



In the name of God, the Compassionate, the Merciful

**Statement by the Representative of the Islamic Republic of Iran
Before the Ad hoc Committee for Elaboration of the Convention on
Countering the Use of ICT for Criminal Purposes
Agenda Item (4): Objective and Scope of the Convention**

(28 February-11 March 2022, New York)

Madam Chair;

Allow me to express my appreciation to you and the Secretariat for the extensive work done in preparation and organization of this important meeting.

Madam Chair;

This first session of the Ad hoc Committee and the remarkable engagement of Member States in its works have manifested the exemplary resolve of the international community in pursuance of the very objective of resolution 74/247 which is to strengthen the fight against use of information and communications technologies for criminal purposes through elaboration of an international convention. In line with this underlying objective, we are of the view that the convention should be aimed at promoting and strengthening measures to prevent and combat such crimes as well as promoting, facilitating and supporting international cooperation and strengthening Member States' capabilities and efforts in fighting this menace.

The fundamental role of international cooperation in responding to the formidable challenges posed by use of ICT for criminal purposes and the fact that criminals often tend to exploit the gaps and difficulties law enforcement encounter in cooperating at the international level, requires agile and specialized cooperation, in particular, between law enforcement and service providers and other similar entities as objectives to be sought in elaboration of the convention. To this end, the convention should establish appropriate and inclusive channels for expedited cooperation including for exchanging and sharing electronic evidence so to keep up with the diversifying *modi operandi* of criminals and the pace they operationalize criminal schemes.



Excellencies, dear colleagues;

Crimes we're addressing today are highly dependent on technologies either in terms of target or means of perpetration. An effective and global fight against these crimes necessitates, in particular, technology-driven responses especially considering the rapid advancement in the field of ICT. Therefore, promoting, facilitating and supporting technical assistance including provisions of required and reliable technologies and tools for combating crimes committed via ICT should be an integral part of the purpose of the Convention. Whereas a common understanding of the criminal phenomena and its evolving forms we face is of utmost importance in adopting effective measures and responses thereto, the convention should also promote exchange of experiences, lesson learned and expertise in countering these crimes.

Madam Chair;

It is understood that the convention should address crimes dependent on ICT such as crimes against confidentiality and integrity of ICT systems and data, computer fraud and crimes against ICT infrastructures. However, it is increasingly the case that offenders organize and carry out their unlawful activities not only against but through ICT devices. Though criminal acts may be established as offences notwithstanding misuse of ICT or vice-versa, in certain cases the gravity and other factors surrounding the offence requires criminalizing the unlawful act when conducted via use of ICT. This is especially true when use of ICT intensifies commission of crimes in terms of, *inter alia*, extent of harm it inflicts upon victims. Therefore, we believe that in addition to crimes dependent on ICT, investigation and prosecution of crimes which are enabled by these technologies could also fall within its purview. Nevertheless, from a legal standpoint this may require a case-by-case approach since various forms of crime may reflect differentiated elements as well as *actus reus* and *mens rea*.

I thank you