



## OBTAINING E-EVIDENCE WHEN INVESTIGATING AND PROSECUTING CRIMES

From the issuing order to the presentation in court  
passing by the custody chain

Online Seminar, 8-9 March 2021 (CET)

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Criminal  
Law**



### Speakers

**John Berry**, Barrister, Bar of Ireland, Dublin

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

**Klaus Hoffmann**, Senior Prosecutor Prosecutor's Office, Freiburg

**Damir Kahvedžić**, Solutions Advisor and Operations Manager, ProSearch, Dublin

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

**Chatrine Rudström**, Senior Public Prosecutor, Prosecutor's Office, Stockholm; Member of the European Judicial Cybercrime Network (EJCN), The Hague

**David Silva Ramalho**, Defence Lawyer, Morais Leitão, Galvão Teles, Soares da Silva & Associados, Lisbon

**Danijel Sladović**, Digital Forensic Consultant, INsig2, Zagreb

**Stanisław Tosza**, Associate Professor of Compliance and Law Enforcement, University of Luxembourg

### Key topics

- The foundations of electronic evidence (direct and indirect evidence, primary and secondary evidence, ownership of digital data)
- Collecting, authenticating and evaluating digital data in the framework of legal proceedings
- The challenges posed by encrypted data
- Conducting a criminal investigation across state borders: search orders, search and seizure, destruction of evidence, evidence from other jurisdictions, trial
- Chain of custody (through case studies)

Language  
English

Event number  
321DT32e

Organisers  
ERA (Laviero Buono) in cooperation with  
The Bar of Ireland



**THE BAR  
OF IRELAND**  
*The Law Library*



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European Union (2014-2020)

# OBTAINING E-EVIDENCE WHEN INVESTIGATING AND PROSECUTING CRIMES

## Monday, 8 March 2021

09:00 Connecting to the videoconference platform and getting familiar with it

09:30 **Welcome and introduction to the programme**  
*Laviero Buono*

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### PART I: TECHNICAL ISSUES AND BASIC UNDERSTANDING OF INTERNET ARCHITECTURE AND CONCEPTS

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*Chair: Laviero Buono*

09:35 **Internet searches and computer forensics: using open source intelligence to gather evidence online**

- Internet 1.0/2.0 vs social media 1.0/2.0
- Internet cache: deleting & retrieving
- Hidden features of websites to help you gather unseen evidence: real life examples from select websites and social media
- Best practices on how to gathering online evidence correctly and avoid common pitfalls
- Analysis techniques to investigate evidence effectively
- Demonstration of evidence gathering tools

*Damir Kahvedžić*

10:45 Discussion

11:00 **Open source tools, computer forensics in the “Cloud”**

- Encryption
- Reverse image search
- How to review a webpage or site that is offline
- Physical and logical acquisition of data
- Cloud providers and replicated data on websites

*Danijel Sladović*

11:45 Discussion

12:00 Short break

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### PART II: LEGAL ISSUES RELATED TO THE COLLECTION AND THE PRESENTATION OF E-EVIDENCE IN COURT

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12:15 **Online investigations and the challenges of dealing with electronic evidence in criminal proceedings**

- Principles of dealing with electronic evidence
- Common procedures for recognising and handling evidence on digital devices
- International investigations (search and seizure – obtaining evidence from the Internet, admissibility)

*Klaus Hoffmann*

13:00 Discussion

13:15 Lunch break

14:15 **The collection of evidence located abroad and the challenges of cross border access to data**

- Cross-border access to data
- Cloud computing
- European enforcement challenges in the online context
- Shortcomings and remedies

*Stanisław Tosza*

15:00 Discussion

## Objective

As a result of online investigations, almost all criminal courts are confronted with the question of whether or not electronic evidence presented in criminal proceedings is admissible. Rules governing the admissibility of electronic evidence vary in the legal framework of different Member States and are continuously challenged by the evolution of technological devices such as computers, mobile phones and digital cameras.

This online seminar aims at promoting advanced knowledge, exchange of experience and best practices between judges, prosecutors and lawyers in private practice from EU Member States who are dealing with online investigations. This will improve participants' knowledge of the strategies and techniques used in different European countries and will ultimately improve cross-border cooperation among Member States' authorities.

## 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 (Denmark does not participate in the Justice Programme 2014-2020).

## Interactive online seminar

The online seminar will be hosted on ERA's own online platform. You will be able to interact immediately and directly with our top-level speakers and other participants. We will make the most of the technical tools available to deliver an intensive, interactive experience. As the platform is hosted on our own server, the highest security settings will be applied to ensure that you can participate safely in this high-quality online conference.

## CPD

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

15:15 End of the first day

## Tuesday, 9 March 2021

09:15 Connecting to the videoconference platform

09:30 **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

*Joachim Meese*

10:15 Discussion

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### PART III: ONLINE INVESTIGATIONS AND HANDLING OF E-EVIDENCE – BEST PRACTICES

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10:30 **Covert internet investigations online and legal hacking by law enforcement**

- Anti-forensics and the need for covert investigations
- Online undercover investigations: specificities and risks
- The use of malware and legal hacking to collect evidence

*David Silva Ramalho*

11:15 Discussion

11:30 Short break

11:45 **Handling electronic evidence in courts**

- The importance of the chain of custody in handling evidence
- Trial considerations: methods of presentation and admissibility tests

*Chatrine Rudström*

12:30 Discussion

12:45 **Collecting, authenticating and evaluating digital data in the framework of legal proceedings: best practices**

- Issuing order
- Presentation in Court
- Admissibility of e-evidence
- Case studies

*John Berry*

13:15 Discussion

13:30 End of online seminar

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For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment.



**Times indicated are CET  
(Central European Time)**

### Your contact persons



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### Save the date

#### Annual Conference on White-Collar Crime in the EU 2021

Online, 18-19 March 2021

#### Anti-Money Laundering for the Judiciary and Law Enforcement

Online/Trier, 29-30 April 2021

#### Artificial Intelligence (AI) and the Criminal Justice System

Warsaw, 17-18 June 2021

#### Summer Course on European Criminal Justice

Webinar, 21-25 June 2021



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## Online seminar

### Obtaining e-evidence when investigating and prosecuting crimes

8-9 March 2021 / Event number: 321DT32e/ek



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#### Language

English

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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. Participation will be subject to a selection procedure. Spanish applicants who work for the prosecution service must apply for this event through CEJ (Ministry of Justice).

2. Applications should be submitted before **28 February 2021**.

3. A response will be sent to every applicant after this deadline.

### Registration Fee

4. **€75.00**, no discounts available

### Participation

5. Participation at the whole seminar is required and your presence will be recorded.

6. 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.

7. 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.

8. A certificate of attendance will be distributed at the end of the seminar.