



**PILON CORRUPTION WORKING GROUP  
MEETING MINUTES**

**Friday 27 May 2022  
1.00PM Nauru time**

1. **Welcome:** Ronald Talasasa, Chair of the Corruption WG welcomed everyone to the second virtual CWG meeting for this year, 2022. The last meeting was held on the 4<sup>th</sup> March 2022. He thanked everyone for attending today.

**2. Present/Apologies:**

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| 1 | <b>Ronald Talasasa</b><br>Republic of Nauru  | Director Public Prosecution                 |
| 2 | <b>Ernestine Rengiil</b><br>Palau            | Attorney General                            |
| 3 | <b>Rachel Olutimayin</b><br>Solomon Islands  | Director of Public Prosecutions             |
| 4 | <b>Josephine Pitmur</b><br>PNG               | Deputy Secretary for Justice Administration |
| 5 | <b>Lisa Williams</b><br>Cook Islands         | Crown Counsel                               |
| 6 | <b>Meg Rudder</b><br>Australia               | Senior Legal Officer                        |
| 7 | <b>Sarla Hallock</b><br>Australia            | Legal Officer                               |
| 8 | <b>Rosy Fogatia</b><br>Assistant Coordinator | PILON Secretariat                           |
| 9 | <b>Sasae Walter</b><br>Coordinator           | PILON Secretariat                           |

**3. Matters for Discussion:**

1. Approval of Minutes of 4<sup>th</sup> March 2022  
Motion to approve minutes and seconded.

2. WG Workplan 2022:

MR of AGD informed members on the successful hosting by the WG with the Cybercrime WG of a webinar on Friday 1 April 2022. Both working groups delivered a webinar on 'Following the Digital Paper Trail'. The webinar featured **Savenaca Siwatibau**, from the Fiji Police Force (Digital Forensics and IT Investigation Unit), **Ronald Talasasa** DPP, from Nauru's Office of the Director of Public Prosecutions, and **Ryan MacFarlane** from the United States Federal Bureau of Investigation. Speakers shared their observations and experiences in tackling corruption related cybercrimes, particularly around the gathering, analysis and use of digital evidence.

Chair informed members that he received messages from the Police in the Solomon Islands that attended, and they informed him of being happy to be included and to learn further in our webinars. DE and investigations of DE is very new in some jurisdictions and this training was appreciated.

Chair also informed that some members of the Nauru and Solomon Islands judiciary informed him after the webinar they prefer more physical evidence and also in relation to providing evidence through audio visual, one or 2 judges commented that its much better for the witness to be physically present than giving their evidence through audio visual. This goes to show that there are some members of the judiciary that are still adhering to traditions of hearing, and that has to change.

#### Mutual Assistance Training

MR informed members that the WG will be delivering this training at the end of the year, a suitable timing is yet to be confirmed as yet. The WG will work with Kerryn Kwan in around September or October 2022 to discuss this further.

#### 3. Update from each of the working group members on corruption related court matters or initiatives in your country

Chair, commented that the focus of our WG must continue. In August 2017, when former Chair of WG Graham Leung opened a workshop for the PILON CWG. And he pointed out that the culture of silence is pervasive in the Pacific region where we choose to remain silent in public misconduct instead of calling it out. He spoke on the importance in putting in place a whistleblower legislative framework. Looking back over the years, some countries have already put in place their legislations.

For Nauru, the Department of Justice has enacted various legislations that is crucial and important to the maintenance of the rule of law. He also mentioned that he held a training and workshop for authorised officers and a prosecutor was appointed to prosecute business licenses related laws. That is if a business is operating without a licence, prosecutions will be carried out. Chair also mentioned that he is also conducting a training that relates to the environment including quarantine. The implementation of the enforcement of a law is very important even for a small country.

Chair provided an example of an ongoing court case that he has at the moment where inspectors visit to close some restaurants and then telling them that if some money or gifts are provided, then their restaurants will be opened. The main witnesses in these scenarios are Chinese, who don't speak Nauruan and English, so they have difficulties in terms of interpreting, and because of the travel restrictions of covid, they were unable to fly in an interpreter from Fiji. Imagine if an interpreter from Fiji interprets through audio visuals. The interpreter is interpreting for the accused only in this case, and everybody hears about it, which is seen as a challenge. There should be an interpreter for the 2 audiences, however this is a challenge because this is not available in the island.

RP of PNG, updated members that PNG established an anti-corruption agency. The formation of the Independent Commission Against Corruption (ICAC) was forming and they are at the final stage of recruiting process. The PNG government didn't want the Head of Office to be PNG and have indicated a preference of someone from outside of PNG, this reflects the perception of neutrality and the positions were widely advertised externally and

responses were received from across the world. They hope to finalise the applicants at the end of this month.

She also informed members that PNG is undergoing elections and that the members of Parliament will be finalised this month. She also mentioned that the initiative of the present government that ICAC was established.

PNG recently underwent an UNCAC Review mechanism on Chapter 2 on Preventative Measures and Chapter 5 Asset Recovery. PNG will be sending a delegation next week to Vienna on the UNCAC Review as part of building capacity of key personnel on Asset Recovery Framework like the police and prosecutors. PNG haven't set up Asset Recovery and in terms of depriving assets. They have policy framework in place but in terms of confiscating those assets, they haven't done it as yet. PNG has received substantial funding from the EU and are expecting 5 consultants, and 1 specifically on Corruption.

In regards to Anti-Money Laundering and Counter Terrorism Financing, the national strategy planning at this space is coming to an end, and APG is now at the second review cycle. Next year they're receiving support from the EU in the reviewing of their framework on policy and operational wise to check if they have an effective system with money laundering and have scoped analysis onto each of the agencies and with these recommendations, they are now incorporating into the National Strategy Plan for ML and Counter Terrorism Financing.

MR of AGD informed members of a complete change of government after election. She mentioned that Anti-Corruption was a big issue and was raised frequently during elections.

LW of the Cook Islands informed members that there was an incidence that was reported in the news recently and its about the reinstatement of the Deputy Prime Minister who is actually facing criminal charges at the moment.

Another example in the Cook Islands is a court case that had a defendant who faced some assault charges. We had issues with the victim wanting to withdraw their complaints because the defendant had approached them separately after the assault took place and tried to make reparations on that end. From the Pacific lens, she mentioned that this relates to what SW mentioned earlier on the blurring of the line between Pacific culture where we want to make amends as much as possible by giving, but if it's timed incorrectly in the criminal proceeding, then it became an issue. The judge did make comments to this case, and fortunately it didn't have an effect on the sentencing, but he did make a comment on this matter.

RO of the Solomon Islands, updated members on Independent Commission Against Corruption. The anti-Corruption Law was established in 2018, and it's been 4 years since that legislation came into effect, and the Solomon Islands haven't recorded a charge on this. She was concerned and she spoke to some stakeholders on how they can kickstart this legislation and have spoken to the Policy Unit at the Office of the PM, and Members of the Commission to see how they can bring the first prosecution before the court. She was informed that they haven't received any cases that can be prosecuted. The DPP office have looked at the legislation and have raised questions on some of the provisions in the legislations particularly the defence of customary gifts. The DPP Office challenged this defence and looked and have sought an independent advice from UNDP. They have prepared and submitted a submission paper to Cabinet on the review on the anti-Corruption Act. The Chair of the Commission also have prepared a separate paper on the review of the Act. We have seen a number of pitfalls

in the legislation that is likely going to affect our ability to prosecute successfully on this legislation.

The Commission have made some progress in that they now have a full functional office. They don't have the technical staff as yet, because of projectile constraints, but the DPP office have indicated that they can provide a prosecutor in the event that they need to prosecute on an anti-corruption case. The SI Police Force is also willing to contribute an investigator so they can put a first case in the court.

The Solomon Islands Office of the DPP have also received significant support from UNDP and UNODC. The support is on trainings that are focused on Asset Recovery, working with other stakeholders, how to go about in reviewing the Anti-Corruption Act and they have also been helping out on how to deal with forfeiture of property and Asset Recovery.

Now before the court are 2 cases on forfeiture of assets, on the Bobongi case, we are now before the court asking to forfeit whatever is left of the assets that were recovered from that offending. On the ONE Link Pacifica scheme scandal in the Solomon Islands where people lost millions of dollars, the 2 main offenders have been convicted and we are now asking the court for some monies recovered from them to be released to the owners of these properties. We are now awaiting the courts decisions on these matters.

UNODC have also provided training and one topic of interest they have discussed with us, is ethical and professional responsibilities. This is very relevant to us, especially on the use of prosecutors of social media and in particular prosecutors appearing regularly on social media and making comments. At some stage they go to an extent of talking about the cases that they have carriage of. UNODC have come into that space, they have developed some documents and teaching materials for the office to guide Prosecutors on the use of social media.

ER of Palau updated members that PALAU has reviewed Chapters 2 and 5 of the UNCAC Review mechanism. Its in its final draft now.

SW PILON Coordinator informed members that in Samoa there has been concerns relayed on Parliamentary debates and widely reported in local newspapers on a suggestion that the Government should consider drawing the fine line on what is considered cultural practice and bribery during campaign periods for any election. Proposed amendments were passed in Parliament last year and it addressed certain issues arising from recent Court decisions regarding eligibility for candidacy and to provide clarity for the administration required for elections and By-elections. One of the issues seen after the election and throughout the many petitions is that the boundary of what is considered cultural practice and bribery was not known.

SW mentioned that there were concerns that there might be more election petitions to come after the by-elections in relation to similar matters such as bribery and treating which may arise after the by-elections. The main question raised was

"We don't know where the line is and the boundaries for these things. When do we consider it cultural practice and when is it bribery?"

4. Farewell to Ronald Talasasa

All members of the WG bid farewell and thanked Ronald Talasasa DPP Nauru, and also the Chair of the Corruption WG for a number of years, in his capacity as a representative of the government of Nauru.

Ronald has been the Chair of this WG meetings, a member of all the other PILON WGs, have been a speaker and chair of our webinars and was a PILON Representative in all our PILON Annual Meetings.

4. **Next Meeting:** Friday 12<sup>th</sup> August 2022, 1.00pm Nauru time.

5. **Meeting Closed:** 1.50pm Nauru time.

***Minutes endorsed on 12 August 2022***