CCIPS-CSIS Cybercrime Symposium 2016:
Cooperation and Electronic Evidence Gathering Across Borders

Monday, June 6, 2016
9:00 a.m. – 4:30 p.m.
2nd Floor Conference Room
CSIS, 1616 Rhode Island Avenue NW
Washington, D.C. 20036

9:00 Welcome

Denise E. Zheng, Deputy Director and Senior Fellow, CSIS

9:10 Keynote Address

Hon. Leslie Caldwell, Assistant Attorney General, Criminal Division, U.S. DOJ

9:30 Navigating Diverse International Frameworks for Protecting Expression

The global reach and ubiquity of the Internet enable people to express their views as never before in avenues such as websites, blogs, emails, or social media. Often, the person expressing a view online, the computer on which this content is stored, and the person who accesses this online content are located in different countries. This panel will discuss different legal frameworks on freedom of expression and the transnational impacts on efforts to enforce these different standards.

Tom Dukes, Deputy Coordinator for Cyber Issues, U.S. State Department
Bertrand De La Chapelle, Director, Internet & Jurisdiction
Emma Llansó, Free Expression Project, Center for Democracy and Technology
Mark MacCarthy, VP Public Policy, Software & Information Industry Association

Moderator: Betty Shave, former Assistant Deputy Chief for International Computer Crime, CCIPS, U.S. DOJ

10:45 International Electronic Evidence Gathering 2025

The current system for international law enforcement cooperation is often inadequate for investigating crimes in the Internet-age, involving computers, networks, and data stored in the cloud. Participants will discuss current law enforcement cooperation mechanisms, such as mutual legal assistance treaties, and propose solutions to reduce cross-border roadblocks to solving crimes involving computers and overseas data, as well as how these alternative mechanisms can be integrated into existing frameworks.

Jennifer Daskal, Assistant Professor of Law, American University
Kenneth Harris, Office of International Affairs, U.S. DOJ
Andrew Woods, Assistant Professor of Law, University of Kentucky College of Law
Lodewijk van Zwieten, Seconded National Expert on Cybercrime, Eurojust
Moderator: Anitha Ibrahim, Senior Counsel, CCIPS, U.S. DOJ

12:15 Lunch – provided by CSIS

1:00 The Impact of Privacy Laws on Criminal Investigations in Different Legal Systems

Every legal system strikes a balance between the obligation to ensure public safety and the protection of individuals’ privacy. This panel will involve a comparative analysis of different countries’ law enforcement practices for obtaining electronic evidence within domestic privacy frameworks, potential conflicts of laws between countries that impact international cooperation in criminal matters, and ways to build confidence that different privacy regimes enable sharing of electronic evidence while protecting peoples’ privacy.

Tom Burrows, Senior Counsel, Office of International Affairs, U.S. DOJ
Elonnai Hickok, Privacy Program Director, Centre for Internet and Society
Lodewijk van Zwieten, Seconded National Expert on Cybercrime, Eurojust
Moderator: Anthony V. Teelucksingh, Senior Counsel, CCIPS, U.S. DOJ

2:15 Encryption and Law Enforcement Access — A Global Debate

The development and adoption of strong encryption is a key tool to secure commerce and trade, safeguard private information, promote free expression and association, and strengthen cyber security. However, implementations of encryption that prevent lawful access to data pose real challenges to law enforcement. This challenge has fueled vigorous debates in the United States and elsewhere regarding the appropriate balance between public safety interests, privacy and digital security protections, and the business interests of service providers. This panel will assess how other countries are handling encryption issues and suggest possible ways forward.

Emery Simon, Counselor, BSA | The Software Alliance
Cezar Luiz Busto de Souza, Federal Police of Brazil, Attaché, Embassy of Brazil
Dr. Motohiro Tsuchiya, Professor, Graduate School of Media and Governance, Keio University
Moderator: William A. Carter, Associate Fellow, CSIS

3:45 Closing Keynote

Hon. Sheldon Whitehouse, U.S. Senator for Rhode Island

4:15 Closing Remarks

David Bitkower, Principal Deputy Assistant Attorney General, Criminal Division, U.S. DOJ