

Thank you Madam Chair,

With your permission, we will briefly present our views on the second group of questions, after which we will share some input on the third and fourth groups of questions.

In Israel, as with other countries, procedural measures are prescribed in legislation. The breadth and scope of such measures varies based upon different factors – notably, the type of offense being investigated, the level of intrusion, duration, and the type of data sought.

Accordingly, we wish to echo the statements made by several delegations, to the effect that a future convention will need to be attuned to these types of differences; and the measures provided for, and attendant safeguards in respect of these measures, will have to be modulated and carefully crafted. In some cases, given the differences between domestic legal regimes, in order to achieve consensus, we might come to the conclusion that only some of the procedural measures are to be addressed by the convention. We look forward to a more in depth discussion on this topic in the sessions to come.

Furthermore, it will be important to distinguish, in a future convention, between those procedural measures which are purely domestic, and those regarding which cooperation is sought.

With respect to nomenclature, we reiterate our position that commonly used terms such as content data and traffic data are appropriate. At this stage, we do not see a need to introduce completely new concepts.

With respect to the question about reservations and declarations – We adhere to the idea that overall, it should not be possible to opt out of key principles and concepts that form the core of the convention. At the same time, realistically, it will be challenging to achieve full consensus for a convention that aspires to be global in nature, without granting some flexibility to states through reservations or declarations. Sometimes, it is because of substantive differences of views – other times, it might be simply due to differences in terminology and approaches. The requisite flexibility can be expressed in different ways, such as having more permissive or general wording in certain areas, or by referring generally to the domestic law of each member state. The precise manner in which this might have to be done can be decided at a later stage, on a case by case basis.

Moving now to the 3rd and 4th groups of questions, we will limit ourselves to a general comment –

At this point in time, we do not have strong positions regarding the need for special provisions on witness protection, protection of victims, search and seizure and digital evidence, in a new cybercrime convention. It will be important to determine whether and to what extent a special set of cybercrime-specific rules is necessary on these points. If such provisions are ultimately included, they will probably need to be drafted generally and not be overly prescriptive, giving member states the latitude to implement them consistently with their existing internal frameworks. Of course, they would also need to be consistent with existing international frameworks such as UNTOC and UNCAC to the extent possible.

Regarding digital evidence in particular, we are not sure whether new rules are necessary, and whether the topic lends itself to an international legal norm.

However, Israel is keen to learning from other states on this and the other topics raised by these questions, and looks forward to a constructive dialogue.

Thank you Madam chair.