



Report

Seminar 2: Cybercrime Law



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1 Question 1

In the Budapest convention, it is said in Chapter 2 Section 1 Article 6, that, when someone uses a device or a computer program, namely a hacking tool, without having the intent to commit a cybercrime, it is considered in that situation as fine to possess such tool. However, if we do a crime, the use of such tools will be considered as a crime [1]. Therefore, I am wondering, what would happen, if for example, someone is using such tools for education purposes, and did manage to break a network security without being aware of it, or without doing it on purpose.

Would it be considered as a crime in that case (which may also break other articles, such as Article 2 - Illegal access)? Or is there any law that protects someone in that case? As the first intent, was for learning purposes, and not to commit a crime.

2 Question 2

The Cybercrime convention, has been signed and ratified by a certain number of countries. What would happen if an attacker is located in a country that did not sign, then manages to get access in a computer located in a country that signed the convention, and somehow starts to hack from that computer to other computers in the network, and maybe more. The victim's computer, is not aware of this fact, until the police show up to the person.

How would law help this person to prove innocent, and how will they manage to cooperate with a country that did not sign the convention with the idea that they manage to find where the real attacker is located?

In the book, it is said, that "agencies have to cooperate internationally in order to secure and exchange evidence" [2], but what if the crime committed is not considered illegal in the attacker country, thus, they do not want to cooperate? Or the country is in war and do not have time to cooperate?

3 Question 3

If someone uses my network, to commit illegal activities, therefore, I am being charged on something that I have not committed, even though I am trying to prove my innocence, they do not believe it. So, I decide to hire a professional hacker, that would help me find real evidence that can prove my innocence, but unfortunately, the information to prove my innocence can only be obtained illegally.

How would the court use information obtained illegally, and that is the only way at the moment to prove this person innocent?

References

- [1] C. of Europe, *Convention On Cybercrime - Budapest, 23.XI.2001*. European Treaty Series No. 185, November 2001.
- [2] A. Årnes, *Digital Forensics*, 1st ed. John Wiley & Sons Ltd, 2018.