Mister Chair,

Armenia welcomes the opportunity to present its views on possible provisions of a new international convention on cybercrime. The ever-growing use of computers and information communication technologies in the world of "e-everything" has opened up a range of new activities for crime to take place through electronic means on a global scale, irrespective of national and transnational borders. The effective combating, investigation and prosecution of such crimes require international cooperation between countries, law enforcement agencies and institutions backed by laws, international relations, conventions, directives and recommendations culminating in a set of international guidelines to fight cybercrime. However, there are many challenges to international cooperation and establishing international guidelines to fight global cybercrime across borders.

AGENDA ITEM 4
International cooperation

General principles and scope of the provisions on international cooperation

Thank you for proposing the guiding questions for discussion. With this opportunity, I would like to present Armenia’s position regarding the General principles and scope of the provisions on international cooperation

1) In response to the 1st question, we consider that in addition to extradition, mutual legal assistance and law enforcement cooperation, the convention should also cover the transfer of sentenced persons; transfer of criminal proceedings; joint investigation; and international cooperation for the purposes of confiscation, as well as return and disposal of confiscated assets.

2) On the 2nd question, taking into account the fact that in today’s world electronic evidence can play a critical role in uncovering crimes, we are of the view that mutual legal assistance, transfer of criminal proceedings and cooperation between law enforcement may apply to
the collection and sharing of electronic evidence for serious offences. However, we are open to discussing the collection of electronic evidence for any type or crime.

3) Regarding the 3rd question, we are not against using the language already established by the UNTOC and UNCAC but bearing in mind the importance of international cooperation in these fields we are ready to consider other offers which will facilitate and make more effective the application of these provisions.

4) Regarding the 4th question, we consider that the international cooperation provisions may apply to the investigation and prosecution of civil and administrative cases related to the liability of legal persons for committing an offence established in accordance with the convention as appropriate and as permitted by domestic legal systems.

5) Regarding the 5th question, our position is that Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition. For us it is acceptable to request extradition for those crimes which the State party seeks to imprison for at least one year or longer.

6) In response to the 6th question, we believe that ensuring a high level of protection of human rights and fundamental freedoms, should be included in the purpose of the Convention. The International Cooperation should be subject to conditions and safeguards provided under States Parties' domestic laws, which shall provide for the adequate protection of human rights and liberties including rights arising pursuant to obligations it has undertaken under the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments should be referenced.

7) Coming to the 7th question, we consider that the requirements for the protection of personal data for the purposes of the convention may be determined by arrangements or additional agreements between the States Parties concerned or specific international treaties like 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data should be referenced.

Thank you, Mister Chair!

**Transmission of requests and materials**

Thank you, Madam Chair,

8) Concerning the 8th question, we consider that the request for extradition should be communicated through the diplomatic channel.
9) Regarding the 9th question, we consider that Each State Party shall designate a central authority or authorities that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution.

10) Concerning the 10th question, where not prohibited by the laws of the respective States Parties, States Parties are encouraged to direct central authorities to transmit and receive requests for mutual legal assistance, and communications related thereto, in electronic form, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary).

11) On question 11, we believe that the provisions should set out the minimum information required and, in this sense, the UNTOC and UNCAC formulations regarding the information would have to be submitted in a request for international cooperation are acceptable for us. In particularly a request for international cooperation shall contain:
   (a) The identity of the authority making the request;
   (b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;
   (c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;
   (d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;
   (e) Where possible, the identity, location and nationality of any person concerned; and
   (f) The purpose for which the evidence, information or action is sought.

12) Regarding the question 12, In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by the competent authorities of the requesting Party to such authorities of the requested Party or through Interpol or 24/7 Network in accordance with this Convention. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party. Besides, we consider that Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or email, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication.

**Grounds for refusal**

13) 15) With regard to the 13th and 15th question, the convention should specify the ground for refusing extradition. We consider that the convention should refer to the UNTOC and
UNCAC, in particular, nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person’s sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person’s position for any one of these reasons. Besides, it would be appropriate to define the possibility of refusing the extradition if the person sought is a national of the requested State Party, which derives from the international treaties regulating the field and the Constitution.

14) Regarding the 14th question, we believe that the convention should specify grounds for refusing a mutual legal assistance request. Armenia of the view that the UNTOC and ANCAC formulations regarding the grounds for refusing an MLA request would have to be submitted.

16) With regard to the 16th question, as we have already mentioned in our previous statement, we consider that the convention should refer to the UNTOC and UNCAC, in particular, nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person’s sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person’s position for any one of these reasons.

Thank you, Madam Chair!

Other questions

Thank you, Mister Chair,

I would like to present Armenian’s position regarding the questions from 17 to 23.

17) 18) In response to the 17th and 18th questions, we have no objections to including specific provisions on mutual legal assistance and investigative powers, in particular, the expedited preservation of stored computer data and electronic information, expedited disclosure of preserved traffic data, access to stored computer data and electronic information, real-time collection of traffic data and interception of content data, unless it is contrary to domestic law of State Party.

19) Coming to the 19th question, we are of the view that the Convention should take into consideration the existing international agreements, including the Budapest convention on cybercrime which has proved its effectiveness in our legal system. Even if as a result of these discussions it is decided that the inclusion of these statements not in the interest of the convention then it should not contradict the existing conventions.
20) Regarding the 20th question, we believe that the Convention should include provisions to facilitate the return of assets. However, taking into account the specifics of such crimes, we are of the view that the development and final agreement of such provisions is not an easy matter at all, and that the inclusion of such provisions should be the result of detailed discussions.

21) Concerning the 21st question, taking into account the necessity for immediate help in the case of cybercrimes, as well as the need for the retrieval of electronic evidence for other committed crimes, it is our position that the convention should include a provision for States parties to establish a 24/7 network of points of contact. We are of the belief that the statement should not contradict with the participation of States Parties with other 24/7 networks established under existing international instruments and frameworks.

22) Responding to the 22nd question, we do consider the possibility of inclusion of the specific provision on international cooperation for carrying out electronic surveillance and other types of covert special investigative techniques, as part of cross-border [cybercrime] [criminal uses of information and communications technologies] investigations in the present Convention.

23) With regard to the 23rd question, we consider that the convention may include a provision permitting the organization of hearings held by video or telephone conference for the taking of evidence, and we are open for discussing about enabling such hearings to be conducted through the use of the requesting State’s diplomatic missions and consular posts with respect to their own nationals on a voluntary basis, as part of consular functions.

Thank you, Mister Chair!

AGENDA ITEM 5
Technical assistance

Thank you, Madam Chair,

I would like to present Armenian’s position regarding the questions under the chapter Technical Assistance.

24) 25) 26) 28) Regarding questions 24, 25, 26 and 28, we believe that the formulations given in Articles 29 and 30 of the UNTOC can be adapted to the requirements of this convention. I would like to add that developing countries need greater assistance to implement the international conventions and strategies aimed at effectively dealing with the challenges of crime prevention and criminal justice. That includes specialized training for judges, prosecutors, investigators and law enforcement personnel somehow dealing with cybercrimes.
27) With regard to the 27th question, we support the role of the UNODC in providing technical assistance and capacity building under the convention. As for provisions for the role of INTERPOL and other relevant international bodies and organizations, we are of the view that this should be decided by following best practices.

29) Regarding the 29th question, we believe that technical assistance and capacity building are interrelated and the main difference is that capacity building is more directed to the development of general knowledge and skills. We have no objection to using the wording technical assistance in the convention.

30) In response to the 30th question, we are of the view that the convention should include provisions that are aimed at assisting States parties with resources for a 24/7 point of contact.

31) In response to the question 31: The private sector and non-governmental organizations played a valuable role in providing technical assistance. We believe that public-private cooperation should be one of the priorities in technical assistance and capacity building.

Thank you, Madam Chair!

AGENDA ITEM 6
Preventive measures

32) With regard to the 32nd question, we are of the view that the chapter on preventive measures should focus areas such as: Strengthening of cooperation between the public and different public and private sector agencies to establish more extensive public-private partnership to provide the public with more support in areas as digital and media literacy, victim support, information and data sharing, as well as more in depth knowledge of cyber laws and the many ways the public can benefit from open information sharing and cooperation with law enforcement agencies and private sector. We believe it is of upmost importance to prioritize vulnerable groups such as children, women and elderly people, and make the access to the preventive measures a priority to those groups.

33) Coming to the 33th question, we believe that possibility of the inclusion of such a provision should be the result of in-depth discussions and consensus. Armenia is open to further discussions.

34) Responding to the 34th and 37th questions, we believe that Each State Party shall take such appropriate measures as may be necessary to encourage, in accordance with its domestic law, cooperation between law enforcement agencies and civil society, entities of the private sector and academia relating to matters involving the commission of offences established in accordance with this Convention. This may include measures enhancing the transparency of and promoting the contribution of the public to preventive measures
against cybercrime, effective public access to information concerning cybercrime threats and risks and related government policies, and public information activities that contribute to public education programs on cybercrime threats and risks and related government policies.

35) In response to the 35th question, we are of the view that each State may, at its discretion, designate a body or bodies responsible for crime prevention, and in the absence of such a specific body or bodies, these duties are performed by the body or bodies authorized to do so.

36) With regard to the 36th question, we are of the view that the convention can include a provision requiring States parties to create responsibilities for the private sector to establish and implement standards that are aimed at enhancing measures to prevent criminal uses of information and communications technologies, but that should not be a mandatory requirement for Member States. Each state, in accordance with its domestic legislation, can determine for itself the necessity of such liability and the form of the liability to be applied for it.

AGENDA ITEM 7
Mechanism of implementation

Thank you, Mister Chair,

I would like to present Armenia’s position regarding the questions under the chapter Mechanism of implementation

38) 39) With regard to the 38th and 39th questions, we believe that when developing mechanisms of implementation, the existing experience and mechanisms of other international treaties should be considered. We have no objections to establishment of the Conference of Parties, and we are of the view that a structure similar to that established by the United Nations Convention against Transnational Organized Crime or the United Nations Convention against Corruption, namely, would be the most acceptable option for the drafting of the chapter on the mechanism of implementation.

40) Concerning the 40th question, we believe that in case of establishment of Conference of Parties, it should closely cooperate with relevant non-governmental organizations, civil society organizations, academic institutions and the private sector to ensure the implementation mechanism makes the best use of the experience and expertise of the above-mentioned groups.

Thank you, Mister Chair!
AGENDA ITEM 8
Final provisions

Thank you, Mister Chair for giving me the floor,

With this opportunity, I would like to present Armenia’s position regarding the questions under the chapter Final provisions.

41) With regard to the 41st question, we believe that the new Convention should take into consideration the existing international treaties, agreements, or arrangements including the Budapest convention on cybercrime which has proved its effectiveness in our legal system. Therefore, we are of the view that the convention should include a provision on the effects of the convention with a view to defining the relationship of the convention with other treaties, agreements, or arrangements on matters dealt with in the Convention.

42) Coming to the 42nd question, it will be acceptable for us if the convention includes a provision on the development of additional or supplementary protocols and their relationship with the convention.

43) Concerning the 43rd question, Each State party may declare that it will exercise the right to make a reservation regarding the application of this Convention, when signing or depositing its instrument of ratification or accession, by means of a notification in writing addressed to the Secretary-General of the United Nations. Regarding the limitations to such reservations, we will refrain from expressing final views on this issue and remain open for future consideration.

44) 45) 46) In response to the 44th, 45th and 46th question, we believe that the UNTOC formulations would have to be submitted.

Thank you, Mister Chair!

AGENDA ITEM 9
Preamble

Regarding to the questions of the Preamble chapter, Armenia of the view that the preamble to the Convention should be drafted in light of the work of the Ad Hoc Committee and with greater clarity as to the content of the Convention’s substantive provisions.