

U.S. Remarks on Procedural Measures Chapter

We echo the recommendation from so many Member States, including Brazil, South Africa, Malaysia, Ghana, and Colombia, for this treaty's procedural measures to extend to the preservation and collection of all electronic evidence, whether or not it relates to an offense listed in the treaty. Every crime these days can involve electronic evidence, whether it's planning a bank heist over text message or sharing pictures of murder victims over email. We need to empower states with modern electronic evidence frameworks so they can protect their citizens and promote peace and security.

The United States has proposed core capabilities that we use regularly in our own criminal investigations: expedited preservation of electronic evidence, production orders, search and seizure of computer data, real-time collection of traffic data, and interception of content data. These basic tools are invaluable in the fight against crime.

As with all criminal justice tools, these powers may impact citizens' freedoms in order to protect the public from criminal activity. That means it is critical that we commit ourselves to implement these sensitive authorities in full compliance with our human rights obligations.

We have also heard the many Member States whose citizens suffer serious personal financial losses due to cybercrime, and we recognize the importance of doing all we can to make those victims whole. We have proposed provisions in this chapter relating to confiscation, seizure, and disposal of the confiscated proceeds derived from cybercrime offenses, and look forward to further discussions about how we can use this instrument to facilitate restitution for victims.