. Top Level Domain registries (ccTLD), Anti Phishing Working Group (APWG), Registry Internet Security Group (RISG), Computer Emergency Response Team (CERTs), both amongst themselves and with local and national government agencies, regulators and/or LEA. Examples of such cooperative initiatives include CERTs, hotlines and, LEA-ISP cooperation guidelines;
- the building of operational and technical skills and capacities of the technical community and law enforcement to bolster investigative capabilities;
- the establishment of a fast and effective regime of international co-operation for investigation and prosecution of cybercrime between law enforcement agencies; and
- the establishment of national policy strategies that create an enabling environment for the introduction of all the above.

THEREFORE, the Global Prosecutors E-Crime Network (GPEN) recognizes that through the cybercrime Initiative, the Commonwealth will be contributing towards increased Internet security across the jurisdictions; by denying safe havens, and enabling developing countries to become effective partners in the globally coordinated effort to combat cybercrime including that relating to the abuse of children.

AND FURTHER, the Global Prosecutors E-Crime Network (GPEN) also recognizes that the initiative will facilitate greater certainty and speed with respect to investigations and prosecutions of cybercrime both at a domestic and international level.

The membership of the IAP having been consulted about the establishment of a Memorandum of Understanding with COMNET and no objections having been raised by the IAP Executive Committee nor the GPEN Committee of the IAP, this Memorandum of Understanding provides the basis for future co-operation between and the IAP as set out in the following Schedule.

Schedule

The Parties recognize the benefit of their cooperation and collaboration to achieve their mutual goals on cybercrime issues, and in furtherance thereof, agree to the following:

1. Explore opportunities in areas of mutual interest in:
 - Delivering joint capacity building programmes for practitioners (policy, legal, LEAs)
 - Identifying funding possibilities for mutually beneficial joint projects;
 - Raising awareness of the imperative to harmonise law through the adoption of global model law standards amongst the various jurisdictions.
2. Enhance the visibility of the Commonwealth's Cybercrime Initiative and the Global Prosecutors E-Crime Network (GPEN) around the world by publicly promoting each other's programmes of work at various events, conferences and other venues and public speaking engagements.
3. Collaborate on efforts as they relate to countries' adoption of the Global Standards such as the Budapest Convention on Cybercrime, the Commonwealth Model Law on Computer and Computer Related Crime, as well as other resources including the BSA Model Law.

4. To share the digital libraries, on topics related to Cybercrime and Cyber Security and this including repositories of legal practitioners with cybercrime backgrounds.


This Memorandum of Understanding will enter into force on the date it is made and shall remain in force unless varied in writing upon review by consent between the parties. It can be terminated by either party upon 30 days notice.

The maintenance and review of this Memorandum of Understanding will be the responsibility of the General Counsel of the IAP and the Chairman of GPEN

The terms of this Memorandum of Understanding should be reviewed within 2 years of the date it is made.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed and in effect on the date set forth below.

Global Prosecutors E-Crime Network



Elizabeth Howe, General Counsel IAP

Signed on the 21/01/2012 London

The COMNET Foundation for ICT Development



Joseph V. Tabone, Chairman

Signed on the 21/01/2012 London