



Bundeskriminalamt



## **Crime Scene Internet – A Global Challenge for Internal Security**

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### **Current Crime Control Problems**

Summarised presentation

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Islamist terrorism reaches a new dimension by using the Internet as a virtual instrument of crime: as a means of propaganda, for recruiting associates, as a means of communication among the individual cells and fighters, as a virtual training camp, as a means of demonstrating power and disconcerting opponents and as a means of public relations work. For this reason, the World Wide Web also becomes the “cyberspace” for investigations, thus, the target of online investigations.

The Internet activities of the so-called “cyber terrorists” show us the limits of material criminal law and open pestering questions about the permissibility of online investigations.

The phenomenon of "psychological warfare" by terrorists requires reconsideration of the traditional differentiation between (privileged) solicitation and other forms of support of a terrorist organisation.

As regards the global Jihad it may be difficult to comply with the constitutional order to clearly show the limits of criminal liability for the relevant offences under Sections 129a and 129b of the German Penal Code; an ideology or a movement – whether militant or terrorist – is not an association in the sense of the German legislation on associations. This is, for example, demonstrated by Al Qaeda and Al Qaeda of Mesopotamia. With a view to harmonising the national laws within EU territory, there are grounds for applying Sections 129a and 129b of the Penal Code also to those associations which do not fully correspond to the organisational prerequisites of previous legislative rulings.

The intensive use of the Internet as a forum for communication and operation causes considerable problems to clearing up cases. Practice has shown, however, that there is no straightforward, effective way of clearing up cyber terrorism by one specific investigative tool, let us say online search or online monitoring. Only a combination of traditional and new investigative methods promises success. It is, in fact, undeniable that online investigative measures may require great technical and time-consuming efforts. However, the progressive shift of communication to digital media must be considered in the field of criminal investigations.

The Federal Constitutional Court in its rulings on acoustic surveillance of private premises and interception of telecommunications pursuant to police law showed us the necessity for but also the limits of modern investigative methods.