Third session of the ad hoc committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes

International Cooperation – rest of the questions regarding international cooperation

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• Thank you, Madam Chair.

• I am glad to elaborate on Liechtenstein's positions on the remaining questions that we did not touch upon in yesterday's statement.

• Regarding questions 8 and 9, we favour the establishment of direct communication and transmission channels between the authorities – especially between courts or prosecutors and, in cases where rapid exchange is necessary, between the respective national police authorities. This applies to both extradition and mutual legal assistance requests.

• Question 10: Liechtenstein supports the transmission of requested documents and electronic evidence by electronic means. The convention should at least enable such ways of communication and transmission. Appropriate safety requirements would of course have to be ensured.

• Concerning question number 11, we believe that we have already an established standard that could be used, namely UNTOC Art. 18, para. 15 which sets out a good list of minimum requirements regarding information required for requests for international cooperation.

• Turning to question 12, we would be in favour of using INTERPOL channels for such urgent requests regarding MLA. We are open to discuss a definition for urgent circumstances.

• Regarding questions 13 and 14, Liechtenstein can state the following:

• The convention should specify grounds for refusing extradition requests and mutual legal assistance requests.

• Specifically mentioned should certainly be criminal acts of a political nature. If a requested state party has substantial grounds for believing that a request has been made for the purpose of prosecuting or punishing a person on the account of his or her political opinions, then it should be
absolutely possible to declare an extradition request or a request for mutual legal assistance inadmissible.

- The same goes for a person’s sex, race, religion, nationality and ethnic origin.
- Furthermore, requests for extradition or mutual legal assistance should also be refusables if the requested State Party has reasonable grounds to believe that the execution of such a request might prejudice its public order, fundamental security interests or other essential interests, which includes the protection of human rights.
- Another element that must be considered in this context is dual criminality.
- Turning to question 16: No. Such a clause would be unacceptable for us.

- Madame Chair, turning to the last set of questions regarding international cooperation, and answering question 17:

  - Yes, provisions on expedited preservation of stored computer data and expedited partial disclosure of traffic data would be a real added value to the convention. However, when it comes to the language and scope of such provisions, we should adhere very closely to the already established international and regional standards. In particular, the European Convention on Cybercrime.

- The same applies to the specific provisions on investigative powers mentioned in question 18 – close adherence to exiting instruments is key to widespread ratifications of this convention.

- Regarding question 20, we support the inclusion of such provisions. Liechtenstein believes that the provisions should follow established international Conventions and we are flexible as to whether UNTOC or UNCAC is used as the reference framework.
• Question 21: A 24/7 network can be very useful to ensure immediate assistance in urgent proceedings, for technical advice and for urgent provisional measures. It would be important to integrate existing networks into the one stipulated in this Convention, so that States Parties do not have to maintain several networks in parallel.

• And finally turning to question 23: Yes, we are in favour of including provisions on hearings by video and telephone conferences. The provisions could follow – for example – the Second Additional Protocol of the European Convention on Mutual Assistance in Criminal Matters.

• Thank you, Madam Chair