



REPUBLIC OF ANGOLA

Contributions of the Republic of Angola on related provisions of International Cooperation, Preventive Measures, Implementation Mechanism, Final Provisions and Preamble to a comprehensive international convention on combating the use of information and communication technologies for criminal purposes

Introduction

The cybercrime phenomenon has its own characteristics that, in themselves, make it very difficult to combat without an international strategy adopted in this regard.

Cybercrime is transnational by nature because criminal conduct takes place in universal cyberspace. On the other hand, the use of information and communication technologies involves a significant component of anonymization of its users, therefore cybercrime has quickly become a manifestation of transnational organized crime.

Although the so-called legal globalization is slow, whereas the globalization of cybercrime is increasingly fast, in order to combat it, States must act in a synergistic and cooperative manner towards an international legal instrument to address the current challenges in this field and based on the international cooperation, trust amongst States and its respective judicial authorities.

Thus, with regard to the provisions relating to international cooperation, technical assistance, preventive measures, implementation mechanisms, final provisions and the preamble of the future Convention, the Republic of Angola presents the following proposals:

I - International Cooperation

- The following existing international and regional legal instruments may serve as inspiration for the drafting of provisions relating to international cooperation: the United Nations Convention Against Corruption – articles 43 et seq.; the United Nations Convention against Transnational Organized Crime – articles 13 and ff; the African Union Convention on Cybersecurity and Data Protection – Articles 28 and the Council of Europe Convention on Cybercrime – Articles 23 et seq.).
- As for the dual criminality rule, given the technological nature of the cybercrime phenomenon, which will certainly cause some disharmonies in

the wording of legal types of crime in domestic legislation, its requirements should be flexible to make effective cooperation possible as long as the foundations and objectives of the Convention are accommodated;

- For the purposes of international cooperation on cybercrime and the collection of electronic evidence, the *locus regit actum* and *forum regit actum* principles should be reconciled, whenever possible, in order to ensure useful cooperation.
- Rules on international cooperation in matters of extradition, transfer of sentenced persons should be developed; recovery of assets, referring to crypto-assets and the mechanisms for the loss and restitution of these products and virtual goods; mutual assistance in the investigation and application of provisional measures such as the seizure of computer data, conservation and preservation of computer data, as well as their transmission, among others.
- Also considering that banking secrecy practice was mitigated with the application of the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption, for the purposes of investigation and criminal liability, with the participation of the financial private sector, the future Convention should aim to achieve an increasing collaboration of the technological private sector, mainly of the large Information and Communication Technologies companies, in order to facilitate to obtain evidence and even acquire knowledge to prevent and combat cybercrime offences.
- The specifics of cyberspace, as well as new technological trends such as cloud computing, should be taken into account when determining the competent jurisdiction for the purposes of international cooperation and mutual assistance.

II. Technical assistance

- For the effective combat against cybercrime, technical assistance, either the technological aspect of the acquisition of equipment or in the training and training aspect of justice operators and law enforcers, is of paramount importance, since as it is a global phenomenon, the vulnerability of a State could trigger the fragility of the entire international strategy.
- In the spirit of international solidarity, the future Convention should include rules that call for the exchange of knowhow, experiences and best international practices amongst developed countries and developing countries.

III. Preventive measures

- Given that children and young people are the main target group for cybercrime, educational programs on the risks of exposure to cybercrime should be reflected in the Convention.
- Parental control rules must be implemented by both electronic device manufacturers and telecommunication service operators, with a view to mitigating risk exposure to cybercrime by children and young people.

Information and awareness campaigns should be carried out on the risks of exposure to cybercrime, both for the “digital native” public, and for groups of adults and the elderly, informing them explicitly about the danger of exposure to the internet without adopting measures of security.

- Measures must be created for States to implement the mandatory adoption of international information security standards (ISO 27001), with a view to mitigating the risk of exposure to cyber dependent crimes.

IV. Implementation Mechanism

- The instantaneous nature of most cybercrimes, using streaming channels; the fragility and volatility of computer data stored in computer systems, is not compatible with some traditional cooperation mechanisms, such as exchange of rogatory letters, therefore it is need to adopt more efficient cooperation mechanisms and the Republic of Angola suggests the creation of a global network of international cooperation in cybercrime and electronic evidence (24/7), in order to help the judicial authorities of the States to successfully address the investigations on cybercrime.

V - Final Provisions and Preamble

- The norms of existing international legal instruments may serve as inspiration, but focus should be given to the need to respect human rights, fundamental rights, freedoms and guarantees that constitute civilizational achievements.