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

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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.
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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