

**SINGAPORE'S STATEMENT
SECOND SESSION OF THE AD HOC COMMITTEE TO ELABORATE A
COMPREHENSIVE INTERNATIONAL CONVENTION ON COUNTERING
THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES
FOR CRIMINAL PURPOSES
VIENNA, 30 MAY TO 10 JUNE 2022**

**Agenda Item 6: Provisions on procedural measures and law enforcement
(Second Group of Questions)**

Questions 1 and 8

Our comments pertain to questions 1 and 8.

With more data being stored in the cloud and more transactions being carried out digitally, criminal investigations into cybercrime will increasingly involve digital evidence. Investigations and prosecutions will be hindered if digital evidence is not preserved, collected and obtained in a timely manner. Requests via existing channels for digital evidence, such as via Mutual Legal Assistance Treaties (“MLAT”), involve lengthy processes. There is a strong likelihood that such digital evidence will be overwritten by the time countries decide to accede to a MLAT request. We thus support the need for measures on lawful requests for the expedited preservation of data.

Singapore holds the view that it is not necessary for the Convention to include provisions related to the real-time collection and interception of data. Member States have different legal systems, policies and circumstances on real-time collection and interception of data. Including prescriptive provisions on real-time collection and interception of data in the convention could be counter-productive, as member states’ ability to implement such measures must take into consideration domestic legislation, policies and circumstances.

Our attention should be on the preservation and sharing of electronic evidence and data. In most cases of cybercrime, measures to preserve, collect, obtain and share electronic evidence and data would already significantly benefit investigation processes. This is what we have learned after speaking with colleagues in law enforcement from various jurisdictions. By focusing on these practical measures, which will tangibly assist law enforcement agencies in their investigations, we will ensure that the Convention is fit-for-purpose and encourage more Member States to sign and ratify it. This, in turn, will strengthen international cooperation in preventing and combating cybercrime.

Traditionally, reservations and declarations are used by Member States to adjust the way in which a treaty will apply to them. Given that we are still at an early stage of elaborating the Convention, we believe it may be premature to already start considering the issue of reservations and declarations. Singapore believes we should instead focus our efforts in the first instance on a best effort endeavour and strive to achieve consensus on all issues, including the types of procedural measures to be included in the Convention.

Thank you.