



June 2020 Issue

Almighty God, we know that everything is in Your sovereign control. We ask that You keep this Covid-19 from continuing to spread within families, communities, countries and the wider world. We pray for people who are more likely than others to become severely ill from Covid-19 the elderly and people with chronic health conditions. Protect them from harm and be their comfort in this time of uncertainty and, for many, preventive isolation from loved ones.



In Light of the Challenges of Covid-19

**PILON is looking at new ways of working together
in the year ahead**

Farewell to Lemalu Hermann Retzlaff



It is with sadness that we note the resignation of Lemalu Hermann Retzlaff as Samoan Attorney-General in March 2020. Thank you to Mr. Retzlaff for his outstanding leadership and commitment to PILON during the course of his tenure as host of the PILON Secretariat, Chair of the PILON Sexual and Gender Based Violence Working Group and lastly as Chair of PILON. We wish Lemalu all the best for his future endeavours in NZ. During his farewell speech in Samoa, Mr Retzlaff thanked all PILON Member countries for their contributions and wished PILON all the best in its future endeavours. Samoa continues its role as PILON Chair, represented by Acting Attorney-General, Ms Galumalemana Noumea Loretta Teueli. We welcome Loretta to the role of PILON Chair and look forward to working closely with her over the course of the next year.



2019 REFLECTION AND ANTICIPATIONS FOR 2020 – 2021



Ms Linda Simiki Folaumoetu'i
Attorney General for Tonga and Chair for
PILON Cybercrime Working Group

Malo e lelei,

It is indeed a pleasure to contribute to the Talanoa Newsletter – June 2020 edition on behalf of the PILON Cybercrime Working Group ('Working Group') as we reflect on the year 2019 whilst anticipating what the years 2020 and 2021 hold for us.

2019 Reflections

2019 began with the successful hosting of the 3rd Annual PILON Cybercrime Workshop on 27 to 31 May, in Port Vila, Vanuatu. With the attendance of around 80 law enforcement officers, prosecutors, policy makers and experts from around the region, the workshop saw the discussion and development of better practices for international cooperation in sharing electronic evidence to combat cybercrime.

In June, we bided farewell to one of the founding members of the Working Group and my predecessor as the Chair of the Working Group, 'Aminiasi Kefu. We acknowledge the tireless efforts of his leadership which has seen an increase in awareness of the fight against cybercrime across the Pacific region. We wish him and his family well in their future endeavours.

Furthermore, 2019 also saw progressive reports by States on the development of work in the cybercrime space, whether it was the ongoing development of legislation, prosecution of cyber related cases or the strengthening of the investigative skills within law enforcement.

At the 38th PILON Annual General Meeting ('PILON AGM'), we were pleased to welcome American Samoa and Papua New Guinea as new members to the Working Group. We were also able to produce some useful documents that were welcomed by States at the PILON AGM. It is anticipated that these documents will prove as a helpful guide to States on fighting cybercrime. Also in the spirit of better cooperation, two representatives of the Working Group joined investigators for the first time a participated in the Cyber Safety Pasifika Tier 2 Investigative Skills on 25 to 29 November 2020 in Apia, Samoa. The training proved to be very informative and educational and we look forward to encouraging the attendance of more PILON members in the near future.

2020 – 2021 Anticipations

During these unparalleled times, it has become evident more than ever how the world relies heavily on technology and cyber space to remain connected whilst being physically apart. As it is important to keep the citizens of our States physically safe, it is equally important to keep them 'cyber safe' as well during these times.

The Working Group therefore intends to:

- continue to assist States to understand the importance of acceding to the Budapest Convention;
- empower all relevant stakeholders, including but not limited to, law enforcement officers and officers of the judicial sector to continue to fight cybercrime with the available resources and to seek assistance where and when needed;
- develop a harmonized international cooperation process for States to be able to effectively work with developed countries, namely Australia, New Zealand and the United States of America; and
- support further training initiatives in the area of cyber investigations and cyber safety to ensure that our people to become good digital citizen

We express our utmost gratitude to our donors and partners, namely the Council of Europe Cybercrime Programme Office (C-PROC), the Governments of Australia, New Zealand and the United States of America, Australian Federal Police and members of the private sector for their continuous support. We look forward to working together as a team sometime soon as we endure the fight against cybercrime. We also acknowledge the dynamic duo of the PILON Secretariat, Sasae and Rosy for their endless support in always keeping us on track. Fa'afetai lava Ladies.

As a PILON family, it is my prayer that we will remain united, hopeful and continuously resilient despite everything that is happening around the world. Let us continue to encourage each other to never give up the fight in the hope that we will all meet again soon. Lastly, as we salute our health care and front-line workers around the world, do spare a minute to remember our technicians who work tirelessly and quietly behind the scenes to keep us all connected whilst maintaining a safe distance.

Stay Safe, Stay Healthy and God bless us all



**Ms Kerryn Kwan, Principal Government Lawyer, Nauru
Chair for PILON Corruption Working Group**

Ekamowir Omo

I am grateful for the opportunity to contribute to the PILON Talanoa Newsletter – June 2020 and reflect on the past and future work of the Corruption Working Group.

2019 was the first year of the Corruption Working Group in its current form following the inclusion of corruption as one of PILON's three strategic priorities under its 2019-21 Strategic Plan.

It was wonderful to meet with the Working Group members in September 2019 in Fiji to progress a report on prosecuting corruption in the Pacific. The report provides a baseline understanding of PILON countries' legal frameworks and practical experiences in prosecuting corruption, and includes case studies of where countries have successfully prosecuted bribery, embezzlement and money laundering offences. The report identifies capacity building needs and facilitates information sharing across the region. I was proud to see the report shared with PILON members at PILON's 2019 Annual Meeting in November. The Working Group is currently working to further update the report and an updated version will be made available on the PILON website when complete.

Also, at the Annual Meeting, we were pleased to welcome American Samoa and Papua New Guinea as new members of the Working Group. I'd warmly encourage other PILON members who are not yet part of the Working Group to consider joining it to support our efforts to address corruption across the Pacific. Further, the Working Group adopted its 2019-21 Strategic Workplan which had been developed in our meeting in Fiji. The Workplan highlights a focus for the group on improving capacity to prosecute corruption cases and continuing the Working Group's good work on strengthening whistleblowers' protection laws to encourage reporting of corruption.

It was disappointing that, due to COVID-19, we needed to put our collaboration with the Pacific Prosecutors' Association to deliver a training on prosecuting corruption in Vanuatu on hold. I look forward to reengaging with the Working Group over the coming months and working together to find a way to continue our good work.

Tubwa kor.



Mrs Loretta Tueli – Acting Attorney General for Samoa, Chair for the PILON Executive Committee and Chair for the Sexual and Gender Based Violence Working Group

Talofa Lava

It was with great sadness that in March 2020, we said farewell to Lemalu Hermann Retzlaff as Attorney General of Samoa. During his time as Attorney General, Lemalu committed a great deal of time and effort to the PILON Sexual and Gender Based Working Group and was passionate about eradicating gender violence in our region. We thank Lemalu for his leadership and vision for our work and wish him well on his return to NZ. I am proud to continue in his footsteps as we strive to improve the legal response in the Pacific and ensure access to justice for women and girls.

2019 - Reflections

In March 2019, Samoa hosted a PILON Sexual and Gender Based Violence workshop, with support from the Pacific Community's Regional Rights Resources Team. The workshop brought together more than 80 judicial officers, prosecutors, police and policy makers from across the region to explore the theme of *Quality Evidence without Re-Victimisation: Promoting Special Measures for Vulnerable SGBV Complainants*.

Ensuring that victims of gender-based violence can give their best evidence to the Court, without intimidation and by minimising stress, aids in securing successful prosecutions of this serious and prevalent crime.

Over the course of 2019, the working group also further developed *General Principles for Obtaining the Best Evidence from Vulnerable Witnesses to SGBV*, in particular with the inclusion of US jurisprudence and articles to assist the Northern Pacific with the implementation of special measures. The principles have now been developed into an easy to read resource, available in hard copy for PILON members and other relevant stakeholders. The working group also settled the text of *Model Provisions for amending Evidence or Criminal Procedures Acts to incorporate special measures for vulnerable witnesses to SGBV offences*.

In addition, in 2019, the working group conducted a desktop *Review of law and practice in the Pacific on the use of special measures*. The information in the Review will be used to inform future considerations of training topics and resources that would most benefit PILON Members in reducing the trauma of the criminal trial process for vulnerable witnesses. We were also pleased to welcome American Samoa to the SGBV working group and looking forward to working with them on this important issue

2020– 2021 - The Path Ahead

Unfortunately, due to COVID-19, as we move forward into 2020, the SGBV workshop that was anticipated to be hosted by Nauru in August 2020 is unable to proceed as planned.

Sadly, the impacts of social distancing, isolation and the mental health effects of what is occurring around the world, are likely to see an increase in the rates of family and gender-based violence, around the world and in the Pacific. Now is not the time to avert our gaze from this crime, if anything, the pandemic requires a doubling of our efforts across the region to improve the experience of Court and access to justice for women and girls who have suffered violence.

The working group have agreed to develop explanatory material to accompany the Model Provisions in 2020. I look forward to progressing this important work, with the SGBV working group, from all the far-flung corners of the region. The working group will be looking to identify ways to continue to promote special measures for vulnerable witnesses, whether it be remotely, supporting each other with domestic reforms, or by reaching out to other regional organisations and available resources.

Fa'afetai Lava



Cybercrime Investigation Training for the Pacific Region-Apia, Samoa 25-29 Nov 2019

The PILON Cybercrime Working Group highlighted a need for Prosecutors to be more involved in the investigation stage of a cyber-related offence or offences involving electronic evidence. This is to enable Prosecutors to better understand the technical parts of the investigation to be able to apply the law correctly when prosecuting these types of cases. In acknowledging this, the Cyber Safety Pasifika Program invited the participation of two representatives from PILON at their Tier 2 Investigation Training Philip Toaliu, Senior State Prosecutor, Vanuatu Office of the Director of Public Prosecutions and Leotrina Macomber, Senior Crown Counsel, Attorney General's Office of the Kingdom of Tonga were the two Prosecutors who participated in the training. For a training that is specifically designed for investigators, it was the first time for Prosecutors to participate. It enabled them to learn the basic of cyber investigations and understand the simplest processes of gathering and handling of electronic evidence.

"The training itself was intense and we struggled at times being the only lawyers in the room to comprehend what was being taught. Nevertheless, it opened our eyes to see and appreciate how complicated these types of investigation are" said Philip. The training was delivered by experts from the Australian Federal Police, APNIC, FBI and others who taught modules on the use of open source Intel, gathering and analysis of e-evidence, the dark web and crypto currency, amongst other things.

The Prosecutors found it most useful to be able to question investigation tools and procedures that were being taught from a legal perspective. They were also able to learn from investigators around the region on how they deal with cases. The

investigators were also able to ask Prosecutors about legal questions that they usually encounter during investigations. It was an excellent week of sharing of knowledge and experiences.

"I have never appreciated the work of cyber investigators as much as I have now having completed this training. To learn first-hand and acknowledge how traditional investigative tools have transitioned to more contemporary tools being gives me a new perspective on how the rules of evidence will have to continuously evolve to try and keep up with technology and its investigative tools to allow successful prosecutions" said Leotrina. Philip and Leotrina were also very appreciative of the experience and particularly the newly forged network that they had established over the course of the one week with the cyber investigators around the region. It is a network that they have mentioned they wish to build upon. The Prosecutors also admitted that the skills they gained from this training were immediately put to use upon their return to their countries.

"We wish to extend our utmost gratitude to the facilitators of the training and to PILON for the opportunity. We highly recommend and encourage all Prosecutors in the region to take up this great opportunity to learn and appreciate investigation and what it looks like now in this technological era as our cases become more and more electronic or cyber evidence based" said Philip and Leotrina.

Thank you tumas and Malo 'aupito

Pacific Legal Policy Champions Program and Pacific Legal Twinning Program – 2019, AGD, Canberra, Australia



Ms Ann Matalasi, Principal Public Prosecutor, Attorney General's Office, Samoa

“How did the Pacific Legal Policy Champions Program go and with the involvement of other Pacific countries share with us what it's like working together? What have you learned?”

It was an intensive two weeks program with full day sessions facilitated by AGD Canberra Australia. At the completion of the training, I now manage to develop rigorous public policy proposals. The knowledge I have gained from the training had shaped my ability to develop legally sound policies that may be legislated in the future.

During the course of the training, I was fortunate to have met with several academics from the

Australian National University. I am thankful to the Attorney General's Department for allowing me to participate in this training. I managed to broaden my network with several agencies that might assist Samoa in the future. I have yet to conduct training on the course and I intend to deliver this training before July 2020. I will update the AGD on the progress of this training.

Again, I would like to thank the Australian Government for the opportunity for Pacific Island Nations to be part of this program. I hope that this program will continue for the betterment of our small island countries.

Fa'afetai lava



Mr. Immanuel Sawan, Dep't of Justice & Attorney General (DJAG), Papua New Guinea

“How did the Twinning Program go and with the involvement of other Pacific countries share with us what it's like working together? What have you learned?”

As one of the participants for the Twinning Program, I was tasked by DJAG in Port Moresby with a project focussing on addressing the 'Policy Issue of Illicit Drug Control and Abuse of Licit Drugs in PNG.

The Twinning Program was a first foray into the intricate Australia Public Service and the vast resource capabilities that are available to policy makers in Australia.

The Twinning Program brings together representatives of Pacific Island Countries to the Australian Attorney-General's Department (AGD) to work on policy projects that are a priority for their respective countries. In order to assist officers from different countries with their project items, AGD requires sufficient information about your policy proposal. Where any of the information is sensitive this should be discussed with AGD at the outset so that confidentiality arrangements can be agreed. In my experience, it is also important to acknowledge policy differences between Australia and your country where they arise, ask all the relevant questions and always consult with superiors in your own organization before proposing policy decisions that would affect your country.

The Twinning Program is an opportunity for Pacific Island Countries to build positive networks at a public service level, both with other Pacific Island officials participating in the Program, and with Australian experts, both government and non-government, in the relevant fields.

There are vast contrasts in laws, policies, infrastructure and resources, from Australia and amongst other Pacific Island countries. Participating in the Twinning Program paints a picture that there is only one Pacific Region and the difference in distribution of resource wealth and ideology provides an opportunity for us to share resources and to learn from each other.

*Tenk yu tru
Yakapilin eret
Tanekiu bada herea*

Office and is one of only two women that are Oceanic Judicial Officers. She has also been involved in presenting before the Fiji Parliamentary Committees; drafting legislative reviews, strategic policies and industry negotiations for regional institutions such as University of the South Pacific, Fiji National University, Ministry of Health, Fiji Employers Federation; Fiji Hotel Association, statutory bodies, non-profit organisations; international organisations, private and public sector organisations. Ms Boliabiu comes with a wealth of experience, knowledge and extensive professional exposure not only limited to Fiji's domestic public policy and private sector engagement, but with international professional perspective, engagement and experience. She is married to rugby referee, World Rugby Educator and Entrepreneur, James Bolabiu.

We wish her all the best taking on her new role with the International Criminal Court.

Congratulations to Fiji Woman



**who is the first
Pacific Counsel
to the
International
Criminal Court**

Fiji Lawyer **Ms Ana
Tuiketeti Bolabiu** has
become the first Pacific
counsel on a global

roster working for the International Criminal Court (ICC) in the Hague.

Ms Bolabiu is a Legal Consultant and graduated from the University of the South Pacific (USP). She is a sessional lecturer with the School of Law, University of the South Pacific; University of Fiji and a part time consultant with the Fiji National University. She is also a Deputy Director of the Institute of Small and Micro States that is based in the United Kingdom. She currently an Executive Board Member for the Fiji Chamber of Commerce & Industry; Fijian Holdings Limited Fund Management Limited; Employment Relations Advisory Board; the Miss Pacific Islands Pageant; Haus of Khameleon; and a former Vice President of the Fiji Women Lawyers Association. She is the only Fijian female accredited World Rugby Judicial

The phrase "Stay safe" is written in a green, cursive script. To the left of the word "Stay" is a small green branch with three leaves.

Stay
safe