

Fourth Session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of ICT for Criminal Purposes

9-20 January 2023

Pakistan's Statement on Agenda Item 6 – Procedural Measures and Law enforcement

Thank you, Chair, for giving me the floor.

Although the chapter conforms with applicable legal standards, it is still important to review it to ensure that it is as unambiguous as possible. My current intervention in this regard focuses on haves and have-nots.

Jurisdiction is a fundamental basis of international law and largely determines the scope of authority over any given individual or entity. When jurisdiction is not respected, it violates the principles of sovereign equality and territorial integrity, which undermines the legal framework established by international conventions. This can lead to growing divisive problems and erodes its applicability and acceptability. Article 40, which will guarantee the effectiveness of international law and create a level playing field for all State Parties, must be included in the treaty to prevent such an occurrence. We have noted the observations made by some member states in paragraph 2(e), and we look forward to developing further quality on that.

With regard to Article 41, my delegation supports the collection of evidence in the electronic form **of offenses outlined in this convention**. The reason for limiting the scope to offenses of the convention is to achieve acceptability, clarity large-scale ratification, and effective international cooperation.

Service providers must cooperate with the competent authority of the requesting state to ensure that the requirements of Cluster 2 are met. This cooperation involves the preservation and disclosure of real-time traffic data, subscriber information, and other matters that are within their inherent technical capabilities. Without this cooperation, it would be impossible for us to fulfill our mandate and prevent the use of ICT for criminal activity.

In article 43, My delegation also supports an extension period for preserving and maintaining the integrity of digital information to facilitate law enforcement agencies.

Concerning the question of real-time traffic data and consent data, it is stated that such data is invariably collected for research and purposes that improve user experience by a variety of service providers. This warrant-validated data for criminal proceedings should therefore effectively support law enforcement and prevention efforts. We are, however, open to hearing other member states' opinions on this matter.

The inclusion of asset recovery into procedural measures is paramount. Without a strong base, it is impossible to drive asset recovery efforts forward. Asset recovery will only be successful through multifaceted approaches that combine legal frameworks with effective international cooperation. Article 23 of the UNCAC provides a framework for effective

cooperation and endorsement which could be reworded and placed after article 50 in the current draft.

My delegation believes that Articles 52 and 53 could be combined and that the term "experts" should be used to refer to a broad range of professionals, including those involved in network administration, research, and cyber security. **The newly formed article may be modeled after UNCAC Article 32, which protects witnesses, experts, and victims.**

Specific provisions should be developed to foster cooperation and information exchange between national agencies, law enforcement authorities, national law enforcement authorities, and service providers. These provisions should be formed in line with Articles 37, 38, and 39 of the UNCAC. Moreover, Interpol has suggested that the I-24/7 platform can be used as a source of information exchange due to its reliability and established reputation. This should be taken into account when considering the viable options for cooperation and information exchange between all parties involved.

Madam Chair,

By this point, the house is aware of our stance on terminology. We would support the inclusion of broad-ranging terminology that is consistent with resolution 74/247 and this committee's mandate.

The Chapter on Procedural Measures is a complex one, with several intricate technical issues that require further clarification. To ensure that we can comprehend the matters thoroughly and make meaningful contributions to the informal negotiations, my delegation is eager to listen to the views of other well-versed Member States.

We believe that it is only through collaborative dialogue and discourse that we will be able to gain complete clarity on the procedural measures in question. In conclusion, we look forward to engaging with other Member States on this important issue.

I thank you