the effectiveness of international co-operation against cybercrime

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international co-operation between law enforcement agencies – within police or between prosecution services - is crucial to achieve results in criminal investigations

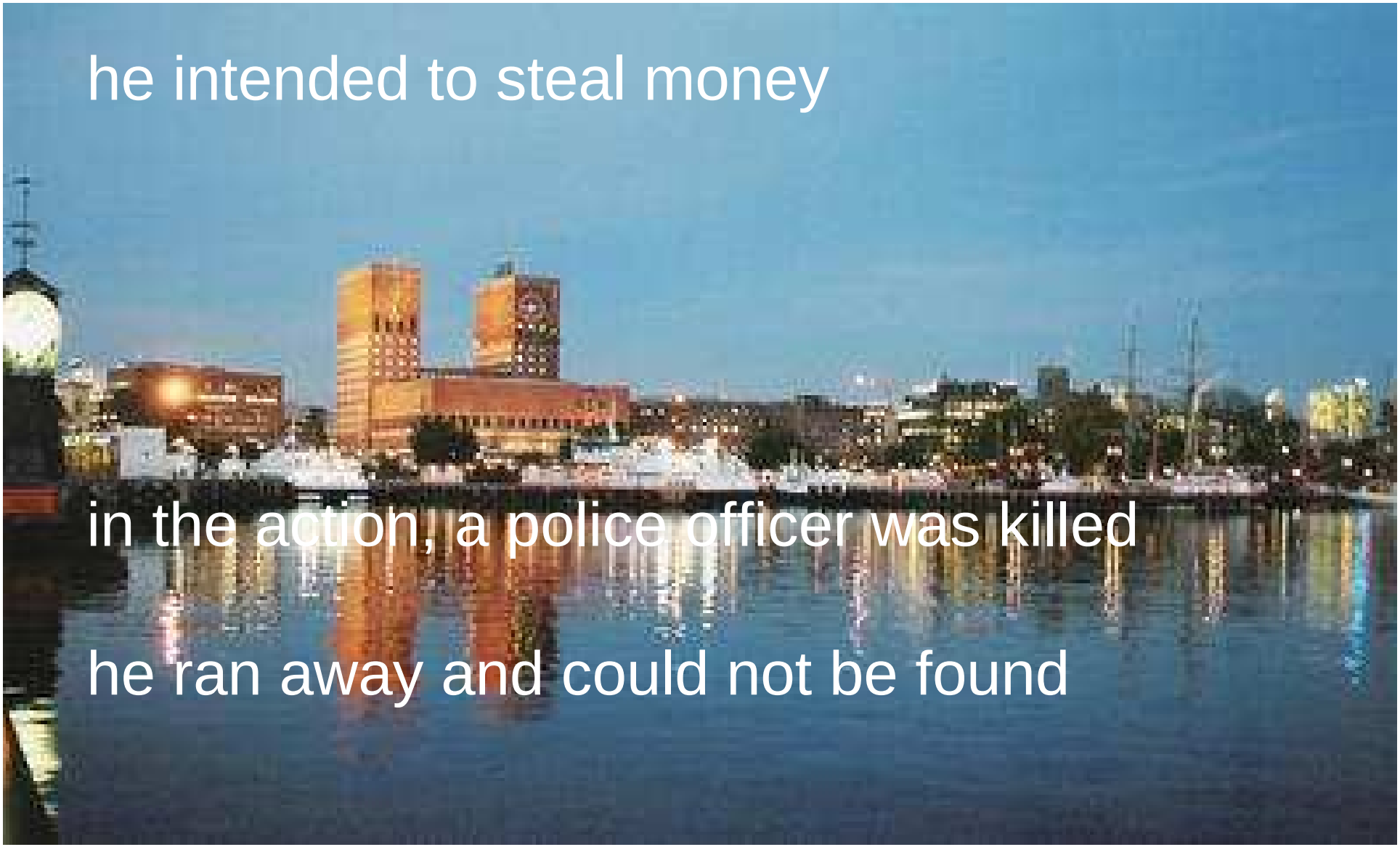
plan

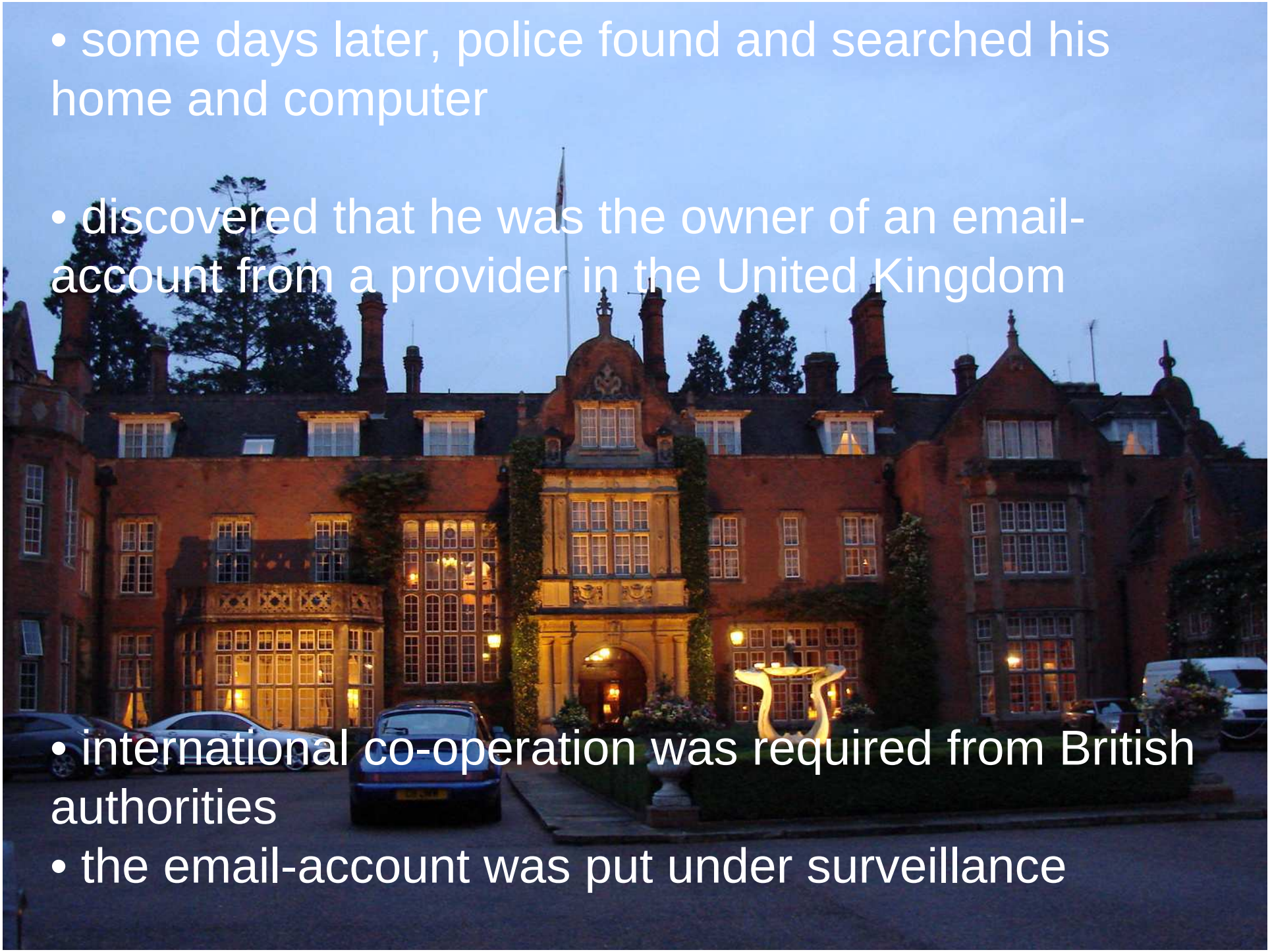
- 2 cases
- 24/7 network
- practical conclusions of the study
- final topics

case study - 1

- not a typical "*cybercrime case*"
- international co-operation tools on cybercrime matters were used

during 2005, a Norwegian citizen attacked a bank in Oslo





- some days later, police found and searched his home and computer

- discovered that he was the owner of an email-account from a provider in the United Kingdom

- international co-operation was required from British authorities
- the email-account was put under surveillance

• one day, he used his email-account to send an email message

• in the United Kingdom, police asked the ISP information about the IP address where the communication came from

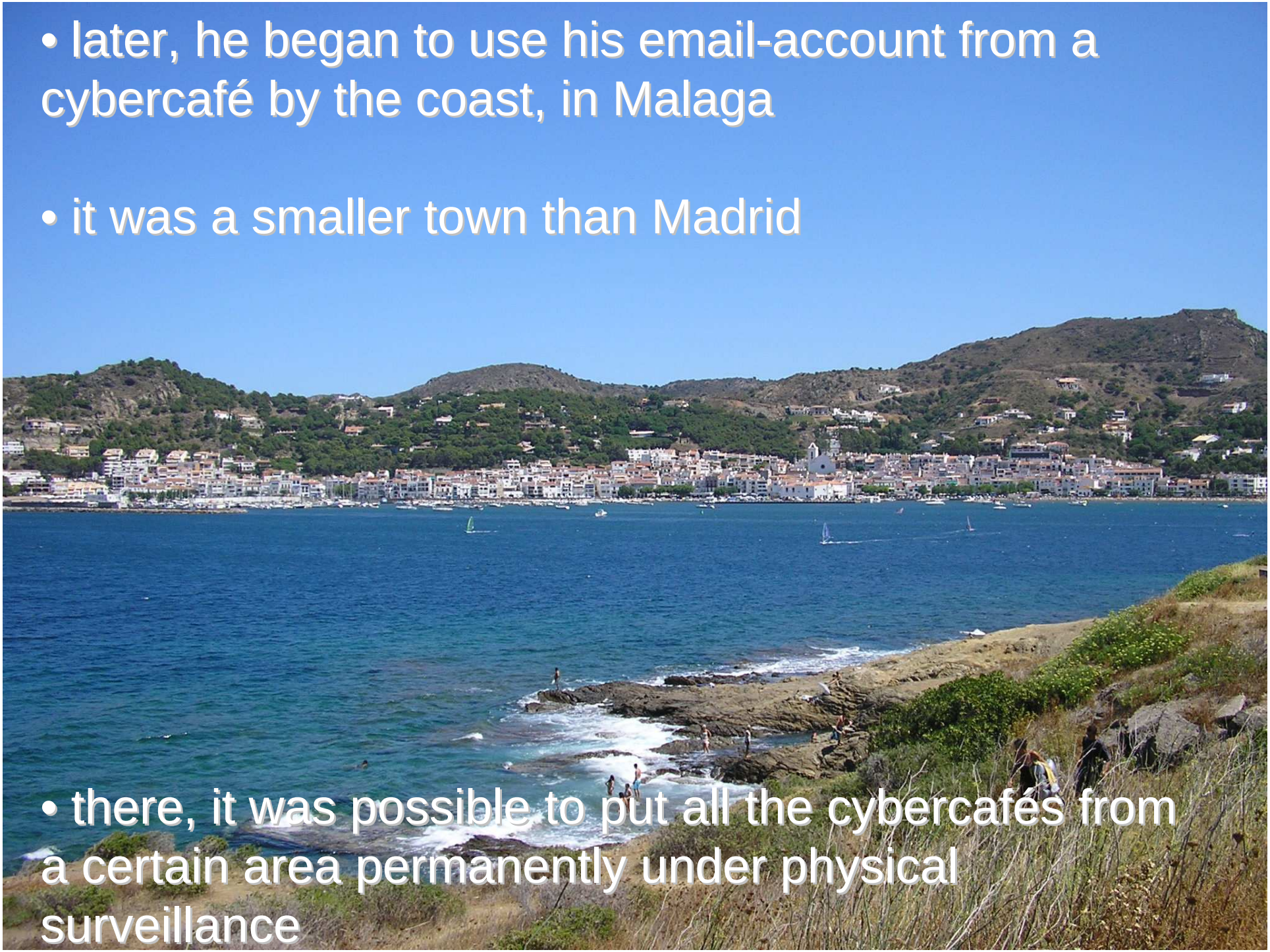
• it was found that it came from Spain

case study - 1

- British and Spanish authorities installed an alert system whose objective was to know, each time that he used his email-account, where he was
- each time he used his account, British police obtained the IP address of the computer in the origin of the communication
- provided it immediately to Spanish police
- then, Spanish police asked the Spanish ISPs about the owner or user of the IP address

- all the connexions were made from cybercafés in Madrid

- even proceeding to the area very quickly, during a long period of time it was not possible to arrive at those places before he was gone


• later, he began to use his email-account from a cybercafé by the coast, in Malaga
• it was a smaller town than Madrid
• there, it was possible to put all the cybercafés from a certain area permanently under physical surveillance

case study - 1

- after some days of surveillance, British police announced that he was online, using his email-account, and provided the IP address
- very rapidly, the Spanish ISP informed Spanish police from the concrete location of the cybercafé
- the officers in the street could identify and arrest him in place
- he was extradited to Norway and prosecuted

case study - 2

- a typical "*cybercrime case*"
- international co-operation tools on cybercrime could not be used

Estonia ratified the Convention on Cybercrime in 2003

Estonia suffered a very important distributed denial of service (DDoS) attack in April and May of 2007

case study - 2

- such attacks caused important disturbances to the everyday life of people and to the government
- web pages were defaced, the servers have been saturated and several attacks using *botnets* were executed
- Estonian websites were not available for some days

case study - 2

- a lot of suspect IP addresses were identified
- but only one person was prosecuted and convicted

case study - 2

- he was the only Estonian citizen that could be identified

- all the other suspects used foreign IP addresses
  - (from a country that did not sign the Convention – and which law did not allow to provide cooperation)

international instruments

- Convention on Cybercrime
- 1959 European Convention on Mutual Assistance in Criminal Matters
- Schengen and Mutual Legal Assistance Agreement of 2000 (MLA)
  - (Treaty of Lisbon ?)

24/7 Contact Points (G8/CoE)

- the existing 24/7 contact points network idea, in the context of Article 35 from the Cybercrime Convention, was born from the “G8 High-Tech Crime Subgroup”

24/7 Contact Points (G8/CoE)

- operational network of experts on high-tech criminality
- provide help and co-operation very quickly even if a formal co-operation request must follow this informal way
- one single point of contact for each country, available 24 hours a day, 7 days a week
- direct communications between the points
- mainly planned to provide the possibility to immediately preserve traffic data and other stored data worldwide

24/7 Contact Points (G8/CoE)

general overview

- most of the contact points are police contact points
- only four countries ("the former Yugoslav Republic of Macedonia", Romania, the Netherlands and the United States of America) designed Prosecution Services as contact points
- only three states have not yet designated a 24/7 contact point

24/7 Contact Points (G8/CoE)

- G8 welcomed countries from outside the G8 to join the network.
- Since the beginning, it was expected that this network could expand to other countries, building a global network
- in concrete and real investigations, only a widely expanded network could provide the expectancy of efficiently obtaining sufficient evidence to be used to investigate and prosecute suspects

24/7 Contact Points (G8/CoE)

- no coincidence countries party on the Convention / countries listed in G8 24/7 contact points network
- in the G8 network, only 12 of them ratified the Convention on Cybercrime
- 24 countries of them have not signed or ratified the Convention
- eight of the 27 European Union Member States have not yet joined the network

24/7 Contact Points (G8/CoE)

The G8 network and the Council of Europe network

- the merge between the G8 network and the Convention network can clarify the role of the previous informal structure

- it can give confidence to non G8 members to become new members of the network

- on the other hand, the association with the network described on Article 35 of the Convention gives a legal framework to the G8 network

conclusions of the study

- in Romania and in France, the Convention on Cybercrime is seen as a useful tool
- effectively used for international co-operation in order to rapidly preserve computer data
  - and to forward countries information obtained within the framework of its own investigations to other
- until now, the framework of the Convention has not been used by France and Romania to ask for co-operation regarding the interception of communications
  - these countries have not yet received such requests from any other Party of the Convention

conclusions of the study

- in Estonia, the Convention framework is not very much used yet, and other channels are preferred
- generally, the common framework that the Convention creates is considered an advantage
- however, the small number of countries that have so far ratified the Convention is seen as a problem

final topics

- cybercrime is the most transnational of all crimes
- investigating cybercrime means efficient international co-operation
- without such co-operation, investigations are unlikely to succeed

final topics

- Convention on Cybercrime
  - provides many useful tools regarding international co-operation, including in particular the network of 24/7 contact points under Article 35 of the Convention

final topics

- not all the countries that have ratified the Convention on Cybercrime have established functioning contact points, as required under Article 35

- some of the countries that have ratified and established the 24/7 contact points have not yet joined the G8 High-Tech Crime Sub-Group 24/7 network