



OBTAINING E-EVIDENCE WHEN INVESTIGATING AND PROSECUTING CRIMES

FOCUS ON INTERNET SEARCHES FOR EU LEGAL
PRACTITIONERS

Vilnius, 14-15 June 2022

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Criminal
Law**



Speakers

Steven David Brown, International Cybercrime Consultant,
Vienna

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

Rūta Jašinskienė, Intelligence Analysis Expert, NRD Cyber
Security, Vilnius

Paul Johnstone, Member of the European Judicial Cybercrime
Network (EJCN), The Hague; Detective Sergeant, Garda National
Cyber Crime Bureau, Dublin

Jean-Baptiste Maillart, Lawyer, Savolainen Avocats; AML/CFT
and Cybercrime Consultant, Geneva

Joachim Meese, Professor, Criminal Law and Procedure,
University of Antwerp; Attorney, Bar of Ghent

Aleksandra Stępniewska, Counsel, Polish Law Office WKB
(Wierciński, Kwieciński, Baehr), Warsaw

Marc van der Ham, Senior Legal Advisor, High Tech Crime Unit,
National Office of the Dutch Public Prosecution Service, PHD
Candidate, eLaw – Centre for Law and Digital Technologies,
University of Leiden

Key topics

- Technical issues (internet caches, proxy servers, encryption, deep/dark web, etc.)
- Legal issues (evaluation of the search results, reliability and credibility of authentication, search across jurisdictions)
- Challenges posed by websites and social networks
- Presenting internet searches in court: prosecution and defence perspectives
- Internet search results in court: a new evidentiary frontier for the judge?

Language
English

Event number
322DT04f

Organisers
ERA (Laviero Buono) in cooperation
with the Lithuanian Prosecutor
General's Office



With the support of the Justice Programme 2014-2020 of
the European Union

OBTAINING E-EVIDENCE WHEN INVESTIGATING AND PROSECUTING CRIMES

Tuesday, 14 June 2022

08:30 Arrival and registration of participants

09:00 **Welcome and introduction to the programme**
Representative LPGO & Laviero Buono

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

Chair: Laviero Buono

09:15 **Internet searches and computer forensics in criminal cases: using open source intelligence to gather evidence online**

- OSINT and SOCMINT: a silver bullet for searching for evidence?
- Search engines: how do they work?
- Alternative search engines to explore the hidden Internet
- Main obstacles getting data from online sources or “How to think as a hacker?”
- Visualisation of forensics findings – must or nice-to-have

Rūta Jašinskiė

10:15 Discussion

10:30 Break

11:00 **Who do you think they are?**

- Fake personas & sock puppets
- The danger in deep fakes
- Locating witnesses & suspects
- Ways around encryption

Steven David Brown

12:15 Discussion

12:30 Lunch

II. LEGAL ISSUES RELATED TO INTERNET SEARCHES

Chair: Steven David Brown

14:00 **Evaluation of search results (authenticity, reliability and credibility)**

- Documenting searches and their results
- Legal rules on authentication and practical problems
- Ensuring the data has not been altered
- Presentation of evidence in court

Paul Johnstone

14:45 **The collection of evidence located abroad and the challenges of transborder access to data**

- Search across jurisdictions / devices seized
- Transborder access to data
- Cloud computing
- European enforcement challenges in the online context
- Shortcomings and remedies

Jean-Baptiste Maillart

15:30 Discussion

16:00 Break

Chair: Laviero Buono

Objective

The objective of this event is to help legal practitioners tackle the challenges and difficulties linked to online investigations. The seminar will provide participants with a thorough understanding of the internet's architecture and key concepts. It will then analyse the legal challenges related to digital investigations, enabling participants to grasp the complex issues related to admissibility of e-evidence in court, with a special focus on internet searches.

About the project

This seminar is part of a large-scale project sponsored by the European Commission entitled “Obtaining e-evidence when investigating and prosecuting crimes”. It consists of six seminars to take place in Dublin, Thessaloniki, Prague, Trier, Cracow and Vilnius.

Who should attend?

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

Location

Lithuanian Prosecutor General's Office
Rinktinės Str. 5A
01515 Vilnius

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). Participation in the full programme of this event corresponds to **9 CPD hours**.

A certificate of participation for CPD purposes with indication of the number of training hours completed will be issued on request. CPD certificates must be requested at the latest 14 days after the event.

Your contact persons



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- 16:30 **The (limited) effectiveness of MLA instruments in the digital age**
- Legal framework and problems regarding traditional MLA in the digital age
 - European enforcement challenges in the online context
 - Specificities and challenges of criminal cases where anonymous networks and encrypted files are involved
- Joachim Meese*
- 17:15 Discussion
- 17:30 End of first day
- 20:00 Dinner offered by the organisers

Wednesday, 15 June 2022

III. PRESENTING INTERNET SEARCHES AND E-EVIDENCE IN COURT: PROSECUTION AND DEFENCE PERSPECTIVES (BEST PRACTICES)

Chair: Joachim Meese

- 09:30 **Internet search results and e-evidence in court: a new evidentiary frontier for prosecutors**
- Challenges posed by websites and social networks
 - Proving the authenticity of the data
 - Ensuring that the data has not been altered
 - Proof of intent
 - Presentation of evidence in court
- Marc van der Ham*
- 10:15 **Handling electronic evidence in courts: the defence 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
- Aleksandra Stępniewska*
- 11:00 Discussion
- 11:15 Break
- Chair: Laviero Buono*
- 11:45 **Online investigations and the e-evidence chain of custody through sample cases**
- Establishment of the chain of custody
 - Forensic copies
 - Hash function: use and limitation
- Representative LPGO*
- 12:30 Discussion
- 12:45 End of seminar and lunch

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

Apply online for this seminar:
www.era.int/?131085&en

Save the date

Understanding Bitcoins and Cryptocurrency Technologies
Trier/Online, 25-26 April 2022

Artificial Intelligence in Criminal Justice
Warsaw, 19-20 May 2022

www.era.int/elearning



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Application

Obtaining e-evidence when investigating and prosecuting crimes

Vilnius, 15-16 June 2022 / Event number: 322DT04f



Apply online for
“Obtaining e-evidence
when investigating and
prosecuting crimes”:
www.era.int/?131085&en

Location

Lithuanian Prosecutor General's
Office
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01515 Vilnius

Language

English

Contact Person

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Terms and conditions of participation

Selection

1. Participation is only open to judges, prosecutors and lawyers in private practice from eligible EU Member States.
2. The number of places available is limited (30 places). Participation will be subject to a selection procedure. Selection will be first come first served and according to nationality. Spanish applicants who work for the prosecution service (CEJ) must apply for this event through CEJ.
3. Applications should be submitted before **9 May 2022**.
4. A response will be sent to every applicant after this deadline.

We advise you not to book any travel or hotel before you receive our confirmation.

Registration Fee

5. €225 including documentation, lunches and dinner.

Travel expenses

6. Travel costs up to €300 can be reimbursed by ERA upon receipt of the original receipts, tickets, boarding passes, invoices after the seminar. Participants are asked to book their own travel and accommodation. These rules do not apply to representatives of EU Institutions and Agencies who are supposed to cover their own travel and accommodation. Participants are advised of the obligation to use the most cost-efficient mode of transport available.

Accommodation

7. Maximum 2 hotel nights (up to 130 EUR/night) can be reimbursed by ERA, only upon receipt of the original hotel invoice.

Other services

8. Two lunches, beverages consumed during the event and the seminar documents are offered by ERA. One joint conference dinner is also included.

Participation

9. Participation at the whole conference is required and your presence will be recorded.
10. A list of participants including each participant's address will be made available to all participants unless the ERA receives written objection from the participant no later than one week prior to the beginning of the event.
11. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
12. A certificate of attendance will be distributed at the end of the conference.