

Abstract

Cybercrime and cyber-enabled crime (meaning crime committed by means of ICT) are almost by definition transnational. On the one hand, cybercriminals can commit their offences from nearly any location, (mis-) using globally available telecommunication technologies and networks systems. On the other, their acts often affect individuals, companies and/or public entities in various countries across the world. In order to fight such crime, international cooperation is thus indispensable.

Yet, in contrast with the rapidness of cyber(-enabled) criminal activity and the volatility of data needed for the prosecution of cybercrime, the existing mutual legal assistance (MLA) framework is still quite slow and burdensome, notwithstanding recent amendments in light of the Budapest Convention.

As long as the existing MLA framework is not adjusted to the actual needs of law enforcement in the field of cyber(-enabled) crime, there is a real risk that law enforcement authorities will use alternative methods of obtaining digital evidence, without complying with the existing MLA framework and thus potentially resulting in overstepping the boundaries of national sovereignty and the principle of territoriality. Such MLA 'without assistance' or 'self-service' obviously puts at risk the suspect's fair trial rights.

The purpose of this workshop is, in a first step, to analyse the problems relating to the existing MLA framework and potential dangers of MLA 'without assistance'. Next, the specificities and challenges of cyber investigations in an international context will be discussed. In a final session, concrete solutions for a future, more effective cyber-proof international co-operation will be made, taking into account the aforementioned challenges and the European fundamental rights' framework.

This workshop offers a unique opportunity to gather academics from different disciplines, representatives of law enforcement authorities and the private sector, as well as practitioners around a highly topical subject which is of concrete relevance for Luxembourg and the numerous IT service providers located in the Grand Duchy.

VENUE

Faculty of Law, Economics and Finance
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Free participation.
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WORKSHOP

Mutual Legal Assistance in the Digital Age: Problems, Challenges, Solutions for Criminal Justice

15 October 2015

Programme

Thursday 15 October 2015

MORNING

- 9:00 - 9:15 Arrival and registration of participants
- 9:15 - 9:30 Welcoming address
Prof. Stefan Braum, Dean, University of Luxembourg
- 9:30 - 10:15 **Session I**
Digital Evidence and Criminal Information Law:
Basic Investigation Requirements in the Global
Cyberspace
Prof. Ulrich Sieber, Max Planck Institute Freiburg
- 10:15 - 10:30 Policy perspectives from the Luxembourg Presidency
Mr Félix Braz, Minister of Justice Luxembourg
- 10:30 - 10:50 Coffee break
- 10:50 - 12:20 **Session II**
MLA without assistance?
Chair: Prof. Mark Cole, University of Luxembourg
- The tensions between MLA, data protection and
cloud-computing
Prof. Ian Walden, Queen Mary University of London
- Transnational cyber investigations: a clash
between data protection and law enforcement
objectives?
Mr Hielke Hijmans, Special advisor to the EDPS
- Pitfalls and undesirable effects of MLA without
assistance
Prof. Frank Verbruggen, KU Leuven
- Discussion (30 min.)
- 12:20 - 13:30 Lunch break

AFTERNOON

- 13:30 - 15:00 **Session III**
Specificities and challenges of cyber investiga-
tions in an international context
*Chair: Mr Jeannot Nies, Premier Avocat Général and
Conseil d'Etat, Luxembourg*
- 'Catch me if you can': Implications of anonymous
networks and virtual currencies on cyber
investigations
Prof. Alex Biryukov, SnT, University of Luxembourg
- Cybercrime safe havens: What is at stake?
Mr Max Braun, Public prosecutor Luxembourg
- Challenges relating to the cooperation between
law enforcement authorities and the private
sector
*Dr Vanessa Franssen, University of Luxembourg
and University of Liège*
- Discussion (30 min.)
- 15:00 - 15:20 Coffee break
- 15:20 - 16:50 **Session IV**
Round-table debate on solutions for an
improved, cyber-proof international cooperation
Chair: Prof. Silvia Allegranza, University of Luxembourg
- Current and future police cooperation in the field
of cybercrime
Mr Alain Kleuls, Police Grand-Ducal, Luxembourg
- Eurojust's case experience
Mr Lodewijk van Zwieten, Eurojust
- Improving success in obtaining cyber-evidence
Mr Michael Olmsted, US-EU mission
- Cooperation with Law Enforcement Authorities:
The Perspective of the Private Sector
Mr Mark Lange, Microsoft
- An integrated approach to administrative
assistance and judicial MLA?
Prof. John Vervaele, University of Utrecht
- Discussion (40 min.)
- 16:50 - 17:00 Closing remarks
Prof. Katalin Ligeti, University of Luxembourg