

THREE-DAY TRAINING PROGRAM ON COLLECTION OF ELECTRONIC / DIGITAL EVIDENCE AND CYBER CRIMES FOR FIA OFFICERS AND INVESTIGATORS OF SINDH POLICE (BATCH-04 FROM 25-27 JANUARY 2024)



Background Context

❖ The Hon'ble Mr. Justice Zulfiqar Ahmed Khan, Judge High Court of Sindh passed an order in Criminal Bail Application No.1614 of 2023 on 04-08-2023 whereby the issue of defective investigation on the part of FIA officials was discussed at length.

❖ The Hon'ble Court observed that the officials who qualify and meet the required criteria against each post may be identified and accordingly they may be trained for collecting, preserving, and securing evidence, in particular, electronic evidence in cybercrime cases. The operative para of the order reads as under:

"In these circumstances, Sindh Judicial Academy in consultation with the Director General, Cybercrimes to assess the training needs of officers and other staff of the Cybercrimes Wing Sindh to impart legal as well as technological and forensic training to Wing's personnel and let a report be submitted to this Court."

Brief Introduction to Training

❖ It was felt necessary to assess training needs and accordingly arrange a comprehensive training program on cybercrimes particularly, the process of collecting, securing, and preserving electronic evidence. Two courses including Basic and Advanced Modules were planned for each category of the investigation officers. A total of 15 participants attended the fourth Batch of the Basic Module from 25 to 27 January 2024.

❖ The course covered the introduction to relevant laws such as the Code of Criminal Procedure 1898, the Qanun-e-Shahadat 1984, the Prevention of Electronic Crimes Act 2016 and Rules made thereunder, the Federal Investigation Agency Act 1973 and Rules made thereunder, the Mutual Legal Assistance (Criminal Matters) Act, 2020 and the Fair Trial Investigation Act, 2013.

❖ The Advanced Module would be based on practical exercises so that the trainees may be able to complete the process from receipt of a complaint to the proceeding of trial. This process would involve conducting the inquiry, converting it into an investigation, and thereafter completing the trial by producing evidence before the trial court.

Salient Proceedings

❖ The following topics were covered:

- Introduction to electronic evidence and cybercrime types, impact, and challenges
- Introduction to the Global Initiative on handling electronic evidence and development of the Customized practical Guide for Pakistan for requesting electronic evidence across the border
- Pre-trial process (section 154 to 173 Cr. PC)
- The Prevention of Electronic Crimes Act, 2016 and its significance for cybercrimes investigation
- Cyber-crime investigation process under the Prevention of Electronic Crimes Investigation Rules, 2018

- Role of I.O. during inquiry under FIA Act and Rules made thereunder, Procedure of recovery and seizure during inquiry and its impact on investigation and trial
- Collection procedure of Digital Evidence, Preservation of electronic evidence, Procedure of sending e-evidence for forensics, Collection of forensic report and its production in court
- Role of I.O. during Financial Crimes Investigation; how & when to connect Cybercrime offences with Money Laundering & Terrorism Financing; how to complete chain of evidence and emerging crime
- Collection of Digital Evidence (Mock session) and use of prescribed format
- Causes of acquittal and superior courts' verdicts
- Practical exercise: Cyber Crime Investigation from complaint to final report-Simulation
- International Cooperation and Mutual Legal Assistance in cybercrime cases under the scheme of national legislation

❖ The following speakers were associated:

- **Ms. Arianna Lepore** (Coordinator of the Global Initiative on Handling Electronic Evidence, Terrorism Prevention Branch, United Nations Organization for Drugs Control)



- **Mr. Muhammad Shahid Shafiq** (District & Sessions Judge)



- **Mr. Mehmood-ul-Hassan** (Deputy Director, FIA)



- **Mr. Amir Sheikh** (Deputy Director FIA)



- **Mr. Qasim Mandokhail** (Advocate)



- **Mr. Farhan Nawazish Ali** (Representative, UNODC)



Conclusion

❖ The experts gather, identify, and preserve the evidence from electronic/digital and cybercrime evidence sources to track the perpetrators of the crime and present them in a court of law. They are also useful in corroborating a timeline of events. This course provided the participants with in-depth knowledge about the subject.

❖ At the end, the participants were awarded certificates.



