



COUNCIL of EUROPE and E-evidence

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Council of Europe's Actions in the field of Cybercrime

- R (89), 9: substantive criminal law
- R (95), 13: procedural aspects
- 1998-2001: drafting Cybercrime Convention

Overall Purpose:

International co-operation in criminal (cybercrime) matters

What is Cybercrime?





Using e-Evidence in Court

- Establishing Reliability
 - Transparency of Procedures
 - Transparency of Elaboration
 - Official Statements/testifying
 - Certified or Standard Procedures and Equipment
 - Secure procedures of Preservation
- Availability to the Defence
- Access to and understanding by the Courts





Observations

- E-evidence is by nature forensic evidence
- E-evidence should not only positively prove the alleged act but also contradict possible defences
- Criminal Evidence Law is not internationally harmonised: from free systems to highly formalised systems
- E-evidence obtained from other international partners should meet national requirements





Theses

- There is a need for international standards for the collection, preservation, elaboration, (international) exchange, presentation in court, making available to the defence and appreciation of e-evidence – including documentation of the different stages.
- There is a role for international bodies in developing and applying such standards (e.g. EU)

