Advanced Cybercrime and Electronic Evidence Training for Judges and Prosecutors - Moldova

9-12 September 2024, Chisinau, Moldova

Organised in cooperation with the Institute of Justice of Moldova supported by the CyberEast+ project (activity 3637_015 / PMM 123608)

Outline

Background and justification

Cybercrime and other offences involving electronic evidence remain major challenges for societies of Eastern Partnership region. The recent COVID-19 pandemic and ongoing security threats and armed conflicts in the region, in particular the aggression of Russia against Ukraine, contribute further to the deterioration of the security and crime situation. This is reflected in increasing cyberattacks, including against critical infrastructure, and other forms of cybercrime. Attacks against and by means of computers targeting or emanating from those countries have an impact on other geographical regions, including EU Member States.

Capacity building towards an effective response to the challenges of cybercrime and e-evidence thus remains highly relevant for the region's countries. Armenia, Azerbaijan, Georgia, Moldova and Ukraine are all Parties to the Budapest Convention on Cybercrime. They are thus also able to join and make use of the tools of the new Second Additional Protocol to this treaty on enhanced cooperation and disclosure of electronic evidence that was opened for signature in May 2022. Armenia, Moldova and Ukraine have signed the treaty; Georgia is preparing signature in 2024.

Sustainable Judicial Training programmes on cybercrime and electronic evidence are the only effective manner of ensuring that judges, magistrates and prosecutors have sufficient knowledge to fulfil their roles effectively.

The Judicial Training approach of the Council of Europe is to empower countries to develop their own programme by providing the first levels of training and then supporting countries as they integrate the available training into their training curricula.

In this context, the CyberEast+ project, as a continuation of previous capacity building projects, aims to support the countries of the Eastern Partnership in strengthening skills of judicial authorities dealing with cybercrime and electronic evidence. Advanced Cybercrime and Electronic Evidence Training Course for Prosecutors and Judges, developed by Council of Europe in 2021 and updated in 2022, is a next step for prosecutors wishing to expand their knowledge and start initial steps for their career as cybercrime/e-evidence trainers.

This course is designed to build upon the introductory training course for judges and prosecutors developed by the Council of Europe Cybercrime Programme Office. Training has been designed with intention to provide judges and prosecutors with additional level of knowledge on cybercrime and electronic evidence and to allow them access to the enhanced levels of understanding and implementation of advanced techniques for legal analysis of presented evidence during the preparatory and main trial phase.

Training should provide legal and practical information about the subject matters and concentrate on how these issues impact on the day-to-day work of judges and prosecutors. The aim of the course is to provide the knowledge and skills to allow judges and prosecutors to fulfil their roles relating to cybercrime investigation and trial.

This course is designed to build upon the learning outcomes of the basic cybercrime training course for judges and prosecutors and should be attended only by those that have successfully completed that course.

The course is covering the following subjects:
- Conducting of an investigation.
- Identifying the types of crime committed.
- Establishing the location of evidence, witnesses, and suspects.
- Traditional and alternative currencies.
- Securing evidence in an acceptable way, irrespective of where it is held.
- Preparing for search and seizure activities involving electronic evidence.
- Dealing with digital devices that are part of the investigation.
- Briefing of forensic specialists and others needed to support the investigation phase.
- Preparing for interviews with suspect.
- Presenting cybercrime evidence.
- Applications and hearing implementation regarding cybercrime case with respect to national criminal law systems.
- Considering the relevant aspects during the judicial proceedings and trial through full mock trial exercise with goal of rendering rightful decision.

The advanced training course is built in a way to enable judges and prosecutors who have basic knowledge of cybercrime and electronic evidence to enhance their knowledge of the nature of cybercrime, the terms and the technology by dealing with a practical case scenario from the initial complaint, through the investigation and to the trial process, including trial as moot court exercise, including finalizing it with sufficient legal grounds and evidence for successful adjudication.

The activity will be carried out under Immediate Outcome 2 (*To reinforce capacities of criminal justice authorities through sustainable training frameworks, specialised training and practical exercises*), Output 2.1 (*Cybercrime and electronic evidence skills of law enforcement and judicial authorities kept up to date with continuous and specialised training*) of the CyberEast+ project.

This activity corresponds to activity #2.1.1 of the project's Logframe.

Expected outcome

The activity is expected to provide judges and prosecutors with advanced-level knowledge on cybercrime and electronic evidence and will allow them access to the enhanced levels of understanding and implementation of advanced techniques for legal analysis of presented evidence during the preparatory and main trial phase.

By the end of this four-day training, the Moldovan judges, prosecutors and trainers will have:
- Received up-to-date knowledge on handling of cybercrime cases from the stage of

investigation to the court judgment.
- Improved their understand of technology and practice of cybercrime and electronic evidence, including threats and trends in this area.
- Obtained starting-level skills for teaching introductory training to their colleagues.

Participants

The training is primarily addressed to the judicial authorities, in particular judges and prosecutors having basic/starting level knowledge on cybercrime and electronic evidence, as well as trainers from or affiliated with the National Institute of Justice specialised in cybercrime or electronic evidence teaching.

The course is held in close co-operation with the National Institute of Justice, who will be in charge of identifying and engaging participants in the advanced training.

Level of knoweldge: Prior introductory-level knowledge of cybercrime and electornic evidence would be highly desirable for taking the training. A Council of Europe basic online HELP course could be a good start: https://help.elearning.ext.coe.int/course/view.php?id=5545 (Romanian-language version available).

The maximum number of participants should not exceed 20-25 people.

Administrative arrangements and location

The training will be conducted at the premises of the National Institute of Justice [*to be confirmed*] in Chisinau, Moldova.

Simultaneous interpretation between Romanian and English will be available at the event.

Unless specified otherwise, all times indicated in the programme correspond to Chisinau local time.

Agenda

Day 1, Monday, 9 September 2024	
09h30	**Opening session** • Representative of the Council of Europe Office in Chisinau • Representative of the EU Delegation in Chisinau • CyberEast project representative
10h00	**Course Opening** **Refresher on the Budapest Convention** Council of Europe experts
11h00	*Coffee break*
11h15	**Technology and Cybercrime Updated** Council of Europe experts
13h00	*Lunch break*
14h30	**Virtual Currencies Advanced** Council of Europe experts
16h00	*Coffee break*
16h15	**Budapest Convention Refresher Case Study** Council of Europe experts
17h30	*End of day 1*
Day 2, Tuesday, 10 September 2024	
09h30	**Recap of Day 1** **Introduction to the Exercise and Mock Trial** Council of Europe experts
11h00	*Coffee break*
11h30	**Phase 1: the investigation phase** Council of Europe experts
13h00	*Lunch break*
14h30	**Phase 1: the investigation phase (continued)** Council of Europe experts

16h00	*Coffee break*
16h15	**Conclusions and Feedback on Investigation Exercise** Council of Europe experts
17h30	*End of day 2*

Day 3, Wednesday, 11 September 2024

09h30	**Recap of Day 2** **Advanced Electronic Evidence Challenges** Council of Europe experts
11h00	*Coffee break*
11h30	**Phase 2: the trial preparation phase** Council of Europe experts
13h00	*Lunch break*
14h30	**Phase 2: the trial preparation phase (continued)** Council of Europe experts
16h00	**Coffee break**
16h15	**Phase 3: Mock Trial** Council of Europe experts
17h30	*End of day 3*

Day 4, Thursday, 12 September 2024

09h30	**Phase 3: Mock Trial** Council of Europe experts
11h00	**Coffee break**
11h30	**Phase 3: Mock Trial** Council of Europe experts
13h00	**Lunch break**
14h30	**Deliberation of the court: teams debrief** Council of Europe experts
16h00	Coffee break

16h15	**Phase 4: Judgement** Council of Europe experts
17h15	**Wrap-up and conclusions** • Council of Europe experts • National partners
17h30	*End of event*

Contacts

At the **Council of Europe**:

Giorgi JOKHADZE
Project Manager
Cybercrime Programme Office
Council of Europe (C-PROC)
Giorgi.JOKHADZE@coe.int
Phone: +40 752 266 917

In **Moldova**:

Stefan VECHIU
Council of Europe and Human Rights Division
Ministry of Foreign Affairs and European Integration
stefan.vechiu@mfa.gov.md
Phone: + …