



## **STATEMENT BY MALAYSIA**

### **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 VIENNA, 9-20 JANUARY 2023**

#### **AGENDA ITEM 6: PROVISIONS ON PROCEDURAL MEASURES AND LAW ENFORCEMENT**

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Madam Chair,

Whilst reserving our rights to discuss further on the choice of specific language or terms which will be deliberated upon during the next sessions, Malaysia wishes to state our position and make the following comments on Chapter III on Procedural Measures and Law Enforcement:

2. On Cluster 1, Malaysia generally supports the inclusion of Article 40 in this convention. While cognisant of the views already expressed by other Member States thus far, Malaysia is interested to continue listening to further comments on para 2(e), in particular relating to the rationale and benefit of its inclusion as well as the extent of its application.
  
3. Next, Malaysia is agreeable with and support the inclusion of Article 41.

4. However, Malaysia has reservation on the inclusion of Article 42 in this Convention, as the spirit of Article 42 had already been addressed in Article 5. Efforts should be made to avoid redundancy and duplication of human rights provision in the Convention. This argument has been underscored clearly by a sizeable number of delegations up to this point.

5. On Cluster 2, Malaysia is agreeable with and support the inclusion of Articles 45, 46 and 49.

6. Malaysia also supports the inclusion of Article 48, subject to amendment being made to its title. Malaysia is of the view that the current title of this Article does not give accurate reflection of its contents, which refers predominantly to collection of data rather than interception.

7. While taking note of the various comments made regarding Articles 43 and 44, Malaysia could consider demonstrating flexibility with the inclusion of these Articles especially upon learning from other Member States on the implementation of their domestic laws pertaining to these provisions.

8. Lastly, on Cluster 3, Malaysia agrees with and support all of the Articles under Cluster 3.

9. In conclusion, Malaysia looks forward to engaging further during the informal negotiation sessions focusing on the three (3) chapters of the Convention.

Thank you, Madam Chair.