



Cybercrimes in Tonga

PILON Cybercrime Working Group Pilot Course

21 July 2021

Presenters:

Tonga CERT Director, Mr. Siosaia VAIPUNA

Tonga Police, Superintendent Kalisi TOHIFOLAU



Overview

- Legislative Framework
- National Authorities
- International Cooperation
- Cases
- Challenges
- Way Forward



Cybercrimes

Computer or network used as:

1. Criminal activity tools;
2. Targets of crime; and
3. Base for criminal activity

Electronic/Digital evidence is an element of all crimes



Legislative Framework

Substantive criminal law

- Pure Cybercrime offences (Computer Crimes Act 2003)

Illegal access, Illegal interception, Data interference, System interference & Misuse of devices

- Cyber-enabled offences (Criminal Offences Act)

Child pornography, Computer related Fraud and forgery

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Procedural law

- Expedited preservation of data (Computer Crimes Act 2003)
- Search and seizure and Production order (Computer Crimes Act 2003, Tonga Police Act 2010)
- Real-time collection of data and Interception of computer data (Computer Crimes Act 2003)

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International cooperation

- Extradition Act
Extraditable offences include some computer related offences
- Mutual Legal Assistance In Criminal Matters 2000 Act

Legislative Framework



- **2013:** COE analysis of Commonwealth cybercrime legislation
- **2013:** World Bank Consultants review (King & Wood Mallesons)
- **2014:** Australian Attorney General's Department review
- **2015:** COE Consultant review (Jamil & Jamil Associates)
- Computer Crimes Bill 2019

Legislative Framework



- Computer Crimes Act 2003
- Criminal Offences Act
- Pornography Control Act
- Magistrates Courts Act
- Passport Act
- Defamation Act
- Electronic Communication Abuse Offenses Act
- Tonga Police Act
- Money Laundering and Proceeds of Crimes Act
- Illicit Drugs Control Act
- Mutual Assistance in Criminal Matters Act
- Evidence Act
- Foreign Evidence Act
- Extradition Act
- Communications Act
- Family Protect Act

National Authorities



- Tonga Police
- Tonga CERT (Computer Emergency Response Team)
- Attorney General Office
- Inter-agency Cooperation
- International Cooperation

National Taskforce



- Cyber Challenge Task Force established in December 2013 following Fibre optic connection in Aug
 - Chair – PM
 - Members – CEOs from Finance, Attorney General, Internal Affairs, Police Commissioner, Information Ministry
- Working Groups
 - Cyber Safety
 - Cyber Crimes
 - Cyber Security

Investigation Capabilities



Attorney General Office

- 14 prosecutors

Ministry of Internal Affairs

- Church leaders Desk

Internet Service Providers

- Close working relationship



Investigation Capabilities

Tonga CERT

- Established in 15 July 2016 – 3 staff members
- **First National CERT in the Pacific**
- *Main Output and Activities:*
 - Proactive Services - Threat/Vulnerability Assessment, Advisories and Bulletins
 - Reactive Services - Incident Handling
 - Forensics and Advisory Services to Police - Assist police investigation that involves electronic evidence
 - Secretariat to the Cyber Challenges Task Force

Police Capability



- SOTCU (Serious Organized Transnational Crime Unit)
- PTCN/INTERPOL
 - Proactive
 - Joint Public awareness campaign with Tonga CERT
 - Cyber Safety Pasifika Project
 - Reactive
 - Search and seizure
 - Production and preservation order
 - Forensic
 - Tonga CERT
 - Other LEAs

International Cooperation



Formal

AGO : Mutual Legal Assistance and Extradition

AGO and Tonga Police: 24/7 point of contact



International Cooperation

Informal - Cooperation through agency to agency to aid expediting the process and preservation of data (*police, cert and prosecutors network*)

- Other LEAs – NZP, AFP, AGD, FBI, DEA
- Regional network – PTCN, PILON, APNIC, PIFS, APIFIU, PACSON
- International network – INTERPOL, APG, COE, G7, APCERT

Case Studies



- ATM Card Skimming
- Defamation
- Credit Card Fraud
- Country Top Level Domain Misuse
- Revenge Porn
- Pornography production
- Identity Fraud
- Phishing Scams
- Business Email Compromise
- Hacking
- Sextortion



Challenges

- Legislation and policies deficiencies
- Investigation and forensic capability
- Training and capacity building
- ISP Technical Capacity
- Public Awareness
- Dual Criminality
- Mutual Legal Assistance Process
- Darknet and Crypto currency, artificial intelligence
- ICANN Registry – WHOIS information
- International Cooperation



Way Forward

- Enhanced legislations and policies
- Standardized procedures to deal with electronic evidence
- Capacity building for all stakeholders – technical capability
- Streamlining MLA process
- Mentor program for LEA
- Public-Private-People Partnerships on Cybercrime
- More partnership agreement and networking with other countries
- **INTERNATIONAL COOPERATION**



Malo ‘Aupito

Questions and Answers