INVESTIGATION OF CYBERCRIME IN ALBANIA

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Contemporary Weapons

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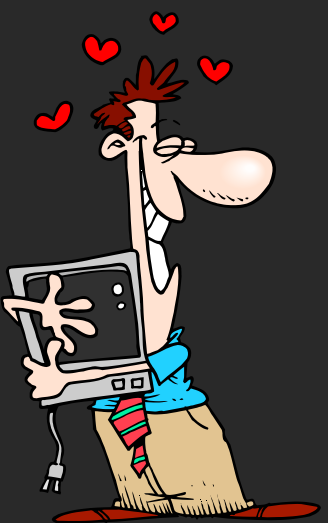
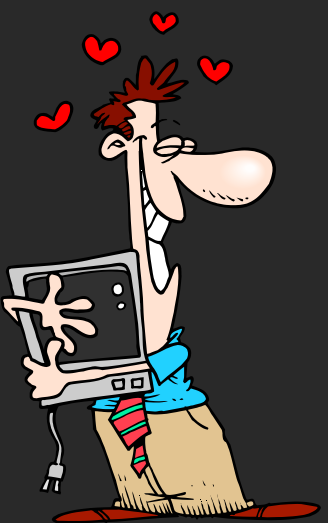
The phenomena of cyber crime

- Cyber crime today is one of the greatest legal challenges.
- Cyber crime is a criminal activity that includes: information technology infrastructure, illegal access, illegal interception, data interference, electronic forgery and fraud

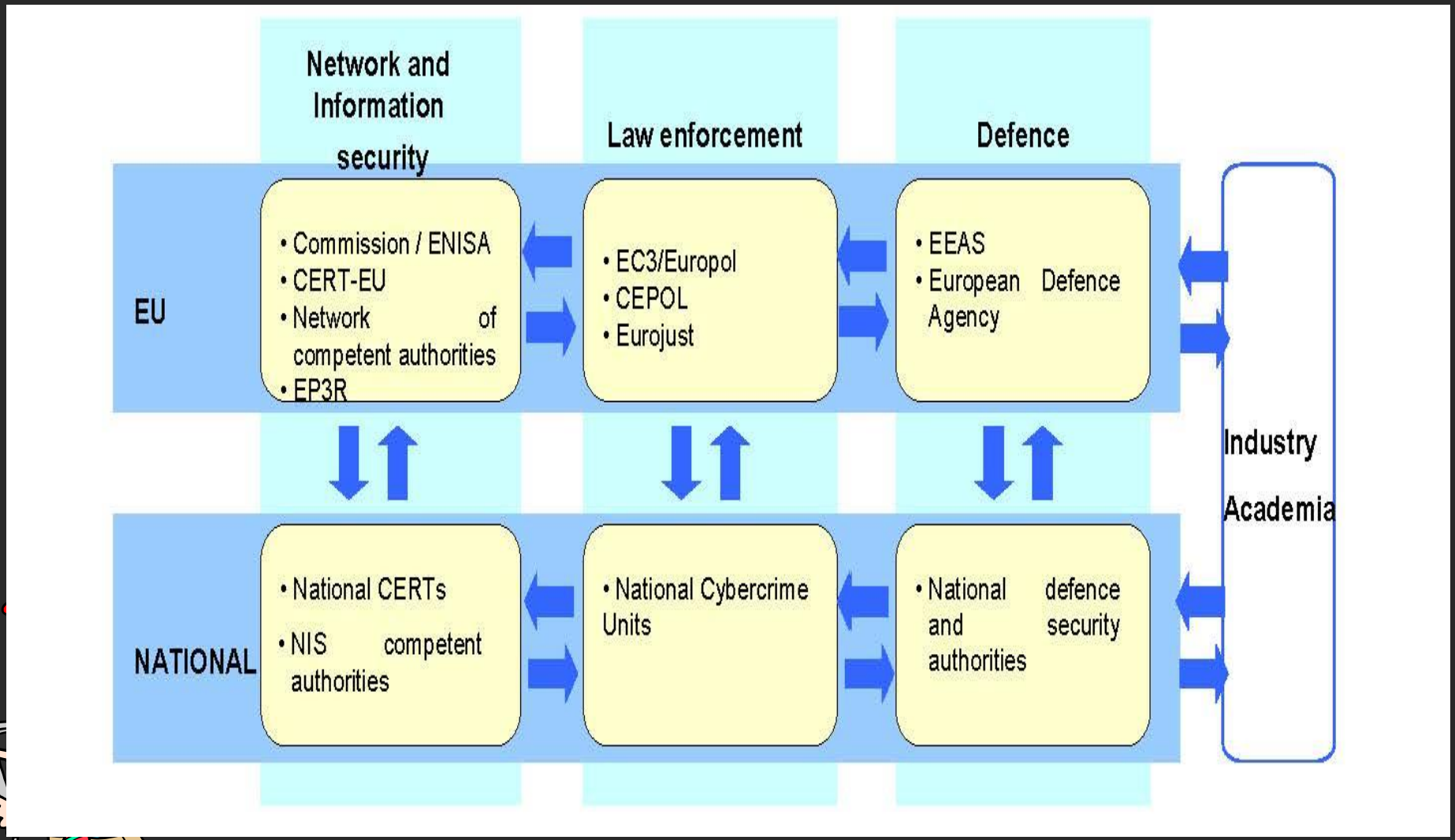


Quick Facts

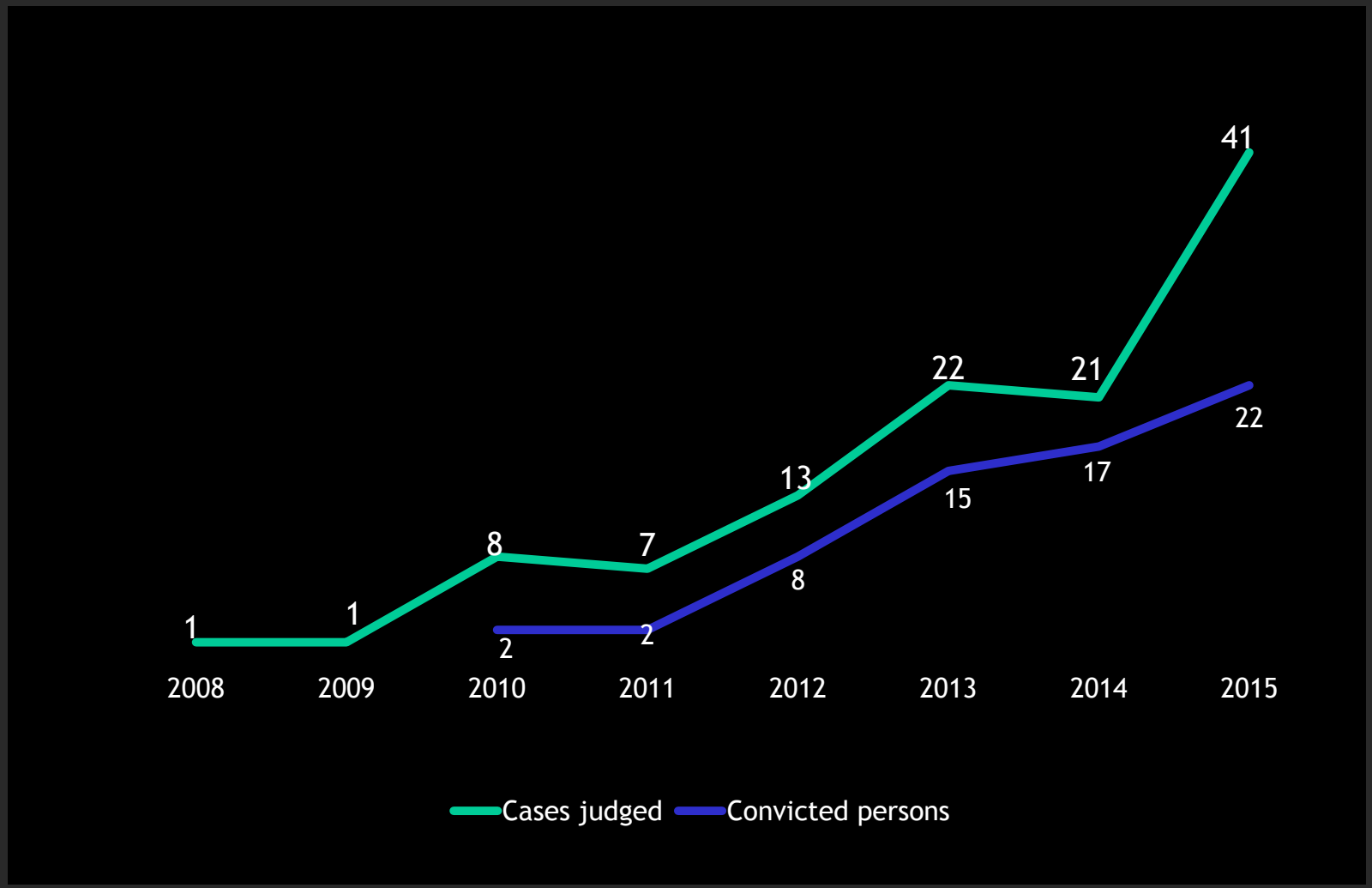
- 2000-2016 Internet expanded at a rate of 918,3% globally
- 4 billion people are online
- almost all crimes can be committed with the usage of computers
- an analyses of the current situation in Albania related to the **legal standards**, **mechanisms for investigation and prosecution of cybercrime**, and the identification of **problems and challenges** encountered by investigators, prosecutors, police and the Albanian government in the prevention and combating of cybercrime in Albania.



Cybersecurity in a comprehensive fashion, activities should span across three key pillars—NIS, law enforcement, and defence—which also operate within different legal frameworks

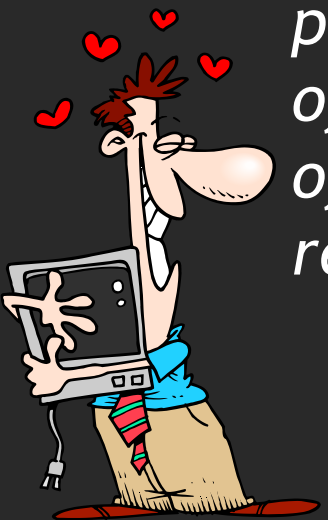


Cyber crime in Albania. Statistics get by the Ministry of Justice.



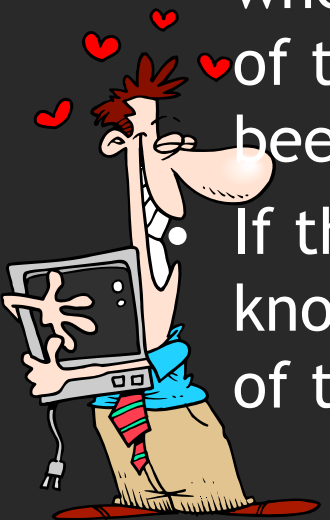
Criminal Evidence

*«a notice (information) on the facts and circumstances relevant to the criminal offence, which are **obtained from sources provided for by the criminal procedural law, in accordance with the rules** prescribed by it and which serve to prove or not the commission of the criminal offence, its consequences, the guilt or innocence of the defendant and the extent of his responsibility» (Art. 149 CPC)*



Jurisdiction

- *the right of the state authorities to resolve the issues involved in their functions, applying the law in any case*
- **Determined on the basis of:**
  - the country where the crime was committed or attempted; or
  - where the consequences of the offense have been;
  - If the country is not known - by the residence of the offender.



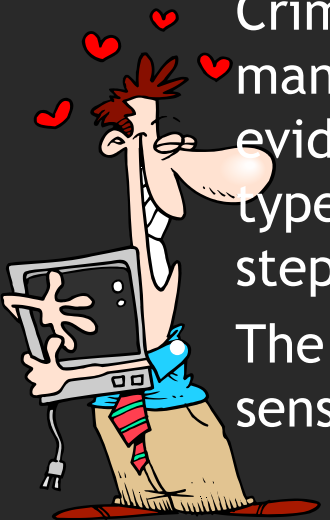
- **Cybercrime jurisdiction**
  - perpetrator could be in a very great distance from the place where the crime occurs or where the consequences of crime come.
  - Distances can exceed national boundaries lack or limitation of jurisdiction.
  - bilateral or multilateral agreements are needed

Electronic evidence

- **materials that exist in electronic or digital forms:**
- overcome legal borders fast and easy;
- can be changed, damaged or broken easily;
- are effected by time
- the collection of evidence at crime scene can be done only by the person who has the legal authority
- Electronic devices that can be a possible evidence are: *computer systems; hand devices such as, cellphones, smartphones, PDAs, multimedia computer equipment, GPSs; peripheral devices* such as faxes and printers; *computer networks*.

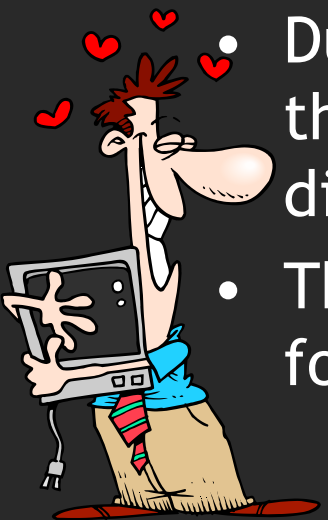
Investigative devices and tools

- Computer evidence, computers and electronic devices are fragile and sensitive to extreme temperatures, humidity, shock, static electricity and magnetic fields
- Research and interviews conducted with employees of the Albanian State Police shows that they are equipped with all necessary equipment and investigative tools to investigate cyber crimes.
- In 2009 the Albanian State Police, with the support of Office of Crime and Drugs of the United Nations (UNODC), has drafted a manual guide for cybercrime investigation and computer evidence in service of the State Police. -detailed guidance of types of computer evidence and how to deal with them step by step
- The content of this guide is not made public because of the sensitivity of instructions included



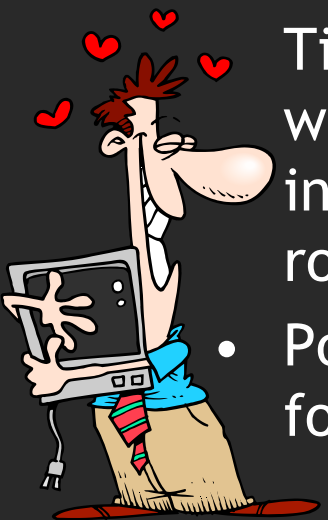
Cybercrime Investigation Unit

- June 2014 -the cybercrime sector and special structures near 8 district prosecution offices, were established.
- In 2014 A Sector of Cyber Crime Investigation was created also within the Task Force for the Investigation of Economic Crimes and Corruption at the General Prosecutor's Office.
- During that year, 180 offenses were recorded in the area of cybercrime from which 76 were discovered,
- The State Police set up also a software application for online reporting of cybercrime



Interviews with prosecutors and police investigators of cybercrime in Albania (4 interviews)

- All the interviewees are of the same opinion that regarding the international cooperation, the Albanian legislation is complete and efficient, . But, the expert of the Security Policies highlights that: "*We should act more rapidly in the implementation of those international acts that we ratify…*"
- Head of Cybercrime Unit at the Prosecution Office of Tirana declares that there is a need for finding a faster way of international information exchange for investigation of cybercrime instead of letter or rogatory
- Positive experience from cooperation with Facebook for information sharing is noticed



Challenges of cybercrime investigation

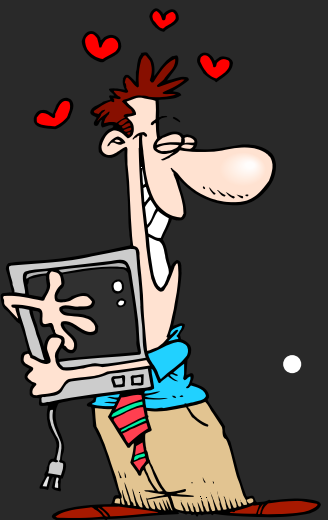
- ISP do not have the facilities for the storage of the minimum information required by law
- Modern technology and equipment but lack of human resources
- Lack of experts for inspection and protection of digital evidence, as well as the presentation of evidence in court
- Weak cooperation with ISP, lack of will to cooperate from ISPs
- ALCIRT-a national authority dealing with policies of cybercrime and cybersecurity, not active

Challenges and obstacles

- According to the Security Policy expert the biggest challenge is the identification of the critical infrastructure and the adoption of a national cybersecurity strategy
- Even though trainings about cybercrime investigation are frequently held, they are all organized by foreign organizations, such as FBI, ICITAP, PAMECA and the CoE,none by the Albanian government
- trained persons never stand in their assigned positions for a long time, which results both in economic costs and a lack of experts in the field.
- Prosecutors point out that businesses lack technology security systems and their employees are not informed and unaware of security risks

Conclusions

- Albanian legislation is in accordance with European standards and international conventions
- signed and ratified all international conventions related to cybercrime
- legislation still needs to be amended to be fully in accordance with the ratified conventions and to ensure the necessary flexibility for the prevention and prosecution of such dynamic crimes.
- effective implementation is also crucial



Thank you

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