



## REPUBLIC OF MALAWI

### FOURTH SESSION OF THE AD HOC COMMITTEE TO ELABORATE A COMPREHENSIVE INTERNATIONAL CONVENTION ON COUNTERING THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES FOR CRIMINAL PURPOSES

STATEMENT DELIVERED BY MR. MABVUTO BAISON KATEMULA  
DURING THE GENERAL DEBATE ON AGENDA ITEM 6

PROVISIONS ON PROCEDURAL MEASURES AND LAW  
ENFORCEMENT

11 JANUARY 2023

Thank you very much Madam Chair or giving me the floor.

Since this is the first time that my delegation is taking the floor, allow me to commend you on your leadership in steering the proceedings of this Committee at the current session.

We wish to express our appreciation to you, Madam Chair, and the Secretariat for preparing the Consolidated Negotiating Document (CND) which is proving to be a useful tool for our negotiations at this session.

Allow me to deliver my delegation's general remarks at this stage on Chapter III of the CND, Procedural Measures and Law Enforcement.

At the outset, it is important to bear in mind that for the future convention to be effective in combating cybercrimes, there is need for robust and unambiguous provisions on Procedural Measures and Law Enforcement which also relate very well with international cooperation mechanisms.

In that regard, turning to Cluster I, we accept the inclusion of Articles 40 to 2 as proposed in the CND. However, as other delegations have raised concerns of extra-territorial jurisdiction, we believe there is room for refining the provisions to avoid such concerns.

We believe that tying the paragraphs of concern to international cooperation may be one way of dealing with the extra-territorial overtones.

As regards Cluster II, we also accept the inclusion of Articles 43 to 48 although further work needs to be done. There is need to strengthen the balance between measures put in place and safeguards of individual human rights. The rest of the articles require further clarity.

Turning to Cluster III, we accept the inclusion of Article 50 in principle because this article will go a long way preventing criminals from benefitting from the commission of crimes. The Article is also in line with existing conventions such as UNTOC and UNCAC.

As for the other Articles we reserve the right to comment on them during the upcoming informals and subsequently in the second round of negotiations.

Thank you Madam Chair for your kind attention