Distinguished Madam Chair, Delegates, Ladies and Gentlemen,

As this is the first time that I am taking the floor, I wish to take this opportunity to congratulate the Chair for her very able leadership and express my delegation’s appreciation for the hard work undertaken by the Chair and the secretariat in ensuring progress in the substantive work of the AHC.

Madam Chair,

2. Cybercrime is one of the fastest growing forms of transnational crime and can be committed from anywhere in the world and have unprecedented global impacts. Cybercrime is considered to be “borderless” which underscores the importance of international cooperation in effectively preventing and combating cybercrime.

3. Turning to guiding questions 1 - 7, our response is as follows:
3.1. On questions 1 and 3, in considering the most effective approach to the international cooperation elements in this new convention, Malaysia is of the view that there is no need to reinvent the wheel. We should draw upon existing and well-established treaties such as United Nation Convention against Transnational Organized Crime (UNTOC) and United Nation Convention against Corruption (UNCAC). As such, with regard to the forms of international cooperation which should be stipulated in the convention, Malaysia opines that the convention should stipulate provisions pertaining to mutual legal assistance (MLA), extradition and transfer of sentenced persons as provided for in UNTOC and UNCAC.

3.2. On question 2, Malaysia is of the view that the scope of offences should be designed for the widest application. Malaysia has applied the "broad conduct approach" principle as the test to determine the requirement of dual criminality for extradition matters.

3.3. On question 4, international cooperation provisions should be limited to the investigation and prosecution of criminal cases related to liability of legal persons and not to civil and administrative cases related to the liability of legal persons.

3.4 On question 5, the convention should apply a strict threshold requirement so that only offences that are considered as serious offences shall warrant the application of either MLA or extradition. This eliminates the possibility of potential requests being made or received for minor or trivial offences or quasi-criminal matters that do not fulfil the threshold requirement.

3.5 On question 6, Malaysia would like to propose for a provision which stipulates that each State Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Chapter are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human
rights including rights arising pursuant to obligations in any applicable international human rights law and conventions which a State Party is Party to, and which shall incorporate the principle of proportionality. Such conditions and safeguards shall be consistent with the public interest, public order and national sovereignty of the States Parties.

Thank you.