



# General Assembly

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

**Reconvened concluding session**  
New York, 29 July–9 August 2024

### **Interpretative notes on specific articles of the draft United Nations convention against cybercrime**

### **Strengthening international cooperation for combating certain crimes committed by means of information and communications technology systems and for the sharing of evidence in electronic form of serious crimes**

#### **Note by the Chair**

The annex to the present document contains interpretative notes that were discussed by the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes in the process of negotiating the draft convention (A/AC.291/L.15). The notes will be reproduced as approved by the Committee in an annex to the report on the reconvened concluding session. No formal action on the notes is expected of the General Assembly. The notes will be included in the official records of the negotiation process, which the Secretariat will prepare in accordance with standard practice.

## Annex

### **Interpretative notes on specific articles of the draft convention**

#### **Article 2**

1. The definition of the term “service provider” in article 2 (e) includes, in subparagraph (ii), those entities that store or otherwise process electronic data on behalf of the users of the services set out in subparagraph (i). For example, under this definition, a service provider includes both services that provide hosting and caching services and services that provide a connection to a network. However, persons who merely use the service of a web hosting company to host their websites are not intended to be covered by this definition.
2. States parties are not obliged to reproduce verbatim in their domestic laws the same terminology defined in article 2 of the convention, provided that those laws cover such concepts in a manner consistent with the principles and purposes of the convention and offer an equivalent framework for its implementation.

#### **Article 17**

3. In the framework of the convention, an offence shall only be deemed an offence under article 17 when the predicate offence is an offence established in accordance with articles 7 to 16 of the convention.

#### **Articles 23 and 35, with regard to the term “investigation”**

4. The term “criminal investigations” covers situations where there are reasonable grounds to believe, on the basis of factual circumstances, that a criminal offence (including an offence set out in article 19 of the convention) has been committed or is being committed, including when such an investigation is aimed at stopping or impeding the commission of the offence in question.

#### **Article 35**

5. Outside the convention, States parties may afford one another, in accordance with their international obligations, any other forms of international cooperation allowed by the domestic law of the requested State party, applicable mutual legal assistance treaties or equivalent arrangements.

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