

Ad Hoc Committee to Elaborate a Comprehensive International
Convention on Countering the Use of Information and
Communications Technologies for Criminal Purposes.

First Session

Statement by

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General Debate

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Dear Madam Chair,

Before I comment on the agenda items of the meeting, I would be remiss not to address the current situation unfolding in the Ukraine. In this vein, and in the interest of time, I refer to the latest remarks of the Israeli Foreign Minister Yair Lapid, who has condemned the attacks. We hope and pray for the safety of all civilians and for a peaceful resolution of the conflict.

Thank you for giving us the floor. As it is the first time Israel takes the floor during this round of substantive negotiations I wish to convey Israel's sincere gratitude to you Madam Chair, the Ad-hoc board and the UNODC secretariat for all your tireless efforts and for leading us through troubled waters during this process and arriving to this important round of negotiations.

Madam Chair,

Cybercrime has become, in recent years, a major cause of concern for States across the world. Its social and economic impacts have compelled States to invest significant resources to curb different forms of cybercrime. However, domestic efforts alone – while important – cannot fully address the full range of challenges raised by the exponential rise in cybercrime. States must collaborate with each other and with various stakeholders in order to fight cybercrime more effectively, both domestically and globally.

Israel is a party to the Budapest Convention and cooperates with states across the globe in investigating and prosecuting cyber-criminal actors. Israel views the Budapest convention as an important and comprehensive legal instrument which enhances states ability to combat cybercrime.

Israel holds that a new international cybercrime convention should focus on strengthening cooperation to tackle the growing threat posed by criminal activity to citizens, businesses and governments. For that reason, Israel welcomes the opportunity to present its views on the scope, objectives and structure of a possible new convention, further to UN General Assembly Resolution 75/282.

Madam Chair,

As for the **objectives** - Israel wishes to underline that any future convention should serve as a practical instrument for criminal law enforcement and judicial authorities in the global fight against cybercrime with the aim to add value to international cooperation. A future instrument in Israel's view should take full consideration of the existing frameworks and tried-and-tested international and regional instruments in the field of organized crime (ie. UNTOC) and Cybercrime. Therefore Israel wishes to emphasize that any new convention should complement and enhance the application of existing legally binding international instruments that deal with cybercrime.

On the Issue of **Scope**- Israel holds that the scope of a future UN convention should be focused primarily on substantive criminal and criminal procedural law as well as associated mechanisms for cooperation. Israel believes that any new instrument should define the terms it uses and give preference to concepts already agreed in applicable existing international texts. Thus we recommend that the content of the convention would be compact and should focus on the essential elements of investigations and prosecution of offences defined by the convention and criminal justice.

Bearing in mind existing frameworks with the UNODC and the Council of Europe, the creation of new mechanisms to respond to new challenges could be explored, building upon existing ones. Efforts should be made at the outset to identify the areas in which there is a need to complement existing applicable international legal regimes and reinforce them.

Madam Chair,

Israel considers that the following elements could be useful in a future cybercrime convention:

- Criminalization of offences aimed at computer systems or computer data, including damaging without authorization the integrity and availability of such systems, as well as other criminal activities that have a significant cyber component, such as ransomware. The convention should not include provisions concerning lower level offences (such as vandalism, trespass etc.), which are adequately addressed under domestic criminal laws.
- The convention should contain procedural provisions for investigating and prosecuting cybercrimes, and a clear framework for law enforcement to obtain and share electronic evidence while protecting human rights and fundamental freedoms.
- As to international cooperation mechanisms, the convention should draw, as much as possible, from similar provisions in other international instruments. Attention should be paid to new forms of cooperation, such as multi-state enforcement actions against criminal actors.
- The convention should encourage States to afford one another relevant technical assistance and capacity building.

Nevertheless, Israel wishes to highlight that in our opinion the following elements must not be included in a new convention text:

- Any matters relating to or regulating national security as the states define them or matters related to state behavior;
- Matters related to or regulating rules on internet governance
- Any matters that relate to Cyber security including those that are already being addressed by the UN or other multilateral international fora.

As for the future convention **structure**, Israel suggests based on the above that a future UN instrument could include the following chapters:

1. Preamble (defining the scope and objectives)
2. Types and precise definitions of cybercrimes.
3. Domestic procedural rules and fundamental principles to be respected in that regard.
4. International cooperation.
5. Technical assistance, training, capacity building and defining the role of the UNODC in this regard.

To conclude Madam Chair,

Given the immediacy and severity of the cybercrime threat Israel holds that it is essential to all member states to be focused and to deliberate in an open inclusive and transparent manner. We believe a future instrument should be aimed at enhancing international cooperation and provide practical tools to equip national law enforcement authorities to better fight cybercrime.

Thank you Madam Chair.