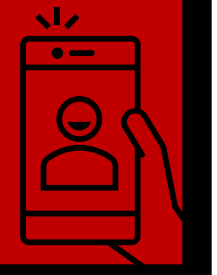
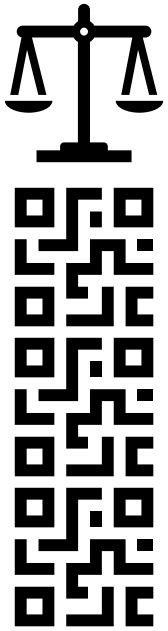
"UNDERSTANDING THE DIGITAL RIGHTS OF CITIZENS AS LAW ENFORCEMENT"





A Look At Rights-Respecting Operations

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FACILITATOR'S PROFILE

- **Desmond Israel, Esq.** is a cybersecurity, data privacy, and AI governance expert with over 20 years of experience in technology and 5+ years as a practicing lawyer. He earned his **Master of Laws in National Security & Cybersecurity as a GW Law Merit Scholar** from The George Washington University Law School, and holds leading certifications including **CISSP, CIPM, CCT, and CC**.
- Desmond is the **Founder and Lead Consultant at Information Security Architects Ltd**, a cybersecurity advisory firm and Rapid7 Gold Partner, he is a Partner at **AGNOS Legal Consult** and serves as **Non-Executive Director (Cyber & Privacy Advisory)** at **Zerone AnalytiQs** in Canada. He also lectures in technology law at **GIMPA Law School**, where he teaches and mentors students in the areas of contracts and emerging technologies, digital rights, and e-commerce law.
- He has contributed to global policy work with institutions like the Center for AI and Digital Policy (Washington DC), X-Reality Safety Intelligence (California) and the Internet Security Alliance (Virginia). Desmond is widely acknowledged for his speaking engagements on various topical cybersecurity issues including BBC Africa and publications in the Lexxion AI Regulations & Law Journal, SSRN and others.
- He is a **Member of EC-Council's Beta Testing Committee (United States)**, and affiliated with **(ISC)², IAPP, ISOC SIG (Cybersecurity), Ghana Bar Association**, and the **Institute of ICT Professionals Ghana (IIPGH)**.

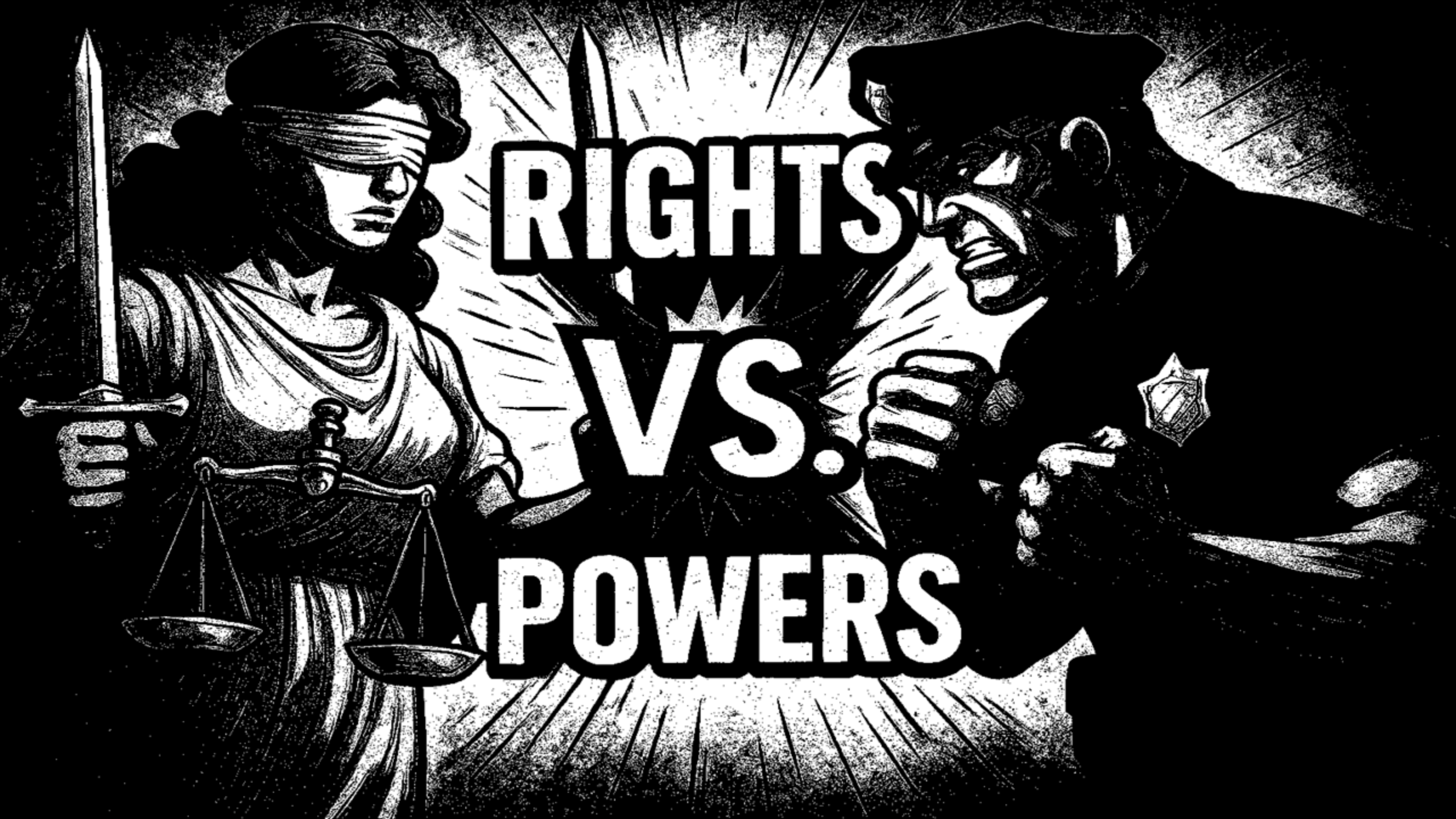
SESSION OBJECTIVE

Equip law enforcement officers, prosecutors, and stakeholders with a clear legal understanding of digital rights in Ghana's cybercrime context.

The aim is to improve legally compliant investigations, protect victims and citizens, and secure convictions that stand up in court.

SESSION BREAKDOWN

- Introduction & Relevance
- Legal Frameworks Overview
- Two Legal Roles in Digital Rights
- From Investigations to Prosecution
- Real-World Scenarios & Pitfalls
- Legal Checklist & Q&A
- Key Takeaways


RIGHTS
VS.
POWERS

INTRODUCTION

Digital rights are the **legal protections** individuals have when using technology and the internet.

It protects privacy, data, and communication online. Law enforcement must access devices or messages lawfully, with warrants or legal grounds. **Violating these rights risks case dismissal.** Respecting them ensures justice and public trust.

INTRODUCTION

Core principles:

- “Every cybercrime operation must **protect victims** without violating the **constitutional rights** of others.”
- Digital rights are **not obstacles** but tools for lawful conviction.
- “You can’t secure convictions by violating the law you're meant to uphold.”

RELEVANCE

Upholding Constitutional and Regional Standards

Ghana's Constitution (Art. 18, 19) and laws like the NRCD 323, Act 1038, Act 772 and Act 843 require lawful handling of digital evidence.

Digital rights enforcement is a continental legal norm. (Malabo Convention)

Legal Compliance & Conviction Integrity

Respecting digital rights ensures that investigations and prosecutions are legally sound.

Inadmissible evidence — undermines convictions

Protecting Victims Without Violating Others

Violating suspects' digital rights (e.g. through warrantless searches or coercive data collection) can expose agencies to lawsuits and derail justice for victims.

Law enforcement must be **both the defender and enforcer** of digital rights.

LEGAL FRAMEWORKS OVERVIEW

Evidence Act

Security and Intelligence Agencies Act

Electronic Transactions Act

Data Protection Act

Cyber Security Act

Juvenile Justice Act

Children's Act

1992 Constitution of Ghana

TWO LEGAL ROLES IN DIGITAL RIGHTS

Rights Law Enforcement Helps Protect

- Right to protection from online exploitation
- Right to digital security from bad-actors or predators
- Rights of the child (The welfare principle as it may apply)

Rights Law Enforcement Must Respect

- Right to privacy
- Right to fair trial & due process
- Data protection rights

TWO LEGAL ROLES IN DIGITAL RIGHTS

Rights Law Enforcement Protects

- Protection from exploitation (s. 67, 68 Act 1038; 37(1) Act 843)
- Digital safety of children (s. 62, 63, 64, 65, 66 Act 1038; s.2 Act 560; s.2,3 Act 653 (welfare principle)).
- Security from unlawful access (124-134 Act 772, *The State has interest in CII pursuant to Act 1038*)

TWO LEGAL ROLES IN DIGITAL RIGHTS

Rights Law Enforcement Must Respect

- Privacy of communications (Art. 18(2) 1992 Constitution, ss. 17-18, 37(1) Act 843)
- Proper warrants for search/seizure (s. 69-75, Act 1038; s.98-99, s.100-102 Act 772; s. 34-37 Act 1030)
- Legal basis for surveillance (s. 69-75, Act 1038; s.60, 61 & 66 Act 843)
- Trial dignity & non-coerced confessions (Art. 19, 1992 Constitution, s.3 Act 653)

Professional Tip: If it's not **authorized by law**, it may **collapse in court**.

FROM INVESTIGATION TO PROSECUTION - INVESTIGATION

Ensuring Legally Sound, Rights-Respecting Cybercrime Cases

Search and Seizure of Devices & Data	Surveillance or Communication Interception	Access to Data from Service Providers	Interacting with Child Victims or Suspects
Act 772, Act 1038	*Act 772, Act 1038*	*Act 772, Act 1038, Act 1030*	*Act 560, Act 653*
Obtain a **High Court warrant** for: •Searching electronic device •Accessing homes or offices for digital evidence	Obtain a **High Court warrant** for: Tapping phones Monitoring online chats, emails, or logs	Legal basis: warrant, court order, or lawful exemption Requests must be **necessary**, **proportionate**, and **targeted**	Use trauma-informed approaches Ensure privacy and presence of parent/guardian/legal rep Interview in child-sensitive settings

FROM INVESTIGATION TO PROSECUTION - PROSECUTION

Ensuring Legally Sound, Rights-Respecting Cybercrime Cases

Evidence Authentication	Admissibility of Electronic Records	Trial Rights & Due Process	Handling CSAM in Court	**Cross-Border Evidence**
NRCD 323	*Act 772, NRCD 323*	*Constitution, Article 19*	*Act 772, Act 1038, NRCD 323*	*MLAT Act, Act 772, Act 1038, NRCD 323*
Present expert testimony to validate digital evidence Show original data integrity (hash matching, logs)	Prove data has not been altered Show how it was obtained legally	Allow accused access to legal counsel and evidence Avoid prolonged detention without charge Ensure timely trial	Present only under judicial seal Use minimal excerpts needed to establish facts Protect the identity and dignity of the victim	Use **MLATs** or **INTERPOL** to obtain foreign data or witness cooperation Preserve chain of custody documentation internationally

Reminder: Evidence integrity is as important as the evidence itself.

SCENARIOS AND PITFALLS

Scenario 1:
Device search without a warrant on suspicion of CSAM possession.

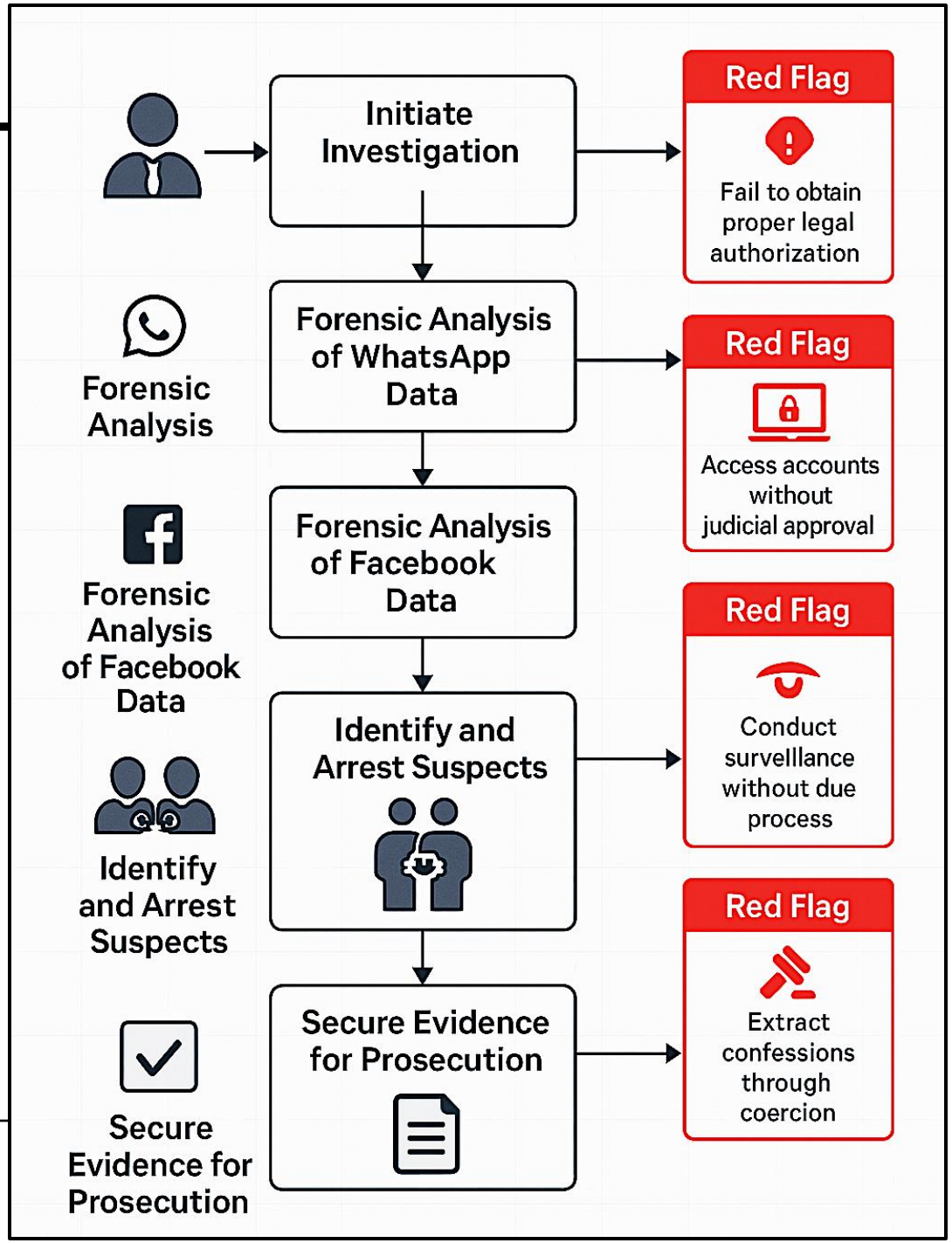
✅ Correct: Apply for High Court warrant under relevant law

❌ Wrong: Searching without judicial approval → evidence thrown out.

Scenario 3:
Interviewing a minor suspect alone, recording confession

✅ Correct: Legal rep present, psychologist support

❌ Wrong: Breach of Children's Act, Juvenile Justice Act → confession inadmissible



LEGAL CHECKLIST AND Q&A

✅ Digital Rights Compliance Checklist:

- ☐ Do you have a valid warrant?
- ☐ Was data collected under lawful grounds (consent, exemption, order)?
- ☐ Is chain of custody documented?
- ☐ Was the suspect's right to counsel observed?
- ☐ Is the child victim/suspect treated with protective protocols?

Note: Without a warrant, evidence is likely **inadmissible**.

KEY TAKEAWAY

Law enforcement must act with **discipline, legality, and documentation** at every stage. **Rights-respecting operations build stronger cases—and stronger justice.**

If the investigation is not done **legally**, the prosecution will **fail**, even if the suspect is guilty.

"**Your badge is not just power —it's a legal instrument**. Use it within the law to protect others and secure justice that lasts."

THANK YOU