

# Cross border Law Enforcement – The order

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# Before the order – investigation by FBI

- The FBI was investigating a DNSChanger case
- Their suspects had resources registered with ARIN and RIPE NCC
- FBI wanted to prevent the transfer of these resources
- FBI requested the Dutch police through the MLAT process to order the RIPE NCC to freeze the registration for 4 blocks of IPv4

# The order – execution of the order

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- The RIPE NCC received the Police order and based upon Article 2 of the Police Act
- RIPE NCC executed the order as requested due to the timely execution of the FBI action and informed the members involved about it
- After the execution the RIPE NCC investigated the legality and the obligatory nature of the order

# After the execution – legal analysis

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- Order based on Article 2 of the Police Act 1993 (general legal basis for the police to act and give orders)
- This article can order people to tolerate a situation - not to actively do something
- This article alone is not sufficient for the police to issue orders - needs additional legal basis for the order
- Disobeying orders based on this article does not create remedies

# Communication with the prosecutor

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- The RIPE NCC
  - Requested further legal basis about the order
  - Would not voluntarily obey to non obligatory orders
- The prosecutor
  - Did not provide any further legal basis
  - Notified that:
    - if the order is reversed, RIPE NCC will be liable for any consequence
    - seizure of the “RIPE NCC administration” would also be an appropriate measure

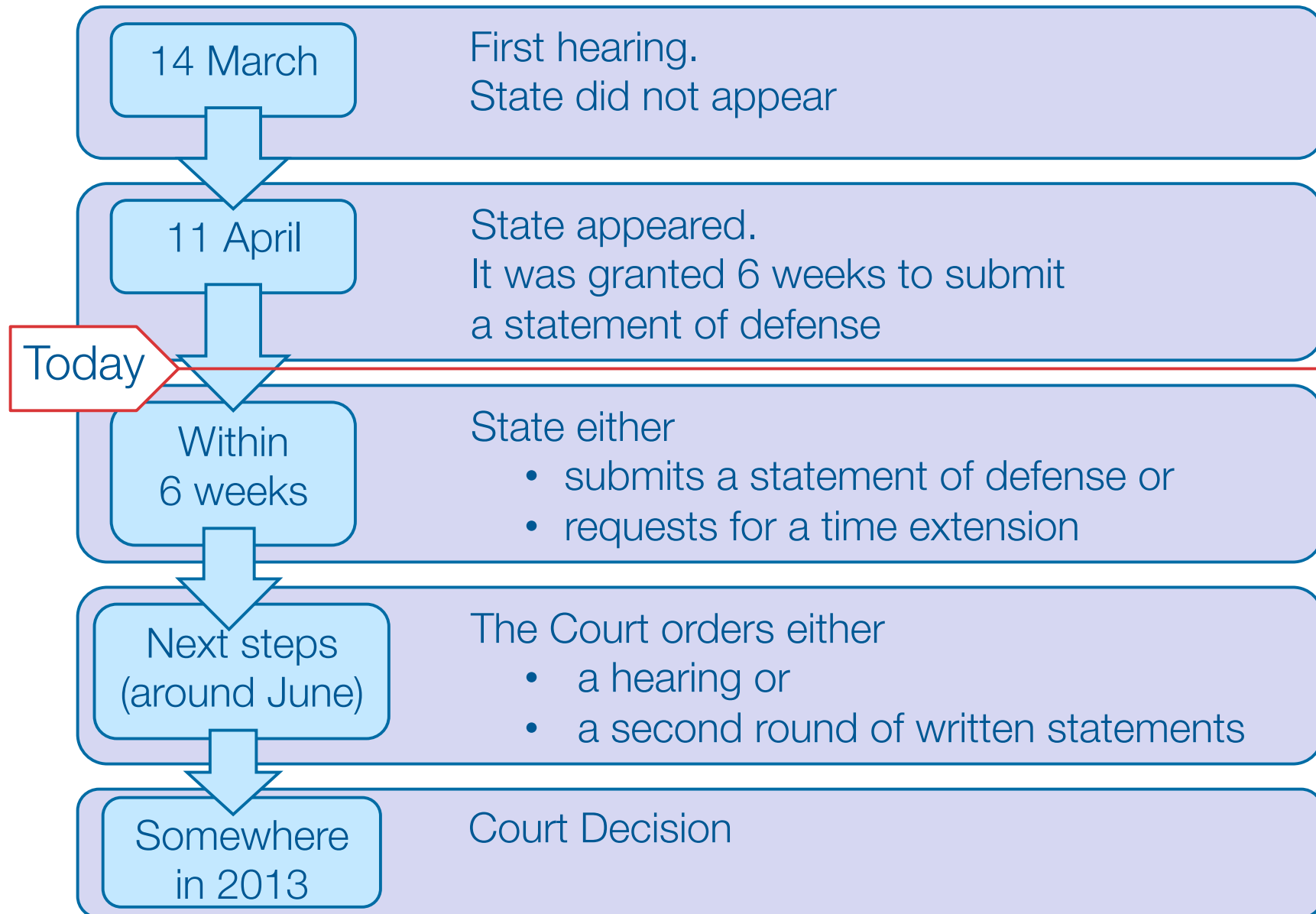
# Where are we now?

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- The prosecutor confirmed he would not proceed with seizure at this point in time
- RIPE NCC “unfroze” the IP address blocks
  - Informed the relevant members about the “unfreezing”
- RIPE NCC is pursuing legal action to get clarity on the situation

# Procedure timelines

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# So where does this leave us....

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“Take a step back and re-evaluate the existing procedure and the practicality of it.”



# Basic principles for RIPE NCC for orders

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- All activities are for the benefit of the RIPE NCC membership
- Crucial benefit for the membership → accurate data in the Public Registry
- Accurate data is to record about the organisation/person responsible for the IP
- Changing or amending data in the Registry is not beneficial towards the membership

# Re-established procedure for orders

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- In principle only NL Court orders will be executed
- Orders will be evaluated on case-by-case basis
  - Orders must have legal basis and follow correct procedure
  - Action requested must be appropriate and proportional
  - Orders must not jeopardise accuracy of public registry information
- RIPE NCC will challenge orders in case any of the above requirements are violated
- Enhance cooperation and communication between LEAs and RIRs

Questions?

