



PILON CYBERCRIME WORKING GROUP VIRTUAL MEETING #3

MINUTES

Friday 16 September 2022

- 1. Welcome** **Linda S. Folaumoetu'i** – Chair, PILON Cybercrime Working Group,

Attorney General, Kingdom of Tonga.

- 2. Present:**

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| i | Linda Folaumoetu'i - Chair | Attorney General - Tonga |
| ii | Mariata Pittman | Cook Islands |
| iii | Glenys Andrews | Senior Legal Officer – Fiji |
| iv | Lauren Murray | Senior Legal Officer – Australia |
| v | Rachel Olutimayin | Director of Public Prosecutions – Solomon Islands |
| vi | Sasae Walter | Coordinator – PILON |
| vii | Rosarino Koi | Assistant Coordinator – PILON |
| viii | Janelle Etelagi | <i>American Samoa</i> |
| ix | Ronald Talasasa | Director of Public Prosecutions – Nauru |

Apologies:

Jo Mildenhall - Senior Crown Law Officer, NZ

3. Matters for Discussion:

i. Approval of Minutes 10 June 2022

Minutes of 10 June 2022 were confirmed. Motion moved by LM of Australia and seconded by the Chair LF of Tonga.

ii. Update on progress of 2022 Work Plan

PILON Secretariat (SW) provided an update on recent activities and upcoming priorities.

Since last meeting in June there has been quite a few events to reflect on. There have been three Zoom sessions held for the Zyber intermediate course in June and July, featuring presenters from the New Zealand Department of Internal Affairs, Fiji Police and Tongan authorities. Seven (out of nine) people successfully completed the course. The certificate ceremony will be happening later in this meeting.

On 5 August, the working group held a Cybercrime legislation webinar along with the Council of Europe and with presenters from Kiribati and Tonga who presented on their current legislative framework in their jurisdiction. There were 53 advisors who joined the webinar.

On 29 August, new Zyber Fundamentals courses were launched, including both the course for lawyers and judges as well as a new course for law enforcement. The participants will be supported with a workbook. The participants will work together over three sessions, with the first on 30 September.

The Chair recognises and congratulates the Solomon Islands DPP on their contributions to the Zyber workbook, which the current Zyber participants are using.

The current work plan is confirmed supported by members of the working group.

iii. Cybercrime Workshop: update on planning progress

Update on the planning for the next (fourth) PILON CyberCrime Workshop in November. From previous meeting in June, an action was moved to add the Workshop to the 2022 planning. Since then, Fiji has agreed to host the Workshop. Thanks to GA and the Fijian Government for the assistance being provided to the secretariat and AAGD to organise this event.

LM provides an update to the working group on recent activities and ongoing priorities. In recent months PILON secretariat and AAGD have been working on progressing planning for the Workshop, which is now scheduled for **Tuesday 29 November – 2 December 2022** in Nadi, Fiji. This will be a hybrid meeting (in person with virtual opportunities to participate), which recognises that some PILON member countries

still have travel restrictions and some participants might not be comfortable to travel during this time. The venue is the Tanoa International Hotel, near the airport in Nadi. Invitation letters were circulated last week.

The PILON secretary is seeking two in-person attendees and three registered virtual attendees per country (reflecting that only three devices should be joining from each country, but there can be more than one person viewing from one device). In addition, working group members have received additional, individual invitation.

This is to allow one additional place for a working group participant to attend, because the fourth (and final) Cybercrime working group will be held during the Workshop, and it would be ideal for participants to be able to attend in person.

The Zyber courses are the online training portion of the Workshops, which includes the case studies which attendees work on, to ensure that the virtual section of the Workshop is manageable. A certificate ceremony for those who complete the Zyber course will also be held at the Workshop.

PILON secretariat and AAGD are in the process of reaching out to speakers and Solomon Islands DPP, Council of Europe, Australian Federal Police, E-Safety Commission of Australia and several others have confirmed that they are interested in participating.

Finally, there will most likely be additional events organised for this Workshop, including possibly a networking event before the conference and a dinner on the second night. Please stay tuned for more information on these events.

Members support the update on planning progress.

iv. Cybercrime Workshop: consideration of draft agenda

An update was provided by Lauren Murray, Australian Attorney General's Department (AAGD).

The PILON secretariat and AAGD are reaching out to possible speakers. There are likely to be some changes based on speaker availability and their area of expertise. The draft agenda will remain a working document until the next meeting just before the Workshop itself.

In previous years, working group members have been heavily involved in the Workshop. The Chair invites working group members to consider how they (or their organisation) could contribute to the Workshop. The Chair opens the discussion to members for comments on what they might be interested in presenting.

Chair LF of Tonga is happy for her office to assist in anyway needed. LM acknowledges this and will be in contact soon.

SW is happy to be on standby for the 2 December Session 1, as she has previously taken the Zyber courses. LM will finalise details.

GA of Fiji will be discussing with internal agencies as there will likely be sessions of interest, just needs confirmation from them. LM will be meeting with GA for updates.

M of Cook Islands says the sessions seem interested and will also be discussing with internal and government agencies. Notes that she will be circulating it around her office on behalf of Linda who is away on sick leave for a while.

For any further questions or interest, please contact the secretariat or LM at AAGD within the next couple of weeks.

Agenda will be finalised at the brief working group meeting on **Monday 28 November**. This will be the final working group meeting in which the agenda will be finalised ahead of the Cybercrime Workshop.

Action item: AAGD and PILON secretariat to consider feedback of working group members when progressing further planning for the Cybercrime Workshop agenda.

v. Draft 2023 Work Plan: feedback from Working Group and next steps for presentation to PILON Annual Meeting

Chair LF of Tonga takes members through the draft work proposal (attachment C from the previously circulated agenda).

AAGD has assisted PILON to develop this proposal which covers the full calendar year.

Chair brings to note options 1 and 2 outlined in the work plan. In addition to any questions or comments about the overall range of activities, a key question for members to decide is whether the working group should offer the Zyber Intermediate course again in 2023.

The chair notes that 12 lawyers are currently completing the Fundamentals of Digital Forensics for Lawyers and Judges course offered as part of the Workshop. Feedback from the current Intermediate cohort is that the content was technical and that many found they needed to search for additional resources to pass the quiz and continue to the next stage. However, overall many people found the Zoom sessions and content helpful and relevant to their work.

The work plan also includes the possibility of developing online digital evidence guidance materials, which would be specific to PILON. There is an opportunity to consider what other topics should be included in the guidance we provide members, should the working group does not wish to continue with the Zyber course.

The chair invites LM of AAGD to outline the plan further.

A draft work plan for 2023 must be presented at the annual meeting, so this proposal has been circulated for feedback from the working group, and on that basis a summary for presentation to the annual meeting will be developed.

Feedback and questions on this work plan are welcome.

Given there is so much work being done this year on digital forensics courses and the Cybercrime Workshop, this work plan objective is to build on the conversations that we expect to have at the workshop and feedback from the course participants from this year's Zyber courses.

In addition, in the first quarter of 2023, there is a questionnaire designed to understand what PILON members are seeking from the working group. This is either in the form of further training, or an emphasis on webinars on certain topics, etc.

The Pacific Island Forum secretariat is also looking into Cybercrime legislation in the Pacific, so there is opportunity in early 2023 to collaborate on a webinar and hopefully reach a broader audience, as opposed to the Zyber webinars, which have positive feedback, but are more targeted to a specific audience.

LM goes back to the chair's note of the working group's decision to still offer the Intermediate Zyber course, noting that there has been mixed feedback from participants of the course this year. Overall it does seem that people found it helpful and relevant to their work, although there may need to be some quirks worked out.

For either option (of going ahead with the Intermediate course or developing an online digital guide) there would still be a training webinar on the highest priority topic, which is nominated by working group members. The difference between the options would only change the timing of that webinar.

LM notes that the digital forensics content that is being covered in the Intermediate course could also be covered in the digital reference materials, should the working group decide to go ahead with that based on consultation and feedback.

LM notes that there are already guidance materials out there and would require consultation with other stakeholders to ensure that the content does not clash with other materials already existing.

LM emphasises that this work plan is a draft and it would be great to have feedback and thoughts on the plan and activities.

The floor is now open for members to discuss the option of continuing the Zyber intermediate course next year (2023).

RO of Solomon Islands would certainly like the Intermediate course to continue, as there is no one in the DPP's office of the Solomon Islands who has taken that course. There is someone who took the basic course, so it would be great for it to continue so that someone from DPP will have the opportunity to continue through that course.

JE of American Samoa notes that she is fairly new to the working group, and would be interested in learning more about the Zyber course, but cannot provide much comment now on whether or not to keep the course.

SW asks (having taken the courses before) if the units count towards a certificate or degree. Noting that there is an expiry date on the certificate of completion for the

courses. LM responds that Zyber participants receive some continuing legal professional development points, but would need to check with Zyber and will provide those details with the help of SW after.

GA of Fiji is for capacity building and supports the Intermediate course continuing, and asks for further information on the feedback from course participants (and reasons that they might be unable to complete the course). LM responds that, when surveyed, one issue is internet and computer troubles that could be barriers to completing the course, which is why the workbooks were developed to view the material offline. Overall there are good completion rates (current Zyber Intermediate completion rate is 7/9). LM can look into this for further information if required.

M from Cook Islands supports the course continuing based on the comments from other working group members.

The majority of members support the Zyber Intermediate course continuing.

RO of Solomon Islands asks if there is a way of simplifying the material to ensure that more people get to the end of the course. LM responds that there are a number of ways to support this, such as looking at restructuring the quizzes and looking at tweaking the course with Zyber in some ways. There are also now a lot more resources having offered the course once (materials available on the PILON website member's area) and materials that could assist. SW having gone through the course agrees that the course is very technical and tailored exclusively to digital forensics and that there needs to be more information to simplify it. However, because of the technicality of the content, there may still be certain terms and topics that are more difficult to simplify. There is also the technology aspect, with younger lawyers being able to more easily discuss certain elements (as they use that language in their day to day life). SW also appreciated having the assignment deadlines extended to give more time to complete them.

Moving onto comments on the draft plan, discussion is open to all members.

No comments from members, so Chair suggests giving a bit more time for people to look over the draft plan and to contact SW and LM should they have any questions or comments. LM confirms this and suggests that members provide feedback and comments within the next two weeks, before **Friday 30 September**.

LM suggests members adopt the plan on a preliminary basis in the meantime. All members agree. LM or SM to circulate the plan after 30 September to working group members.

Chair notes that the draft work plan will be summarised and delivered to the PILON annual meeting as chair of the working group. A final decision on the plan will be made at the mixed meeting in November. Working group members to note that an update on the 2023 plan will be provided at the PILON annual meeting in Nandi, Fiji (to endorse face to face).

The Chair thanks members for dialling in and their contribution to this third working group meeting of 2022. There will be two final meetings at the Cybercrime Workshop in November. One the day before the Workshop is held, to finalise the Workshop agenda, and a final quarterly meeting to adopt the final work plan for 2023.

By now everyone should have received their invitation for the Workshop, and the chair hopes that circumstances permit for all members to join the Workshop and celebrate a successful year and look forward to further success in 2023.

The Chair closes the working group meeting, but encourages members to stay on the Zoom meeting to congratulate Zyber Intermediate participants in the certificate ceremony.

PILON secretariat admits in Zyber participants.

4. Zyber Intermediate Certificate Ceremony

i. Welcome remarks by Chair

Chair LF – Hello to our Zyber graduates and welcome to today’s certificate ceremony. We’re gathering to recognise the work taken to complete the Intermediate level course on Digital Forensics for Lawyers and Judges.

ii. Summary of Zyber Intermediate program

Chair LF – This course was endorsed and overseen by PILON Cybercrime Working Group, and has been offered through Zyber Global and Insig2’s online platform.

As I spoke about when this course was opened in late April, prosecuting cybercrime in our region has remained a challenge for lawyers and law enforcement agencies alike. Internet-connected devices and working online have become more and more normal. Cyber criminals have been quick to adapt their practices accordingly.

To prosecute these cyber criminals, we need lawyers who can speak their language. Speaking the language of digital forensics can assist lawyers to comprehend the work of digital investigators, and to communicate these complex ideas in the courtroom.

The seven lawyers who have completed this course have taken active steps to gain this kind of knowledge. I will now read out each graduate’s name in person to recognise their efforts. Their certificate will also be displayed alongside them on the screen.

I will also invite the Australian Attorney-General’s Department to share a special thank you for each graduate.

At the same time, I invite you to post messages of congratulation in the chat, to use the clapping reaction at the bottom of your screen to applaud them.

iii. Presentation of virtual certificates

Melissa Menefise Ako, Crown Counsel in the Office of the Attorney General, Tuvalu.

With a special thank you to Melissa for progressing through the quiz checkpoints the fastest in the cohort.

Francilia Akubor, Public Defender from the Republic of Nauru.

With a special thank you to Francilia for giving classmates insights into Nauru's perspectives and challenges during class meeting number three.

Freliz Marion Fakarii, Senior Crown Counsel in the Attorney General's Chambers from the Solomon Islands.

With a special thank you to Freliz, for successfully navigating complex court commitments alongside progressing through course material.

Inoke Finau, Police Prosecutor, from the Kingdom of Tonga.

With a special thank you to Inoke for sharing insights into evidence integrity and difficulties with translating digital forensics concepts.

John Laule, Senior Legal Officer in the Central Authority for International Cooperation in Papua New Guinea.

With a special thank you to John for sharing insights into Papua New Guinea's experiences with digital forensics, during class meeting number 2. As well as joining us here today on a public holiday in Papua New Guinea!

Abunaba (Abi) Takabwebwe, Crown Prosecutor from the Republic of Marshall Islands.

With a special thank you to Abi for skilfully juggling her course commitments alongside representing her country on PILON's Sexual and Gender Based Violence Working Group.

Sasae Walter, PILON Coordinator from the Independent Republic of Samoa.

With a special thank you to Sasae for providing helpful feedback on course checkpoints which will improve course design for future cohorts.

iv. Group photo

Chair LF - On behalf of the Working Group, let me congratulate you on this significant achievement. We will now pause briefly to take a screenshot of all participants and the Working Group.

I would also like to recognise the assistance provided by our expert presenters, who contributed their time and expertise to the three Zoom sessions held for this course during June and July.

The presenters were:

Session 1: Damian Rapira-Davies, Jon Peacock and Kate Newrick, New Zealand Department of Internal Affairs - Te Tari Taiwhenua

Session 2: Corporal Savenaca Siwatibau, Digital Forensics and IT Investigation Unit, Fiji Police Force.

Session 3: Leotrina Macomber, former Crown Counsel and Kalisi K Tohifolau, Acting Deputy Police Commissioner, Tonga Police

As with the Zyber pilot course, I am also pleased to say that recordings of these sessions are now available in the Members' Zone of the PILON website as an enduring resource for PILON members.

It is worth saying that it has been challenging at times for all Zyber participants to undertake this course work. This course has been entirely online – and at the same time, some of our participants have needed to navigate COVID outbreaks in their own jurisdiction. Many participants have also had to juggle their course commitments with family and work demands.

Despite all these obstacles, we had excellent contributions from all participants here today – and hopefully we can hear a little more about that in today's ceremony.

Would any of the participants like to share what they most enjoyed about the course? Or perhaps, are there any reflections you would like to share?

LM offers a reflection that some of the questions asked by the class were very interesting and insightful and lead to engaging discussion. It was a really enjoyable course and I thank everyone for making it so great.

John Lanule (participant) comments on his enjoyment in participating in this course as PNG is experiencing a lot of Cyber security issues and there are a lot of police and prosecutors that are still learning the processes of dealing with these issues; in storing the evidence and the integrity of the evidence itself. As such, so many cases have been thrown out, so it JM is very pleased to now be able to assist in continuing the legal education to the police on how to deal with the digital evidence and the processes around it to ensure the evidence is admissible in court. Thank you to the presenters and AAGD for giving the opportunity to participate in this course and will be suggesting for other to participate if there is another opportunity to participate in the courses in the future.

RT of Nauru joins the meeting.

Chair LF – does anyone want to say anything further? Welcome to Ronald for joining.

To conclude, the Cybercrime Working Group hopes that this pilot Intermediate course has been a unique opportunity for you. In part, to deepen skills from the Fundamentals course. And in another part, to network and share knowledge with other legal officers in your cohort, which represent a broad section of the Pacific region.

We are excited to see you continue in your careers and we hope opportunities arise to put this knowledge into practice – including sharing with your peers. Thank you again for joining us – and congratulations.

That now brings us to the end of the meeting. Thank you for your time and I hope you have a wonderful weekend.

5. Meeting Closed.

Minutes endorsed on 30 November 2022