



POST-COVID CHALLENGES IN CRIMINAL JUSTICE

THE RISE OF EVIDENCE ON MOBILE DEVICES

Barcelona, 22-23 February 2024



EXCELLENCE IN
EUROPEAN LAW

Speakers

Patricia Ayodeji, Dual-Qualified Solicitor for England & Wales, Lawyer (Abogado) for Spain, Barcelona

María Barbancho, Criminal Lawyer, Member of the Committee of International Relations, ICAB, Barcelona

Steven David Brown, International Cybercrime Consultant, Vienna

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

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

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

Michael Rothärmel, Head of Unit, Fight against Terrorism and Extremism, Ministry of Justice, Munich

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

Andreu Van den Eynde, Lawyer in Criminal Law, Barcelona Bar Association (ICAB), Barcelona

Key topics

- Technical issues (internet caches, proxy servers, encryption, deep/dark web, etc.)
- Legal implications of e-evidence (collection, evaluation and admissibility)
- The rise of evidence on mobile devices
- Insights into different national criminal justice systems

Language
English

Event number
324DT06

Organisers
ERA (Laviero Buono) in cooperation with the Barcelona Bar Association (ICAB)



POST-COVID CHALLENGES IN CRIMINAL JUSTICE

Thursday, 22 February 2024

09:00 Arrival and registration of participants

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

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

09:45 **Internet or Internetot?**

- The different dimensions and manifestations of the Internet (LAN, WAN, WWW, Cloud, Deep & Dark)
- Understanding Internet Protocols
- Threats and opportunities in obtaining Internet evidence
- How users mask their locations
- Logs, browser fingerprints and data breadcrumbs

Steven David Brown

10:45 Discussion

11:00 Break

Chair: Laviero Buono

11:30 **Open-source tools, computer forensics on mobile devices and in the "Cloud"**

- Encryption and privacy
- Encrypted apps on mobile (smart)phones
- Physical and logical acquisition of data
- Cloud providers and replicated data on websites

Damir Kahvedžić

12:30 Discussion

12:45 Lunch

PART II: LEGAL ISSUES RELATED TO THE RISE OF EVIDENCE ON MOBILE DEVICES

Chair: Damir Kahvedžić

13:45 **Mobile phones: swipe right for evidence**

- Challenges posed by the type and volume of evidence found on a smartphone
- Comparing and contrasting cell site analysis with GPS systems for locating a phone
- Geofence warrants
- IMSI (International Mobile Subscriber Identity) catchers: their use and concerns about their deployment

Steven David Brown

14:30 Discussion

Chair: Steven David Brown

14:45 **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

15:15 Discussion

15:30 Break

Objective

Mobile devices such as smartphones and tablets contain personal information such as call history, text messages, e-mails, digital photographs, videos, calendar items, address books, passwords and credit card numbers. They can be useful as sources of digital evidence to be examined when criminal activities occur.

This seminar aims to share advanced knowledge and to exchange experience and best practice between judges, prosecutors and lawyers in private practice who deal with criminal proceedings involving e-evidence on mobile devices.

About the Project

This seminar is part of a large-scale project sponsored by the European Commission entitled "Preparing criminal justice professionals to address new (post-) pandemic challenges as a result of criminals' new *modi operandi*". It consists of seven seminars to take place in Bucharest, Dublin, Lisbon, Cracow, Barcelona, Thessaloniki and Tallinn over the period 2022-2024.

Who should attend?

Judges, prosecutors and lawyers in private practice from EU Member States.

Venue

ICAB Training Centre
C/Mallorca 283
08037 Barcelona
Spain

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). Participation in the full programme of this event corresponds to **8 CPD hours**. A certificate of participation for CPD purposes with indication of the number of training hours completed will be issued on request. CPD certificates must be requested at the latest 14 days after the event.

- 16:00 **Prosecuting hate speech and other criminal online content: proactive cooperation by service providers**
- New obligations for service providers to submit e-evidence under Union law, incl. the Digital Services Act
 - Additional national rules
 - Codes of conduct
- Michael Rothärmel*
- 16:45 Discussion
- 17:00 End of first day
- 19:30 Dinner offered by the organisers

Friday, 23 February 2024

PART III: INVESTIGATING WEB 2.0 – BEST PRACTICES

Chair: Joachim Meese

- 09:30 **Social media and electronic evidence: some concrete cases**
Patricia Ayodeji
- 10:00 Discussion
- 10:15 **Handling electronic evidence on mobile devices in courts: perspectives of the defence**
- The importance of the chain of custody in handling the evidence
 - Trial considerations: methods of presentation and admissibility tests
- María Barbancho*
- 11:00 Discussion
- 11:15 Break
- Chair: María Barbancho*
- 11:45 **Dealing with e-evidence in cross-border cases: best practices and possible new scenarios in light of the new EU legislation**
Joachim Meese
- 12:15 Discussion
- 12:30 **Handling electronic evidence on mobile devices in court: experiences in Spain**
Andreu Van den Eynde
- 13:00 Discussion
- 13:15 End of seminar and lunch

For programme updates: www.era.int
Programme may be subject to amendment.

Your contact persons



Laviero Buono
Head of Section
E-Mail: LBuono@era.int



Susanne Babion
Assistant
Tel.: +49(0)651 9 37 37 422
E-Mail: sbabion@era.int

Save the date

**Annual Conference on
EU Criminal Justice 2023**
Lisbon, 9-10 November 2023

**Countering Environmental Crime in the
EU**
Trier & Online, 30 Nov-1 Dec 2023

**Criminal Law and Human Rights:
Recent ECtHR Case Law**
Online, 7-8 December 2023



This programme has been produced with the financial support of the European Union.

The content of this programme reflects only ERA's view and the Commission is not responsible for any use that may be made of the information it contains.

Application

POST-COVID CHALLENGES IN CRIMINAL JUSTICE

Barcelona, 22-23 February 2024 / Event number: 324DT06/SBa



Apply online for
“Post-Covid Challenges in
Criminal Justice” online:
www.era.int/?132493&en

Venue

ICAB Training Centre,
C/Mallorca 283,
08037 Barcelona, Spain

Language

English

Contact Person

Susanne Babion
Assistant
Tel.: +49(0)651 9 37 37 422
E-Mail: sbabion@era.int

Terms and conditions of participation

Selection

1. Participation is only open to judges, prosecutors and lawyers in private practice from eligible EU Member States.

The number of places available is limited (30 places). Participation will be subject to a selection procedure. Selection will be according to professional eligibility, nationality and then “first come, first served”. Spanish applicants who work for the prosecution service must apply for this event through CEJ.

2. Applications should be submitted before **8 December 2023**.
3. A response will be sent to every applicant after this deadline. **We advise you not to book any travel or hotel before you receive our confirmation.**

Registration Fee

4. €130 including documentation, lunches and dinner.

Travel and Accommodation Expenses

5. Participants will receive a fixed contribution towards their travel and accommodation expenses and are asked to book their own travel and accommodation. The condition for payment of this contribution is to sign all attendance sheets at the event. No supporting documents are needed. The amount of the contribution will be determined by the EU unit cost calculation guidelines, which are based on the distance from the participant's place of work to the seminar location and will not take account of the participant's actual travel and accommodation costs.
6. Travel costs from outside Spain: participants can calculate the contribution to which they will be entitled on the European Commission website (<https://era-comm.eu/go/calculator>). The distance should be calculated from their place of work to the seminar location.
7. For those travelling within Spain, the contribution for travel is fixed at €52 (for a distance between 50km and 399 km). Please note that no contribution will be paid for travel under 50km. For more information, please consult p.10 on <https://era-comm.eu/go/unit-cost-decision-travel>
8. Accommodation costs: international participants and national participants travelling more than 50km one-way will receive a fixed contribution of €117 per night for up to two nights' accommodation. For more information, please consult p.13 on <https://era-comm.eu/go/unit-cost-decision-travel>
9. These rules do not apply to representatives of EU Institutions and Agencies who are required to cover their own travel and accommodation.
10. Successful applicants will be sent the relevant claim form and information on how to obtain payment of the contribution to their expenses. Please note that no payment is possible if the registered participant cancels their participation for any reason.

Participation

11. Participation at the whole seminar is required and participants' presence will be recorded.
12. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
13. The participant will be asked to give permission for their address and other relevant information to 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.
14. A certificate of attendance will be distributed at the end of the conference.