

E-VIDENCE: Requesting Electronic Evidence Across Borders for Investigating Online Criminal Matters, Including Terrorism

July 2023 ● — ● June 2026

Budget: 1,321,757 EUR

ExB No.: 1102575

Countries/Region: OSCE pS+ PfC

OSCE Gender Marker: 1

Funding Needs: 2024- EUR 200,000; 2025- EUR 520,000; 2026- EUR 501,757

Project objective

To enhance national capacities across the OSCE region regarding the request of electronic evidence for investigating online criminal matters, including terrorism related cases while adhering to human rights.

Expected Results

Result 1: Locally-specific needs and priorities of respective OSCE pS and PfC on requesting electronic evidence across borders for investigating online criminal matters, including terrorism related cases, are identified.

Result 2: Regulatory frameworks and operational capacities of pS and PfC on requesting electronic evidence, including for terrorism related cases, across borders are enhanced and aligned with human rights standards.

Result 3: National law enforcement agencies and judiciary have their technical capacities on requesting electronic evidence across borders enhanced.

Why it matters

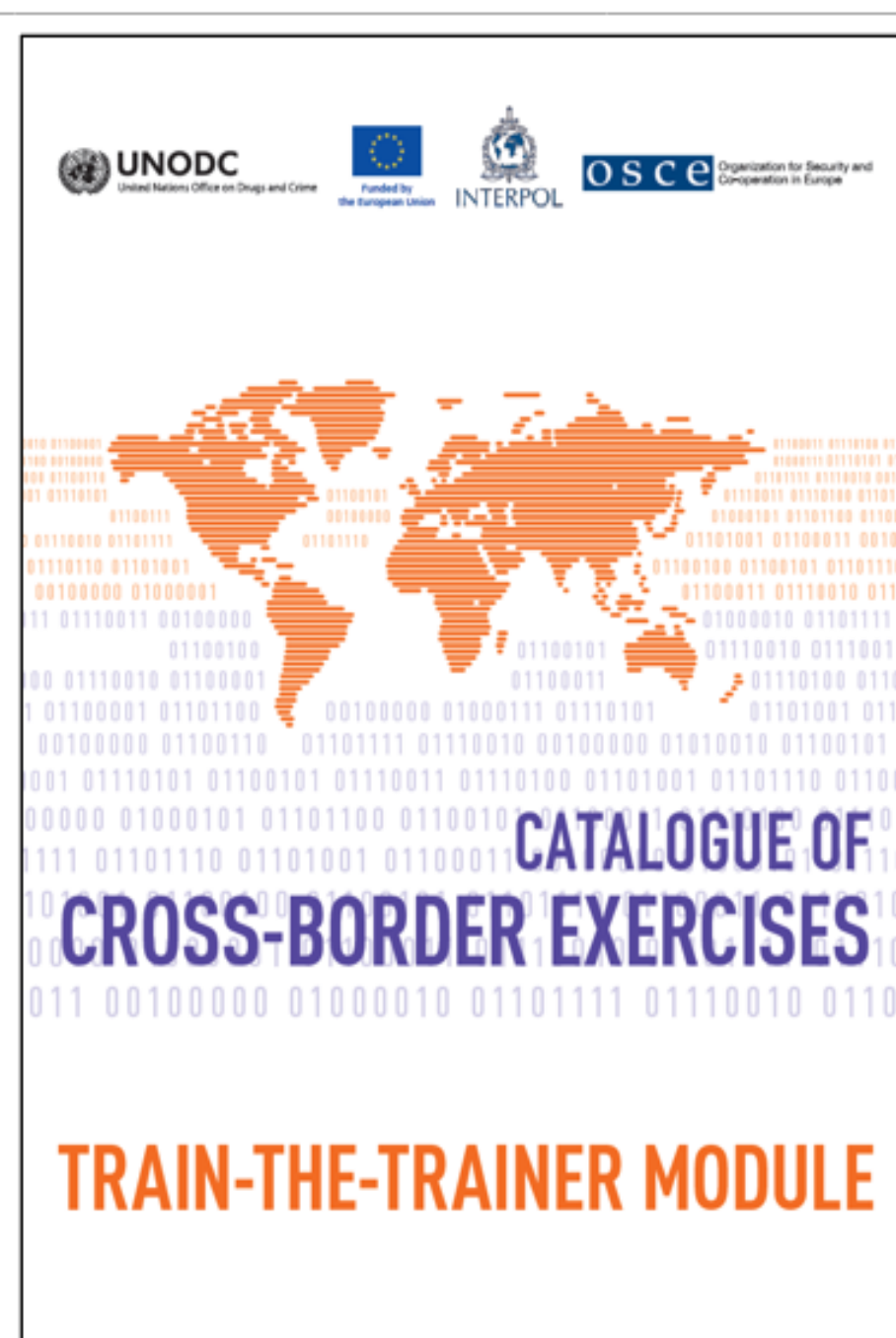
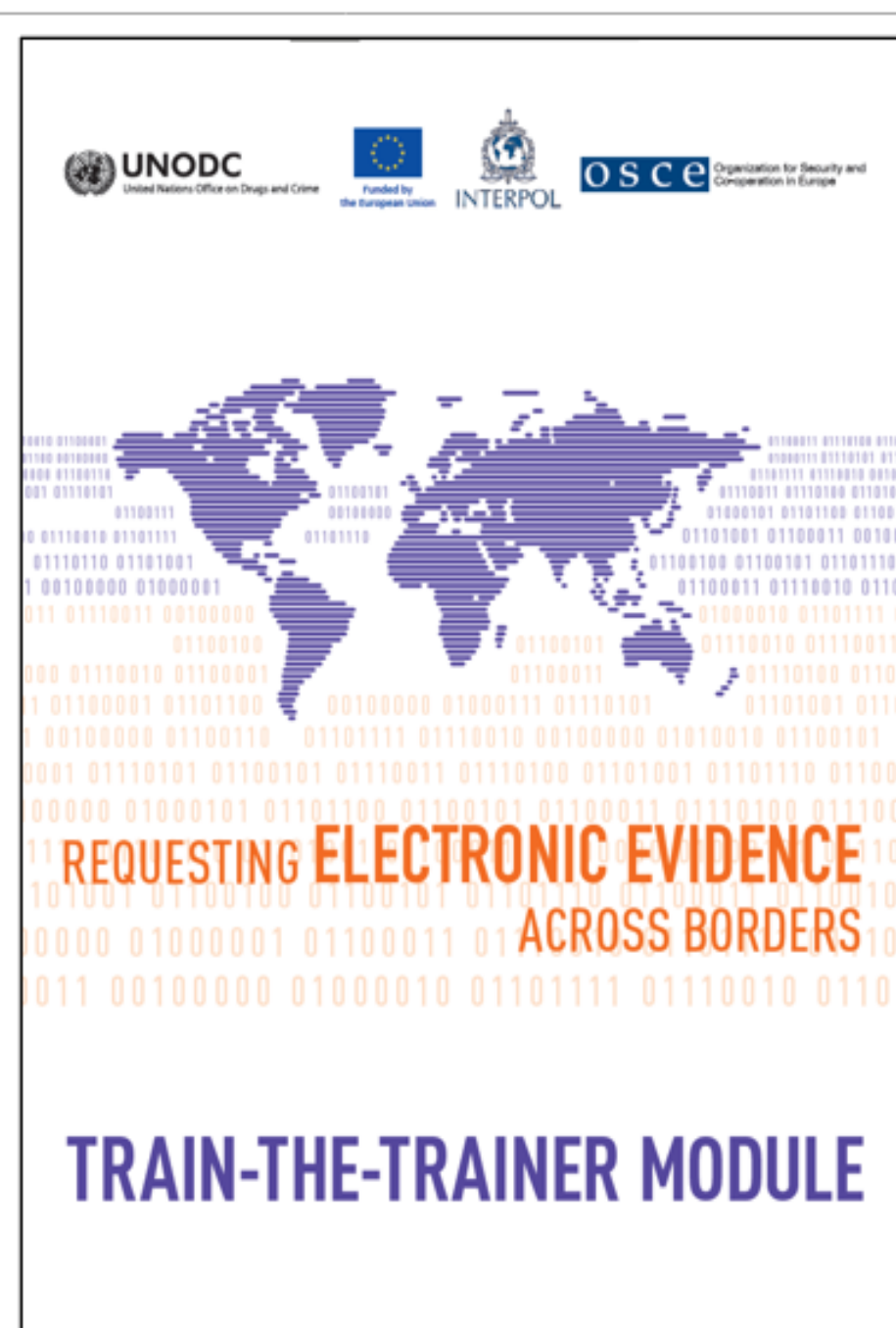
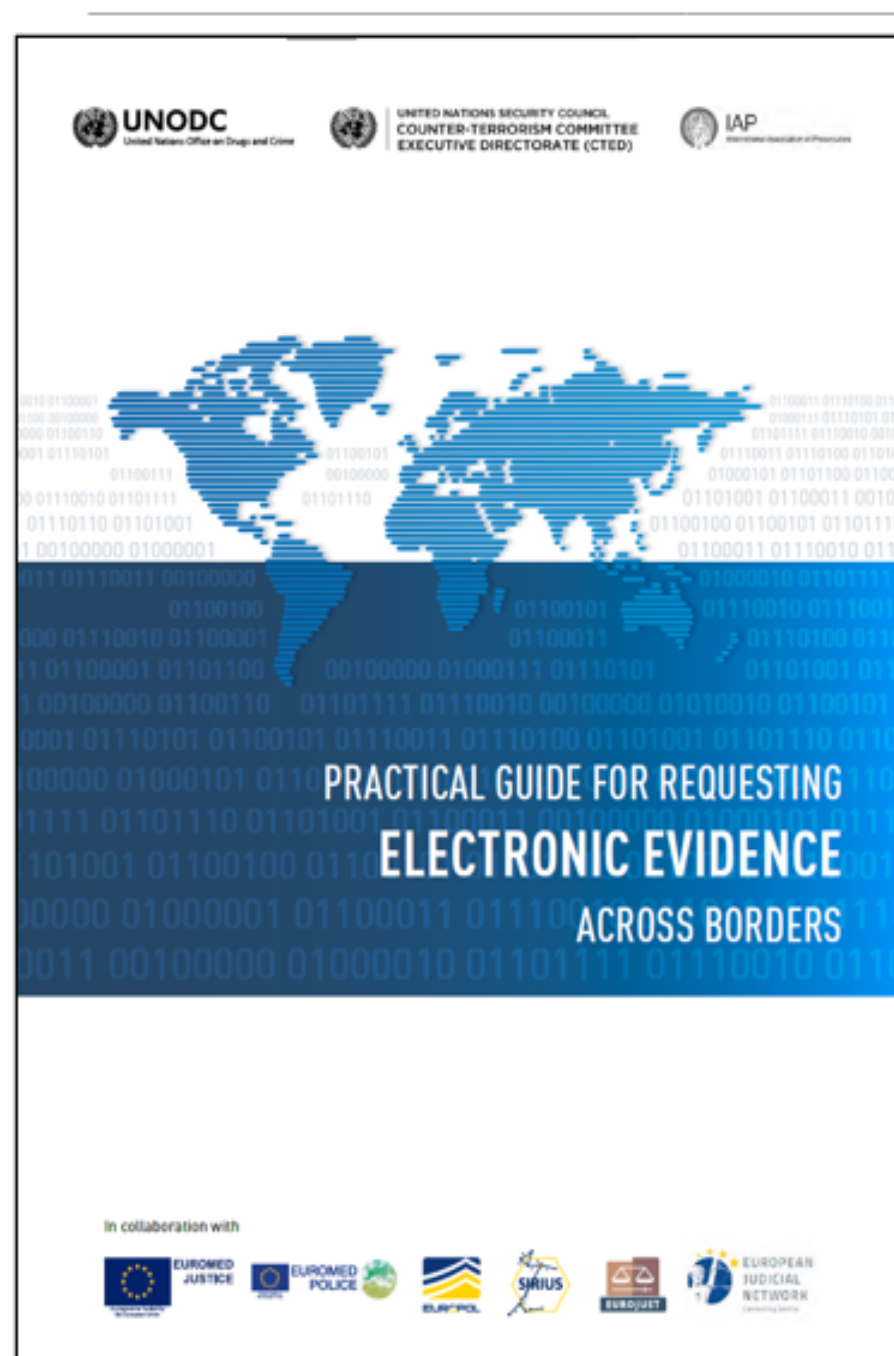
Terrorists and organized criminals are increasingly using the Internet, social media, and encrypted messaging apps to advance their agenda. Obtaining evidence from service providers of these platforms is vital. E-evidence stored by service providers can prove where a crime was prepared or committed by disclosing incriminating communications, as well as the location of offenders. Obtaining such e-evidence can ensure the successful prosecution and sentencing of those who perpetrate serious offenses. According to a survey conducted by the European Union, more than half of all criminal investigations involve a request for cross-border access to e-evidence. Acquiring an adequate level of understanding of the methods and technology used in cybercrime investigations by police officers, prosecutors and judges requires specific knowledge and skills to effectively investigate and prosecute these crimes.

OSCE added value

The structure of OSCE and its widespread on-the-ground presence, as well as highly specialized expertise, gives the organization an opportunity to reach out to all parts of the area and all levels of society that needs to be involved, in order to build sustainable societal resilience. The OSCE also has a wide network of potential partners for this project, including OSCE/ODIHR, UNODC, and UNCTED.

In line with

- OSCE Consolidated Framework for the Fight Against Terrorism
- UN Security Council Resolution 2322 (2016)
- UN Security Council Resolution 2396 (2017)
- UN SDG 16 on Peace, Justice and Strong Institutions

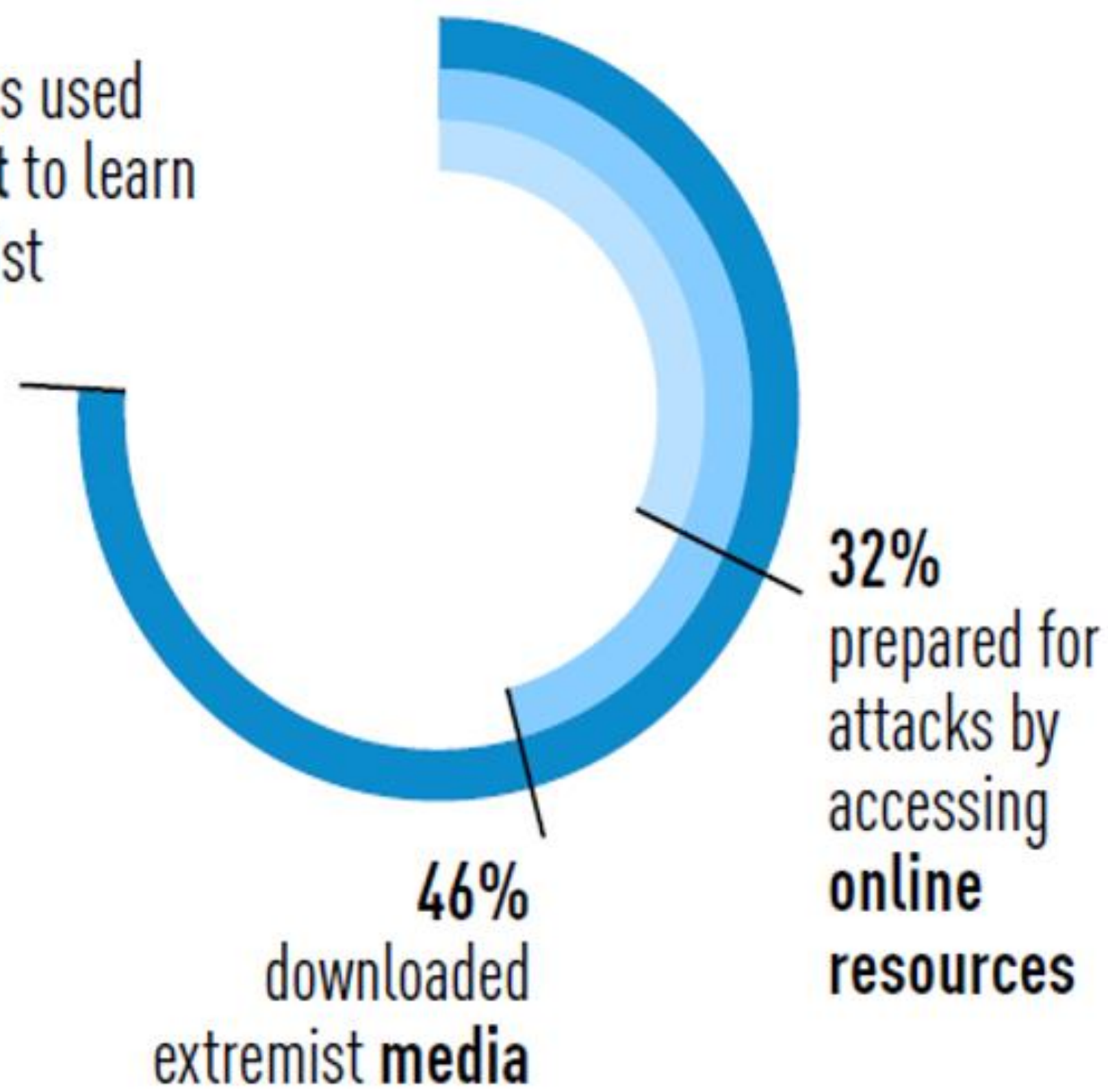


Organization for Security and Co-operation in Europe

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CONTEXT

76% out of 223 terrorists used the **Internet** to learn about terrorist activities



- More than half of investigations include a request for cross-border access to e-evidence
- E-evidence in any form is relevant in around 85 per cent of total (criminal) investigations
- In almost two-thirds (65 per cent) of the investigations where e-evidence is relevant, a request to SPs based in another jurisdiction is needed

CONTEXT- REQUESTS TO FACEBOOK

REQUESTS TO FACEBOOK FOR USER DATA					REQUESTS TO FACEBOOK FOR USER DATA				
	2022, 2ND HALF		2023, 1ST HALF			2022, 2ND HALF		2023, 1ST HALF	
	Requests	Compliance, %	Requests	Compliance, %		Requests	Compliance, %	Requests	Compliance, %
South-Eastern Europe and Moldova					Some OSCE Pfc from the Mediterranean region				
Albania	27	35	51	76	Algeria	18	22	33	18
Bosnia and Herzegovina	136	73	115	79	Egypt	1	100	10	43
Montenegro	24	39	89	57	Jordan	1,044	59	1,247	33
North Macedonia	125	46	118	42	Morocco	474	64	561	39
Serbia	410	73	355	69	Tunisia	6	0	25	0
Moldova	6	50	23	39	Israel	2,654	74	3,034	78
Central Asia and Mongolia					Some other pS				
Kazakhstan	0	0	1	0	UK	12,303	87	12,122	88
Kyrgyzstan	0	0	0	0	Poland	7,750	68	8,711	69
Tajikistan	1	0	0	0	Germany	26,228	71	29,301	72
Turkmenistan	0	0	0	0	France	15,006	85	13,821	84
Uzbekistan	0	0	0	0	Italy	3,986	64	4,134	66
Mongolia	26	72	0	0	USA	110,786	88	125,053	88