

India's intervention on Criminalization: Group 4 questions

Madam Chair

In response to the 1st Question under the 4th Group my delegation wishes to state that the freedom of speech and expression of an individual is of paramount importance and should be protected. However, this freedom must not be misused for the purpose of inciting hatred against any individual, community, religion or race.

In my opening statement I made a reference to India's submission on the inclusion of Cyber Terrorism under the chapter on criminalization and I will provide elaboration for the inclusion of provision on "terrorism-related offences" as posed by the Chair under question 2.

Madam Chair

Terrorism in all forms should be prevented irrespective of the ways and means by which such crimes are committed. The use of ever evolving technology in committing terrorism cannot be left unaddressed by the Ad Hoc Committee. The world is witnessing the sophisticated use of ICTs: the internet, social media platforms, artificial intelligence such as deep fakes by terrorists around the world to broaden their appeal, for recruitment of cadre, to spread virulent propaganda, launch disinformation and misinformation campaigns and false narratives, and incite hatred and violence. Terrorists are misusing technologies such as virtual private networks, encryption message services, dark web, as well as blockchain technologies, exploiting the anonymity, scale, speed and scope offered to them, and increasing the possibility of their remaining untraceable to law enforcement agencies. Crypto currencies, virtual assets and crowdfunding platforms are being used for terror financing. Combatting the misuse of ICTs by terrorists must be one of the major objectives of a UN convention on cybercrime.

Cyber terrorism could be used against individuals, groups of individuals, communities and societies with disastrous consequences by anonymous actors, including non State Actors or quasi state actors. The misuse of ICTs for cyber terrorism is affecting harmony in societies, disrupting supply chains which deliver benefits to the people, creating adverse law and order situation, affecting the growth of the economy and disrupting the very social fabric on which the development of private and public sector is based. It may be noted that individuals and societies can continue to enjoy their fundamental freedoms, human rights and privacy rights provided that the social order is not disturbed by the malicious use of ICTs to propagate terrorism.

It is reiterated that any legal instrument defining cyber terrorism needs to be specific taking into account the effects of terrorism that results in harm, damage

to person or persons and societies as well as to include the ever evolving various methodologies / dimensions and layers of the use of ICTs for committing cyber terrorism. Hence, it is very important that the Convention includes cyber terrorism as one of the crimes under the Chapter on criminalization.

In response to question 5, India's position is that an act which has already been criminalized under international law, if committed using ICTs, should also be criminalized under this Convention. This is essential for ensuring international cooperation for crimes that have already been recognized internationally.