



# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Working Group on  
International Cooperation**  
Vienna, 9-13 October 2017

**Working Group of Government  
Experts on Technical Assistance**  
Vienna, 11-13 October 2017

## **Draft report on the meetings of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance held in Vienna from 9 to 13 October 2017**

Addendum

### **III. Summary of deliberations (*continued*)**

**Working Group on International Cooperation**

#### **C. Recent developments in obtaining electronic evidence (agenda item 4)**

1. At its 3rd meeting, on 10 October 2017, the Working Group on International Cooperation considered agenda item 4, entitled “Recent developments in obtaining electronic evidence”. Under this agenda item, speakers highlighted the main challenges and good practices in their countries for obtaining and sharing electronic evidence. Most speakers underscored that electronic evidence formed a crucial part in the investigation of almost all complex and transnational cases dealing with serious crimes as organized crime groups were increasingly making use of the anonymity provided by current information and communication technologies to perpetrate crimes, target victims and expand their activities, also with a view to concealing the origin of their illicit proceeds. Speakers mentioned that such crimes included fraud, identity-related crimes, the use of the Internet for terrorist purposes, illicit trafficking in narcotic drugs and in firearms, trafficking in persons, offences against children and women and the use of the darknet to commit such offences.

2. Several speakers stated that the number of mutual legal assistance requests related to obtaining or preserving electronic evidence was growing drastically, while many speakers pointed out that current methods for dealing with such requests were not sufficiently efficient — both in terms of substance and timeliness — due to the temporary and volatile nature of electronic data. In this regard, it was emphasized that cooperation and coordination with the private sector was vital in order to secure the preservation and accessing of data. Speakers highlighted, as good practices, the cooperation at the domestic level between criminal justice authorities and Internet service providers to preserve electronic data before getting the judicial authorization to obtain such data; and, at the international level, the submission of requests for preservation of data prior to the formal transmission of a mutual legal assistance



request. The use of electronic means to transmit mutual legal assistance requests was also highlighted as a good practice and many speakers said that their offices mostly or entirely worked with electronic copies of documentation. Speakers also noted that cooperation through 24/7 networks facilitated data preservation.

3. Many speakers highlighted that it was important for companies dealing with virtual currencies to comply with international anti-money-laundering standards, including the Financial Action Task Force recommendations, such as those relating to customer due diligence, establishing the source, destination and purpose of the movement of assets and tackling the financing of terrorism.

4. Most speakers emphasized that specialization was needed and therefore training courses for relevant practitioners in relation to the handling of electronic evidence and its use in criminal investigations and prosecutions were vital. In this regard, it was noted that front-line law enforcement officers, lawyers, prosecutors, judges and those working with such criminal justice practitioners needed to have proper and sufficient training to be able to collect electronic evidence, carry out digital forensics, use such evidence in court and share such evidence with foreign counterparts when dealing with transnational cases. Several speakers expressed support for the work that UNODC was carrying out in their countries and regions to provide training courses on these topics and requested that further technical assistance in this area be continued, both at the national and regional levels. It was also noted that domestic legislation needed to be in place in order for electronic evidence to be admissible in court and many speakers shared information on their countries' efforts to adopt or update such laws (of substantive and/or procedural nature). This information was supplemented, in many cases, by information on national initiatives at the institutional level to establish cybercrime or cybersecurity centres for the prevention of, and fight against, cybercrime, or put in place dedicated cybercrime units in existing criminal justice and law enforcement authorities. Several speakers indicated that cooperation with relevant international organizations such as INTERPOL and the Council of Europe as well as regional organizations such as the Organization of American States furthered the development of relevant and appropriate national legislation on cybercrime and electronic evidence.

5. Some speakers referred to the work of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and underscored the advantages of taking into account, also for the benefit of the Conference of the Parties and its Working Group on International Cooperation, the future work of this expert group, especially with regard to the exchange of information on national legislation, best practices, technical assistance and international cooperation involving electronic evidence, and in accordance with resolution 26/4 of the Commission on Crime Prevention and Criminal Justice.

## **IV. Organization of the meetings**

### **B. Statements (*continued*)**

6. Under agenda item 4 of the Working Group on International Cooperation, statements were made by representatives of the following States parties to the Convention: Algeria, Brazil, China, Colombia, Côte d'Ivoire, Ecuador, Iraq, Jamaica, Japan, Kenya, Mauritius, Mexico, Nigeria, Oman, Romania, Rwanda, Sri Lanka, Sudan, Switzerland, United Republic of Tanzania, United States of America.