

1. ISSUE FRAMING

The amount of digital data stored by Online Service Providers (often based in foreign jurisdictions) has been growing fast, leading to an **increasing demand for cross-border access to electronic evidence** (e-evidence) in criminal investigations¹. International cooperation between competent authorities is of significant importance in preserving and obtaining access to this type of evidence, which is reflected in a consistently rising number of requests for Mutual Legal Assistance (MLA)².

While the use of digital technologies has changed the type of evidence often needed in criminal investigations³, **digitalisation of international cooperation procedures** has been lagging behind the trend. The transmission process of MLA requests that is currently in place is still heavily paper-based and reliant on slow or non-secure channels of communication, such as mail, courier, fax or email. Likewise, data collected through the MLA procedures is generally copied onto storage devices (e.g. CD-ROMs or portable external hard drives) by judicial authorities and sent to the requesting authorities via traditional means of exchange. In this context, formal **MLA procedures have been widely criticised as being too slow and not adapted to the reality**, in particular the nature of e-evidence which is not only more volatile but also easier to manipulate than traditional types of evidence⁴.

Against this background, various initiatives on digital platforms for **cross-border transmission of international cooperation measures and electronic exchange of case-related data** in criminal investigations have been promoted in recent years at the EU level and globally. Despite their operational and institutional framework differences, all these initiatives emphasise the importance of advancing cross-border cooperation and securing e-evidence⁵.

2. OBJECTIVE

Unlike the **e-Evidence Digital Exchange System (eEDES) and Interpol's e-MLA Initiative**, UNODC's Secure Communication Platform (SCP) does not directly cater to the judicial community. It aims to **facilitate, promote and support cross-border cooperation between the law enforcement authorities** to end fight against corruption⁶. By assisting the anti-corruption law enforcement authorities in the early investigation stages, the Platform is however expected to address certain shortcomings of the MLA procedures. In particular, it is likely to contribute to the **quality of MLA requests** which are prepared as a follow-up to the prior informal assistance during which the authorities can build proper foundation for MLA requests, and in this way **increase the efficiency of the formal MLA procedures**⁷.



This document analyses the United Nations Office on Drugs and Crime's (UNODC) Secure Communication Platform.

The following documents, available on the SIRIUS platform, present other initiatives on digital exchange platforms in the context of cross-border criminal investigation:

- **The E-Evidence Digital Exchange System (eEDES);**
- **The Electronic Mutual Legal Assistance: Interpol's e-MLA Initiative.**

These documents capture the platforms as currently envisaged, which might change in the future.

¹ Commission Staff Working Document, [Impact assessment accompanying the e-evidence package proposals](#), 17 April 2018.

² Informal Expert Group Meeting on International Cooperation in Criminal Matters, [Summary of the Chair](#), 9-11 April 2019.

³ Interpol, [Resolution No. 4 GA-2018-87-RES-04](#).

⁴ Internet & Jurisdiction Policy Network, Cross-border Access to Electronic Evidence (2021), p. 4; and Commission, [Recommendation](#) for a Council Decision authorising the opening

of negotiations between the EU and the U.S. on cross-border access to electronic evidence, COM(2019) 70 final.

⁵ Interpol, [Resolution No. 4 GA-2018-87-RES-04](#).

⁶ See, Article 48 (Law Enforcement Cooperation) of [the United Nations Convention against Corruption](#).

⁷ GlobE Network, Establishment of a Global Operational Network of Anti-Corruption Law Enforcement Authorities ([Concept Note](#)), 22 March 2021; [GlobE: Frequently Asked Questions \(unodc.org\)](#).

3. BACKGROUND

The Global Operational Network of Anti-Corruption Law Enforcement Authorities (**GlobE Network**) was launched in June 2021 as a central global point for international efforts to counter corruption. It was set up under the UNODC’s umbrella in accordance with the goals pursued by the **United Nations Convention against Corruption**, in particular its Article 48 which provides for international cooperation between law enforcement authorities.

One of the main mechanisms envisaged within the framework of the GlobE Network is an online **“One-Stop Hub”** featuring two tools: a Secure Communication Platform and a Decision Tree (containing practical information for anti-corruption practitioners on relevant resources, existing channels/networks and competent foreign contacts)⁸.

4. SCOPE OF THE PLATFORM

The Secure Communication Platform is expected to provide an **additional channel of communication to the competent authorities**, which would be specifically relevant for the anti-corruption authorities that do not have direct access to other existing (e.g. Europol’s [SIENA](#) or Interpol’s I-24/7) secure channels to communicate with their foreign counterparts.⁹

INSTRUMENTS AND DATA COVERED

The Platform is intended to serve as a complementary and additional communication tool for cross-border exchanges of **strategic and operational information in relation to the investigation and prosecution of corruption cases**.

The Platform is envisaged to support the **transmission of information on specific cases, intelligence and tools on anti-corruption**¹⁰.

USERS – ACCESS

Access to the Platform is primarily envisaged for the **anti-corruption law enforcement authorities** (from the **United Nations Member Countries**). It remains unclear whether such access will be granted to individual practitioners or the agencies themselves. Interim Task Force experts proposed to designate individuals as focal points with access to the Platform. In this connection, several experts consider that “practitioners would be hesitant to

transmit case-sensitive information through focal points and may also need access on a temporary basis to discuss specific cases with their foreign counterparts.”¹¹

Experts involved in the discussions on the Platform’s scope consider that access to the secure communication channels should in some ways also be provided to **investigators and/or prosecutors involved in the same case** in so far as communication between them is concerned¹².

5. STATE OF PLAY

The development of the Platform is still in its initial stage. The GlobE Network’s Interim Task Force (group of experts) developed the [Initial concept for the Secure Communication Platform](#), which provides a general overview of the Platform’s scope.

6. THE WAY FORWARD

UNODC has committed to providing **technical and operational services** to build the Platform¹³.

The first GlobE Network meeting of members, where proposals on tools and services to strengthen secure communication exchange were considered, took place in November 2021. As a result of the meeting a Charter of the GlobE Network was adopted setting establishment of secure channels of communication as one of the Network’s goals.¹⁴

⁸ Ibid.

⁹ GlobE Network, Establishment of a Global Operational Network of Anti-Corruption Law Enforcement Authorities ([Concept Note](#)), 22 March 2021

¹⁰ GlobE, [Initial Concept for the Secure Communication Platform](#).

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ <https://globenetwork.unodc.org/globenetwork/en/network/fIRST-network-meeting-nov.2021.html>