

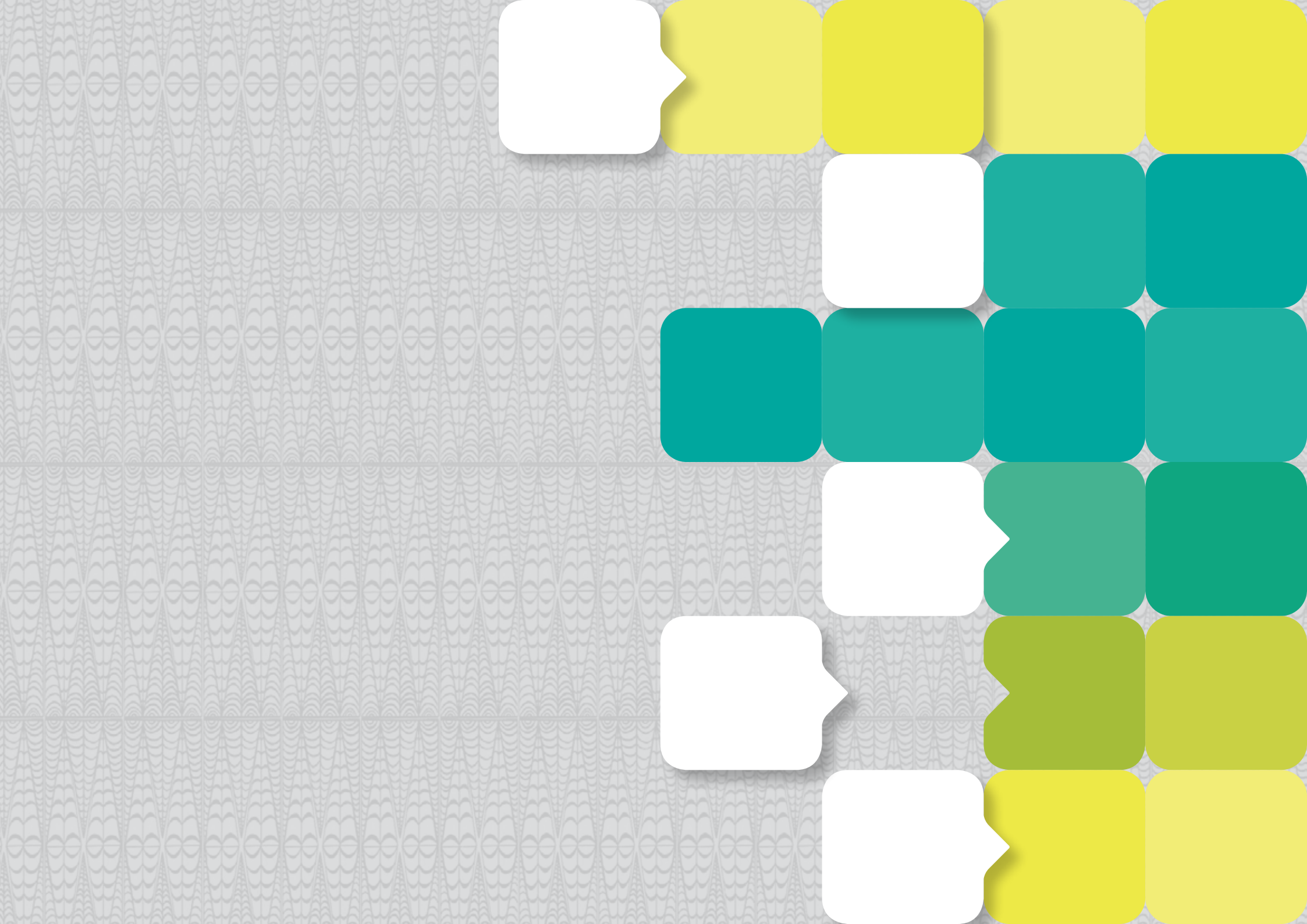
Combating online child abuse and cyberbullying in the Pacific

Second Annual PILON Cybercrime Workshop

12-15 June 2018

Nuku'alofa, Kingdom of Tonga



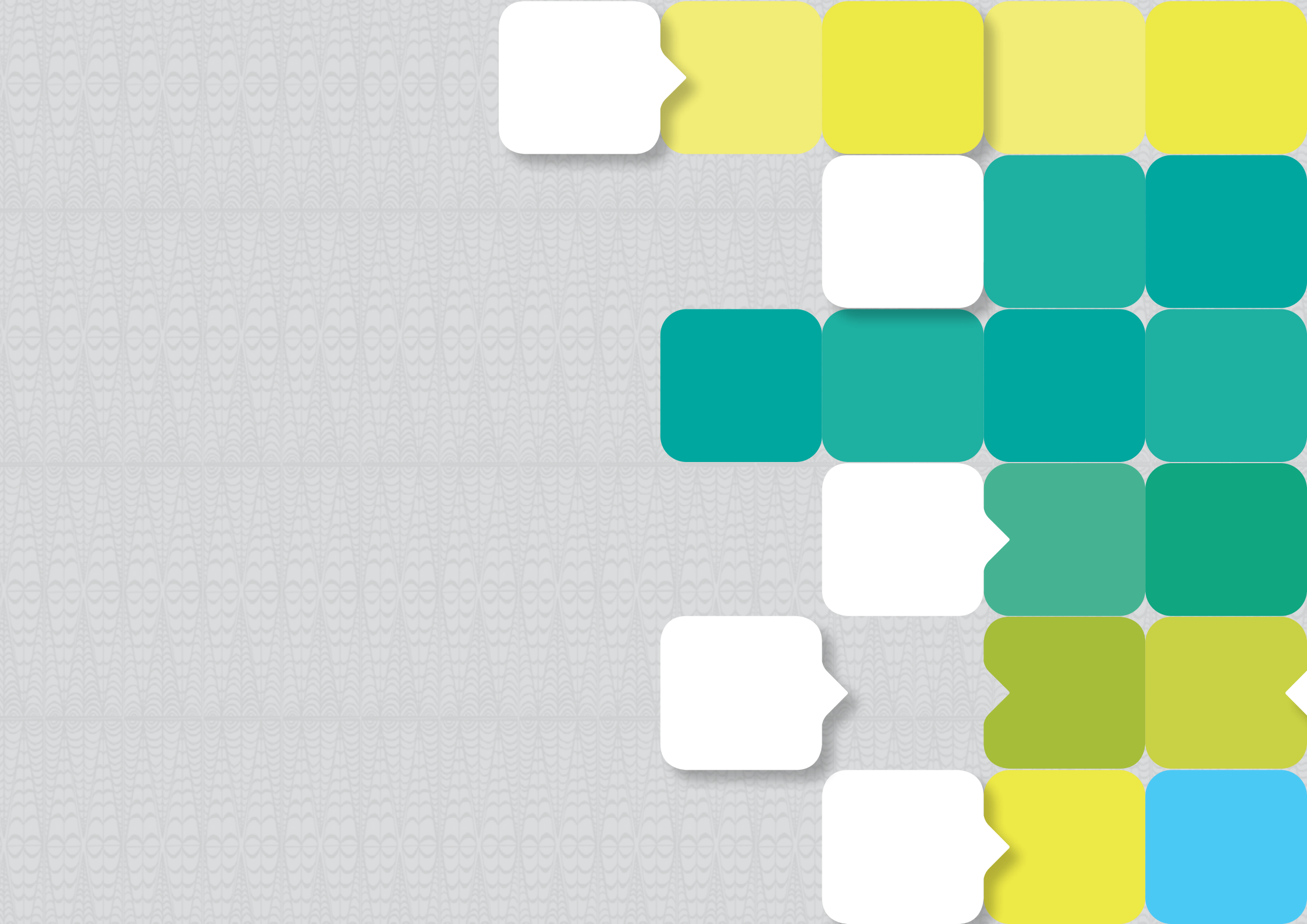




Combatting online child abuse and cyberbullying in the Pacific

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INTRODUCTION

From 12 to 15 June 2018, the Pacific Islands Law Officers' Network (PILON) held the much anticipated **Second Annual Cybercrime Workshop** in Nukualofa, Tonga. The workshop was kindly hosted by the Tongan Attorney General's Office, as Chair of the PILON Cybercrime Working Group, and PILON together with the Australian Government and the Council of Europe.

PILON provides a regional forum to discuss and progress law and justice issues common to countries within the Pacific. Addressing cybercrime is a key strategic priority for PILON, with member countries recognising that the borderless nature of cybercrime means that common legislative frameworks to support regional and international cooperation are crucial.

The PILON Cybercrime Workshop plays a central role in enhancing linkages between Pacific law and justice agencies so they can work cooperatively to strengthen their legal frameworks and take steps to more effectively investigate and prosecute cybercrime. This year, the theme of the workshop was "Combatting Online Child Abuse and Cyberbullying in the Pacific" and was designed to empower Pacific communities to work together to deter, detect and prosecute online child abuse and cyberbullying. Over four days, the workshop built contextual understanding of the problem, including the explosion in availability and market for images and other child abuse material that comes with faster and more accessible internet connections. Delegates participated in practical sessions, building key technical investigation and prosecution skills for responding to online child abuse and cyberbullying. A key focus of the workshop involved highlighting the benefits and need for regional and international cooperation on these issues.

The workshop was well attended, with approximately 65 police, prosecutors and law-makers from 14 PILON member countries participating. Emphasising the importance of collaboration on

transnational crime issues, expert presenters were drawn from the Australian Attorney-General's Department (AGD), the Australian Federal Police (AFP), Queensland Police Service (Taskforce Argos), the Australian Commonwealth Director of Public Prosecutions, Australian Office of the eSafety Commissioner, New Zealand Police, New Zealand Department of Internal Affairs, the United States Department of Justice, INTERPOL, Council of Europe, Pacific Islands Chiefs of Police (PICP), Facebook, Telstra, Digicel and Tonga Communications Corporation.

This booklet provides an overview of the presentations and discussions.

With the ongoing support of the Australian Cyber Cooperation Program and key international partners, PILON intends to host an annual cybercrime workshop involving police, prosecutors and legal policy officers from PILON member countries until 2020.

If you would like further information or assistance, please contact Pacific@ag.gov.au.

The workshop was opened with Mr 'Aminiasi Kefu, Acting Attorney General and Director of Public Prosecutions, Kingdom of Tonga, welcoming participants to a week of intensive deliberations on how law and justice agencies could best work together to address the scourge of online child sexual abuse and cyberbullying. His opening was complemented by His Excellency Andrew Ford, Australian High Commissioner to the Kingdom of Tonga, and Ms Cosmina Menghes, Council of Europe Program Officer, who both kindly commended the workshop and encouraged participants to make the most of the expertise and networks available in combatting this serious transnational crime issue.

The Honourable Poasi Tei, Minister of the Ministry of Environment, Energy, Climate Change, Disaster Management, Meteorology, Information and Communications, graciously provided the opening address for the workshop. The Minister succinctly set the scene for the workshop ahead by outlining the nature of the problem of online child abuse and cyberbullying, its prevalence, challenges and responses to combatting this significant issue.

RECAP- DAY 1



CYBERCRIME
IS A CRIME
OF **TOODAY**



IMPORTANCE
OF LEGAL
FRAMEWORKS



BUDAPEST
CONVENTION
AS AN
**UMBRELLA
FRAMEWORK**



THE INTERNET
REFLECTS
SOCIETY



POTENTIAL
GROWTH OF
CYBERCRIME
IN PACIFIC
ISLANDS



BUILDING
SYSTEMS
for REPORTING



SOCIAL MEDIA
OPEN THEIR
DOORS to L.E.



MUST **PARTNER**
WITH TELCOs -
OPEN & HONEST



REAL WORLD
CONSEQUENCES

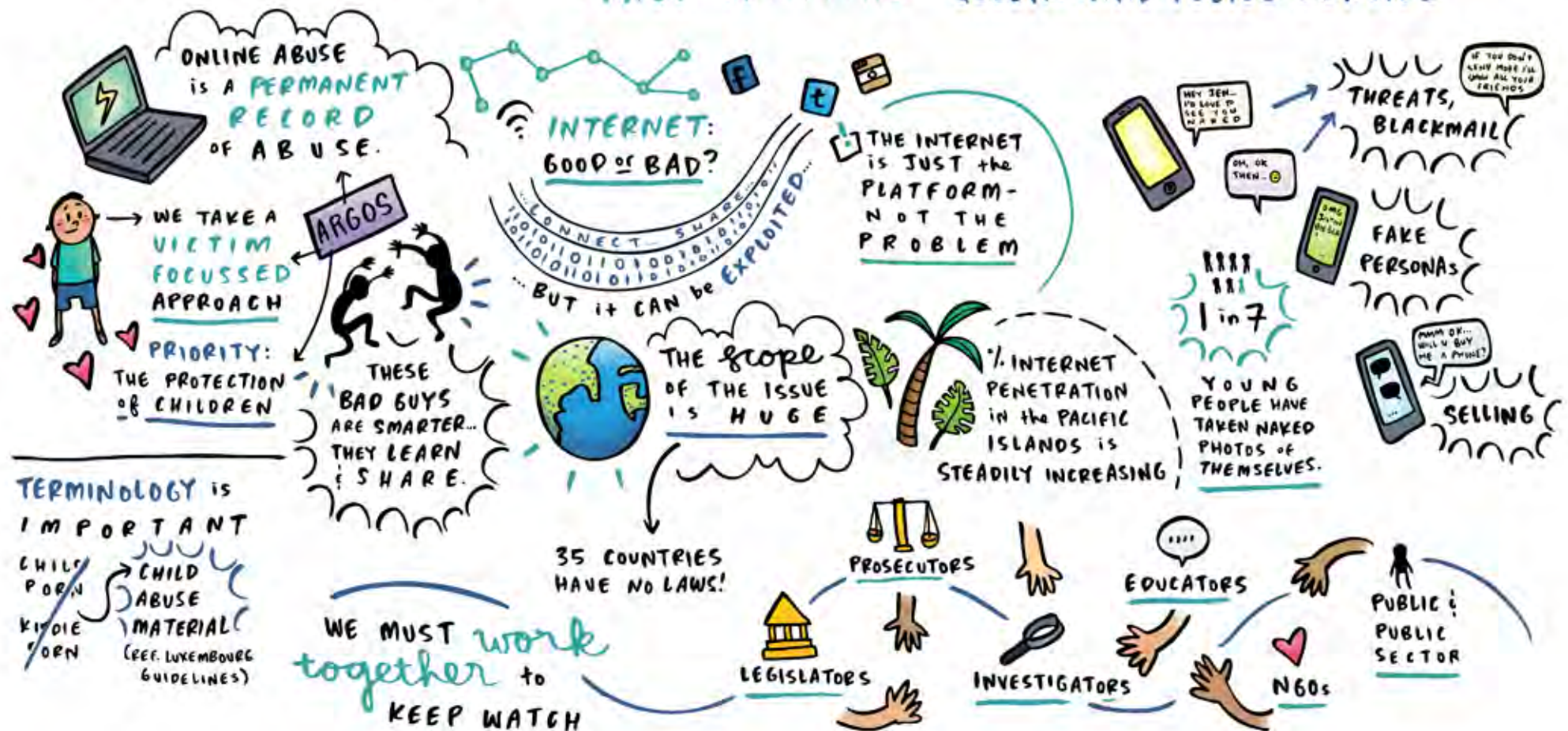
WILL TAKE A
**COORDINATED
APPROACH**



DAY 1 CHALLENGES AND RESPONSES TO ONLINE CHILD ABUSE

CREATING A safe & positive ONLINE ENVIRONMENT

PAUL GRIFFITHS QUEENSLAND POLICE SERVICE



Mr Paul Griffiths, Child Victim Identification Manager, from Taskforce Argos, Queensland Police Service in Australia, brought forth his extensive experience to provide the keynote address on how countries can work together to achieve the ultimate goal of creating a safe and positive online environment and examining the nature and problem of online abuse.

Online abuse is a permanent record of abuse and we all need to work together to tackle the problem of online child abuse and cyberbullying. While the internet brings out both good and bad behaviours, it is important to note it is the platform for bad behaviours, not the problem itself.

Mr Griffiths emphasised that the way we talk about the abuse of children online is important. Using the term 'child abuse material' is considered best practice and supports a respectful and victim focussed approach during investigations, prosecutions and follow-up support.

Council of Europe representatives, Ms Cosmina Menghes and Ms Catherine Smith, outlined the two key conventions that provide the international framework for combatting online child abuse: the Council of Europe's *Convention on Cybercrime (also known as the Budapest Convention)*, and the *Convention of the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention)*. The Budapest Convention has global reach and provides high-level technology-neutral cybercrime offences – including child pornography offences in Article 9, standard procedures for national investigation and prosecution, and procedural provisions for international cooperation.

There are a multitude of challenges in the cybercrime space ranging from lack of common understanding between criminal justice authorities, lack of harmonisation, new and ever-evolving technologies and limited capabilities.

The Council of Europe's Joint Project on Global Action on Cybercrime Extended (GLACY+) aims to strengthen the capacities of countries worldwide to apply legislation on cybercrime and electronic evidence and enhance effective international cooperation. The Council of Europe are more than happy to be contacted for further information or assistance: www.coe.int/cybercrime

THE BUDAPEST CONVENTION AS A framework



CYBER SAFETY & community awareness

GLYN LEWIS AUSTRALIAN FEDERAL POLICE ALEX ASH AUST. OFFICE OF THE eSAFETY COMMISSIONER



Detective Superintendent Glyn Lewis, Australian Federal Police, Advisor to the Commissioner of the Vanuatu Police Force, spoke about the work of Cyber Safety Pasifika to fight cybercrime and cyber-enabled crime. Cyber Safety Pasifika is a partnership between the Australian Federal Police and the Pacific Islands Chiefs of Police which helps Pacific communities to learn about technology and how to stay safe online, and provides training to police to improve their cyber investigations skills.

Mr Alex Ash from the Content Investigations and Law Enforcement Liaison team at the Australian Office of the eSafety Commissioner then spoke about the Commission's

approach to empowering the community to have positive experiences online, and the services they offer to combat online child abuse, cyberbullying and the non-consensual sharing of intimate images. The Commission's resources and services are underpinned by evidence-based research and close collaboration with internet, technology and payment industries as well as law enforcement. These resources and other helpful information can be found at: www.esafety.gov.au. The Office of the eSafety Commissioner are happy to provide assistance to PILON members in relation to online child abuse materials and we encourage you to contact them for follow-up assistance.

THE ROLE of telecommunications & social media

JEFF WU - FACEBOOK, CATHERINE SMITH - COUNCIL OF EUROPE, PETER FROELICH - TELSTRA

OWEN TEL, PENNIE DIGICEL



Ms Catherine Smith, Council of Europe Expert, facilitated a panel discussion on the role of telecommunications and social media in combatting online child abuse with representatives from telecommunications providers including Mr Peter Froelich, General Manager of Networks at Telstra, Digicel and Tonga Communications Corporation, as well as Mr Jeff Wu, Trust & Safety Director for the Asia Pacific for social media giant Facebook. The panel emphasised that industry stakeholders are essential to the process of effectively combatting online child abuse and cyberbullying and encouraged law enforcement to establish good relations with them in order to more effectively obtain the necessary evidence and intelligence. Having an open dialogue as soon as possible with providers will often lead to a better, more workable, response for all involved. The responsibility for providing a safe and secure internet is one between governments and the telecommunications industry. All need to come together in order to balance privacy concerns and the public interest of combatting all types of crime.

A highlight of the afternoon was the excellent, though somewhat sobering, snapshot provided by Facebook on the prevalence of child exploitation activity on social media. With 2.1 million daily active users of the social media platform in the Pacific Islands, there is evidence of child exploitation images being uploaded in the region on an alarming scale. Facebook welcomes the opportunity to partner with law enforcement in the region and globally and complies with international data requests in accordance with the local legislation. They can provide training upon request.

DAY 2 INVESTIGATING ONLINE CHILD ABUSE

DAY 2 recap...

MOST COUNTRIES...

 NEED MORE
TRAINING

WANT to IMPROVE
CYBERCRIME
RESPONSE

 LANGUAGE is
IMPORTANT
CHILD ABUSE
(NOT PORNOGRAPHY)



ENCRYPTION IS
A CHALLENGE
(\$2K to UNLOCK an iPad!)



CYBERBULLYING
on FACEBOOK
COMMON

APPETITE
for BUDAPEST
CONVENTION



DONE/DOING
GAP ANALYSIS



LEGISLATE w-
TECH NEUTRALITY



INTERNATIONAL
relationships
ARE KEY



DAY 2 FOCUSSED ON
LEARNING MORE ABOUT
INVESTIGATING ONLINE
CHILD ABUSE AND CYBER
BULLYING CASES.

PACIFIC PERSPECTIVES - country overviews





SOLOMON ISLANDS

- NO CYBERCRIME ACT, BUT AWARENESS OF THE NEED
- WORKING GROUP
- BILL DRAFT
- CURRENTLY, OFFENCES UNDER THE PENAL CODE
- NUMBER OF REPORTS
↳ INVESTIGATIVE ISSUES BECAUSE NOT COVERED IN THE PENAL CODE
- MOA w- TELCOs



PALAU

- NO CASES
- NO AWARENESS / TRAINING
- NO LEGISLATION
- CULTURAL ISSUES
↳ SHAME



VANUATU

- A FEW CASES, MOSTLY ON FACEBOOK (POSTED BY ADULTS; CHILDREN)
- INVESTIGATORS USED FAKE ACCOUNTS TO CATCH OFFENDER.
- THREATS/BLACKMAIL
- NO CYBERCRIME ACT
PROSECUTED UNDER EXTORTION
- LACK OF BASELINE REPORTS
- TRAINING, CAPACITY & SECURITY NOT GROWING IN PARALLEL w- TECHNOLOGY
- NEED for COORDINATION
↳ STANDARDISATION
↳ PROCESSES + DEFINITIONS
- EVIDENCE SLOW/ LOST BY PROVIDERS
↳ EVIDENCE ACT
- BUDAPEST CONVENTION
→ GAP ANALYSIS



SAMOA

SELF EVALUATION

- BUDAPEST CONVENTION following 2019 CONFERENCE
↳ STEP 3 → TRAINING POLICE, PROSECUTORS + JUDICIARY
- LAWS - GAP ANALYSIS
 - * NOT YET BUDAPEST COMPLIANT-
 - * TOO DIFFICULT for "ONE STOP SHOP" LEGISLATION
 - * HOW CAN WE BE COMPLIANT ACROSS AGENCIES?
- TRANS-NATIONAL CRIME UNIT.
 - * "WORST OF THE WORST" INFORMED BY INTERPOL
 - * WORKING w- ISPs (e: BLOCKING)
- NO FORMAL REPORTS OF CYBER CHILD ABUSE
- CULTURAL AWARENESS
- REGULAR HARASSMENT PROSECUTIONS & SKIMMING
- BUT IT IS HAPPENING.

EACH PACIFIC ISLAND DELEGATION PROVIDED A SHORT REPORT TO THE WORKSHOP ON THEIR EXPERIENCES WITH ONLINE CHILD ABUSE AND CYBERBULLYING. THIS INCLUDED THE STATE OF THEIR LEGISLATION AND ABILITY TO INVESTIGATE AND PROSECUTE OFFENCES, BROADER CYBER INITIATIVES AS WELL AS CHALLENGES AND PROPOSED NEXT STEPS.

CRIMINALISING child abuse - LEGISLATIVE CHALLENGES in CYBERSPACE

NATHAN WHITEMAN & STEPHANIE LISTER
JANINE MCFARLANE



Mr Nathan Whiteman, Senior Legal Officer from the Australian Attorney-General's Department, and Ms Stephanie Lister, Senior Counsel, US Department of Justice, delved further into the criminalisation of online child abuse, respectively focussing on the Australian and United States approaches.

There are many types of online child abuse activities, including possession, production, sharing of child abuse materials (including child sexual abuse materials), grooming, procuring and live-streaming of child sexual abuse. While there are many policy and legislative challenges in this space, online child abuse is not impossible to combat. There is no 'type' of offender in these crime types and a well-developed and technology-neutral criminal offence and investigatory powers framework is essential.

Ms Janine McFarlane, Senior Legal Officer from the Australian Attorney-General's Department, presented the preliminary results of a legislative review of PILON member countries' laws relating to child abuse offences (including online offences). This work was undertaken by the Australian Attorney-General's Department on behalf of PILON at the request of PICP and provided countries with an understanding of key gaps to be addressed in their existing legislation. It generated a great deal of discussion about how countries can improve their legislation on their return home. If your country would like assistance with this project, please get in touch with the Pacific Section of the Australian Attorney-General's Department at pacificdag.gov.au, as they would be very willing to help.

Mr Paul Griffiths, Queensland Police Service, and Detective Superintendent Glyn Lewis, Australian Federal Police, provided a fascinating look back on some of their most challenging – yet successful – cases and experiences investigating online child abuse around the world. We can learn from history and how investigators in other countries have gone about identifying and locating offenders online. Sharing knowledge, retaining experience, maintaining relationships and honestly reviewing what worked and what did not work were key take away messages from the insights provided by these very senior and experienced police officers.

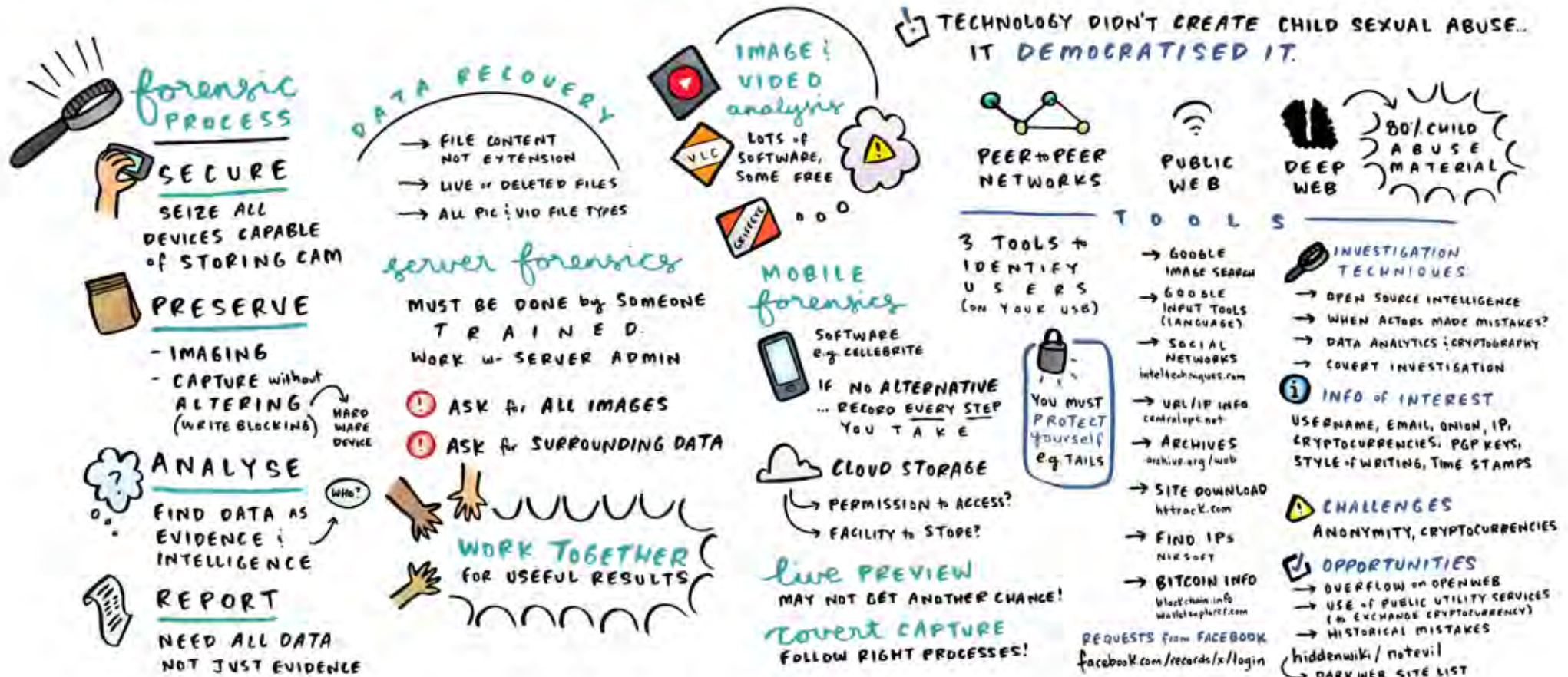
LAW ENFORCEMENT experiences

GLYN LEWIS & PAUL GRIFFITHS





UNPACKING technology to investigate ONLINE CRIME


PAUL GRIFFITHS | GORDANA VUJISIC





Mr Paul Griffiths and Ms Gordana Vujisic, Criminal Intelligence Officer from the Crimes Against Children Unit at INTERPOL, then provided a deeper look into the software and online tools readily available for use by police to investigate online crime, along with useful 'tips and tricks' for doing so. The internet can be imagined as an iceberg, with only 4% of web content available on the public or open web. Immediately below the surface is the deep web, which includes limited access materials such as subscription information and specialist databases. Then comes the dark web, where it is estimated that more than 80% of traffic is child abuse materials. Though it is difficult to investigate on the dark web, police experts reiterated that it is possible and criminals *always* leave a trace behind.


DAY 3 recap

 WHAT IS ACTUALLY
HAPPENING in the
PACIFIC? 

 IMPLICATIONS
of IMPROVING
TECH?

 SELLING YOUR
MESSAGE

 INVOLVING
VICTIMS

 BE TACTICAL
IN HOW YOU
PRESENT
EVIDENCE



TIMELY
CONTACT
POLICE to
POLICE

→ INTEL vs
EVIDENCE
informal



BE REALISTIC
w- TIMING of
FORMAL
REQUEST
→ REQUEST
EARLY!

LOOK AFTER YOUR
mental
health!    

DAY 3 MOVED
THE GROUP TO
FOCUSSING ON
THE NEXT STAGE
OF PROSECUTING
ONLINE CHILD
ABUSE AND CYBER
BULLYING CASES
AND HOW BEST
TO WORK WITH
INVESTIGATORS AND
INTERNATIONAL
PARTNERS.

PACIFIC perspectives - UNPACKING ONLINE CHILD ABUSE INVESTIGATIONS

'AMINIASI KEFU, SALOTE TAGIVAKATINI, JONELLE LANCASHIRE



Mr 'Aminiasi Kefu, Kingdom of Tonga, facilitated a panel with Ms Salote Tagivakatini, Policy Legal Advisor from the Nauru Police Force and Detective Sergeant Jonny Lancashire, Australian Federal Police currently on secondment to the Pacific Islands Chiefs of Police (PICP) Secretariat, to share their professional experiences of online child abuse in the region. A key point from this session was to highlight the incredible importance and role of culture in small island communities and the impact these crimes have in these societies. The panel encouraged participants to think creatively about how to best respond to allegations of cyberbullying, particularly the sharing of intimate images, where trends indicate that often the victim as well as the offender are under-age or the victim does not wish to press charges.

In this session Mr Nathan Whiteman, Australian Attorney-General's Department, and Detective Sergeant Damian Rapira-Davies from the High Tech Crime Group in New Zealand Police reinforced the importance and necessity of cooperation between law enforcement agencies across jurisdictions. Online child abuse is transnational in nature and as an international problem, it requires an international solution. Informal police to police networks as well as formal mutual assistance frameworks facilitate the sharing of information for investigations and prosecutions. Cultivating good interagency contacts is key to getting the best use out of these networks.

INTERNATIONAL LAW ENFORCEMENT cooperation

NATHAN WHITEMAN & DAMIAN RAPIRA-DAVIES



ADVOCACY skills STEPHANIE LISTER & JON EMMETT



Ms Stephanie Lister, US Department of Justice, and Mr Jon Emmett, Senior Federal Prosecutor from the Australian Commonwealth Department of Public Prosecutions, shared their experiences of prosecuting child abuse cases in their respective countries. Top tips included the value of building rapport with victims as they go through the often difficult process of appearing in court, especially when dealing with such sensitive and personal subject matter. Prosecutors need to think about how to best present the evidence to the court, for example, how many child abuse images should be shown to the judge? It is of the highest importance to protect your own mental health when dealing with these types of cases. Set time limits for viewing materials, keep a healthy interest in exercise, hobbies and social activities and reach out for peer support and counselling. Remember all the good you are doing – it is the work of a superhero!

DAY 4



On the final day of the workshop, the focus was on the participants to present their allocated case study to the workshop as a whole and take stock of lessons learned in how the Pacific can work together to combat online child abuse and cyberbullying.

INFORMATION exchange & VICTIM identification

GORDANA VUJISIC & PAUL GRIFFITHS



Ms Gordana Vujisic, INTERPOL, and Mr Paul Griffiths, Queensland Police Service, provided some tangible tools and links to how Pacific countries can contribute to the broader response to combat online child abuse, including the referral of images to international databases, training and reaching out to contacts for support or guidance as needed.

The workshop concluded with a final presentation by Senior Inspector Colm Gannon, Digital Child Exploitation Team from the Department of Internal Affairs in New Zealand, and Ms Catherine Smith, Council of Europe Expert, drawing all the learning and discussions together from the four days of the workshop. Some of the key themes to emerge were:

- Relationships are important. We need to build on our existing regional and international relationships and networks to share skills and processes that work – it takes a network to defeat a network!

- Cybercrime evolves quickly and we should always be learning, educating ourselves as well as the community about online behaviours, privacy and having a strong baseline cyber education.
- Terminology that is victim-centred and technology-neutral is important to use in policy, legislation and community awareness.

CREATING A whole of government RESPONSE


CATHERINE SMITH & COLM GANNON




DEVELOPING A forward leaning RESPONSE IN THE PACIFIC



PROSECUTORS

 SIMPLIFY

 MAKING it ABOUT the VICTIM

POLICE

E-EVIDENCE is IMPORTANT, but TRADITIONAL INVESTIGATIVE SKILL are STILL AT the HEART



We need to work together and use our superhero powers to prepare for the storm that will unfortunately come with increased internet access to the Pacific. Police, prosecutors and policy makers are all key players in creating and implementing strong frameworks to combat online child abuse and cyberbullying.



CASE STUDY SESSIONS

During the workshop, participants broke into three groups to examine a child abuse or cyberbullying case study. Each group contained police, prosecutors and legal policy officers drawn from across different jurisdictions in the region to mix experiences and strengthen interagency networks. Expert speakers worked with each group to share tips and tricks, experiences and good practice about how to investigate and prosecute the issues raised in the case studies.

Participants were able to call upon their own work experience and expertise to apply the lessons learned from the workshop to the case studies, from developing an investigation to leading a prosecution.

CASE STUDY QUESTIONS:

- What are the possible offences may have been committed?
- What are the elements of the offence/s?
 - What are possible defences?
- What kind of evidence will you need to prove the offence/s? How would you get that evidence?
- Is there enough evidence to lay a charge/s? What could this look like on a charge sheet?
- What domestic, international or industry partners would you need to work with?
- Who are the witnesses (experts, victims etc)?
- Are there other ways law enforcement can assist the victim/s?

CASE STUDY A: NON-CONSENSUAL SHARING OF INTIMATE IMAGES AND CYBERBULLYING

Nick (22 years old) and Jessica (16 years old) used to be in a relationship. After they break-up, Nick uploads six nude images of Jessica to Facebook. He also uploads the photos to a website called 'MyEx.com' hosted in the Netherlands

Jessica becomes aware of this and is very upset. She asks Nick to take the images down from Facebook. Nick takes them off Facebook, but leaves them on 'MyEx.com' and sends them to various friends.

During this time Nick also sends Jessica hundreds of threatening text messages. The texts refer to the photos still being available online and often involve threats of violence and abuse such as

*I can't wait to get my hands on u.
I'm going to put u in Hospital and
I know where u live".*

Soon after, Jessica begins threatening to harm herself.

CASE STUDY A

CASE STUDY: A NON-CONSENSUAL SHARING OF INTIMATE IMAGES & CYBERBULLYING



ELEMENT

HOW TO PROVE?





INVESTIGATIVE APPROACH



STATEMENT

- VIDEO
- TRANSCRIPT

HISTORY OF RELATIONSHIP

CONSENT TO ACCESS PHONE & ACCOUNTS



MOTIVE

WARRANT for NICK'S PHONE & PHOTOS



* SUBPOENA for TEXT



* PRESERVATION REQ. for WEBSITE



* PHONE RECORDS



PROOF OF IDENTITY



- | | |
|--------------------------|-----------------------|
| → PASSWORDS | → BEHAVIOURAL HISTORY |
| → STATEMENTS from OTHERS | → SELFIES |
| → WEB HISTORY | → OWNERSHIP |



DEFENCE



WE HAVE EACH OTHER'S PASSWORDS



SHE DID IT.



SHE GOT A SIM CARD & TEXTED HERSELF!



PROVE SHE'S 16!!



UPLOADED TO A PLATFORM - NOT A PERSON



ONLINE NICK IS NOT REAL LIFE NICK!



PROSECUTION

THEORY:

NASTY BREAK-UP

REVENGE



- SHARE - FRIENDS - FACEBOOK - MY EX
- THREATEN - SMS



SPECIFIC INTENT to CAUSE SERIOUS HARM of 100s of TEXTS

REPEATED CONDUCT

DIGITAL EVIDENCE to SUPPORT it MUST BE HIM.

+ MOTIVE



5 + 11

OFFENCES

Group A took a systematic approach to their case study. Conventional investigation and prosecution techniques are still important when going through these types of investigations, the cyber element is just an additional layer. Take home lessons were that preparation is key (prepare, prepare, then prepare some more!) and remember the importance of supporting the complainant during the process – as well as yourself and your colleagues.

CASE STUDY B: CHILD ABUSE MATERIALS

The FBI report to your law enforcement agency that they have uncovered an IP address linked to a child abuse website hosted in your country and a username 'Treadstone2017' as the administrator of the website. On that website there is an internet message board which discusses child abuse material and enables users to share and download that material. Investigations by the FBI indicate that the administrator of the website is likely located in your country (posts on the internet message board show the administrator of the website boasting of successfully avoiding detection in your country).

Enquiries made by your law enforcement agency reveal that the IP addresses link to Bill (44 years old) in your country. Bill has a large number of child abuse images on his personal computer and has entries from the internet message board of a user called 'Treadstone2017' sharing images with people in country and overseas who are members of his website.

Further evidence shows that Bill recently joined an online 'Justin Bieber fan group' posing as a 13 year old girl and has asked several of his new underage 'friends' to send him nude photos.



CASE STUDY B



CASE STUDY C: GROOMING & CHILD ABUSE MATERIAL



A 14 year old girl, Emma, has been chatting on Facebook to someone she believes to be a 15 year old boy from Australia (but who is actually a 37 year old male named Liam Miller who is located in the same country as Emma).

Over the course of their online friendship, the girl has taken nude images of herself using her phone and sent them to the boy through Facebook. He has also sent nude images to her, which she believes are of him. He recently said he is travelling to her country with his parents and wants to meet her. He asks her to keep his visit a secret.

Mr Miller has a considerable collection of child abuse material on his laptop computer.

CASE STUDY C



GATHERING THE EVIDENCE AND CONSTRUCTING THE CASE

Experts specialising in investigating online child abuse cases facilitated break-out discussions.

Leaders: Mr Paul Griffiths, Queensland Police Service, Mr Colm Gannon, New Zealand Ministry of Internal Affairs, Ms Gordana Vujisic, INTERPOL and Detective Sergeant Damian Rapira-Davies, New Zealand Police.

Each group focussed on the investigations aspect of the process, in particular:

- Challenges with identifying the offender and victim
- Common online child abuse offences (and elements of the offence)
- Evidence: how to gather and manage, particular skills and powers required, and
- How to collaborate with law and justice partners to prove the elements of the offence.



PREPARING FOR COURT

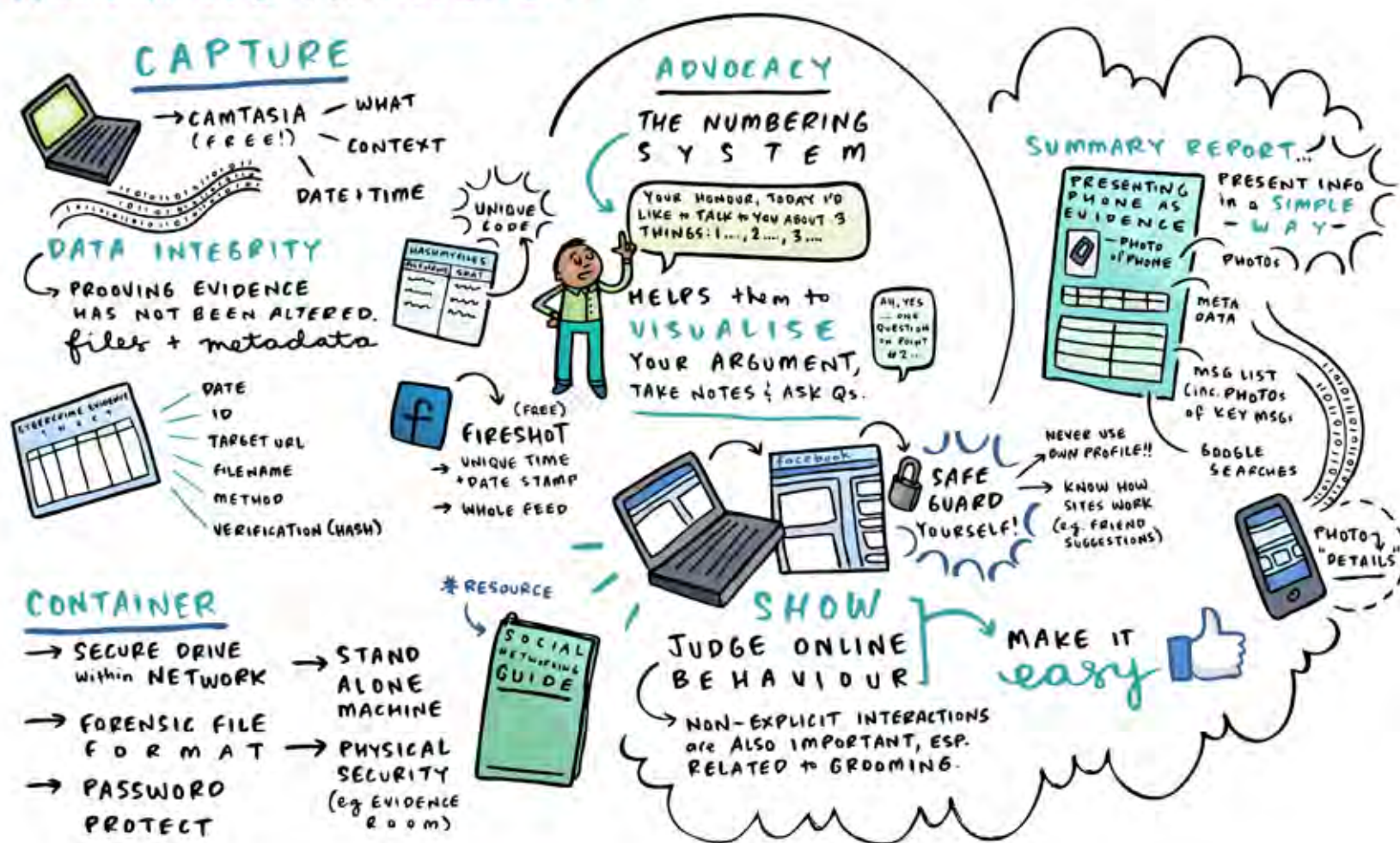
Legal experts specialising in prosecuting online child abuse cases facilitated break-out discussions.

Leaders: Ms Stephanie Lister, US Department of Justice, Mr Jon Emmett, Australian Commonwealth Department of Public Prosecutions, and Mr Nathan Whiteman, Australian Attorney-General's Department.

Each group focussed on the prosecutions aspect of the process, in particular:

- Preparing a case for court (developing a case theory and digesting a brief) and general principles
- Advocacy: witnesses, strategies in presenting evidence (sensitivity, complexity) and possible defences, and
- Sentencing.

PREPARING FOR court ...



WORK GROUP feedback

(A) BUILD A GOOD CASE
GOOD BASIC DETECTIVE
WORK + CYBER SAVVY

(?) TANGLOA
SPECIFIC

(?) ENGAGE W-
STAKEHOLDER



(B) PROVISIONS...



WHERE ARE THE
IMAGES from?

CORRECT INFO
for WARRANT ✓



HOW IS IT CHARGED?
(e.g. # PHOTOS? AMOUNT CONTENT?)



INTERNATIONAL
ASSISTANCE?



(C) GIVEN AGE (14),
CONSENT from
PARENTS KEY!



WORK GROUP FEEDBACK

Groups provided feedback on their discussions and key lessons from an investigations perspective and working through their case studies.

WORKSHOP AGENDA

Day 1 Challenges and responses to online child abuse Tuesday, 12 June		
8.30	Arrival and Registration	
9.00	Opening Ceremony	
9.30	GROUP PHOTO AND MORNING TEA	
10.15	Welcome by PILON Cybercrime Working Group Chair	<i>'Aminiasi Kefu, Acting Attorney General and Director of Public Prosecutions, Kingdom of Tonga</i>
10.45	Creating a safe and positive online environment	Examining the nature of the problem of child abuse and cyberbullying and designing a response <i>Paul Griffiths, Victim Identification Manager, Queensland Police Service</i>
11.30	The Budapest Convention as framework for combatting online child abuse	<i>Cosmina Menghes, Senior Project Officer, Council of Europe, and Catherine Smith, Expert, Council of Europe</i>
12.15	Workshop overview and the way ahead	<i>Jennifer Hyatt, International Legal Assistance, Australian Attorney-General's Department</i>
12.30	LUNCH	
1.30	Cyber safety and community awareness	Empowering the community to have positive experiences online <i>Glyn Lewis, Vanuatu Australia Policing and Justice Program, Australian Federal Police, and Alex Ash, Australian Office of the eSafety Commissioner</i>
2.30	AFTERNOON TEA	
3.00	The role of telecommunications and social media in combatting online child abuse and bullying	<i>Catherine Smith, Expert, Council of Europe (Chair), Jeff Wu, Facebook, Peter Froelich, Telstra, Tonga Communications Cooperation, and Digicel</i>
5.00	CLOSE	

Evening workshop event organised by Tonga

Day 2 Investigating online child abuse Wednesday, 13 June		
8.30	Re-cap and planning	
8.45	Pacific Perspectives – country overviews	Each country delegation to provide a 5 minute overview of their experiences with online child abuse and cyberbullying, including recent cases and investigative challenges they have experienced
10.00	MORNING TEA	
10.30	Criminalising child abuse – legislative challenges and cyberspace	<i>Nathan Whiteman and Janine McFarlane, Australian Attorney-General's Department, and Stephanie J. Lister, Deputy Criminal Chief Project Safe Childhood, CyberCrime & National Security Coordinator, U.S. Attorney's Office</i>
11.30	Law enforcement experiences in investigating child abuse online	<i>Glyn Lewis, Australian Federal Police, and Paul Griffiths, Queensland Police Service</i>
12.30	LUNCH	
1.30	Unpacking technology to investigate online crime	Facilitated group discussion examining the criminal conduct, investigative challenges, and how to present complex digital information to prosecutors as a part of a brief <i>Group A Leader: Detective Sergeant Damian Rapira-Davies</i> <i>Group B Leader: Paul Griffiths</i> <i>Group C Leader: Colm Gannon and Gordana Vujisic</i>
2.30	PRACTICAL SESSION 1: Gathering the evidence and constructing the case	Panel discussion on working with industry to access electronic evidence in criminal investigations <i>Catherine Smith, Expert, Council of Europe</i> <i>Greg Dalziel, New Zealand Police</i>
3.30	AFTERNOON TEA	
4.00	Practical Group Work: Case study focus	Participants to work in groups on an assigned case study to identify key witnesses and sources of evidence, how to take action to secure evidence, and develop a brief for prosecution. Groups will present their findings on Friday <i>All speakers to be roving mentors</i>
4.45	Reflections and reporting back	Teams to report back on what they have learned, what more they need to find out about. <i>Facilitated by Jonelle Lancashire, Pacific Islands Chiefs of Police</i>
5.00	CLOSE	

Day 3 Prosecuting online child abuse **Thursday 14 June**8.45 **Re-cap and planning**9.00 **Pacific Perspectives – unpacking online child abuse investigations**

A facilitated session allowing Pacific jurisdictions to share their experiences in greater depth
'Aminiasi Kefu, Acting Attorney General and Director of Public Prosecutions, Kingdom of Tonga (Chair), Salote Tagivakatini, Nauru Police Force, other Pacific participants TBC, and Jonelle Lancashire, Pacific Islands Chiefs of Police

10.30 **MORNING TEA**11.00 **International law enforcement cooperation to combat child exploitation and abuse**

The importance of international cooperation, and some of the successes, pitfalls and challenges from a law enforcement perspective
Nathan Whiteman, International Law Enforcement Cooperation, Australian Attorney-General's Department, Detective Sergeant Damian Rapira-Davies, Cybercrime Investigations, New Zealand Police.

11.45 **Advocacy skills**

Advocacy strategies, how to prepare and present sensitive materials to court, question vulnerable witnesses and safeguard the mental health of officials involved in preparing the matter for court
Stephanie J. Lister, U.S. Attorney's Office, and Jon Emmett, Senior Federal Prosecutor, Commonwealth Director of Public Prosecutions

12.30 **LUNCH**1.30 **PRACTICAL SESSION 2: Preparing for Court**

Evidentiary requirements and presentation, digesting a brief and categorising child abuse material
Group A Leader: Jon Emmett
Group B Leader: Stephanie J. Lister
Group C Leader: Nathan Whiteman

2.30 **Practical Group Work: Case study focus**

Participants to continue working together in groups on their case study, focusing on how to develop their case for court
All speakers to be roving mentors

3.00 **AFTERNOON TEA**3.30 **Practical Group Work: Preparing case study presentations**

Groups to finalise presentations on their case study, identifying key findings, challenges and lessons learned
All speakers to be roving mentors

4.45 **Reflections and reporting back**

Teams to report back on what they have learned, what more they need to find out about
Facilitated by Jennifer Hyatt, Australian Attorney-General's Department

5.00 **CLOSE**

Day 4 The role of the Pacific in combatting online child abuse Friday 15 June		
9.00	Re-cap and planning	
9.15	Information Exchange & Victim Identification	How Pacific countries can contribute to the broader response to combatting online child abuse, including referral of images to international databases <i>Gordana Vujisic, INTERPOL, and Paul Griffiths, Queensland Police Service</i>
10.15	MORNING TEA	
10.45	Presenting the result: Group case study presentations	Each to group present their assigned case study and findings to the Workshop, identifying key findings, challenges and lessons learned <i>Arbiters: Jon Emmett and Stephanie J. Lister</i>
12.00	LUNCH	Advocacy strategies, how to prepare and present sensitive materials to court, question vulnerable witnesses and safeguard the mental health of officials involved in preparing the matter for court <i>Stephanie J. Lister, U.S. Attorney's Office, and Jon Emmett, Senior Federal Prosecutor, Commonwealth Director of Public Prosecutions</i>
1.00	Creating a whole of government response to combat online child abuse	<i>Catherine Smith, Expert, Council of Europe, and Senior Inspector Colm Gannon, Digital Child Exploitation Team, New Zealand Department of Internal Affairs</i>
2.00	Developing a forward leaning response in the Pacific	Facilitated opportunity for jurisdictions to identify what key steps they may take to strengthen their ability to combat online child abuse <i>Aminiasi Kefu, Acting Attorney General and Director of Public Prosecutions, Kingdom of Tonga</i>
2.45	Completion of feedback surveys	
3.15	CLOSE	

PRESENTERS

PRESENTERS, SPEAKERS AND ORGANISERS

Mr Nathan Whiteman, Legal Officer, International Cooperation, Australian Attorney-General's Department

Ms Janine McFarlane, Senior Legal Officer, Pacific Section, Australian Attorney-General's Department

Ms Jennifer Hyatt, Legal Officer, Pacific Section, Australian Attorney-General's Department

Mr Jonathon Emmett, Senior Federal Prosecutor, Australian Commonwealth Department of Public Prosecutions

Ms Glyn Lewis, Advisor to the Commissioner of the Vanuatu Police Force, Australian Federal Police, Vanuatu

Mr Alex Ash, Assistant Manager, Content Investigations and Law Enforcement Liaison, Australian Office of the eSafety Commissioner

Ms Catherine Smith, Consultant, Council of Europe

Ms Cosmina Menghes, Senior Project Officer, C-PROC, Council of Europe

Mr Jeff Wu, Director of Trust & Safety, Asia-Pacific, Facebook

Mr Jessamy Rose Gee, Graphic Artist

Mr Gordana Vujisic, Criminal Intelligence Office, Vulnerable Communities, Crimes Against Children, INTERPOL

Mr Colm Gannon, Senior Inspector, Digital Child Exploitation Team, New Zealand Department of Internal Affairs

Mr Damian Rapira-Davies, Detective Sergeant, Cybercrime Investigations, Pacific Islands Chiefs of Police

Ms Jonelle (Jonny) Lancashire, Detective Sergeant, Australian Federal Police, Pacific Islands Chiefs of Police

Ms Sasae Tiareimoana M. Walter, Coordinator, PILON Secretariat

Ms Violina Tailua Leilua, Assistant Coordinator, PILON Secretariat

Mr Paul Griffiths, Victim Identification Manager, Queensland Police Service, Taskforce Argos

Mr Peter Froelich, General Manager, Networks

Ms Stephanie Lister, Project Safe Childhood, CyberCrime & National Security Coordinator, United States Department of Justice

PARTICIPANTS

Mr 'Aminiasi KEFU, Attorney General's Office, Tonga

Mr James LUTUI, Attorney General's Office, Tonga

Ms Leotrina MACOMBER, Attorney General's Office, Tonga

Mr 'Inoke FINAU, Attorney General's Office, Tonga

Ms Tupou KAFA, Attorney General's Office, Tonga

Ms Joyce SIKALU, Attorney General's Office, Tonga

There were also over 20 participants and observers from Tongan Government including Ministry of Justice, Police, CERT, Tonga Communication Corporation, Palace Office and Ministry of Meteorology, Energy, Information, Disaster, Environment, Climate Change and Communications and Digicel Tonga.

Ms Alexandrya Tiare HERMAN, Crown Counsel, Crown Law Office, Cook Islands

Ms Kathleen Bridget BELL, Senior Crown Counsel, Crown Law Office, Cook Islands

Mr Mitchell TUTANGATA, Systems Administrator, Office of the Prime Minister, Cook Islands

Mr Alvin Vinay PRAKASH, Legal Officer, Office of the Attorney General, Fiji

Mr Taitusi TUENUKU, Legal Officer, Office of Director of Public Prosecutions, Fiji

Mr Simione Masaunivalu SERUVATU, Legal Officer, Office of Director of Public Prosecutions, Fiji

Mr Brensen B. PENIAS, National Police Lieutenant/Investigator, Federated States of Micronesia

Mr Bia A. NANOTO, National Police, Captain, Federated States of Micronesia

Mr Kasner W. ALDENS, National Police Lieutenant/Investigator, Federated States of Micronesia

Ms Taaira TIMEON, State Attorney, Office of the Attorney General, Kiribati

Mr Waimauri NAWAIA, State Attorney, Office of the Attorney General, Kiribati

Mr Akau Matirei TERITE, Police Officer, Kiribati Police Service and Prisons, Kiribati

Mr John Mooney Rakabikabi RABUKU, Director Public Prosecution, Nauru

Ms Ilona DOWEDIA, Sergeant, Nauru Police Force, Nauru

Ms Adi Salote KoronukuJ TAGIVAKATINI, Legal Aid Advisor, Nauru Police Force, Nauru

Ms Narita Janne Freda Tuga TAHEGA, Constable, Niue Police, Niue

Ms Helemaiheiki Hender T.POUMALE, Head Data and Information Agency, Niue

Mr Lebuu GIBBONS, Detective Lieutenant, Criminal Investigations Division, Palau

Ms Virginia UMayAM, Investigator, Office of the Attorney General, Palau

Mr Dolyn TELL, Criminal Investigator, Office of the Attorney General, Palau

Ms Josephine Advent PITMUR, Director, Legal Policy and Governance Branch, DJAG, Papua New Guinea

Ms Jemimah Karen TARU, Senior Legal Officer, DJAG, Papua New Guinea

Ms Serah OSEMBO, Legal Officer, Public Prosecutors Office, Papua New Guinea

Dr.Falai Riva TAAFAKI, Chief Prosecutor, Office of the Attorney General, Republic of Marshall Islands

Mr Meuton LAIDREN, Assistant Attorney General, Office of the Attorney General, Republic of Marshall Islands

Mr Jaston ANJAIN, Forensic Auditor - Office of Auditor General, Republic of Marshall Islands

Mr Lemalu Hermann Paul RETZLAFF, AG/Director National Prosecution Office, Samoa

Mr Egon Lincoln KEIL, Commissioner of Police, Ministry of Police, Samoa

Mr Giovanni Penisiman KRUEGER, Investigator/Detective Constable, Samoa

Ms Sirepu Lalolin Ramosaea NGAVA, Prosecutor, Office of the Director of Public Prosecutions, Solomon Islands

Mr John Wesley ZOZE, Senior Legal Officer, Office of the Director of Public Prosecutions, Solomon Islands

Mr Patrick Tautangi TEMASI, Police Investigator, Solomon Islands National Police, Solomon Islands

Ms Luni Soloseni PENITUSI, Police Inspector, Tuvalu Police, Tuvalu

Ms Lunipa Siaeki TEATU, Senior ISP Officer, MCTICT Department, Tuvalu

Ms Melissa Menefise AKO, Crown Counsel, Office of the Attorney General, Tuvalu

Mr Philip Mathews Bakeo TOALIU, State Prosecutor, Office of Prosecutor, Vanuatu

Ms Louise Joanne NASAK, Sector Capacity Development Coordinator, Ministry of Justice & Community Services, Vanuatu

