

International Cooperation and Assistance in Cybercrime Matters



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United Nations Office on Drugs and Crime

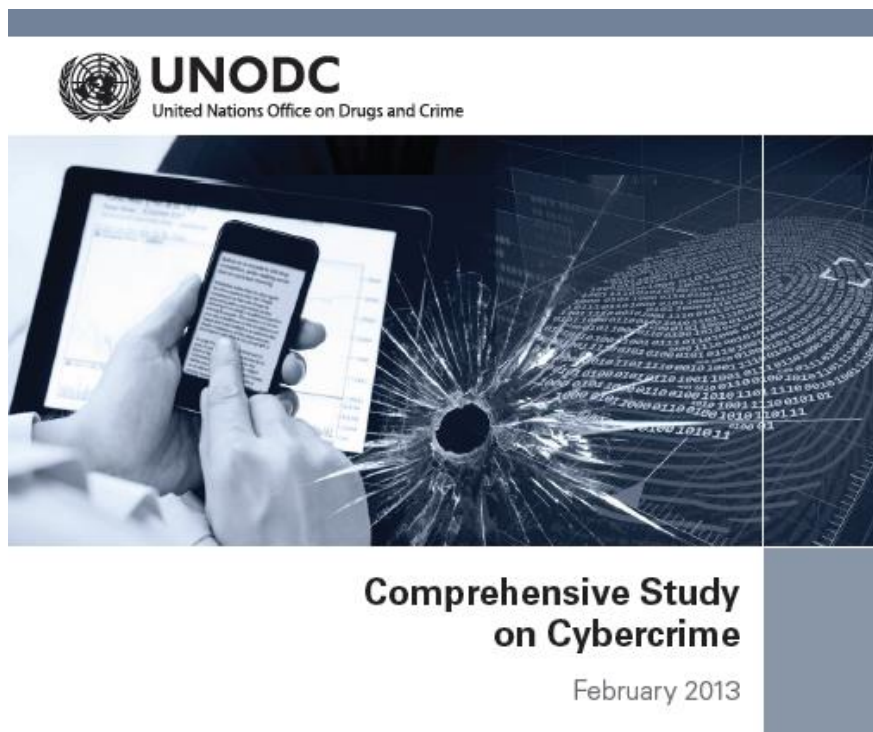
UNODC Approach

To integrate cybercrime and electronic evidence related issues in **broader UNODC mandates** of

- **Supporting Member States with ratification and implementation of international treaties**
- **Research and analytical work to increase knowledge and understanding of crime-related issues**
- **Promoting international cooperation**
- **Enhancing Member States' capacities to counteract illicit drugs, crime and terrorism**

Intergovernmental Expert Group - Study

- Mandate: General Assembly Resolution 65/230
- Responses from 69 Member States (13 from the Americas)
- Private Sector, Academia, Intergovernmental Organizations
- Open source documents



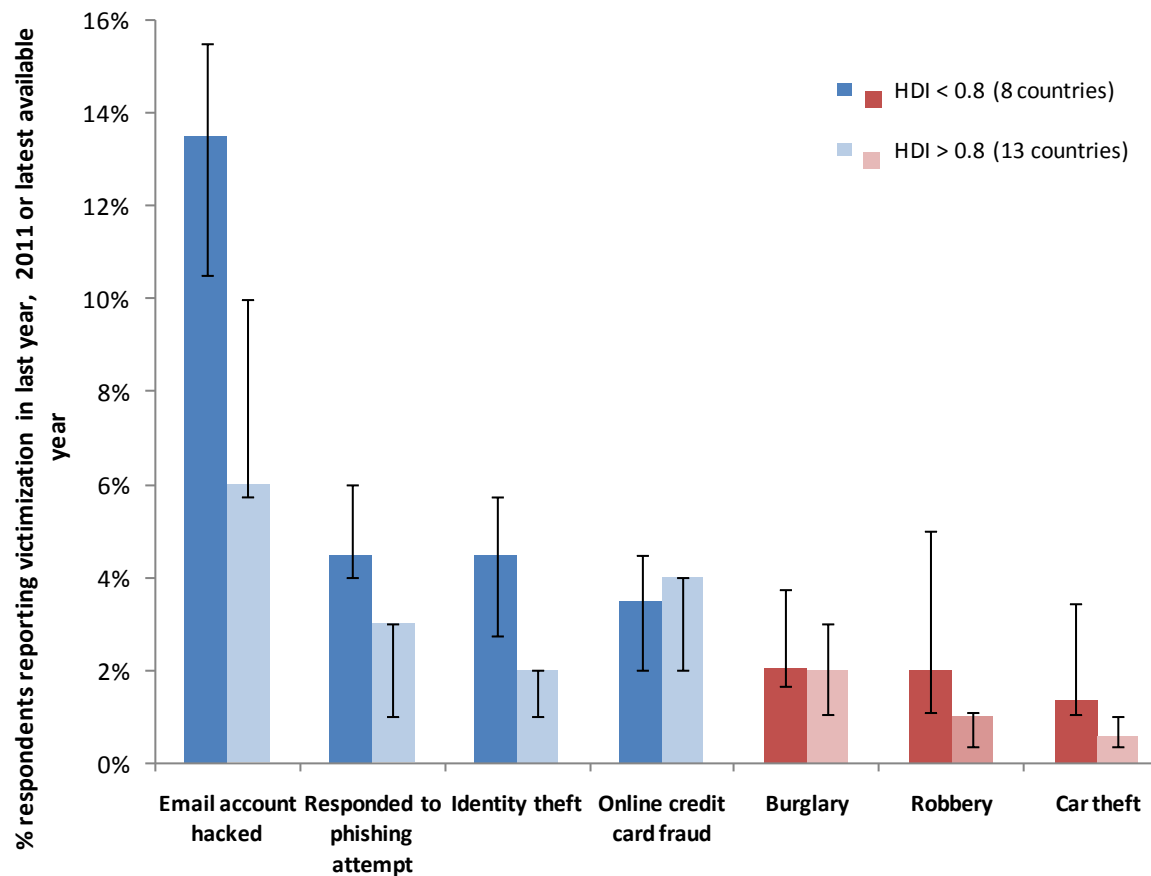
Global Cybercrime Repository

Commission on Crime Prevention and Criminal Justice (CCPCJ) **Resolution 22/8 (2013)**

- Requests UNODC to serve as a central data repository of cybercrime laws and ‘lessons learned’
- With a view to facilitating the continued assessment of needs and criminal justice capabilities and delivery and coordination of TA
- Will be integrated into SHERLOC knowledge management portal

Cybercrime Victimization

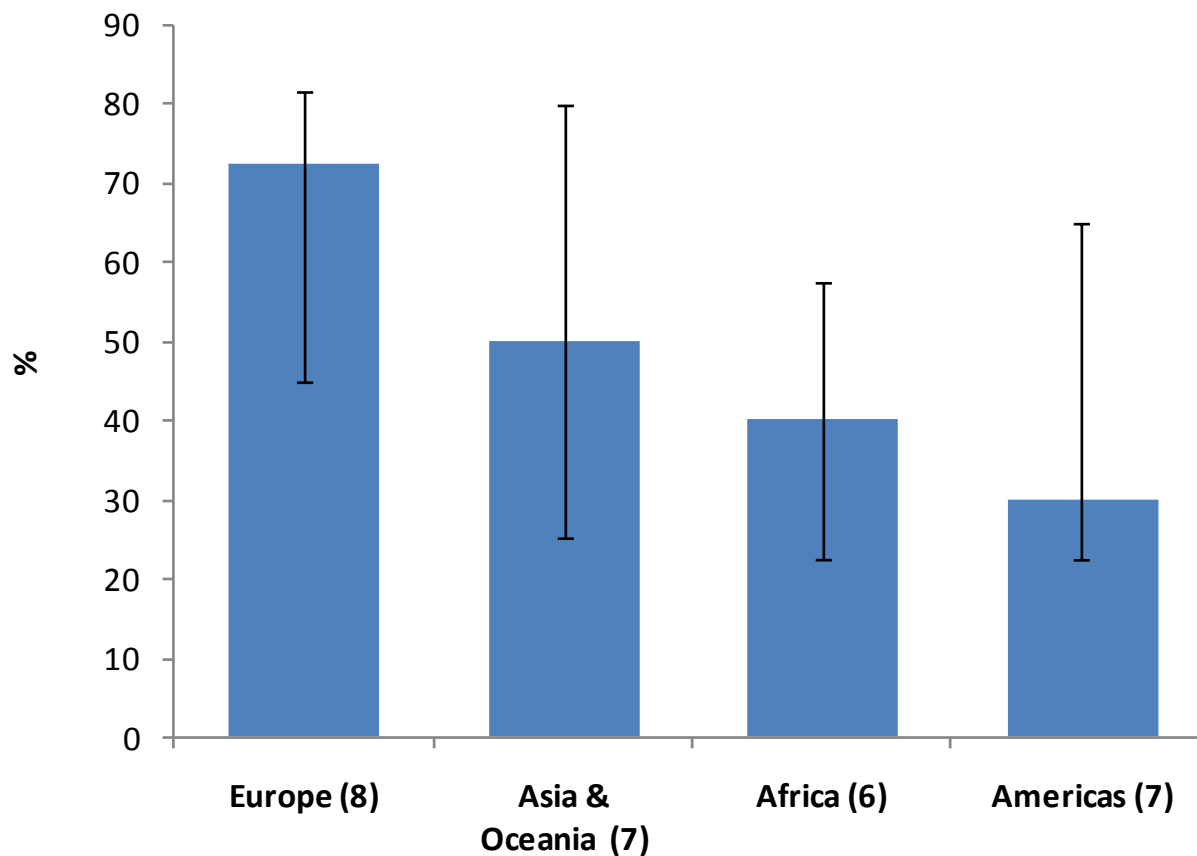
Figure 2.4: Cybercrime and conventional crime victimization



Source: UNODC elaboration of Norton Cybercrime Report and crime victimization surveys.

Transnational Dimension of Cybercrime

Figure 7.1: Percentage of cybercrime acts involving a transnational dimension



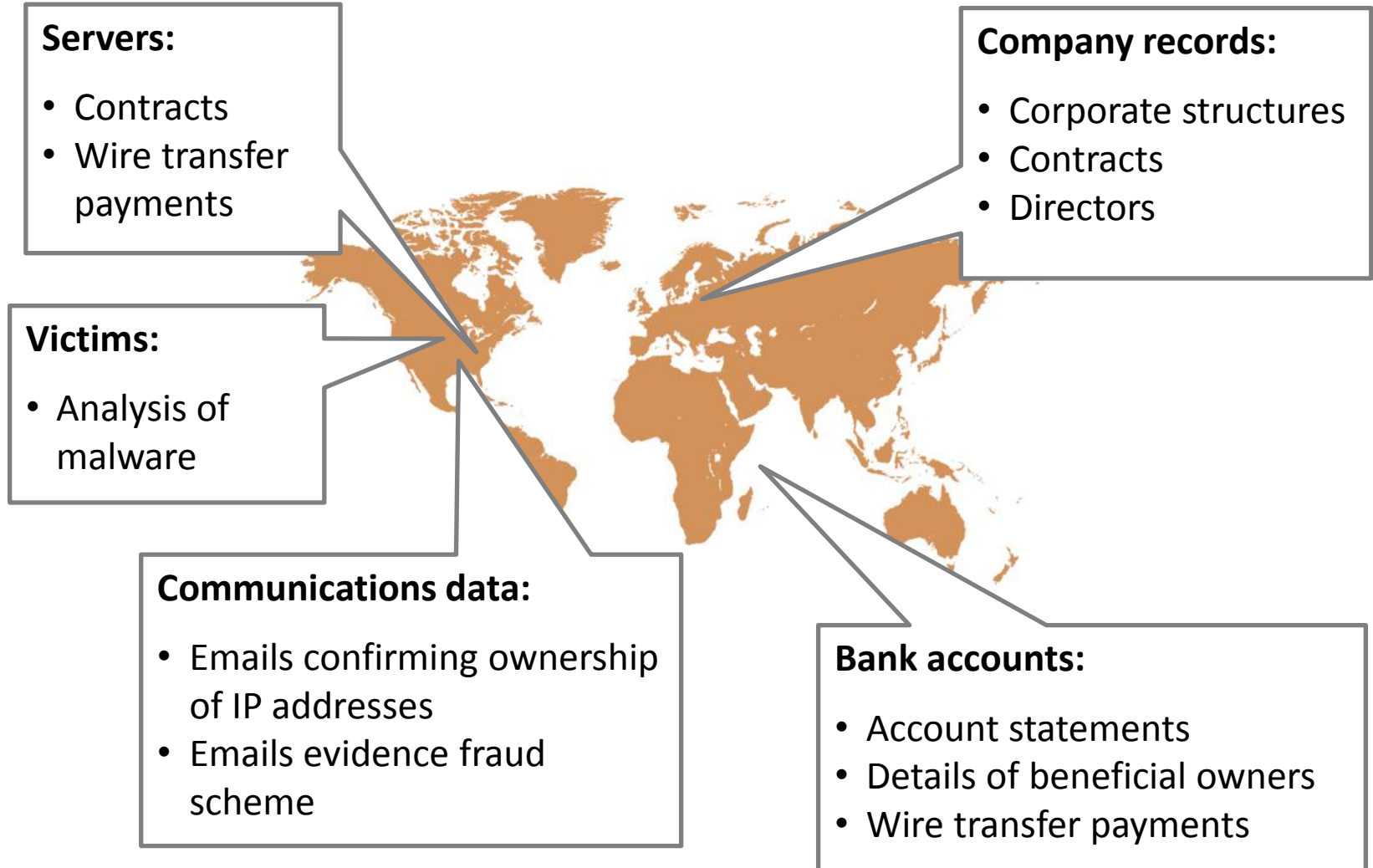
Source: Study cybercrime questionnaire. Q83. (n=28)



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Electronic Evidence

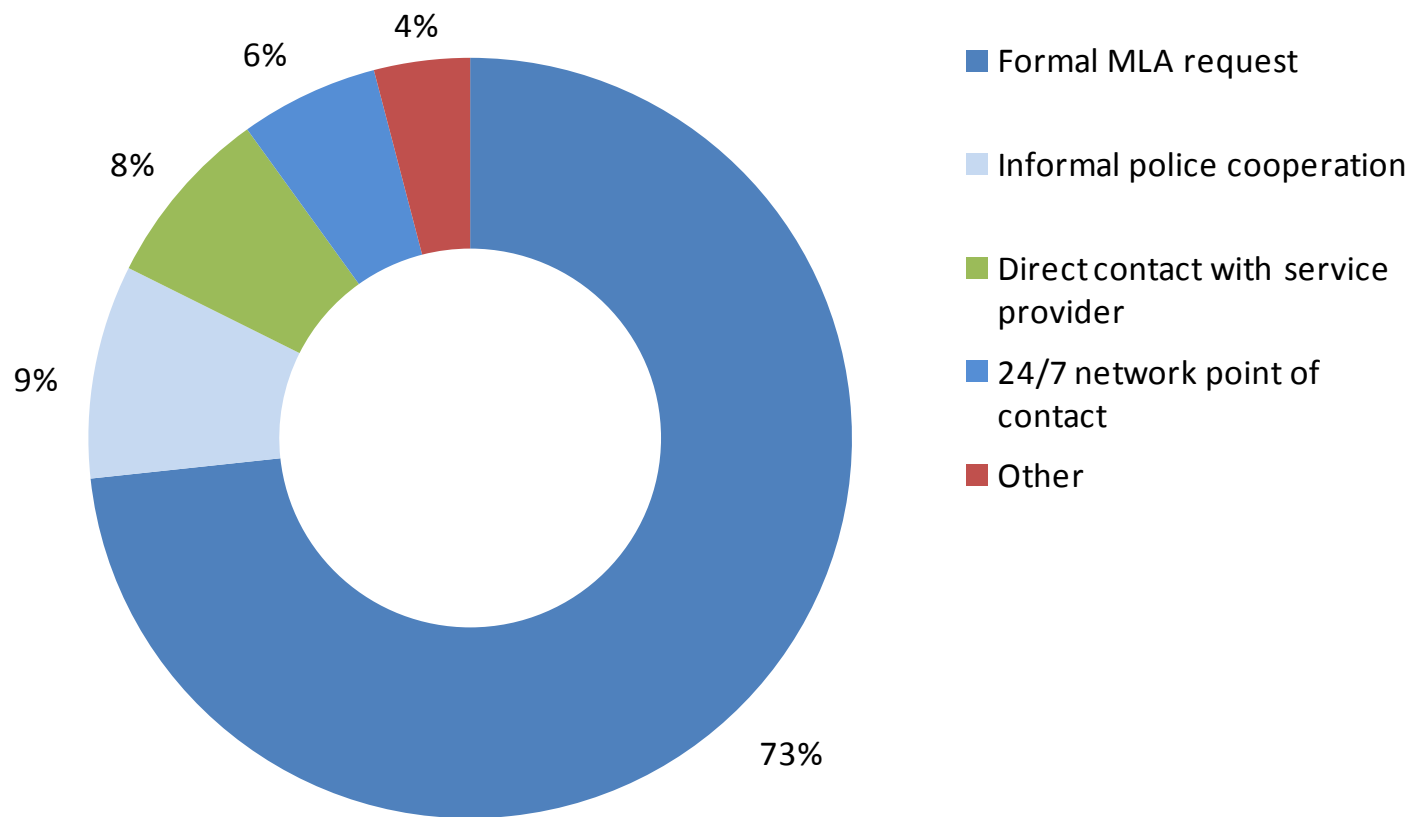


International Cooperation Challenges

- Which countries have jurisdiction to prosecute?
- What is the basis of jurisdiction?
- Where could prosecution best take place?
- Can nationals be extradited? If not, what happens?
- Is there dual criminality?
- How can investigations best be coordinated?
- How can evidence be obtained?
- What evidence is needed?
- Do sufficient investigative powers exist in criminal procedure law?
- How can the criminal assets be identified and seized?
- How should victims (infected computers) be informed/treated?

Means of Obtaining Extra-Territorial Evidence

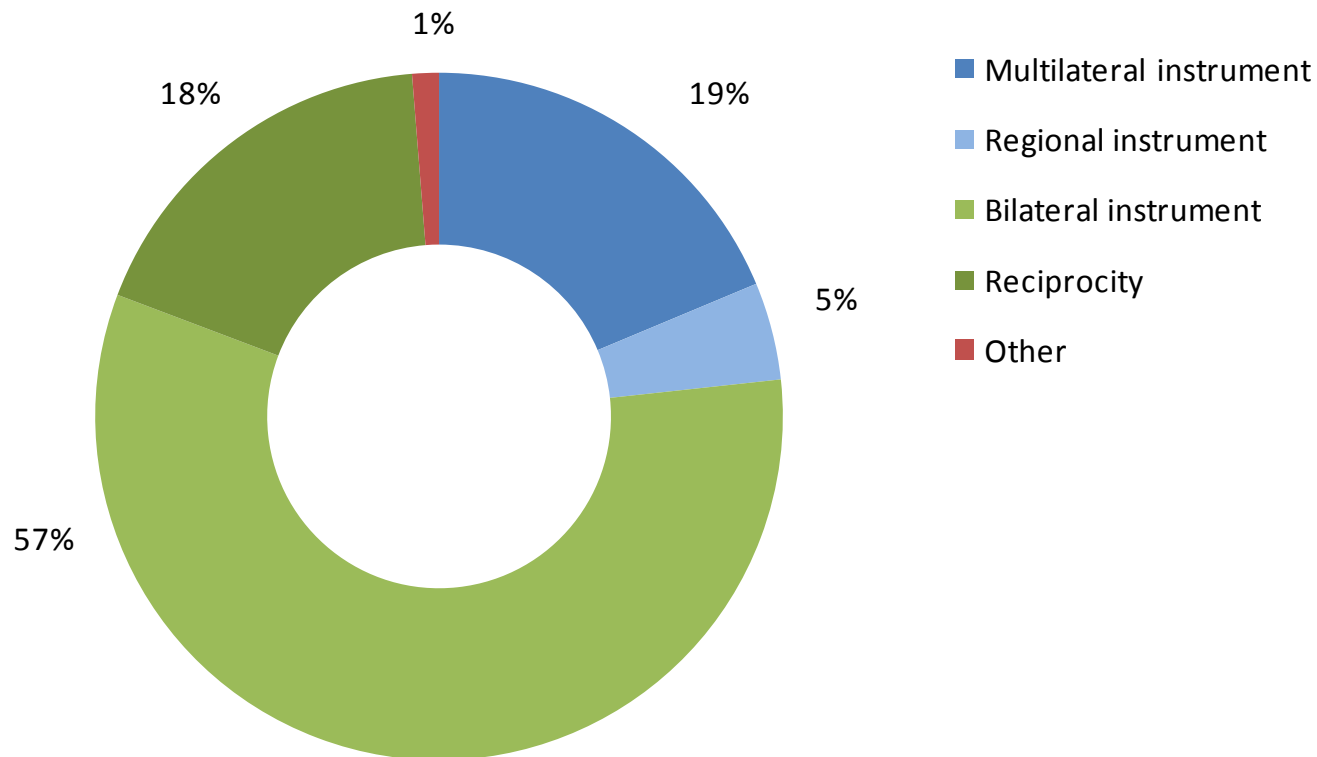
Figure 7.4: Means of obtaining extra-territorial evidence



Source: Study cybercrime questionnaire. Q105. (n=56, r=221)

Legal Basis of MLA and Extradition Requests

Figure 7.5: Legal basis of cybercrime extradition and MLA requests



Source: Study cybercrime questionnaire. Q202-207 and Q227-232. (n=21, r=50)

Key Components of Cooperation

Central authority

Accurate preparation of requests

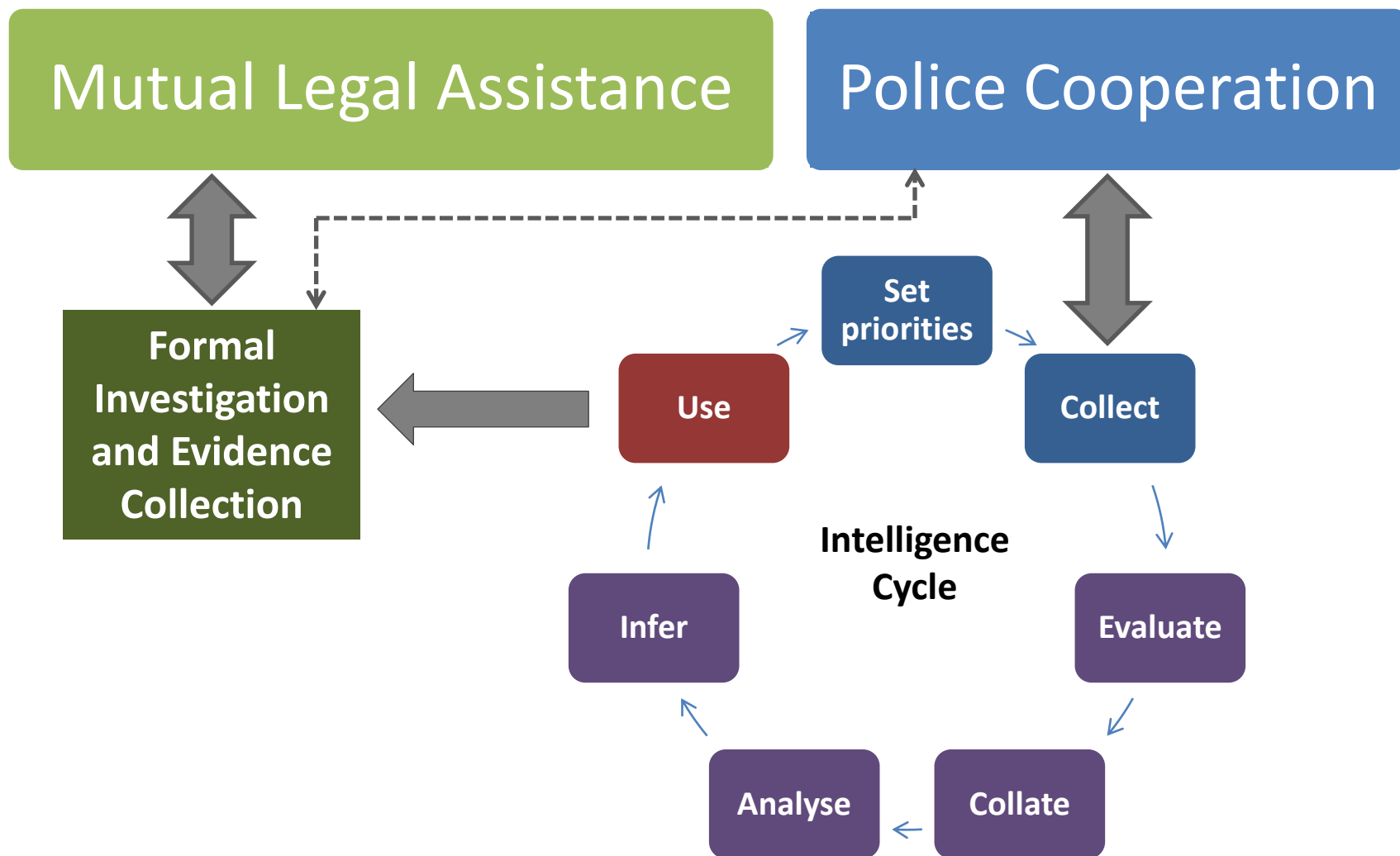
Informal pre-submission contact

**Starting point:
intelligence**

Intelligence requests

Legal basis and procedural laws

The Big Picture – Modes of Cooperation

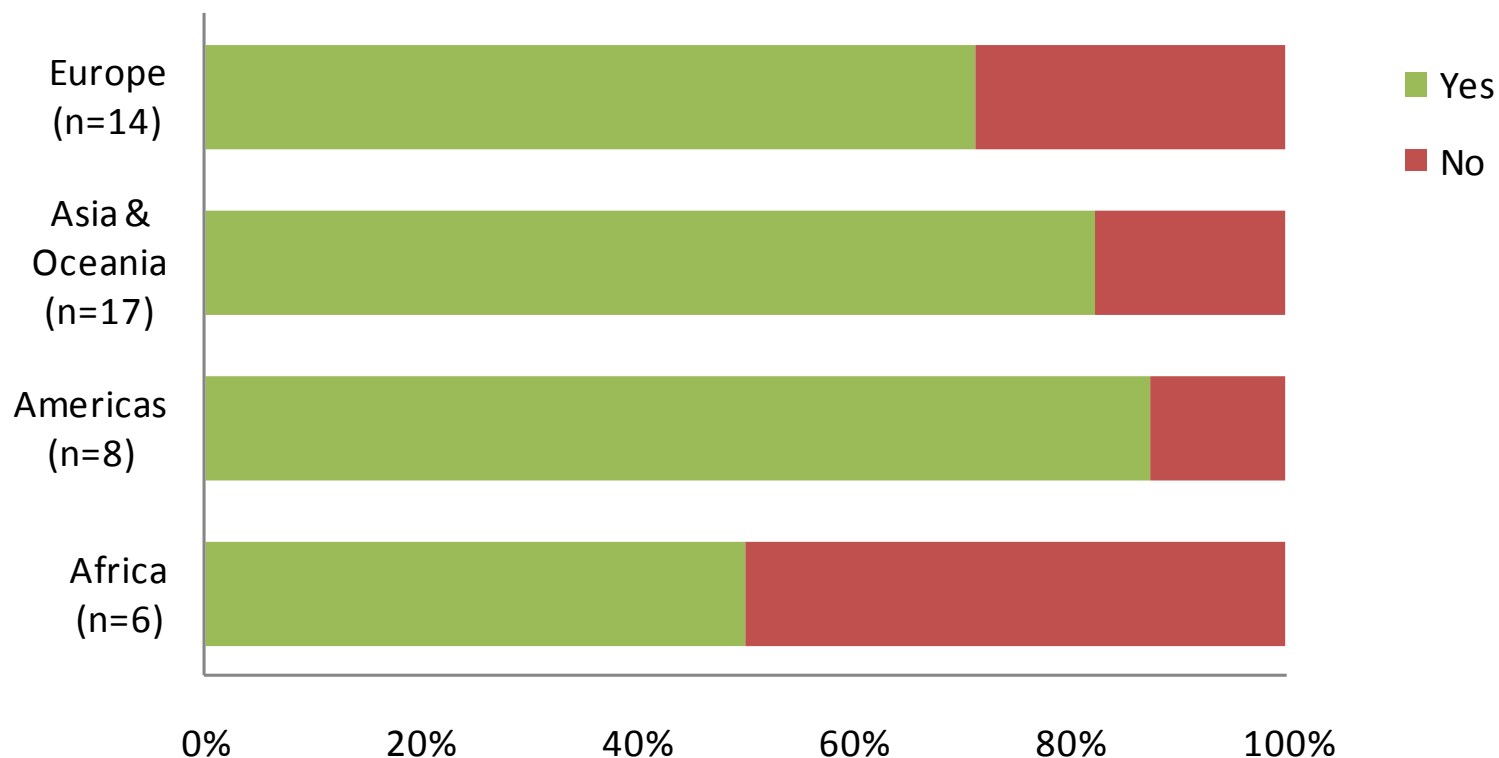


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Informal Police Cooperation

Figure 7.11: Can assistance be provided informally, as well as through a formal MLA request?



Source: Study cybercrime questionnaire. Q223. (n=45)

Forms of Informal Cooperation

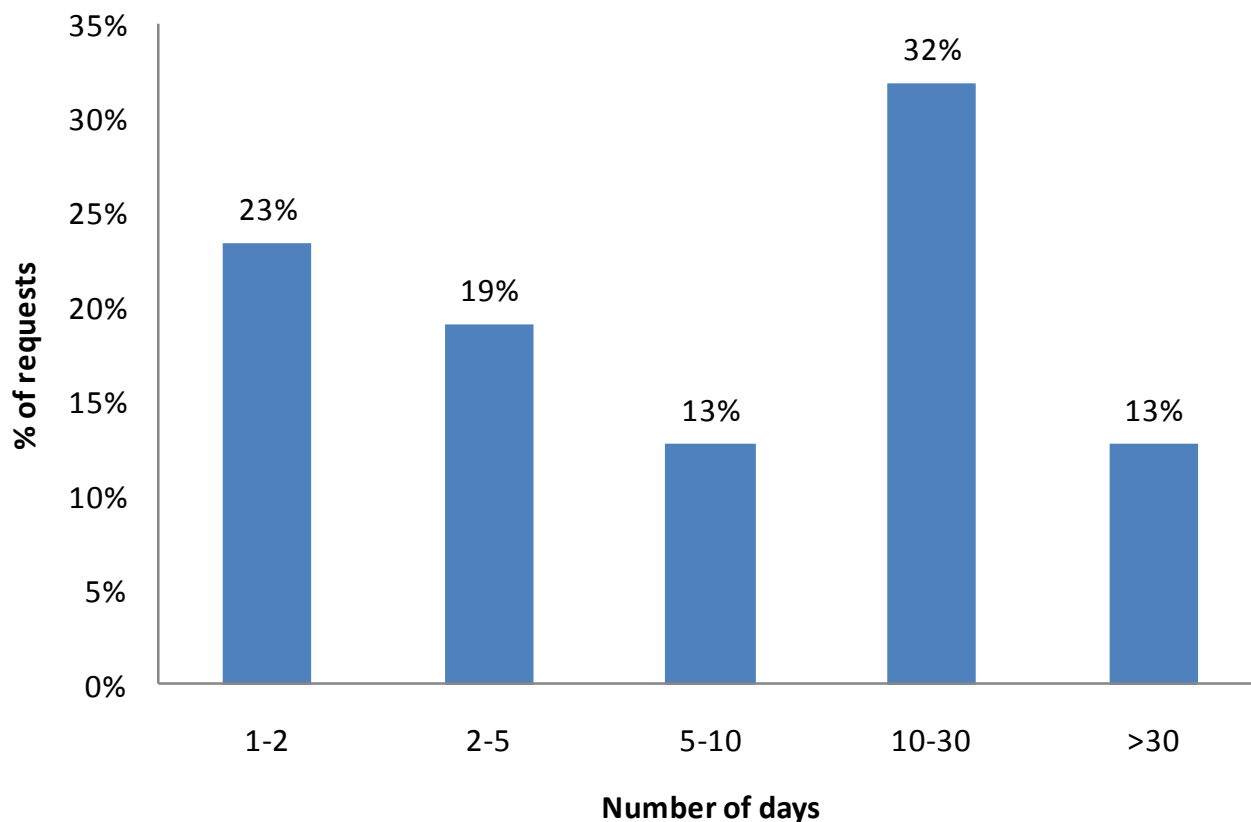
Figure 7.13: Forms of informal cooperation with law enforcement agencies



Source: Study cybercrime questionnaire. Q106. (n=31, r=61)

Average Response Time Informal Cooperation

Figure 7.16: Average time for response to requests sent and received by focal point for cooperation in cybercrime cases



Source: Study cybercrime questionnaire. Q107. (n=25, r=47)

Network of Prosecutors against Organized Crime

Red de Fiscales contra el Crimen Organizado – REFCO

Belize, Costa Rica, Colombia, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama (+ Bolivia, Peru)
(Meeting in Costa Rica, December 2013)

- MLA requests take btw. 0.5 and 7 working days
- Legal processing (i.e. signatures) may take up to 22+ days
- Translation and Authentication may take up more than a week
- Drug-related crime, especially money laundering
- Challenge: no standard terminology
- Need to strengthen research
- Stronger involvement of judges necessary
- Standard operating procedures for obtaining/handling digital evidence

International Cooperation

UN Model Law on Mutual Assistance in Criminal Matters (2007)

- Defines traffic data, service provider, computer data, computer system, and subscriber information
- Covers requests for:
 - expedited preservation and disclosure of computer data;
 - Production of stored data;
 - Search and seizure of data.

International Cooperation

UN Convention against Transnational Organized Crime

- Art. 15 – Jurisdiction
- Art. 16 – Extradition
- Art. 18 – MLA

International Drug Control Treaties

i.e. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

- Art. 3 – Offences and Sanctions (including technology-facilitated conduct)
- Art. 7 – MLA

UNODC MLA Tool

UNODC Mutual Legal Assistance Writer Request Tool (MLA Tool)

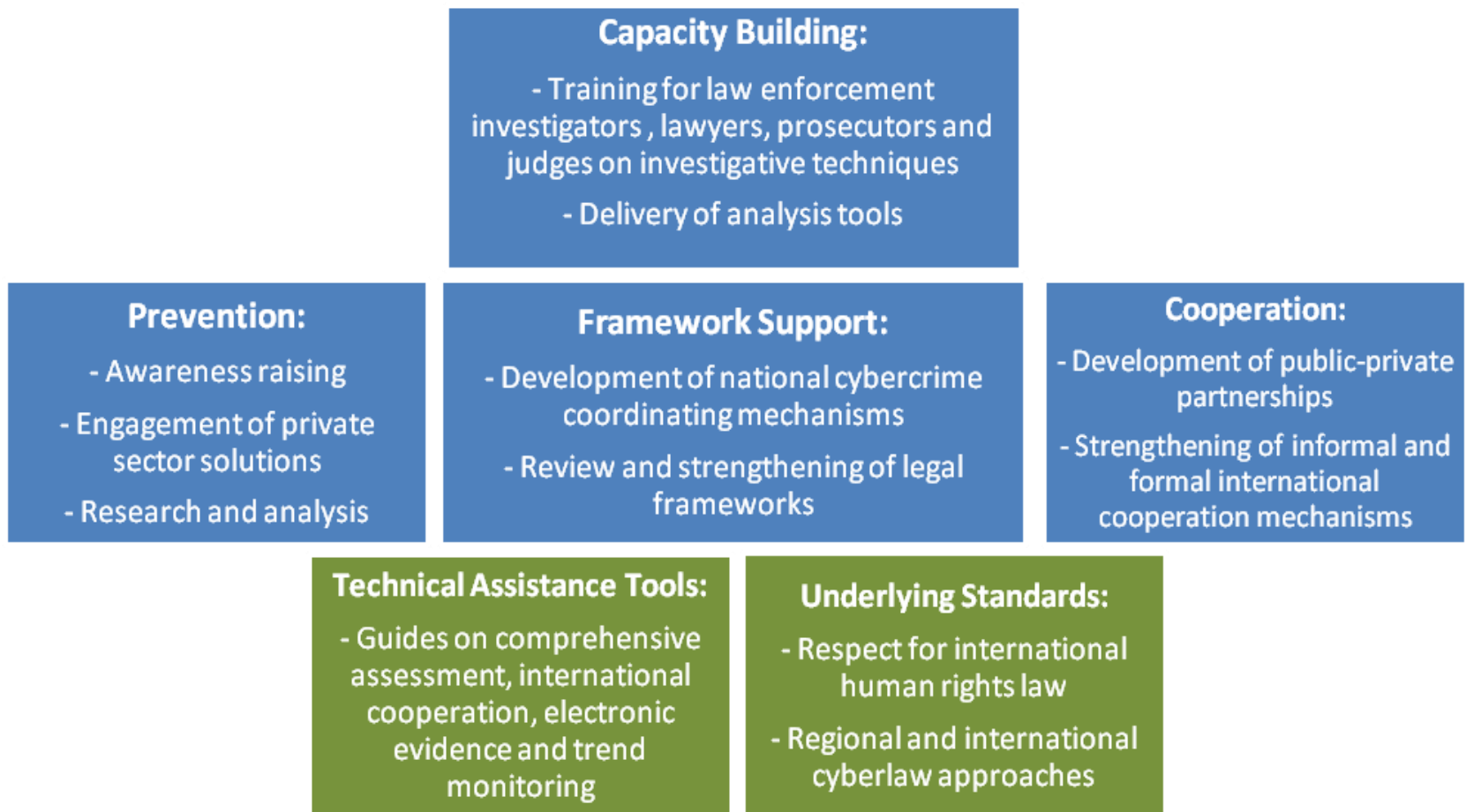
- Available upon request
- Does not require prior experience
- Helps to avoid incomplete requests
- Information on treaties and nat. legislation

Upgrade and re-design

- Increase usability
- Include module on digital evidence
- Create an application that does not require MS Access
- Link to CNA directory

UNODC Global Programme on Cybercrime

Objective: to assist and support Member States with preventing and combating cybercrime through a global, sustainable and holistic approach



UNODC Approach

- **Upon request**
- **Pre-assessment process:**
 - **Desk assessment**
 - **Pre-assessment mission**
- **Needs based**
- **Local ownership**
- **Sustainability – tied in with LE and prosecution structures**

Activities 2013/2014

- **East Africa**

2013

- In-depth country response capabilities assessment – Kenya
- Regional joint training of Investigators and Prosecutors from 7 countries (Mobile & desktop forensics; Private sector participation; Specific prosecutorial training; Distance learning materials)

2014

- Regional conference for the East African region
- Follow up in-country activities in Kenya

- **Southeast Asia**

- Assessment of cybercrime response capabilities across the region
- Regional training workshops for LE, prosecutors, judges
- Training modules for police academy in Viet Nam

Activities 2013/2014

Americas

Establishment of National Police cybercrime unit in El Salvador

- Training on digital forensics and cybercrime investigation
- Training of prosecutors on basic case strategy and handling of digital evidence
- Specialized training on crimes against children
- Digital forensics lab
- Cooperation with service providers
- Support coordination with INTERPOL support networks
- Advanced training
- Development of curriculum for National Police academy

Further requests from the region, similar approach

UNODC - Contact

United Nations Office on Drugs and Crime (UNODC)

**Division for Treaty Affairs, Organized Crime and Illicit
Trafficking Branch, Conference Support Section**

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Thank you!