

Comments/Inputs on the UN Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes


Referring to the proposed roadmap and mode of work of the Ad Hoc Committee to elaborate a Comprehensive International Convention on Countering the Use of Information and Communication Technologies for Criminal Purposes, *Member States are requested to provide to the secretariat inputs on Preamble, General Provisions, Provisions on Criminalization, Procedural Measures and Law Enforcement.* In this regards, Cambodia wishes to contribute as follows:

1). Comments/Inputs on the Preamble

Overall, Cambodia agrees on the essential elements mentioned in the draft Preamble, ranging from the need for compliance with the core principles and norms of international law, human rights and freedom, to the serious threats posed by ICT's crimes and the urgent need for international cooperation to prevent and combat the ICT related crimes. However, this Preamble seems to view all countries of the same level in term of threats and capacity to deal with ICT's crimes. *The Preamble should give more specific importance on the developing countries.* Cambodia wishes to suggest some modifications of the 7th Paragraph of the Preamble as below:

Convinced further of the need for technical assistance in countering ICT crimes, which plays an important role in enhancing the capacities of States to effectively prevent crimes and raise the level of information security, *especially for developing countries which are more vulnerable to ICT's crime as compared to advanced countries,*

2). Comments/Inputs on the General Provisions

ICT-related crimes involves the use of high technology to filter into internet and computer system in order to destroy or to steal data and national confidential information and even siphon funds from one bank to another etc. Hence, developing countries including Cambodia needs to build critical infrastructures and bring in new technology in order to reduce the ICT-related risks and to counter possible cyber attacks. In this regards, *we would suggest the Purpose of the Convention (Article 1 of the General Provisions) should point out specific elements related to technology transfer from developed to developing countries, in addition to area of personnel training and technical assistance.* Without similar or comparable technology, 

developing countries would not be able to handle the ICT-related crimes in an effective manner, thus international efforts to counter the ICT related crimes would not be effective.

3). Comments/Inputs on the Provisions on Criminalization, Procedural Measures and Law Enforcement

The word "Rehabilitation of Nazism" mentioned in the article 24 entitled "Rehabilitation of Nazism, justification of genocide, or crime against humanity" presents some sensitivity and should be removed since this word or concept can be misused by some countries to achieve a particular purpose for example recently Russia used the "de-nazification" as pretext to launch special operation in Ukraine. The rehabilitation of Nazism may be used or interpreted in unjustified, biased or groundless manner. *Thus, Cambodia suggest this article 24 be stipulated and written as "Offences related to genocide or crime against humanity" to avoid any misuse and misinterpretation.*