Abstract

Cybercrime and cyber-enabled crime (meaning crime committed by means of ICT) are almost by definition transnational. On the one hand, cybercriminals can commit their offences from nearly any location, (mis)using globally available telecommunication technologies and networks systems. On the other, their acts often affect individuals, companies and/or public entities in various countries across the world. In order to fight such crime, international cooperation is thus indispensable.

Yet, in contrast with the rapidness of cyber-enabled criminal activity and the volatility of data needed for the prosecution of cybercrime, the existing mutual legal assistance (MLA) framework is still quite slow and burdensome, notwithstanding recent amendments in light of the Budapest Convention.

As long as the existing MLA framework is not adjusted to the actual needs of law enforcement in the field of cyber-enabled crime, there is a real risk that law enforcement authorities will use alternative methods of obtaining digital evidence, without complying with the existing MLA framework and thus potentially resulting in overstepping the boundaries of national sovereignty and the principle of territoriality. Such MLA ‘without assistance’ or ‘self-service’ obviously puts at risk the suspect’s fair trial rights.

The purpose of this workshop is, in a first step, to analyse the problems relating to the existing MLA framework and potential dangers of MLA ‘without assistance’. Next, the specificities and challenges of cyber investigations in an international context will be discussed. In a final session, concrete solutions for a future, more effective cyber-proof international cooperation will be made, taking into account the aforementioned challenges and the European fundamental rights’ framework.

This workshop offers a unique opportunity to gather academics from different disciplines, representatives of law enforcement authorities and the private sector, as well as practitioners around a highly topical subject which is of concrete relevance for Luxembourg and the numerous IT service providers located in the Grand Duchy.

VENUE

Faculty of Law, Economics and Finance
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Free participation.
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www.uni.lu
**Conference Programme**

**Thursday 15 October 2015**

**MORNING**

9.00 - 9.30  
Arrival and registration of participants

9.30 - 9.45  
Welcoming addresses  
Prof. Stefan Braun, Dean, University of Luxembourg  
Mr. Jean-Paul Zens, Director, Department of Media and Communications, Luxembourg (tbc)

9.45 - 10.15  
Session I  
Setting the scene: Legal framework and problems regarding traditional MLA in the Digital Age  
Prof. Ulrich Sieber, Max Planck Institute Freiburg  
Policy perspectives from the Luxembourg Presidency  
M. Félix Braz, Minister of Justice Luxembourg

10.30 - 10.50  
Coffee break

10.50 - 12.10  
Session II  
MLA without assistance?  
Chair: Prof. Mark Cole, University of Luxembourg  
The tensions between MLA, data protection and cloud-computing  
Prof. Ian Walden, Queen Mary University of London  
Transnational cyber investigation and the role of the private sector: What is at stake?  
Prof. Valsamis Mitsilegas, Queen Mary University of London  
Pitfalls and undesirable effects of MLA without assistance  
Prof. Frank Verbruggen, KU Leuven

12.10 - 13.20  
Lunch break

**AFTERNOON**

13.20 - 15.00  
Session III  
Specificities and challenges of cyber investigations in an international context  
Chair: Mr. Jeannot Nies, Premier Avocat Général, Luxembourg  
‘Catch me if you can’: Implications of anonymous networks and virtual currencies on cyber investigations  
Prof. Alex Biryukov, SnT  
Cybercrime safe heavens: What is at stake?  
Mr. Max Braun, Public prosecutor Luxembourg  
Virtual crime, virtual cooperation? Addressing the tensions between the borderless character of cybercrime and the state-confined powers of law enforcement authorities  
Prof. Susan W. Brenner, University of Dayton, tbc  
Challenges relating to the cooperation between law enforcement authorities and the private sector  
Dr. Vanessa Franssen, University of Luxembourg

15.00 - 15.20  
Coffee break

15.20 - 16.50  
Session IV  
Round-table debate on solutions for an improved, cyber-proof international cooperation  
Chair: Prof. Silvia Allegrezza, University of Luxembourg  
The use of JITs and policing cooperation networks  
M. Alain Kleuls, Police Grand-Ducale, Luxembourg  
Eurojust’s case experience  
Ms. Michèle Coninx, Eurojust, tbc  
Mr. Michael Olmsted, US-EU mission, tbc  
Representative of the private sector, tbc  
Prof. John Vervaele, University of Utrecht

16.50 - 17.00  
Closing remarks  
Prof. Katalin Ligeti, University of Luxembourg