

**SINGAPORE'S STATEMENT
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 JANUARY TO 20 JANUARY 2023**

Thank you, Madam Chair.

With respect to Chapter III on procedural measures and law enforcement, we would like to make the following comments.

On Cluster 1, we can support Article 40 but oppose paragraph 2(e) on the basis that this is very wide and unwieldy. For example, we are concerned about the implications of paragraph 2(e) for data centres which can store information belonging to nationals from multiple States. The question is whether every single one of these States would be entitled to exercise jurisdiction over an offence involving such a data centre – this could potentially create jurisdictional conflict between the States of the various nationals whose data is stored in the data centre, and the State where the data centre is located.

We do not see the need for Article 42. Human rights is addressed under Article 5, which is an overarching provision that applies to the entire convention. As such, Article 42 is redundant and unnecessary.

On Cluster 2, we support the inclusion of Articles 43, 44, 45, and 46, and can accept Article 49. The inclusion of these measures would significantly facilitate

and enhance the investigation of [transnational] cybercrimes, particularly in a treaty that has broad support from States.

We do not support Articles 47 and 48 which cover the real-time collection and interception of data respectively. There is extremely limited utility for such powers in a multilateral treaty, given the intrusiveness of such powers and correspondingly high thresholds that many jurisdictions require to be met before international assistance to collect and intercept data in real-time can be rendered.

In addition, we note that Member States have different legal systems, circumstances and resources which could and would affect their ability to implement these measures. In fact, the inclusion of these provisions may deter more States from signing on to the Convention, undermining the goal of a widely adopted instrument for effective combatting of cybercrimes. There is thus a very high cost but little benefit that can be realised from the inclusion of these powers.

On Cluster 3, we strongly support Article 50 on freezing, seizure and confiscation of proceeds of crime. Given the financial motivation driving many cybercrimes, it is imperative that the Convention also provides the means to deprive cybercriminals of the fruits of their crimes. Singapore can also accept the rest of the Articles in Cluster 3.

.