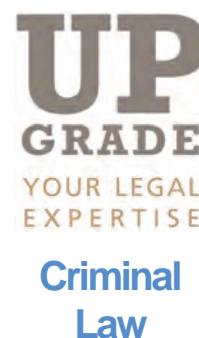




ENCRYPTED DATA AND THE PRIVILEGE AGAINST SELF-INCRIMINATION

MAPPING THE PROBLEM AND SHARING BEST PRACTICES

Rome, 28-29 May 2018



Speakers and chairs

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

Els de Busser, Assistant Professor Cyber Security Governance, Institute of Security and Global Affairs, Leiden University

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

Alisdair Gillespie, Professor, Criminal Law and Justice, Lancaster University, Lancaster

Damir Kahvedžić, Technical Team Lead, Digital Forensics and eDiscovery, BSI, Ireland

Stephen Mason, Barrister and Associate Research Fellow, Institute of Advanced Legal Studies, London

Joachim Meese, Professor, Criminal Law and Criminal Procedure, University of Antwerp; Managing Partner, Van Steenbrugge & Partners, Ghent

Goran Oparnica, Director, INsig2, Zagreb

Representative, DG Home, European Commission, Brussels

Key topics

- Encrypted data: technical and legal issues
- Demonstrations: how encryption works
- Mutual Legal Assistance in the digital age
- Encryption: case law from the European Court of Human Rights
- Jurisdictional issues
- EU legislation in progress

Language: English

Event number: 318D35

Organiser: ERA (Laviero Buono) in cooperation with the Link Campus University and the Eurgit Association, Rome

Venue: Link Campus University, Via del Casale di S. Pio V, 44, 00165 Rome



With the support of the Erasmus+ programme of the European Union

Monday, 28 May 2018

8:30 Arrival and registration of participants

9:00 **Welcome and introduction**
Link Campus University, Eurgit & Laviero Buono

I. ENCRYPTED DATA AND THE PRIVILEGE AGAINST SELF-INCRIMINATION: AN INTRODUCTION

Chair: Laviero Buono

09:15 **A brief introduction to the history of encryption using selected examples**

- What it is
- Where it came from
- What the limitations are

Stephen Mason

10:00 **Looking into encrypted data**

- How encryption works (demos)
- Technical and legal issues
- How difficult it is to break encryption
- Impact on legal practitioners

Alisdair Gillespie

10:45 Discussion

11:00 Break

Chair: Link Campus University

11:30 **Striking the right balance between encryption and privacy: main technical and legal issues**

Els de Busser

12:15 Discussion

12:30 Lunch

II. RESPONSES TO ENCRYPTED DATA IN LEGAL PROCEEDINGS

Chair: Eurgit

14:00 **Domestic legislation and case law**

- Belgium
- Germany
- United Kingdom

Joachim Meese, Rainer Franosch, Stephen Mason

14:45 **The unsustainable slowness of Mutual Legal Assistance (MLA) in the digital age**

Rainer Franosch

15:15 Discussion

15:30 Break

16:00 **Encryption and case law from the European Court of Human Rights (ECtHR)**

Joachim Meese

16:30 **Encrypted files and challenges for law enforcement authorities**

Link Campus University/Eurgit

17:00 Discussion

17:15 End of first day

20:30 Dinner

Objective

The use of encryption serves the legitimate need for privacy and security as well as the needs of business and governments for a safe and secure cyberspace. In practice, anyone can use encryption in order to secure and protect their personal data and communications. Encryption technologies are also exploited by criminals, however, in order to hide their data and potential evidence, protect their communications and conceal their financial transactions.

The aim of this event is to analyse the obstacles that encryption poses to effective cybercrime investigations and to consider the effects of dealing or failing to deal with the problems.

Key topics

- Encrypted data: technical and legal issues
- Demonstrations: how encryption works
- Impact of encrypted files on Mutual Legal Assistance requests
- Encryption: case law from the European Court of Human Rights
- Encryption and transborder access to data
- Encryption (and e-evidence): EU legislation in progress

Who should attend?

Defence lawyers, in-house counsel, judges, prosecutors, civil servants and policymakers active in the field of EU criminal law.

Tuesday, 29 May 2018

III. SEARCH AND SEIZURE ACROSS JURISDICTION

Chair: Joachim Meese

09:30 **A forensic analysis framework for recovering encryption keys and hidden information**
Goran Oparnica

10:15 **Encryption, computer forensics on social media and the “Cloud”**
Damir Kahvedžić

11:00 Discussion

11:15 Break

IV. WORK CARRIED OUT BY THE EUROPEAN UNION

11:45 **Recent steps taken by the European Union to launch a reflection process on the issues related to e-evidence and encryption**
European Commission

12:15 Discussion

12:30 End of the conference and light lunch

For programme updates: www.era.int
Programme may be subject to amendment.

Your contact persons



Laviero Buono
Head of Section
E-Mail: lbuono@era.int



Liz Klopocki
Assistant
E-Mail: eklopocki@era.int

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to 8.5 CPD hours.

e-Learning Courses on EU Criminal Law

10 Key Questions on the General Principles of EU Law as applied by the CJEU to Criminal Justice

Specialised e-learning course

This e-learning course answers 10 key questions on the general principles of EU law as applied by the CJEU to criminal justice and its interpretation of concepts of substantive and procedural criminal law.

Fighting Child Pornography Online: 10 Key Questions

Specialised e-learning course

This e-learning course considers the main European and international legal instruments and provisions in place to fight child pornography online. Reference to key academic literature is provided and full details of this can be found in the embedded bibliography. Hyperlinks will allow you to find the relevant legal instruments and key cases. An e-library is also available. The course also features mini-video presentations (of five-seven minutes each) by top European experts.

Finally a short quiz allows you to check your understanding of the issues raised.

The European Arrest Warrant: 10 Key Questions for Defence Counsel

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This e-learning course answers 10 key questions on the role of the defence lawyer in European Arrest Warrant (EAW) proceedings.

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More information:
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Registration

Encrypted Data and the Privilege Against Self-Incrimination

Rome, 28-29 May 2018 / Event Number: 318D35/ek



Registration

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E-mail: info@era.int

Online registration:
www.era.int/?127346&en

Postal address:
ERA
Postfach 1640
D-54206 Trier

Location
Link Campus University, Rome

Language
English

Contact Person
Liz Klopocki
Assistant
eklopocki@era.int
+49 651 93737 322

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Postcode/City	<input type="text"/>	Country	<input type="text"/>	

Evening programme: I shall attend the function on 28 May 2018 (at no extra charge).

Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration before 28/04/2018	€ 441.00 <input type="checkbox"/>	€ 264.60 <input type="checkbox"/>	€ 330.75 <input type="checkbox"/>
Registration before 28/04/2018	€ 490.00 <input type="checkbox"/>	€ 294.00 <input type="checkbox"/>	€ 367.50 <input type="checkbox"/>

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- Fellows of the European Law Institute

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- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
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