



# CZECH REPUBLIC

## **Permanent Mission of the Czech Republic to the United Nations**

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Ad Hoc Committee to Elaborate a Comprehensive International Convention on  
Countering the Use of Information and Communications Technologies for Criminal  
Purposes - Third Session

### **Statement by**

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Madam Chair,

It is a great pleasure for us to see you chairing the ad-hoc committee session again, and we highly appreciate the work you, your team and the Secretariat have done to prepare it. We wish you good luck and you can count on the support of the Czech Republic.

The Czech Republic fully aligns itself with the statement delivered by the European Union and wishes to add the following in its national capacity.

At the outset, the Czech Republic reiterates that it strongly condemns the Russian unprovoked and unjustified war of aggression against Ukraine. Just 9 days ago, my country celebrated a sad anniversary – 54 years ago, on the 20th of August 1968, the Soviet military troops illegally invaded the then Czechoslovakia. They claimed they would stay only temporarily. But temporarily turned out to be 21 years. We strongly hope that history will not be repeated and that the Russian troops will not stay in Ukraine any longer, not even temporarily. We call on Russia to stop its unlawful aggression against Ukraine immediately, stop violating the UN Charter and international law and to respect Ukraine's sovereignty and territorial integrity.

The war is also a cyberwar and therefore the issue of a cybercrime convention, providing a basis for international cooperation in the fight against cybercrime, while respecting fundamental freedoms and human rights, is extremely relevant. For us international cooperation represents one of the crucial parts of the future convention. It is extremely important how we set the rules, ways and limits of international cooperation so that the convention really becomes an efficient tool for practitioners in the fight against cybercrime. We believe the cooperation should be practical, swift, flexible and as direct as possible, while respecting necessary conditions and safeguards.

So coming now to the first cluster of questions on international cooperation we would like to add just a few remarks in addition to what has been said by the European Union on questions 1 to 7.

We support that the convention should include provisions on extradition, mutual legal assistance and law enforcement authorities cooperation, including joint investigations. On the other hand, we are not convinced about including some other specific aspects, for example returns of assets. We believe that there are sufficient mechanisms in the existing international instruments already, and it would only be confusing if we created new procedures now. And yes, we think we can derive inspiration from the UNCAC and UNTOC when drafting the respective provisions on international cooperation.

Concerning the scope of international cooperation, we would prefer it would apply only to the crimes stipulated in the convention but hearing concerns of other states, we could probably be

flexible on this point. We also believe some provisions could be only optional, for example provisions on investigation and prosecution of civil and administrative cases, while the convention would remain primarily a criminal-law instrument.

The consistency between the respect of human rights and international cooperation could be achieved for example by inserting a special paragraph on the respect of human rights which would apply to the entire chapter and would stipulate the basic principles and safeguards.

The protection of personal data must be guaranteed in each specific case and we will not go into details here because it has already been eloquently tackled by the European Union.

We would stop here for now Madam Chair, and may come back later concerning other questions in this chapter. And we would suggest to proceed in our discussions as the Czech writer Franz Kafka said: “start with what is right rather than what is acceptable.”

Thank you.