



Bundeskriminalamt

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

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**Crime Control in the Area of Conflict Between
Security and Freedom**

Summarised presentation

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The development of the global information and risk society has led to new risks and new forms of crime. Technological, economic and political changes promote in particular the increasing cross-border commission of offences as well as new complex forms of crime involving high risks, e.g. in the fields of Internet crime, economic crime, organised crime, and terrorism.

Criminal law and police law have already responded to these changes which can be seen, for instance, in taking steps in the field of criminal law at an earlier stage with a view to proactive crime protection, in increasing covert surveillance measures, in the international co-operation of working parties, in reinforced prevention as well as in the growing together of criminal law, police law, the law on the intelligence services, aliens law and other branches of law into one comprehensive security law. These changes have brought about considerable restrictions on the rights of liberty and the privacy of citizens.

In view of the simultaneous increase of new risks and new powers of intervention, future crime control policy requires above all safeguards and compensatory procedures which facilitate the necessary state intervention measures, but at the same time restrict them to the necessary case constellations and to the proper extent. This becomes apparent, for instance, in the case of online searches and online monitoring of computer systems, which should be permitted in strictly limited individual cases but must at the same time be restricted by differentiations, material prerequisites, and procedural safeguards. Examples of such safeguarding and compensation procedures to facilitate online searches can be found in the author's opinion on online searches recently delivered on behalf of the German Federal Constitutional Court (cf. <http://mpicc.de/shared/data/pdf/bverfg-sieber-1-endg.pdf>).

The example of online searches shows that the current politisation of the debate is detrimental to both the protection of security interests and the protection of liberty interests. In the future, providing accompanying advice to crime control policy makers in terms of criminal law, comparative law and criminology is required to be much more problem- and practice-oriented than has been the case up to now. The new criminal law research programme of the Max Planck Institute for Foreign and International Criminal Law aims at a scientifically substantiated crime control policy.

For further details, see: Ulrich Sieber, Grenzen des Strafrechts. Zeitschrift für die Gesamte Strafrechtswissenschaft (ZStW), Band 119 (2007), S. 1-68 = <http://atypion-link.com/WDG/toc/zstw/119/1>.