



General Assembly

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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

Reconvened concluding session

New York, 29 July–9 August 2024

Interpretative notes on specific articles of the updated draft text of the convention

Note by the Chair

1. In preparation for the reconvened concluding session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, the Committee Chair has prepared interpretative notes on specific articles of the updated draft text of the convention ([A/AC.291/22/Rev.3](#)), for consideration by the Ad Hoc Committee.
2. The interpretative notes (see annex), which are submitted to support the deliberations of the Ad Hoc Committee, may be reproduced as approved in an annex to the report on the reconvened concluding session.



Annex

Interpretative notes on specific articles of the updated draft text of the convention

Article 2

1. States parties are not obliged to reproduce verbatim in their domestic laws the same terminology defined in article 2 of the convention, provided that those laws cover such concepts in a manner consistent with the principles and purposes of the convention and offer an equivalent framework for its implementation.

Article 16

2. This article exclusively addresses the non-consensual dissemination of intimate images and is without prejudice to other measures on related matters that States parties may take in accordance with domestic law and their international obligations.

Article 17

3. In the framework of the convention, an offence shall only be deemed an offence under article 17 when the predicate offence is an offence established in accordance with articles 7 to 16 of the convention.

Article 23

4. The powers and procedures established in accordance with the chapter on procedural measures and law enforcement enable international cooperation. When measures of international cooperation, as provided for in chapter V, require the requested State party to exercise the powers and procedures provided for in chapter IV, these powers and procedures should be subject to the domestic exercise of the relevant and applicable conditions and safeguards set out in article 24. These powers and procedures, as well as their relevant conditions and safeguards, are applicable exclusively within the territory of each State party.

Article 24

5. Paragraph 2 of article 24 requires judicial or other independent review, grounds justifying the application of the power or procedure, and limitations on the scope and duration of the measure. The paragraph does not imply the creation and imposition by the convention on its States parties of any judicial or other independent international supervision. Supervision is exercised as provided for by domestic law and any other binding international instrument to which a State party is also a party.

Article 35

6. Outside the convention, States parties may afford one another, in accordance with their international obligations, any other forms of international cooperation allowed by the domestic law of the requested State party, applicable mutual legal assistance treaties or equivalent arrangements.

Articles 23 and 35, with regard to the term “investigation”

7. Criminal investigations may include situations where there are reasonable grounds to believe, on the basis of factual circumstances, that a crime has been committed and where the investigation leads to stopping or impeding subsequent crimes from being committed.
