Andisheh Varzaneh Fanavari Tanzimi (Leinotech) Statement on International Cooperation for the Third Session of Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes

Islamic Republic of IRAN - Private Sector

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1. The most significant principles that have to be considered in the development of legal cooperation in combating cybercrime are (a) maximum national de-obstruction; (b) maximum transnational interoperability; (c) maximum assistance; and (d) maximum compliance.

2. Based on the above principles, the most important objectives that can be expected to be achieved from the development of legal cooperation in combating cybercrime are (a) increasing the cost of cybercrime; (b) preventing the displacement of cybercrime; (c) maximizing compensation for harm and damages caused by cybercrime; (d) preventing the repetition of cybercrime; (e) minimizing the cost of preventing and prosecuting cybercrime; (f) rehabilitating cybercriminals; (g) protecting the rights of individuals as well as national sovereign system; and (h) improving the level of legal and judicial insight and knowledge of beneficiaries and relevant cybercrime authorities.

3. With the emergence and expansion of regulators in various sectors related to cyberspace, the list of crimes and the type and the number of criminal sanctions have gradually decreased, but the list of offences and regulatory sanctions have increased. Therefore, with the development of international cooperation of the regulators and even platforms into offences, the existing obstacle to combating these conduct that violate the norms of cyberspace may be reduced to some extent.

4. Despite all the considerations that may affect the type and extent of transnational legal relations between Parties, undue discrimination must be avoided as much as possible, so that the field of cyber-international legal cooperation could reflect a reasonable balance between the Parties of the Convention, and that all Parties could have a tangible understanding of the fact that they could count on the legal cooperation of other Parties and would not be subject to unjust and illegal sanctions and restrictions by other Parties and countries.

5. For physical and digital recovery of the material, moral and digital assets of cybercrime, it is necessary to establish the highest level of coordination and cooperation between the competent judicial, executive, financial, and credit authorities of Parties and take advantage of all the available opportunities and capabilities to deprive cybercriminals of their criminal proceeds and compensate for the damages as much as possible.

6. In order to uphold the principle of sovereignty, Parties adhere to the principles of data and information processing, and other than the channels and mechanisms outlined in the Convention and mutual cooperation treaties—which shall not contradict with the provisions of the Convention—not to deploy other mechanisms for obtaining and receiving electronic evidence and always adhere to the principle of non-illegally obtaining of evidence.