

**United Nations Convention on Countering the Use of Information
and Communications Technologies for Criminal Purposes**

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Preamble

The States Parties to this Convention,

Convinced that information space must be built in strict compliance with the core principles and norms of international law, including the principles of respect for human rights and freedoms, and the principles of peaceful settlement of disputes,

Bearing in mind that each State has sovereignty and exercises jurisdiction over its territory with respect to information space in accordance with its domestic law,

Concerned about the seriousness of the problems and threats posed by crimes in the sphere of information and communication technologies (ICT) to the stability and security of society, which undermine democratic institutions and values, justice, and adversely affect sustainable development and the rule of law,

Concerned also that the criminal misuse of ICT offers ample opportunities for other forms of criminal activities, including computer attacks on critical infrastructure facilities, cyber espionage, online child sexual exploitation, terrorism, fraud, personal data trafficking, and money-laundering,

Concerned further about the increasing number of ICT crimes that involve vast quantities of assets, which may constitute a substantial proportion of States' resources, and that threaten the political stability and sustainable development of those States,

Convinced that ICT crimes are a transnational phenomenon that affects society and economy of all States, making international cooperation to prevent and combat such crimes essential,

Convinced further of the need for technical assistance in countering ICT crimes, which plays an important role in enhancing the capacities of States to effectively prevent crimes and raise the level of information security,

Bearing in mind that the prevention and eradication of ICT crimes is the responsibility of all States and that States must cooperate with one another to ensure the effectiveness of their efforts in this field, with the support and involvement of public-private partnership, business, individuals and groups from outside the public sector, such as civil society, as the overall security of the entire information environment depends on the efforts of each State,

Determined to prevent, detect and suppress more effectively international transfers of assets illicitly acquired as a result of ICT crimes and to strengthen international cooperation in asset recovery,

Bearing in mind also the principles of fairness, equality before the law and the need to foster a culture in society that does not tolerate ICT crimes,

Considering UN General Assembly Resolution No. 74/274 of 27 December 2019, entitled "Countering the use of information and communications technologies for criminal purposes", which established an open-ended ad hoc intergovernmental committee of experts to elaborate a comprehensive international convention on countering the use of information and communication technologies for criminal purposes,

Have agreed as follows:

Chapter I **General provisions**

Article 1 **Purposes**

The purposes of this Convention shall be as follows:

To promote and strengthen measures aimed at effectively preventing and combating crimes and other unlawful acts in the field of ICT;

To prevent actions directed against the confidentiality, integrity and availability of ICT, and the misuse of ICT, by criminalizing such acts covered by this Convention, and by providing powers sufficient for effectively combating such offences and other unlawful acts, by facilitating their detection,

investigation and prosecution at both the domestic and international level and by developing arrangements for international cooperation;

To improve the efficiency of international cooperation and to develop such cooperation, including in the area of personnel training and the provision of technical assistance for preventing and combating ICT crimes.

Article 2

Scope of application

This Convention shall apply, in accordance with its provisions, to the prevention, detection, suppression, investigation and prosecution of the offences and other unlawful acts established under articles 6 to 29 of this Convention and to the implementation of measures to eliminate the consequences of such acts, including the suspension of transactions relating to assets obtained as a result of the commission of any offence or other unlawful act established under this Convention, and the seizure, confiscation and return of the proceeds of such crimes.

For the purpose of implementing this Convention, it shall not be necessary for the offences and other unlawful acts established in it to result in property damage, except as otherwise provided herein.

Article 3

Protection of sovereignty

The States parties shall carry out their obligations under this Convention in accordance with the principles of State sovereignty, the sovereign equality of States and non-intervention in the domestic affairs of other States.

This Convention shall not authorize the competent authorities of a State party to exercise in the territory of another State the jurisdiction and functions that are reserved exclusively for the authorities of that other State under its domestic law, except as otherwise provided for in this Convention.

Article 4

Use of terms

For the purposes of this Convention:

a) "Seizure of property" shall mean the temporary prohibition of the transfer, conversion, disposition or movement of property, or the temporary assumption of custody or control of property pursuant to an order of a court or other competent authority;

b) "Botnet" shall mean two or more ICT devices on which malicious software has been installed and which are controlled centrally without the knowledge of users;

c) "Malicious software" shall mean software the purpose of which is the unauthorized modification, destruction, copying, and blocking of information, or neutralization of software used to secure digital information;

d) "Child pornography" shall have the meaning given to that term under Article 2(c) of the Optional Protocol of 25 May 2000 to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

e) "Proceeds" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence or other unlawful act as established under this Convention, as well as income or other benefit derived from such proceeds, from property into which such proceeds have been transformed or converted or from property with which such proceeds have been intermingled;

f) "Information and communications technologies" (ICT) shall mean processes and methods of generating, processing and distributing information, as well as ways and means of their implementation;

g) "Information and telecommunications networks" shall mean a set of engineering equipment designed to control technological processes by means of computer technology and telecommunications;

h) "Property" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, including money in bank accounts, digital financial assets, digital currency, including cryptocurrency, and legal documents or instruments evidencing title to such assets or any part thereof;

i) "Information" shall mean any data (messages, records), irrespective of the form in which it is presented;

j) "Confiscation" shall mean the forcible deprivation of property without compensation pursuant to an order of a court or other competent authority;

k) "Computer attack" shall mean the targeted interference of software and (or) hardware and software with information systems or information and telecommunications networks to disrupt and (or) terminate their functioning and (or) threaten the security of information processed by such facilities;

l) "Digital information" shall mean any data (records), irrespective of form and characteristics, contained and processed in information and telecommunications devices, systems and networks;

m) "Critical information infrastructure" shall mean an assemblage of critical information infrastructure facilities and telecommunications networks used to interconnect critical information infrastructure facilities;

n) "Critical infrastructure facilities" shall mean information systems and information and communications networks of public authorities and information systems and automated process control systems operating in the defence, healthcare, education, transport, communications, energy, banking and finance sectors, nuclear and other important areas of the life of the state and society.

o) "Service provider" shall mean:

i) any public or private entity that provides to users of its services the ability to communicate by means of ICT, and

ii) any other entity that processes or stores electronic information on behalf of an entity referred to in (i) above or the users of the services provided by such entity;

p) "Traffic data" means any electronic information (excluding the contents of the transferred data) relating to the transfer of data by means of ICT and indicating, in particular, the origin, destination, route, time, date, size, duration and type of the underlying network service;

q) "ICT device" means an assemblage (grouping) of hardware components used/designed for automatic processing, storage and transfer of electronic information;

r) "electronic evidence" shall mean any evidentiary information stored or transmitted in digital form (on an electronic medium).

The term "substantial damage" shall be determined in accordance with the domestic law of the requested State party.

Chapter II

Criminalization, criminal proceedings and law enforcement

Section 1

Establishment of liability

Article 5

Establishment of liability

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the acts envisaged in articles 6, 7, 9 to 12, 14 to 17, 19, 20, 22 to 26 and 28 of this Convention, while applying such criminal and other penalties, including imprisonment, that take into account the level of public danger posed by a given offence and the magnitude of the damage caused.

Article 6

Unauthorized access to electronic information

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the intentional

unauthorized access to digital information that has resulted in its destruction, blocking, modification or copying.

Article 7

Unauthorized interception

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the intentional interception of digital information, carried out without appropriate authorization and/or in violation of established rules, using technical means to intercept traffic data and data processed by means of ICT that are not intended for public use.

Article 8

Unauthorized interference with digital information

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law the intentional unauthorized interference with digital information by damaging, deleting, altering, blocking, modifying it, or copying of digital information.

Article 9

Disruption of information and communications networks

Each State party shall adopt such legislative and other measures as are necessary to recognize as an offence under its domestic law the intentional unauthorized act aimed at disrupting information and communication networks that has caused serious consequences or threatens to cause them.

Article 10

Creation, utilization and distribution of malicious software

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the intentional creation, including adaptation, use and distribution of malicious software intended for the unauthorized destruction, blocking, modification, copying, dissemination of digital information, or neutralization of its security features, except for lawful research.

2. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law the creation or utilization of a botnet for the purpose of committing any of the acts envisaged in articles 6 to 12, and 14 of this Convention.

Article 11

Unauthorized interference with critical information infrastructure

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the intentional creation, distribution and (or) use of software or other digital information knowingly designed to wrongfully interfere with critical information infrastructure, including for the destruction, blocking, modification, copying of information contained therein, or the neutralization of security features.

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the violation of the rules of operation of media designed for storage, processing and transfer of protected digital data contained in critical information infrastructure or information systems, information and communication networks that belong to critical information infrastructure or the rules of access to them as long as it damages the critical information infrastructure.

Article 12

Unauthorized access to personal data

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law unauthorized access to personal data in order to destroy, modify, copy, or share it.

Article 13

Unauthorized trafficking in devices

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law the illegal manufacture, sale, purchase for use, import, export or other form of transfer for use of devices designed or adapted primarily for the purpose of

committing any of the offences established under articles 6 to 12 of this Convention.

The provisions of this article shall not be applicable when the manufacture, sale, purchase for use, import, export or other form of transfer for use of devices is due, for example, to an authorized trial or computer system protection.

Article 14 **ICT-related theft**

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the theft of property or the illegitimate acquisition of rights over it, including by means of fraud through destruction, blocking, modification or copying of digital data or other interference with ICT operations.

2. Each State party may reserve the right to consider ICT-related theft of property or the illegitimate acquisition of rights over it, including by means of fraud, to be an aggravating circumstance when such theft is committed in such forms as are defined in its domestic law.

Article 15 **ICT-related offences related to the production and distribution of materials or objects with pornographic images of minors**

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law, when committed intentionally and without right, the following conduct:

a) producing child pornography for the purpose of its distribution through information and communication networks, including the Internet;

b) offering or making available child pornography through information and communication networks, including the Internet;

c) distributing, transmitting, publicly displaying, or advertising of child pornography with the use of information and communication networks, including the Internet;

d) procuring child pornography by means of ICT for oneself or for another person;

e) possessing child pornography in a computer system or on electronic digital data storage devices.

2. For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts:

a) a minor engaged in sexually explicit conduct;

b) a person appearing to be a minor engaged in sexually explicit conduct;

c) realistic images representing a minor engaged in sexually explicit conduct.

For the purpose of this article, the term "minor" shall include all persons under 18 years of age. A party may, however, require a lower age-limit, which shall be not less than 16 years.

Article 16

Encouragement of or coercion to suicide

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the encouragement of or coercion to suicide, including of minors, through psychological or other pressure in information and telecommunication networks, including the Internet.

Article 17

Offences related to the involvement of minors in the commission of unlawful acts that endanger their life or health

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the involvement of minors by means of ICTs in the commission of life-threatening unlawful acts except for acts provided for in article 16 of this Convention.

Article 18**The creation and use of digital data to mislead the user**

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law the intentional unlawful creation and use of digital data capable of being mistaken for data already known and trusted by a user that causes substantial harm.

2. Each State party may reserve the right to consider such acts to be criminal if they are committed in conjunction with other offences under the domestic law of that State party or involve the wilful intent to commit such offences.

Article 19**Incitement to subversive or armed activities**

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law calls issued by means of ICT for subversive or armed activities directed towards the violent overthrow of the regime of another State.

Article 20**Terrorism-related offences**

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law calls issued by means of ICT for terrorist activities, incitement, recruitment, or other involvement in terrorist activities, advocacy and justification of terrorism, collection or provision of funds for its financing.

Article 21**Extremism-related offences**

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law distribution by means of ICT of materials that call for unlawful acts motivated by political, ideological, social, racial, ethnic, or religious hatred or

enmity, advocacy and justification of such actions or the provision of access to them.

2. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law humiliation by means of ICT of a person or group of people on account of their race, ethnicity, language, origin, attitude towards religion.

Article 22

Offences related to the distribution of narcotic drugs and psychotropic substances

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law intentional illicit trafficking in narcotic drugs and psychotropic substances, as well as materials required for their manufacture, by means of ICT.

Article 23

Offences related to arms trafficking

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the intentional illicit trafficking in arms, ammunition, explosive devices and explosive substances by means of ICT.

Article 24

Rehabilitation of Nazism, justification of genocide or crimes against peace and humanity

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law ICT-related intentional dissemination of materials that deny, approve or justify actions that amount to genocide or crimes against peace and humanity, established by the Judgment of the International Military Tribunal formed under the London Agreement of 8 August 1945.

Article 25**Illicit distribution of counterfeit medicines and medical products**

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the intentional illicit distribution of counterfeit medicines and medical products by means of ICT.

Article 26**Use of ICT to commit acts established as offences under international law**

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the use of ICT for the purpose of committing an act established as an offence covered by any of the international treaties listed in the Annex to this Convention.

2. When depositing its instrument of ratification, acceptance, approval or accession, a State that is not a party to a treaty listed in the Annex to this Convention may declare that, in the application of this Convention to that State party, the treaty shall be deemed not to be included in the aforementioned annex. The declaration shall cease to have effect as soon as the treaty enters into force for the State party, which shall notify the depositary of that fact.

3. When a State party ceases to be a party to a treaty listed in the Annex to this Convention, it may make a declaration with respect to that treaty (treaties), as provided for in paragraph 2 above.

Article 27**Infringement of copyright and related rights by means of ICT**

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law the infringement of copyright and related rights, as defined by the legislation of that State party, when such acts are intentionally committed by means of ICT, including the illegal use of software for copyrighted computer systems or databases and appropriation of authorship.

Article 28**Aiding, preparation for and attempt at the commission of an offence**

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the preparation for and attempt at the commission of an offence established as such by the provisions of this Convention.

2. Each State party shall consider taking such legislative and other measures as are necessary to establish as offences under its domestic law the manufacture or adaptation of instruments and other means of crime by a person, the solicitation of accomplices, conspiring to commit an offence or any other intentional creation of conditions for the commission of an offence as established under this Convention, if the offence is not carried out owing to reasons beyond that person's control.

3. Each State party shall adopt such legislative and other measures as are necessary under its domestic law to establish liability, along with the actual perpetrators of an offence established as such by the provisions of this Convention, of the organizer, abettor or aider who participate in its commission, as well as strengthen the liability for collective crimes, including organized groups and criminal associations.

Article 29**Other unlawful acts**

This Convention shall not preclude a State party from establishing as an offence any other unlawful act committed intentionally by means of ICT that causes significant damage.

Article 30**Liability of legal persons**

1. Each State party shall adopt such legislative and other legal measures as are necessary to ensure that legal persons can be held liable for a criminal offence or other unlawful act established in accordance with this Convention, when such offence or act was committed for their benefit by any

natural person, acting either individually or as part of an organ of the respective legal person, who holds a leadership position within it by virtue of:

- a) a power of attorney of the legal person;
- b) authority to take decisions on behalf of the legal person;
- c) authority to exercise control within the legal person.

2. In addition to the cases provided for in paragraph 1 of this article, each State party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence or other unlawful act established in accordance with the provisions of this Convention for the benefit of that legal person by a natural person acting under its authority.

3. Subject to the legal principles of the State party, the liability of a legal person may be criminal, civil or administrative. The State party shall ensure that legal persons held liable are subject to effective, proportionate and dissuasive sanctions, including monetary sanctions.

4. Such liability of legal persons shall be without prejudice to the liability of the natural persons who have committed the offence or other unlawful act.

Section 2

Criminal procedures and law enforcement

Article 31

Scope of procedural provisions

1. Each State party shall adopt such legislative and other measures as are necessary to establish the powers and procedures envisaged in this section for the purposes of preventing, identifying, suppressing, uncovering and investigating offences and other unlawful acts, and conducting judicial proceedings relating to such crimes.

2. Except as otherwise provided in article 33 of this Convention, each State party shall apply the powers and procedures referred to in paragraph 1 of this article to:

a) The criminal offences and other unlawful acts established in accordance with articles 6 to 29 of this Convention;

b) Other criminal offences and other unlawful acts committed by means of ICT;

c) The collection of evidence, including electronic, relating to the commission of criminal offences and other unlawful acts.

3. a) Each State party may make a reservation to the effect that it retains the right to apply the measures referred to in article 38 of this Convention only to criminal offences or categories of criminal offences specified in the reservation, provided that the range of such criminal offences or categories of criminal offences is not more restricted than the range of criminal offences to which it applies the measures referred to in the provisions of article 33 of this Convention. Each State party shall consider restricting the application of such a reservation to enable the broadest application of the measures provided for under article 38 of this Convention;

b) If a State party, owing to limitations in its domestic legislation in force at the time of the adoption of this Convention, is not able to apply the measures referred to in articles 33 and 38 of this Convention to the data being transmitted within an information system of a service provider, and that system

i) is being operated for the benefit of a closed group of users,
and

ii) does not employ an information and telecommunications network and is not connected with other information systems,

that State party may reserve the right not to apply those measures to such information transmission.

Article 32

Conditions and safeguards

1. Each State party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this section are subject to conditions and safeguards provided for under its domestic legislation, which shall ensure the adequate protection of human rights and freedoms, including rights arising from the obligations that the State party has undertaken under the International Covenant on Civil and Political Rights of 16 December 1966 and other applicable international human rights instruments.

2. In view of the nature of the powers and procedures concerned, such conditions and safeguards shall include, inter alia, judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such powers or procedures.

3. To the extent that it is consistent with the public interest, in particular as regards the administration of justice, the State party shall consider the impact of the powers and procedures provided for in this section on the rights, responsibility and legitimate interests of third parties.

Article 33

Collection of information transmitted by means of ICT

1. Each State party shall adopt such legislative and other measures as are necessary, in relation to offences provided for by this Convention and established under its domestic legislation, to empower its competent authorities to:

a) Collect or record, through the application of technical means, in the territory of that State party, information transmitted by means of ICT; and

b) Oblige a service provider, to the extent that it possesses the technical capacity to do so:

i) To collect or record, through the application of technical means in the territory of that State party, electronic information which includes data on content and is transmitted by means of ICT; or

ii) To cooperate with and assist the competent authorities of that State party in real time collection or recording of electronic information which includes data on content and is transmitted by means of ICT in the territory of that State party.

2. Where a State party, owing to the long-established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1 (a) of this article, it may instead adopt such legislative and other measures as may be necessary to ensure the real-time collection or recording of electronic information which includes data on content and is transmitted by means of ICT in its territory through the application of technical means in that territory.

3. Each State party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the exercise of any power provided for in this article and any information relating to it.

4. The powers and procedures referred to in this article shall be subject to the provisions of articles 31 and 32 of this Convention.

Article 34

Expedited preservation of accumulated electronic information

1. Each State party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to give adequate orders or instructions or similarly ensure the expeditious preservation of specified electronic information, including traffic data, in particular where there are grounds to believe that the data is particularly vulnerable to deletion, copying or modification, including due to expiry of the retention period provided for by its domestic legislation or by the provider's terms of service.

2. If a State party gives effect to the provisions of paragraph 1 of this article by means of an order to a person (including legal persons) to preserve

specified stored information in the person's possession or control, the State party shall adopt such legislative and other legal measures as may be necessary to oblige that person to preserve such information and maintain its integrity for such period of time as is necessary, but no longer than the period determined by the domestic legislation of that State party, to enable the competent authorities to seek disclosure of the data. A State party may provide for such an order to be subsequently renewed.

3. Each State party shall adopt such legislative and other measures as may be necessary to oblige the person who is tasked with preserving the information to keep confidential the undertaking of such procedures for the period of time provided for by its domestic legislation.

4. The powers and procedures referred to in this article shall be established in accordance with the provisions of articles 31 and 32 of this Convention.

Article 35

Expedited preservation and partial disclosure of traffic data

1. Each State party shall adopt, in respect of traffic data that is to be preserved under the provisions of article 34 of this Convention, such legislative and other measures as may be necessary to:

a) Ensure that such expeditious preservation of traffic data is possible, regardless of how many service providers were involved in the transmission of such information; and

b) Ensure the expeditious disclosure to the competent authorities of that State party of a sufficient amount of traffic data to enable the respective State party to identify the service providers and the path through which the indicated information was transmitted.

2. The powers and procedures referred to in this article shall be established in accordance with the provisions of articles 31 and 32 of this Convention.

Article 36

Production order

1. For the purposes set out in paragraph 1 of article 31 of this Convention, each State party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order:

a) A person in its territory to provide specified electronic information in that person's possession or control;

b) A service provider offering its services in the territory of that State Party to submit subscriber information in that service provider's possession or control.

2. The powers and procedures referred to in this article shall be established in accordance with the provisions of articles 31 and 32 of this Convention.

3. For the purpose of this article, the term "subscriber information" shall mean any information held by a service provider relating to subscribers to its services other than traffic data or content data, on the basis of which it is possible to establish:

a) The type of information and communications service used, the technical provisions taken thereto and the period of service;

b) The subscriber's identity, postal or other addresses, telephone and other access numbers, including IP addresses and billing and payment information, available in the service agreement or arrangement;

c) Information relating to the location of information and telecommunications equipment that has a bearing on the service agreement or arrangement

Article 37**Search and seizure of information stored or processed electronically**

1. Each State party shall adopt such legislative and other measures as may be needed to empower its competent authorities to seek access in the territory or under the jurisdiction of that State party to:

- a) ICT devices and information stored therein; and
- b) Information storage media in which the electronic information sought may be stored.

2. Each State party shall adopt such legislative and other measures as may be necessary to ensure that where its competent authorities, conducting a search pursuant to the provisions of paragraph 1 (a) of this article, have grounds to believe that the information sought is stored on another ICT device in the territory of that State party, such authorities shall be able to expeditiously conduct the search to obtain access to that other ICT device or the data contained therein.

3. Each State party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize electronic information in the territory or under the jurisdiction of the State party, or similarly secure such information. These measures shall include the provision of the following powers:

- a) To seize an ICT device used to store information or to secure it in another way;
- b) To make and retain copies of such information in electronic and digital form;
- c) To maintain the integrity of the relevant stored information;
- d) To remove from the ICT device information stored or processed electronically.

4. Each State party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order, under the

procedure established by its domestic legislation, any person who has special knowledge about the functioning of the information system in question, information and telecommunications network, or their component parts, or measures applied to protect the information therein, to provide the necessary information and/or assistance in undertaking measures referred to in paragraphs 1 to 3 of this article.

5. The powers and procedures referred to in this article shall be established in accordance with the provisions of articles 31 and 32 of this Convention.

Article 38

Real-time collection of traffic data

1. Each State party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to:

a) Collect or record, employing technical means for this purpose, the traffic data associated with ICT use in the territory of that State party; and

b) Oblige service providers, to the extent that they possess the technical capacity to do so:

(i) To collect or record traffic data in the territory of that State party, employing technical means for this purpose; or

(ii) To cooperate with and assist the competent authorities of that State party in collecting or recording in real time the traffic data associated with specified information in the territory of that State party.

2. Where a State party, owing to the long-standing principles of its domestic legal system, cannot adopt the measures provided for in paragraph 1 (a) of this article, it may instead adopt such legislative and other measures as may be necessary to ensure the real-time collection or recording of the traffic data in its territory through the application of technical means in that territory.

3. Each State party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the exercise of any power provided for in this article and any information relating to it.

4. The powers and procedures referred to in this article shall be subject to the provisions of articles 31 and 32 of this Convention.

Article 39

Jurisdiction

1. Each State party shall take all measures necessary to establish jurisdiction over criminal offences and other unlawful acts established in accordance with this Convention, when they are committed:

- a) In the territory of that State party; or
- b) Onboard a vessel flying the flag of that State party when the offence was committed, or onboard an aircraft registered under the law of that State party at that time.

2. Subject to article 3 of this Convention, a State party may also establish its jurisdiction over any such offence and other unlawful act when:

- a) The offence is committed against a national of that State party, a stateless person permanently residing in its territory, a legal person established or having a permanent representation in its territory, a State or government facility, including the premises of a diplomatic mission or consular office of that State party; or
- b) The offence is committed by a national of that State party or a stateless person whose habitual residence is in its territory; or
- c) The offence is committed against that State party; or
- d) The offence is committed wholly or partly outside the territory of that State party but its effects in the territory of that State party constitute an offence or result in the commission of an offence.

3. For the purposes of article 47 of this Convention, each State party shall take all measures necessary to establish its jurisdiction over the offences

established in accordance with this Convention when the alleged offender is present in its territory and the State party does not extradite such person solely on the ground that he or she is a national of that State party or a person to which it has granted refugee status.

4. Each State party in whose territory an alleged perpetrator is present and which does not extradite such person shall, in cases provided for in paragraphs 1 and 2 of this article, without any exception and regardless of whether the offence was committed in the territory of that State party, submit the case without further delay to its competent authorities for the purpose of legal prosecution in accordance with the law of that State.

5. If a State party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified or has otherwise learned that any other States parties are investigating, prosecuting or conducting a judicial proceeding with respect to the same act, the competent authorities of those States parties shall, as appropriate, consult each other with a view to coordinating their actions.

6. Without prejudice to general international law, this Convention shall not exclude the exercise of any criminal or administrative jurisdiction established by a State party in accordance with its domestic law.

Chapter III

Measures to prevent and combat offences and other unlawful acts in cyberspace

Article 40

Policies and practices to prevent and combat offences and other unlawful acts relating to ICT use

1. Each State party shall, in accordance with the fundamental principles of its legal system, develop and implement or pursue an effective and coordinated policy to combat offences and other unlawful acts relating to ICT use.

2. Each State party shall endeavour to establish and promote effective practices to prevent offences and other unlawful acts relating to ICT use.

3. The States parties shall, as appropriate and in accordance with the fundamental principles of their legal systems, collaborate with each other and relevant international and regional organizations in promoting and developing the measures referred to in this article.

Article 41

Bodies responsible for preventing and combating offences and other unlawful acts relating to ICT use

1. Each State party shall take all legislative and other legal measures necessary to designate authorities responsible for activity to prevent and combat offences and other unlawful acts relating to ICT use, and establish procedures for the interactions between such authorities.

2. Each State party shall inform the Secretary-General of the United Nations of the name and address of the authority/authorities who may assist other States parties in developing and implementing specific measures to prevent offences and other unlawful acts relating to ICT use.

Article 42

Private sector

1. Each State party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent offences and other unlawful acts relating to ICT use in the private sector, enhance information security standards in the private sector and, where appropriate, impose and apply effective, proportionate and dissuasive civil, administrative and criminal sanctions for failure to comply with such measures.

2. Measures aimed at attaining these goals may include, inter alia:

a) Promoting cooperation between law enforcement agencies of the State party and relevant private entities of that State party;

b) Promoting the development of standards and procedures to ensure information security;

c) Promoting training programmes for law enforcement, investigative, judicial and prosecutorial officials relating to ICT use.

Article 43**Principles and codes of conduct for private providers of information and telecommunications services**

1. Each private provider (or grouping of such providers) of information and telecommunications services located in the territory of a State party shall take appropriate measures, within its power and in accordance with the law of the State where it is located, to support the establishment and implementation of principles and standards for the use of international cyberspace, based on respect for human rights as guaranteed by fundamental instruments of the United Nations.

2. Measures aimed at attaining these goals may include, inter alia:

a) Cooperation among private providers of information and telecommunications services or groupings of such providers;

b) Cooperation in developing principles and standards for creating an enabling environment for the construction of civilized society as an integral part of international cyberspace.

Article 44**Raising public awareness of cybercrime prevention**

1. Each State party shall take appropriate measures, within its power and in accordance with the fundamental principles of its domestic law, to promote the active involvement of public organizations in the prevention of offences and other unlawful acts relating to ICT use, and to raise public awareness of those offences, their causes and seriousness, as well as of the threats that they pose. This involvement should be backed by the following measures:

a) The provision of effective public access to information;

b) The conduct of public consciousness-raising activities to promote zero tolerance of offences and other unlawful acts relating to ICT use, as well as with the aim of disseminating best practices ;

c) The conduct of public education training programmes on ICT security.

2. Each State party shall take appropriate measures to ensure that the public is aware of the relevant bodies responsible for combating offences and other unlawful acts relating to ICT use referred to in this Convention, and provide access to such bodies for the reporting of any incidents that may be considered offences and other unlawful acts in accordance with this Convention.

Article 45

Measures for protecting witnesses

Each State party shall consider adopting such legislative measures as may be necessary to provide effective protection for the following:

a) Persons who, in good faith and on reasonable grounds, provide information relating to unlawful acts under articles 6 to 28 of this Convention or otherwise co-operate with investigating or judicial authorities;

b) Witnesses who give testimony concerning unlawful acts as set forth in articles 6 to 28 of this Convention, as well as victims;

c) Where appropriate, family members of the persons referred to in subparagraphs (a) and (b) of this article.

Chapter IV

International cooperation

Section 1

Extradition, mutual legal assistance and cooperation between law enforcement agencies

Article 46

General principles of international cooperation

1. The States parties shall cooperate to the fullest extent possible in accordance with the provisions of this chapter and pursuant to other international instruments on international cooperation in criminal matters and agreements reached based on the principle of reciprocity, as well as domestic

laws, with a view to preventing, suppressing, detecting and investigating offences relating to ICT use.

2. When the requirement of mutual recognition must be met in order for an action to be regarded as an offence for the purposes of international cooperation, that requirement shall be considered as applicable irrespective of whether the law of the requested State party defines the action as the same category of offence or describes it in the same terms as the requesting State party, when the action constituting the offence in respect of which assistance is requested is criminalized under the legislation of both States parties.

3. States parties shall consider providing mutual assistance in the investigation and prosecution of civil and administrative cases related to unlawful acts relating to ICT use, as appropriate and as permitted by domestic legal systems.

4. Among the States parties, for the purpose of extradition and mutual legal assistance in criminal matters, including confiscation and recovery of property obtained by criminal means, neither offence referred to in articles 6 to 28 of this Convention shall be considered as a political offence, an offence associated with a political offence or a politically motivated offence. Accordingly, a request for extradition or legal assistance in criminal matters, including the search, seizure, confiscation and recovery of property obtained by criminal means, related to such offence shall not be rejected solely on the grounds that it relates to a political offence, an offence associated with a political offence or a politically motivated offence.

In making and responding to requests under this Convention, the channels of the International Criminal Police Organization, INTERPOL, may be used in urgent cases and when agreement between the requesting and requested States parties is being reached.

5. Each State party shall have an equal right to the protection of its information resources and critical information infrastructures from misuse and unauthorized interference, including computer attacks against them.

Article 47

Extradition

1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of a request for extradition is present in the territory of the requested State party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State party and the requested State party by imprisonment for at least one year or by a heavier penalty.

2. The criminal offences provided for in articles 6 to 28 of this Convention shall be deemed extraditable offences under any existing extradition treaty between the States parties. States parties undertake to include such offences as extraditable offences in any future extradition treaty between them. A State party whose domestic law so permits, where it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.

3. If the request for extradition concerns several separate offences, at least one of which is extraditable under this article, while others are not extraditable owing to the penalties applicable to them but are considered as offences established in accordance with this Convention, the requested State party may also apply this article in respect of such offences.

4. If a State party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State party with which it has no extradition treaty, this Convention may be considered as a legal basis for extradition in respect of any offence to which this article applies.

5. A State party that makes extradition conditional on the existence of a treaty shall:

a) when depositing its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will apply this Convention as a legal basis for cooperation on extradition with other States parties to this Convention; and

b) if it does not apply this Convention as a legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States parties to this Convention in order to apply this article.

6. States parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article is applicable as extraditable offences as between them.

7. Extradition shall be subject to the conditions provided for in the domestic law of the requested State party or in relevant extradition treaties, including, *inter alia*, conditions relating to the minimum penalty requirements for extradition and the grounds upon which the requested State party may refuse extradition.

8. States parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto, if any, in respect of any offence to which this article applies.

9. The requested State party may refuse extradition where such extradition may prejudice its sovereignty, security, public order or other essential public interests.

10. Subject to the provisions of its domestic law and its extradition treaties, the requested State party may, upon being satisfied that the circumstances so warrant and are urgent, and at the request of the requesting State party, take into custody a person whose extradition is sought and who is present in its territory or take other appropriate measures to ensure that person's presence at extradition proceedings, including surrender of the extradited person to the requesting State party.

11. If a State party in whose territory an alleged offender is found does not extradite such a person in connection with an offence to which this article applies, it shall, without exception, at the request of the State party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State party. The States parties concerned shall cooperate with each other, in particular on procedural and evidentiary matters, to ensure that such prosecution is effective.

12. Where a State party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only on the condition that the person will be returned to that State party to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought and that State party and the State party requesting the extradition agree on that procedure and such other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 10 of this article.

13. Any person regarding whom proceedings are being conducted in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided for by the International Covenant on Civil and Political Rights and the domestic law of the State party in the territory of which that person is present.

14. 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 extradition request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, language, religion, nationality or ethnic origin or that compliance with the

request would cause prejudice to that person's position for any one of those reasons.

15. Before refusing extradition, the requested State party shall, where appropriate, consult with the requesting State party in order to provide it with ample opportunities to present its views and to provide information relevant to the facts set forth in its request.

16. States parties shall seek to conclude bilateral and multilateral treaties or arrangements to carry out extradition or enhance its effectiveness.

17. Each State party shall designate a central authority that shall have the responsibility to receive requests for extradition and to execute them. At the time a State party deposits its instrument of ratification, acceptance or approval of or accession to this Convention, the Secretary-General of the United Nations shall be notified of the central authority designated for this purpose.

Article 48

Non bis in idem

1. Extradition shall not be granted if final judgment has been passed by the competent authorities of the requested State party upon the person claimed in respect of the offence for which extradition is requested. Extradition may be refused if the competent authorities of the requested State party have decided either not to prosecute or to terminate proceedings in respect of the same offence.

2. The extradition of a person against whom a final judgment has been rendered in a third State that is party to the Convention for the offence in respect of which the extradition is sought, shall not be granted:

- a) if the afore-mentioned judgment resulted in his acquittal;
- b) if the term of imprisonment or other measure to which he was sentenced:
 - i) has been completely enforced;

ii) has been wholly, or with respect to the part not enforced, the subject of a pardon or an amnesty;

c) if the court convicted the offender without imposing a sanction.

3. However, in the cases referred to in paragraph 2, extradition may be granted:

a) if the offence in respect of which judgment has been rendered was committed against a person, an institution or any actor who is a public official in the requesting State;

b) if the person on whom judgment has been passed is himself a public official in the requesting State;

c) if the offence in respect of which judgment has been passed was committed completely or partly in the territory of the requesting State or in a place treated as its territory.

4. The provisions of paragraphs 2 and 3 shall not prevent the application of wider domestic provisions relating to the effect of *non bis in idem* attached to foreign criminal judgments.

Article 49

Mutual legal assistance

1. States parties shall provide mutual legal assistance for the purpose of investigations, prosecution or judicial proceedings with respect to offences and other unlawful acts relating to ICT use.

2. Each State party shall take legislative and other measures necessary to comply with the obligations provided for in articles 55, 56, 59 to 62 and 66 of this Convention. Each State party shall also consider extending (or waiving) a time limit in order to prevent the evasion of liability.

3. Unless otherwise specifically provided for in the articles in this chapter, mutual legal assistance shall be subject to the provisions contained in the domestic law of the requested State party or in applicable mutual legal

assistance agreements, including the list of grounds for full or partial non-cooperation to which the requested State party may refer.

4. Each State party shall designate a central authority that shall have the responsibility to receive requests for mutual legal assistance and to execute them. At the time a State party deposits its instrument of ratification, acceptance or approval of or accession to this Convention, the Secretary-General of the United Nations shall be notified of the central authority designated for this purpose.

Article 50

Mutual emergency assistance

1. For the purposes of this article, an emergency means a situation involving a substantial and imminent risk to the life or safety of any individual.

2. Each State party may request mutual assistance from another State party within the shortest possible time if it believes that an emergency exists. A request under this article should include, among other necessary contents, a description of the facts showing that an emergency exists and its relation to the assistance requested.

3. The requested State party shall accept such a request in electronic form. However, it may request that an appropriate level of security and authentication be ensured before accepting the request.

4. The requested State party may, within the shortest possible time, request additional information to assess the request. The requesting State party shall provide such additional information within the shortest possible time.

5. The requested State party, upon being satisfied that an emergency exists and other requirements for mutual assistance are met, shall respond to the request within the shortest possible time.

6. Each State party shall ensure that an official of its competent authority responding to requests for mutual assistance under articles 49 and 52

of this Convention can be contacted on a 24/7 basis to respond to a request made pursuant to this article.

7. The competent authorities responsible for mutual assistance in both the requesting and requested States parties may agree that the results of a request executed in accordance with this article, or an advance copy thereof, may be provided to the requesting State party through an alternative channel of communication other than that normally used for requesting mutual legal assistance.

8. In the event of an emergency, requests may be made directly by the competent authorities of the requesting State party to the relevant competent authorities of the requested State party or through Interpol or 24/7 Network in accordance with Article 66 of this Convention. In any such cases, a copy of the request shall be sent concurrently to the central authority of the requested State party through the central authority of the requesting State party. If the request is made directly to the central authority of the requested State party and that authority is not the competent authority to execute the request, it shall refer the request to the competent authority and inform the requesting State party's central authority of the referral.

Each State party may, at the time of signature or deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations that, for the sake of efficiency, requests made pursuant to this paragraph should be sent only to the central authority.

Article 51

Provision of information proprio motu

1. A State party may, in accordance with its domestic law and without the prior request of another State party, forward information gathered during its own investigation if it believes that the disclosure of such information could help that other State party to initiate or conduct an investigation, prosecution or

judicial proceeding relating to offences or other unlawful acts established in accordance with this Convention, or might result in a cooperation request from that State party under the provisions of this chapter.

2. Before providing such information, the State party concerned may require that the confidentiality of the information be maintained or certain conditions for its use be met. If the receiving State party is not in a position to accede to such a request, it shall notify the providing State party, which will decide whether the information should still be provided. If the receiving State party accepts the information under the above-mentioned conditions, those conditions shall be binding for that State party.

Article 52

Procedures for sending requests for mutual legal assistance in the absence of applicable international treaties

1. Where no mutual legal assistance treaty exists between the requesting and the requested State party, the provisions of paragraphs 2 to 8 of this article shall be applied. If such treaty exists, the provisions of this article shall not be applied unless the States parties concerned agree to apply in place of the aforementioned instruments any or all of the provisions of this article as set out below.

2. a) Each State party shall designate a central authority or authorities for the transmission of requests for mutual legal assistance and for responding to them, granting such requests or referring them to the competent authorities.

b) The central authority or authorities referred to in subparagraph (a) above shall communicate directly with one another.

c) Each State party shall, on depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary-General of the United Nations of the names and addresses of the authorities designated in accordance with this paragraph.

d) The Secretary-General of the United Nations shall compile and update the register of central authorities designated by the States parties. Each State party shall ensure on a regular basis that the information contained in the register is current.

3. When granting a request for mutual legal assistance, the authorities of the requested States parties shall apply the law of its State. If the requesting authority so requests, the legal procedures of the requesting State may be applied provided that they are not inconsistent with the basic concepts of the requested State party's legal system.

4. The requested State party may refuse to provide legal assistance if:

a) The request concerns an offence which the requested State party considers to be an offence against the State or related offence;

b) It considers that carrying out the request will undermine its sovereignty, security, ordre public or other vital interests.

5. The requested State party may postpone taking measures in response to the request if such measures could interfere with criminal investigations or judicial proceedings being conducted by its competent authorities.

6. Before refusing or postponing legal assistance, the requested State party shall consider granting the request in part or subject to such conditions as it deems appropriate, after consultations with the requesting State party, as necessary.

7. The requested State party shall, as promptly as possible, inform the requesting State party of the results of execution of the request for legal assistance. In the event that the request is refused or its execution is postponed, the requesting State party shall be notified of the reasons for such refusal or postponement.

8. The requesting State party may request the requested State party to ensure the confidentiality of the fact and the subject matter of any request

submitted in accordance with the provisions of this chapter, but only insofar as it is consistent with the fulfillment of the request. If the requested State party cannot comply with the request for confidentiality, it shall promptly notify the requesting State party thereof; the requesting State party shall then decide whether the request should still be fulfilled.

Article 53

Conducting interrogations and other procedural actions using video or telephone conferencing systems

1. Competent authorities of a State party may, by mutual agreement, provide legal assistance through the use of video or telephone conferencing systems.

2. The video or telephone conferencing systems shall be used in accordance with the legislation of the requested State party.

If the requested State party does not have access to the technical means necessary for holding a videoconference, such means may be provided by the requesting State party by mutual agreement.

Article 54

Powers of diplomatic missions and consular offices

1. The States parties shall have the right to serve documents on their own citizens through their diplomatic missions or consular offices.

2. States parties shall have the right, under instructions from their competent authorities, to interrogate their own citizens through their diplomatic missions or consular offices, including through the use of video or telephone conferencing systems.

3. In situations referred to in paragraphs 1 and 2 of this article, no means of coercion or threat thereof may be used.

Article 55

Confidentiality and limitations on the use of information

1. Where no mutual legal assistance agreement exists between the requesting and the requested States parties based on a uniform or mutually

agreed legislation, the provisions of this article shall not be applied. If such agreement or legislation exists, the provisions of this article shall not be applied unless the States parties concerned agree to apply in lieu thereof any or all of the provisions of this article set out below.

2. In response to the request, the requested State party may set the following conditions for the provision of information or material:

a) The information or material must be kept confidential where, absent such condition, the request for mutual legal assistance could not be granted;

b) The information or material must not be used for any investigations or legal proceedings other than those referred to in the request.

3. If the requesting State party cannot comply with any of the conditions referred to in paragraph 2 of this article, it shall promptly notify the other State party thereof; the other State party shall then decide whether such information can be provided. If the requesting State party agrees to comply with those conditions, they shall become binding for that State party.

4. Any State party providing information or materials subject to the conditions referred to in paragraph 2 of this article may request from the other State party clarifications on the use made of such information or materials in relation to either imposed condition.

Article 56

Protection of personal data

1. Personal data transmitted from one State party to another State party at the request made in accordance with this Convention may be used by the State party to which the data is transmitted only for the purposes of criminal, administrative or civil proceedings and other judicial or administrative procedures directly related to those proceedings, as well as to prevent an imminent and serious threat to the public safety of persons whose personal data is transmitted.

2. Such personal data may not be shared with a third party without the prior written consent of the State party that has transmitted the data or the personal data subject.

3. A State party transmitting personal data at the request made in accordance with this Convention may demand that the State Party to which the data has been transmitted provide information about its use.

Article 57

Transfer of criminal proceedings

The States parties shall consider transferring to another State party proceedings relating to criminal prosecution of an offence established in accordance with this Convention where such transfer is deemed to be in the interests of the proper administration of justice, particularly in cases involving several jurisdictions with a view to ensuring the consolidation of criminal proceedings.

Article 58

Transfer of convicted persons

States parties shall consider entering into bilateral or multilateral agreements or other arrangements on the transfer of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention to enable such persons to serve their sentences in the territories of relevant States parties.

Article 59

Expedited preservation of electronic information

1. Any State party may request another State party to order or take other measures to promptly ensure the preservation of information which is stored or processed by means of ICTs in the territory of that State party and in respect of which the requesting State party intends to send a request for search or seizure or other request for preservation or acquisition of that information within the framework of mutual legal assistance.

2. A request for the preservation of information made under paragraph 1 of this article shall specify:

- a) The name of the requesting authority;
- b) A summary of the basic facts and the nature of the investigation, prosecution or judicial proceeding to which the request relates;
- c) The electronic information to be preserved and its relationship to the offence or unlawful act in respect of which the request is made;
- d) Any available data identifying the owner of the information or the location of the ICT device;
- e) Justification for the need to preserve the information;
- f) A communication stating that the State party intends to submit, in the framework of mutual legal assistance, a request for search, seizure or other preservation of the information in question.

3. Upon receiving such a request from another State party, the requested State party shall take appropriate measures in accordance with its domestic law to promptly ensure the preservation of the information specified in paragraph 1 of this article. The requested State party may fulfill, in its entirety or in part, the request to ensure the preservation of information even if the act constituting grounds for the request is not criminalized in the requested State party.

4. A request for the preservation of information may be refused if the requested State party considers that the execution of the request could prejudice its sovereignty, security or other essential interests.

5. Where the requested State party believes that the execution of the request referred to in paragraph 1 of this article would not ensure the future preservation of information or would jeopardize confidentiality or otherwise prejudice the investigation, prosecution or judicial proceeding, it shall promptly notify the requesting State party thereof. On the basis of that notification, the requesting State party shall decide whether the request should be executed.

6. Any preservation effected in response to the request referred to in paragraph 1 of this article shall be for a period of not less than 90 days in order to enable the requesting State party to submit a request for search, seizure or other preservation of the relevant information. Following the receipt of such a request, the requested State party shall preserve that information pending a decision on that request.

Article 60

Expedited disclosure of preserved traffic data

1. When, in the course of executing a request for the preservation of information made pursuant to article 59 of this Convention, the requested State party discovers that a service provider from another State was involved in the transmission of the information, it shall expeditiously disclose to the requesting State party a sufficient amount of traffic data making it possible to identify that service provider and the path through which the information whose preservation is sought was transmitted.

2. The request to preserve information may be refused if the requested State party considers that execution of the request could prejudice its sovereignty, security or other essential interests.

Article 61

Mutual assistance regarding the real-time collection of traffic data

1. A State party shall, at the request of another State party, carry out the real-time collection of traffic data in its territory or in the territory under its jurisdiction and subsequently transmit, in accordance with the procedures established by its domestic law and provided there are relevant grounds, the collected information to the requesting State party.

2. A request made in accordance with paragraph 1 of this article shall specify:

- a) The name of the requesting authority;

- b) A summary of the basic facts and the nature of the investigation, prosecution or judicial proceeding to which the request relates;
- c) The electronic information in relation to which the collection of the traffic data is required and its relationship to the relevant offence or other unlawful act;
- d) Any available data that identifies the owner/user of the information and the location of the ICT device;
- e) Justification of the need to collect the traffic data; justification for choosing the specified period for collecting the traffic data;
- f) The period of collection of the traffic data;

Article 62

Mutual assistance regarding the collection of electronic information

A State party shall, in its territory or in the territory under its jurisdiction, carry out the real-time collection of information in the digital and electronic form transmitted by means of ICTs, including data on the contents of messages, in accordance with procedures established by its domestic law. Such information shall be provided to another State party in accordance with the domestic law of the State party collecting the information as well as existing mutual legal assistance agreements.

Article 63

Joint investigations

The competent authorities of two or more States parties may, by mutual agreement, set up joint investigative teams for a specific purpose and for a limited time period, which may be extended by mutual consent, to conduct criminal investigations in one or more of the States parties that have set up the team. To this end, States parties shall consider entering into bilateral or multilateral agreements or arrangements. The composition of the team shall be specified in the agreement.

A request for setting up a joint investigation team may emanate from any interested State party. The team shall be formed in one of the States parties where the investigation is to take place.

The States parties shall ensure that the sovereignty of the State party in whose territory such an investigation is to take place is fully respected.

Article 64
Special investigative techniques

1. With a view to effectively combating offences relating to ICT use, each State party, to the extent permitted by the fundamental principles of its domestic law and subject to the conditions prescribed by its legislation, shall, to the best of its ability, take such measures as may be necessary to allow for the appropriate use by its competent authorities of controlled deliveries and other special investigative techniques, such as electronic or other forms of surveillance, as well as for conduct of undercover operations by its competent authorities in its territory, and to ensure that the evidence gathered through such methods is acceptable before the courts.

2. For the purpose of investigating the offences covered by this Convention, States parties are encouraged to enter, as necessary, into appropriate bilateral or multilateral agreements or arrangements for the use of such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of the sovereign equality of States and carried out strictly in accordance with the terms of those agreements or arrangements.

3. In the absence of an agreement or arrangement as envisaged in paragraph 2 of this article, decisions on the use of such special investigative techniques at the international level shall be made on a case-by-case basis and may, as necessary, take into consideration financial arrangements and

understandings with respect to the exercise of jurisdiction by the States parties concerned.

Article 65

Cooperation between law enforcement agencies

1. State parties shall cooperate closely with one another, acting according to their respective domestic legal and administrative systems, with the aim of increasing the efficiency of law enforcement action to combat the offences covered by this Convention. For example, State parties shall take effective measures aimed at:

a) strengthening or, where necessary, establishing channels of communication between their competent authorities, agencies and services to ensure secure and rapid exchange of information about all aspects of the offences covered by this Convention, including, if the States parties concerned deem it appropriate, links with other criminal activities;

b) cooperation with other States parties in conducting investigations in relation to the offences covered by this Convention for the purpose of establishing:

i) the identity, whereabouts, and activities of persons suspected of involvement in such offences or the whereabouts of other persons involved;

ii) the movement of proceeds of offences or property derived from the commission of such offences;

iii) the movement of property, instruments, equipment, or other means used or intended for use in the commission of such offences;

d) transferring items that were used to commit offences, including instruments of offence; items that were acquired as a result of offences or as a reward for them, or items that the offender received in exchange for items acquired in this way; and items that may serve as evidence in a criminal case;

e) exchanging information, where appropriate, with other States parties about specific means and methods used to commit the offences covered by this Convention, including examples of malicious software, use of false identities, false, altered or falsified documents and other means of concealing illegal activities;

f) facilitating effective coordination between their competent authorities, agencies and services and encouraging the exchange of personnel and other experts, including, subject to the conclusion of bilateral agreements or arrangements between the States parties concerned, the posting of liaison officers;

g) exchanging information of interest and taking coordinated action for the early detection of the offences covered by this Convention.

2. For the purpose of giving effect to this Convention, States parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, improving them. Where there are no such agreements or arrangements between the States parties concerned, States parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. States parties shall, where appropriate, make full use of agreements or arrangements, including mechanisms of international or regional organizations, to enhance cooperation between their law enforcement agencies.

Each State party may send requests for assistance or communications related thereto in urgent circumstances by expeditious means of communication, including facsimile or electronic mail, to the extent that such means ensure appropriate level of security and authentication (including encryption, if necessary), followed by formal confirmation, if required by the requested State party. The requested State party shall accept such a request and respond to it by any similar expeditious means of communication. The requested State party

may reserve the right to send a reply after receiving an original request and shall notify the Depositary accordingly.

Article 66

Network 24/7

1. Each State party shall designate a 24/7 point of contact to provide prompt assistance in investigations, prosecutions or judicial proceedings in relation to the offences involving computer systems and data or in the collection of offence-related evidence in the electronic and digital form. Such assistance shall include support for or, where permitted under their domestic law or practice, direct application of the following measures:

- a) offering technical advice;
- b) ensuring data security to collect evidence and subsequently provide information in accordance with their domestic law, as well as mutual legal assistance agreements.

2. Each State party shall take measures to provide qualified personnel and equipment to facilitate the operation of such a network.

Section 2

Measures for Recovery of Property

Article 67

General Provision

States parties shall afford each other the widest measure of cooperation and mutual legal assistance in the recovery of property obtained by criminal means, in compliance with the provisions of this Convention and their domestic law, taking into account the relevant initiatives of international regional and interregional organizations on combating money-laundering.

Article 68

Prevention and Detection of Transfers of Proceeds of Crime

1. A State party shall take all necessary measures enabling it, in accordance with its domestic law, to obtain, from financial institutions, as well as organizations engaged in the activities related to the circulation of digital

financial assets and digital currency within its jurisdiction, information on the identity of customers and beneficial owners in relation to whom there is information about their alleged involvement, or the alleged involvement of members of their families or close associates or persons acting on their behalf, in the commission of the offences provided for in the provisions of this Convention, including information on the accounts of all the above-mentioned persons.

2. A State party shall take all necessary measures to require, in accordance with its domestic law, that financial institutions, as well as organizations engaged in the activities related to the circulation of digital financial assets and digital currency, apply reasonable scrutiny to the accounts that persons, referred to in paragraph 1 of this Article, try to open or maintain.

3. Measures, referred to in paragraphs 1 and 2 of this Article, shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.

4. In order to facilitate implementation of the measures provided for in paragraphs 1 and 2 of this Article, each State party shall, as appropriate, notify financial institutions, as well as organizations engaged in the activities related to the circulation of digital financial assets and digital currency within its jurisdiction, at the request of another State party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions or organizations will be expected to apply enhanced scrutiny, in addition to those persons whom financial institutions, as well as organizations engaged in the activities related to the circulation of digital financial assets and digital currency, may otherwise identify.

5. Each State party shall implement measures to ensure that its financial institutions, as well as organizations engaged in the activities related to

the circulation of digital financial assets and digital currency maintain, over an appropriate period of time, adequate records of accounts and transactions involving the persons referred to in paragraph 1 of this Article, which shall, at a minimum, include information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.

6. With the aim of preventing and detecting transfers of proceeds of offences established in accordance with this Convention, each State party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group. Moreover, States parties may consider requiring their financial institutions, as well as organizations engaged in the activities related to the circulation of digital financial assets and digital currency to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.

7. Each State party shall consider establishing, in accordance with its domestic law, effective systems for the disclosure of financial information on the persons in relation to whom there is information about their alleged involvement in the offences covered by the provisions of this Convention, and shall provide for appropriate sanctions for non-compliance with the requirements referred to in this Article. Each State party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States parties when necessary to investigate and take action to recover proceeds of offences established in accordance with this Convention.

Article 69

Measures for Direct Recovery of Property

Each State party shall, in accordance with its domestic law, take such legislative or other measures as may be necessary:

a) to permit another State party, its citizens and stateless persons permanently residing in its territory, and legal persons established or having a resident office in its territory, to initiate civil action in the courts of that State party to establish the right of ownership of property violated as a result of the commission of an offence or other unlawful acts established in accordance with this Convention;

b) to permit its courts to order to pay compensation or damages resulting from the commission of such offences or other unlawful acts established in accordance with this Convention; and

c) to permit its courts or competent authorities, when having to decide on confiscation, to recognize, fully or partially, claim of another State party, its citizens or stateless persons permanently residing in its territory, and legal persons established or having residential office in its territory, as a legitimate owner of property acquired through the commission of an offence or other unlawful acts established in accordance with this Convention.

Article 70

Mechanisms for Forfeiture of Property through International Cooperation in Confiscation

1. Each State Party, in order to provide mutual legal assistance in relation to property acquired through the commission of an offence established in accordance with this Convention, or the means of committing such an offence, shall, in accordance with its domestic law:

a) take such measures as may be necessary to enable its competent authorities to give effect to an order of confiscation issued by a court of another State party;

b) take such measures as may be necessary, within its jurisdiction, to enable its competent authorities to confiscate property of foreign origin by judicial order in connection with the legalization of proceeds derived from an offence established in accordance with the provisions of this Convention;

c) consider taking such measures as may be necessary to enable non-conviction-based confiscation of such property in criminal proceedings where the offender cannot be prosecuted by reason of death, flight or absence, or in other appropriate cases.

2. Each State party, for the purpose of providing mutual legal assistance, at the request of another State party, shall, in accordance with its domestic law:

a) take such measures as may be necessary to permit its competent authorities to seize property pursuant to an order of seizure issued by a court or other competent authority of the requesting State party that provides a reasonable basis for the requested State party to believe that there are sufficient grounds for taking such measures and that the property would eventually be subject to a confiscation order for the purposes of paragraph 1 (a) of this Article;

b) take such measures as may be necessary to permit its competent authorities to seize property upon request that provides a reasonable basis for the requested State party to believe that there are sufficient grounds for taking such measures and that the property would eventually be subject to a confiscation order for the purposes of paragraph 1 (a) of this Article;

c) consider taking additional measures to permit its competent authorities to retain the property for confiscation purposes, for example, based on a foreign seizure order or criminal charges in connection with the acquisition of such property.

3. In accordance with paragraph 2 of this article legal assistance is provided upon the relevant request submitted in writing.

4. If there is any doubt as to the authenticity or the content of the request, additional confirmation may be requested.

5. The request shall contain the following information:

- a) name of the requesting and the requested competent authority;
- b) the factual basis of the case;
- c) purpose and justification for the request;
- d) description of the content of the requested assistance;
- e) copy of the seizure order, if available;
- f) any other information that could be helpful for the proper execution of the request.

6. The request submitted or confirmed in writing shall be signed and stamped by an authorized official of the requested competent authority.

Article 71

International cooperation for purposes of confiscation

1. A State party that has received a request from another State party having jurisdiction over an offence established in accordance with this Convention for confiscation of property, referred to in paragraph 1 of article 73 of the Convention, obtained as a result of the commission of offences provided for by this Convention, or instrumentalities used in the commission of the offence that are situated in its territory shall, to the extent possible within its domestic legislation:

a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

b) Submit to its competent authorities an order of confiscation issued by a court in the territory of the requesting State party, with a view to giving effect to it to the extent requested and to the extent to which it is related to the property situated in the territory of the requested State party obtained as a result

of the commission of offences established in accordance with this Convention or to instrumentalities used for such offences.

2. Following a request made by another State party having jurisdiction over an offence established in accordance with this Convention, the requested State party shall take measures to identify or seize property obtained as a result of the commission of offences established in accordance with this Convention, or instrumentalities used for such offences referred to in paragraph 1 (b) of this article, for the purpose of eventual confiscation to be ordered either by the requesting State party or pursuant to a request by that State party under paragraph 1 of this article.

3. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State party in accordance with the provisions of its domestic legislation and any bilateral or multilateral agreements or arrangements by which it may be bound in relations with the requesting State party.

4. Each State party shall furnish to the Secretary-General of the United Nations copies of its laws and regulations that give effect to the provisions of this article and of any subsequent amendments to such laws and regulations or a description thereof.

5. A request submitted under this article may be refused or provisional measures lifted if the requested State party does not receive in a timely manner the order of the competent authorities of the requesting State party or documents required for the competent authorities of the requested State party to adopt that decision.

6. Before lifting any provisional measure taken pursuant to this article, the requested State party shall, wherever possible, provide the requesting State party with an opportunity to present its reasons in favour of continuing the measure.

7. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

Article 72

Special cooperation

Without prejudice to its domestic law, each State party shall endeavour to take measures to forward, on its own initiative and provided that it does not prejudice investigations or judicial proceedings carried out by its own competent authorities, information on property derived from the commission of an offence established in accordance with this Convention to another State party, when it considers that the disclosure of such information might provide grounds for the competent authorities of the receiving State party to initiate an investigation or judicial proceeding or might lead to a request by that State party under this chapter.

Article 73

Return and disposal of property

1. A State party which has confiscated property in accordance with the provisions of this chapter shall dispose of such property, including by returning it to its prior legitimate owners, in accordance with paragraph 3 of this article and its domestic law.

2. Each State party shall adopt all necessary legislative and other measures to enable its competent authorities to return confiscated property, when acting on a request made by another State party in accordance with this Convention, taking into account the rights of bona fide third parties and in accordance with its domestic law.

3. In accordance with article 71 of this Convention and paragraphs 1 and 2 of this article, the requested State party shall:

a) In the case of the embezzlement of public property confiscated in accordance with article 68 of this Convention and on the basis of a final judgment made in the requesting State party, a requirement that can be waived

by the requested State party, return the confiscated property to the requesting State party;

b) In all other cases, give priority consideration to returning the confiscated property to its prior legitimate owners or paying compensation or damages to the victims of the offence.

4. Where appropriate, unless States parties decide otherwise, the requested State party may deduct reasonable expenses incurred in investigations or judicial proceedings leading to the return or disposal of confiscated property pursuant to this article.

5. With a view to reaching mutually acceptable arrangements on the final disposal of confiscated property, States parties may hold consultations and conclude separate agreements.

Article 74 **Expenses**

Request-related ordinary costs shall be covered by the requested State party, unless the States parties concerned otherwise agree. If expenses of a substantial or extraordinary nature are required to fulfil the request, the States parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

Chapter V **Technical assistance and training**

Article 75 **General principles of technical assistance**

1. The States parties shall, to the extent that they are able, consider affording one another the widest measure of technical assistance, especially for the benefit of developing countries for their respective plans and programmes to combat ICT crimes, including training in the areas referred to in article 76 of this Convention, as well as training and assistance and the mutual exchange of

relevant experience and expertise, which will facilitate international cooperation between States parties on extradition and mutual legal assistance.

2. The States parties shall strengthen, to the extent necessary, efforts to maximize the effectiveness of operational and training activities in international and regional organizations and in the framework of relevant bilateral and multilateral agreements or arrangements.

3. The States parties shall consider assisting one another, upon request, in conducting evaluations, studies and research relating to the types, causes and effects of ICT crimes committed in their respective countries, with a view to developing, with the participation of the competent authorities, society and the private sector, strategies and action plans to combat these types of offences.

4. The States parties shall entrust the United Nations Office on Drugs and Crime with the task of providing specialized technical assistance to States parties with a view to promoting the implementation of programmes and projects to combat ICT crimes and other offences.

Article 76

Training

1. Each State party shall, as necessary, develop, implement or improve specific training programmes for its personnel responsible for preventing and combating ICT crimes. Such training programmes could cover, inter alia, the following areas:

a) Effective measures to prevent, detect and investigate ICT crimes, as well as to punish and combat them, including the use of electronic evidence-gathering and investigative techniques;

b) Capacity building for the development and planning of a strategic policy to combat ICT crimes;

- c) Training of staff of competent authorities in the preparation of requests for extradition, law-enforcement support and mutual legal assistance that meet the requirements of this Convention;
- d) Prevention of the transfer of proceeds of offences established in accordance with this Convention and recovery of such proceeds;
- e) Detection and blocking of transactions related to the transfer of proceeds of offences established in accordance with this Convention;
- f) Surveillance of the movement of proceeds of offences established in accordance with this Convention and of the methods used to transfer, conceal or disguise such proceeds;
- g) Appropriate and efficient legal and administrative mechanisms and methods facilitating the seizure and confiscation of proceeds of offences established in accordance with this Convention;
- h) Methods used in protecting victims and witnesses who cooperate with judicial and law-enforcement authorities; and
- i) Training of staff in national and international regulations and language training.

2. With the support of the United Nations Office on Drugs and Crime, the States parties may provide specialized training assistance to States parties with a view to promoting the implementation of national programmes and projects to combat ICT crimes.

Article 77

Exchange of information

1. Each State party shall consider analysing, in consultation with relevant experts, trends with respect to ICT crimes in its territory, as well as the circumstances in which such offences are committed.

2. The States parties shall consider disseminating statistics and analysis concerning ICT crimes with a view to developing, to the extent possible, common definitions, standards and methodologies, including best

practices to prevent and combat such offences, and share them with one another and through international and regional organizations.

3. Each State party shall consider monitoring its policies and practical measures to combat ICT crimes, as well as assessing their effectiveness.

Chapter VI

Convention implementation mechanisms

Article 78

Conference of the States Parties to the Convention

1. A Conference of the States Parties to the Convention is hereby established to improve the capacity of and cooperation between States parties to achieve the objectives set forth in this Convention and to promote and review the implementation of this Convention.

2. The Secretary-General of the United Nations shall convene the Conference of the States Parties not later than one year following the entry into force of this Convention. Thereafter, regular sessions of the Conference shall be held in accordance with the rules of procedure adopted by the Conference of the States Parties.

3. The Conference of the States Parties shall adopt rules of procedure and rules governing the functioning of the activities set forth in this article, including rules concerning the admission and participation of observers and the payment of expenses incurred in carrying out those activities.

4. The Conference of the States Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of this article, including:

a) Facilitating activities by States parties under articles 76-77 and chapters II-VI of this Convention, including by encouraging voluntary contributions;

b) Facilitating the exchange of information among States parties on patterns and trends with respect to ICT crimes and on successful practices for

preventing and combating them, except for the information containing data constituting a State secret in accordance with the legislation of the State party, and for the return of proceeds of crime;

c) Cooperating with relevant international and regional organizations and mechanisms and international non-governmental organizations;

d) Making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing ICT crimes, in order to avoid unnecessary duplication of work;

e) Reviewing periodically the implementation of this Convention by the States parties thereto;

Making recommendations to improve this Convention and its implementation;

g) Identifying the technical assistance requirements of States parties with regard to the implementation of this Convention and recommending any action it may deem necessary in that respect.

5. For the purpose of paragraph 4 of this article, the Conference of the States Parties shall acquire the necessary knowledge of the measures taken by the States parties in implementing this Convention and the difficulties encountered by them in so doing, through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the States Parties.

6. Each State party shall provide the Conference of the States Parties with information on legislative and administrative and other measures, as well as on its programmes, plans and practices to implement this Convention, as required by the Conference of the States Parties. The Conference of the States Parties shall examine the most effective ways of receiving and acting upon information, including, inter alia, information received from States parties and from competent international organizations. Inputs received from relevant international non-governmental organizations duly accredited in accordance

with procedures to be decided upon by the Conference of the States Parties may also be considered.

7. Pursuant to paragraphs 4 to 6 of this article, the Conference of the States Parties shall establish, if it deems necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

Article 79

International Technical Commission

1. The Conference of the States Parties shall create and establish the International Technical Commission on Combating ICT Crime to assist States in the review of the implementation of the Convention.

2. The Commission shall be a permanent body, consisting of 23 members and shall be created on the basis of the principles of mixed representation: two thirds of the members shall represent the Conference of the States Parties, and one third shall represent the governing bodies of the International Telecommunication Union (ITU).

3. The members of the Commission shall be experts with significant direct experience in diplomacy, international and criminal law, communications technologies or relevant research.

4. The members of the Commission shall serve for a term of five years and may be reappointed.

5. The sessions of the Commission shall be convened at least once a year and shall be held at the ITU's headquarters at the United Nations Office on Drugs and Crime, or at a time and place indicated or approved by the Conference of the States Parties.

6. The Commission shall develop its own rules of procedure, which are to be approved by the Conference of the States Parties.

7. The Commission shall assess the technological progress made in the field of ICT.

8. The Commission, through the Conference of the States Parties, shall report on the results of its work to the States parties and interested international organizations.

Article 80 **Secretariat**

1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the States Parties to the Convention.

2. The Secretariat shall:

a) Make arrangements and provide the necessary services for the sessions of the Conference of the States Parties and the Commission;

b) Upon request, assist States parties in providing information to the Conference of the States Parties and the Commission; and

c) Ensure the necessary coordination with the secretariats of other relevant international and regional organizations and mechanisms.

Chapter VII **Final provisions**

Article 81 **Implementation of the Convention**

1. Each State party shall take the necessary measures, including legislative and administrative measures, in accordance with the fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.

2. Each State party may adopt stricter or more severe measures than those provided for by this Convention for the prevention and combating of ICT crimes.

Article 82 **Settlement of disputes**

In the event of a dispute between States parties concerning the interpretation or application of this Convention, they shall seek a solution by

negotiation, conciliation or arbitration, or by other peaceful means agreed upon by the parties to the dispute.

Article 83

Signature, ratification, acceptance and approval

1. This Convention shall be open for signature by all UN Member States.

2. This Convention shall also be open for signature by regional economic integration organizations, provided that at least one of its members has signed this Convention in accordance with paragraph 1 of this article.

3. This Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance, approval or formal approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance, approval or formal approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance, approval or formal approval such organization shall declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 84

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or formal approval. For the purposes of this paragraph, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State party or regional economic integration organizations ratifying, accepting or approving this Convention after the deposit of the thirtieth instrument of such action, this Convention shall enter into force on the

thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Convention enters into force pursuant to paragraph 1 of this article, whichever is later.

Article 85

Amendments

1. Three years after the entry into force of this Convention, a State party may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States parties and to the Conference of the States Parties to the Convention for the purposes of considering and deciding on the proposal. The Conference of the States Parties shall make every effort to achieve consensus on each amendment. If all efforts to achieve consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their States parties. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article shall be subject to ratification, acceptance or approval by States parties and relevant regional economic integration organizations.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State party or a regional economic integration organization 90 days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such an amendment by a two-thirds majority vote.

5. When an amendment enters into force, it shall be binding on those States parties or regional economic integration organizations which have

expressed their consent to be bound by it. Other States parties shall continue to be bound by the provisions of this Convention or any earlier amendments that they have ratified, accepted or approved.

Article 86 **Reservations**

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. Reservations to articles 15–17, 19–20, 22–26 and article 47, paragraph 11, will not be accepted.

Article 87 **Revision of the Annex**

1. Any State party may propose amendments to the list of international legal instruments contained in the Annex to this Convention.

2. The Secretariat shall be responsible for monitoring newly adopted international legal instruments that may affect the scope of application of this Convention and shall submit proposed amendments to the Annex to the next session of the Conference of the States Parties.

3. Proposed amendments should pertain only to universal and regional international legal instruments which have entered into force and are directly related to international crime.

4. The Secretary-General shall transmit draft amendments proposed in accordance with paragraph 1 of this article to the States parties. If one third or more of the total number of the States parties which have ratified this Convention notify the UN Secretary-General of their objections to the entry into force of the amendment within six months from the date of transmittal of the draft amendment, such amendment shall not enter into force.

5. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

6. If within six months from the transmittal of the draft amendment fewer than one third of the total number of the States parties that have ratified this Convention file with the UN Secretary-General their objections to the entry into force of the amendment, such an amendment shall enter into force for the States parties not objecting to it 30 days after the end of the six-month period for filing objections.

7. The Conference of the States Parties shall adopt an amendment by a two-thirds majority vote of all States parties that have ratified this Convention. Such an amendment shall enter into force for the States parties that have expressed their consent to apply the amendment 30 days after the date of the adoption of the amendment.

8. A State party that has previously objected to an amendment may modify its decision and inform the depositary of its acceptance. In that case, the amendment shall enter into force for the respective State party 30 days after the date on which it notifies the UN Secretary-General of acceptance of the amendment.

Article 88

Denunciation

1. A State party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective six months after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a party to this Convention when all States participating in such organization have denounced this Convention.

Article 89

Depositary and languages

1. The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.

2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention.

ANNEX

1. Single Convention on Narcotic Drugs (New York, 30 March 1961)
2. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963)
3. Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970)
4. Convention on Psychotropic Substances (Vienna, 21 February 1971)
5. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973)
6. International Convention against the Taking of Hostages (New York, 17 December 1979)
7. Convention on the Physical Protection of Nuclear Material (Vienna, 3 March 1980)
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988)
9. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 19 December 1988)
10. International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997)
11. International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999)
12. International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 13 April 2005)
13. United Nations Convention against Transnational Organized Crime (New York, 15 November 2000)
14. United Nations Convention against Corruption (New York, 31 October 2003)

15. Convention on the Suppression of Unlawful Acts relating to International Civil Aviation (Beijing, 10 September 2010) [replacing the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971)]