

“The Admissibility of Electronic Evidence at Court: fighting against high tech crime”

AGIS 2005

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1.- What is Cybex?

- Founded in the year 2002.
- Commercial organisation which provides **Electronic Evidence Services**.
- Fighting against high tech crime is its main objective.
- Our clients are public and private entities:
 - Law firms • Federal Agencies • Financial Institutions,
 - Public Institutions • Government agencies • Private Companies and
 - Non profit institutions.
- Cybex is the leader and the largest business in Spain specialized to providing clients world-wide integrated solutions to **mitigate risk**.
- Cybex assists on how to **gather, organize, handle, analyse and prepare** electronic evidence for presentation and negotiation in legal matters, regulatory fillings and investigation.

2.- Why this project?

- 2.1. Lack of legislation:**
 - EU countries.
 - European Level.
- 2.2. Lack of Research:**
 - No knowledge of the reality of Electronic Evidence (no studies).
 - No comparative research.
 - No coordinated research (partial studies vs. saving resources).
 - No references & no bibliography.
- 2.3. Lack of standards:**
 - Common definition.
 - Minimal safeguards concerning human rights.
 - Contradictory practices among the different EU countries.
- 2.4. Important to:**
 - Avoid difficulties in proving e-evidence in Court.
 - Avoiding insecurity & chaos.
 - Generating **trust** on electronic evidence
 - Requisites to gather **reliable evidence**.
 - Common approach in order to fight transnational crime.

3.-Objectives & Added value

3.1. Objectives:

- 1st Stage: Study the legislative situation of the A.E.E.C and Identify missing legislation.
- 2nd Stage: Study the social situation (reality) of the A.E.E.C. (interviews).
- 3rd Stage: Establish best practices (guide of improvement).
- 4th Stage: Dissemination of the findings: web & final conference.
- 5th Stage: Final report.
- Create a useful tool for all the professionals which participate in a Computer Forensics.
- It will help them know how to gather, handle and present an electronic evidence in Court.

3.2. Added value:

- 100% New:
 - 1st time that the A.E.E.C is going to be studied.
 - Non existence of similar studies.
- Improves and develops the collaboration and network between EU and future EU countries.
- Exchange of information and experiences at a European level.
- Cooperation between judiciary authorities, lawyers and experts.
- Develops the European Judicial Space (fights against high-tech crime).
- Improves the investment of resources avoiding waste of efforts at national level.

4.-Partners, countries & deadlines

- 4.1. Partners 9:**
- 5 Spain
 - 2 U.K
 - 1 Italy
 - 1 Romania

- Collaboration from the JRC.
- Collaboration from different European Bar Associations and Lawyers.
- Public and Private Organisations.

- 4.2. Countries studied:** 15 EU countries & Romania.

- 4.3. Deadlines:**
- 12 months project
 - Foreseen deadline November 2006.
 - Final Report: February 2007.

5.- Expected results

- Thorough knowledge of the A.E.E.C of 15 EU countries + Romania.
- Providing EU Institutions: - information concerning electronic evidence.
 - the existing needs and potential problems.
 - setting a basis for future framework measures.
- Providing an improvement guide
- Reveal the irregularities different EU countries are doing with e-evidence.
- Generating an electronic evidence experts network
- Strengthening the cooperation among experts in the fight against high tech crime.

Thank you for your attention

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