



# INVESTIGATING WEB 2.0

THE COLLECTION OF EVIDENCE LOCATED  
ABROAD AND THE CHALLENGES OF  
TRANSBORDER ACCESS TO DATA

Bucharest, 13-14 November 2018

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Criminal  
Law**



## Speakers

**Laviero Buono**, Head of Section for European Criminal Law, ERA, Trier

**Irina Cambrea**, Deputy Director, National Institute of Magistracy, Bucharest

**Rainer Franosch**, Senior Public Prosecutor, Head of Cybercrime Division, Ministry of Justice of the German Federal State of Hesse, Wiesbaden

**Muthupandi Ganesan**, Barrister at Law & Partner, Scarmans, London

**Savina Gruičić**, Digital Forensic Consultant, INsig2, Zagreb

**Stephen Hill**, Managing Director, Hill Bingham Ltd, London

**Cristian Hossu**, Specialist, DNA (Anti-Corruption Direction), Bucharest

**Yvonne Lask**, Prosecutor, Cybercrime Centre, Prosecution Service, Dresden

**Matteo Lucchetti**, Project Manager, Cybercrime Programme Office (C-PROC), Council of Europe, Bucharest

**Jean-Baptiste Maillart**, Research Fellow, Max Planck Institute for International and Foreign Criminal Law, Freiburg

**Kasper van der Schaft**, Public Prosecutor, International Legal Assistance Centre (IRC), Amsterdam

## Key topics

- Technical issues (internet caches, proxy servers, encryption, deep/dark web, etc.)
- Legal issues (evaluation of the search results, authentication reliability and credibility, search across jurisdictions)
- Presenting internet searches in court: prosecution and defence perspectives
- Procedural issues and jurisdictional conflicts
- Remote investigations

Language  
English

Event number  
318DT32

Organiser  
ERA (Laviero Buono) in cooperation with the National Institute of Magistracy, Romania



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# INVESTIGATING WEB 2.0

**Tuesday, 13 November 2018**

- 08:30 Arrival and registration of participants
- 09:00 **Welcome and introduction to the programme**  
*Irina Cambrea & Laviero Buono*

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## I. TECHNICAL ISSUES AND BASIC UNDERSTANDING OF THE INTERNET ARCHITECTURE AND CONCEPTS

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- 09:15 **Internet searches and computer forensics in criminal cases: using open source intelligence to gather evidence online**
- World Wide Web (WWW) vs. the Internet
  - Understanding Internet protocols (http, https, ftp)
  - Internet cache – deleting and retrieving
  - Surface search vs deep web search
  - Meta search engines
  - Proxy servers
- Stephen Hill*
- 10:30 Discussion
- 10:45 Break
- Chair: Laviero Buono*
- 11:15 **Investigations into cryptocurrencies**
- Encryption and privacy
  - Physical and logical acquisition of data
  - Into the blockchain as a digitised, decentralised, public ledger of all cryptocurrency transactions
- Savina Gruičić*
- 12:15 Discussion
- 12:30 Lunch

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## II. LEGAL ISSUES RELATED TO THE COLLECTION OF EVIDENCE LOCATED ABROAD

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- Chair: Kasper van der Schaft*
- 14:00 **Public-Private Partnerships for collecting electronic evidence abroad: the path to follow**
- Article 18(1) Budapest Convention
  - *Belgium v. Yahoo* (Belgium's Court of cassation, 1 December 2015)
  - The U.S. Legal framework (U.S. v. *Microsoft Corp.*, Second Circuit Court of Appeals, 14 July 2016; CLOUD Act)
  - The EU Commission's 2018 proposal for new rules to improve cross-border access to electronic evidence within the EU
- Jean-Baptiste Maillart*
- 14:45 **Transborder access to data: prosecutorial issues**
- International operations against online piracy: case studies
  - Exchange of operational information collected among all the judicial and law enforcement authorities involved
  - Ensuring the data has not been altered
- Yvonne Lask*
- 15:30 Discussion
- 16:00 Break

## Objective

The overall objective of this event is to provide legal practitioners with an analysis of the challenges and difficulties linked to online investigations. The seminar will first give participants a basic understanding of the internet architecture and concepts. It will then focus on the legal challenges related to digital investigations enabling participants to gain an overview of the complex issues related to admissibility of internet searches' results in court.

## About the project

This seminar is part of a large-scale project sponsored by the European Commission entitled "Investigating web 2.0: practice-oriented training on internet searches for EU legal practitioners". It consists of six seminars to take place in Lisbon, Dublin, Bucharest, Valletta, Barcelona and Madrid.

## Who should attend?

Judges, prosecutors and lawyers in private practice from EU Member States.

## Venue

National Institute of Magistracy  
Regina Elisabeta Boulevard, nr.53,  
Bucharest, Sector 5

## CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **9.5 CPD hours**.

## Your contact persons



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Chair: *Laviero Buono*

- 16:30 **The European Investigation Order (EIO) and its effectiveness in collecting evidence located abroad**
- Legal framework and problems regarding traditional mutual legal assistance (MLA) in the digital age
  - The EIO in the online context
  - Specificities and challenges of criminal cases where anonymous networks and encrypted files are involved
- Kasper van der Schaft*
- 17:30 Discussion
- 17:45 End of first day
- 20:00 Dinner offered by the organisers

## Wednesday, 14 November 2018

### III. PRESENTING INTERNET SEARCHES IN COURT – BEST PRACTICES

Chair: *Jean-Baptiste Maillart*

- 09:00 **Online investigations and e-evidence chain of custody through sample cases**
- Establishment of the chain of custody
  - Forensic copies
  - Hash function: use and limitation
- Rainer Franosch*
- 09:45 **Handling electronic evidence in courts: the defense perspective**
- Capturing evidence from the internet: open source and covert
  - The importance of the chain of custody in handling the evidence
  - Trial considerations: methods of presentation and admissibility tests
- Muthupandi Ganesan*
- 10:30 Discussion
- 10:45 Break
- Chair: *Laviero Buono*
- 11:15 **The collection of evidence located abroad and the challenges of transborder access to data: the Romanian experience**
- Cristian Hossu*
- 12:00 **Evidence in cyberspace: towards a Protocol to the Budapest Cybercrime Convention**
- Matteo Lucchetti*
- 12:30 Discussion
- 12:45 End of conference and lunch

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## Save the date

### Summer Course on European Criminal Justice

Trier, 18-22 June 2018

### Annual Conference on EU Border Management 2018

Trier, 17-18 September 2018

### Annual Forum on Combating Corruption in the EU 2018

Lisbon, 15-16 October 2018

## e-Presentations

### Cyber Risks in Financial Institutions: Lessons learned in responding to them

Liviu Chirita / May 2017

### Approaches to Prepare Proactively for Cybercrime Incidents

Dave O'Reilly / May 2017

### Cyber Menaces and Different Types of Cybercrime Offences

Cormac Callanan

## Specialised e-Courses

### Fighting Child Pornography Online: 10 Key Questions

Alisdair Gillespie

[www.era.int/elearning](http://www.era.int/elearning)



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