



**CZECH REPUBLIC**

**Permanent Mission of the Czech Republic to the International Organizations in Vienna**

Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering  
the Use of Information and Communications Technologies for Criminal

**Fourth Session**

**Agenda Item 6 – Procedural Measures and Law Enforcement**

**Statement by**

**Ms. Marta Pelechová**

**International Dossiers Coordinator, Ministry of Justice**

Vienna, January 11, 2023

Thank you Madam Chair.

The Czech Republic fully aligns itself with the statement delivered by the European Union and adds the following in its national capacity.

Thank you very much for the Chapter on Procedural Measures and Law Enforcement.

We generally agree with the Article 40 on jurisdiction which is closely linked to Article 4 and several other articles. In this connection, we would like to point out, just like we did yesterday in our statement on General Provisions, that this issue should not just be taken over from other existing instruments and should be thought over very carefully in order to perfectly fit the purpose of this cybercrime convention and the specificities of cyberspace.

Article 41 is complex and is linked to Article 3 paragraph 2. The scope of the procedures to be stipulated in this article also depends on the final scope of criminalization, i.e. on what acts will be criminalized under this convention. In general, we support a narrow scope of criminalization and a narrow scope of procedural measures which means we would be happy with having letter 2a) in Article 41 only. However, depending on what crimes we will end up with having criminalized under this convention, we are open to considering letters b) and c) as well, under the condition that sufficient and strong safeguards are provided for in the convention.

This leads us to Article 42 which we very much appreciate. We consider the conditions and safeguards to be crucial for an efficient, lawful and democratic cooperation in fighting cybercrime, just as it is the case of Article 5 on human rights which we discussed yesterday. Such articles are necessary in the convention and we would even welcome seeing Article 42 more detailed and extended.

Articles 43-46 are very important and practical to enable an efficient cooperation of law enforcement authorities from different states and we appreciate having them in the convention. Articles 47 to 49 are, in our opinion, for further discussion among UN Member States.

We agree with the inclusion of Article 50, at the same time we would like to point out that we are not in favor of extending the language we have under UNCAC or UNTOC. So as long as we stay within the wording proposed in Article 50 now, we can support that.

As to Article 53, thank you for including it in the convention. We very much welcome having an article on the protection of victims of cybercrime and we would support even an extended language on this issue.

Concerning Articles 51, 52, 54 and 55 – at this moment, we are not convinced of the necessity to include them in this convention. But just like it is the case with all the articles in the CND, we are open to further discussion.

Thank you, Madam Chair.