



PILON CYBERCRIME WORKING GROUP VIRTUAL MEETING

MINUTES

Friday 22 September 2023

1.00pm Tonga time

1. **Welcome** Linda Folaumoetu'i – Chair, PILON Cybercrime Working Group, Attorney General, Tonga.

2. **Present/Apologies**

i	Linda Folaumoetu'i	Attorney General, Tonga
ii	Glenys Andrews	Senior Legal Officer, Fiji
iii	Jamie Crawford	Crown Law Officer, Cook Islands
iv	Andrew Kelesi	DPP, Solomon Islands
v	Janelle Etelagi	Legal Officer, American Samoa
vi	Lauren Murray	Senior Legal Officer, Australia
vii	Sasae Walter	Coordinator, PILON
viii	Rosy Mario	Assistant Coordinator, PILON

Apologies:

Jo Mildenhall – New Zealand

Loretta Teueli – Nauru

3. **Matters for Discussion:**

i. Approval of Minutes 28 November 2022, 30 November 2022 and March 2023.
Motion was moved by JE of American Samoa and seconded by LF of Tonga.

ii. Annual Meeting Proposed Speaker – Cybercrime WG

Chair informed members that each WG invites a featured speaker to deliver a presentation on a topic related to our WG theme. For this year the Cybercrime WG presenter will be Ms Eleanor Munif, Chief Operating Officer of We Protect Global Alliance.

Chair shared that “WeProtect” is a coalition of public and private entities dedicated to combating online child sexual exploitation and abuse.

There are 102 countries who are currently members of the Global Alliance in addition to a number of major technological and digital service providers, civil societies and inter-governmental organisations.

A key part of their approach is to support governments and civil societies to collectively engage with technology and technological companies on current policies and regulatory issues concerning online child sexual exploitation. Within our WG, Australia, New Zealand and Fiji are currently members of this Global Alliance group.

The Chair informed members that PILON has asked Eleanor to present on strategies on effective engagement with internet service providers and other technology companies for cybercrime-related policies on regulatory issues. The main reason for approaching We Protect is to reflect feedback from our final WG Workshop in Nadi last year, that engagement with technology companies should be one focus of our workplan.

For this reason, Eleanor will also provide an overview of capacity building resources and guidance available to members on the We Protect Global Alliance regarding online child sexual exploitation in case any PILON member at the meeting wish to consider joining.

Decision:

Members note the selection of Ms Eleanor Munif, Chief Operating Officer of We Protect Global Alliance, as speaker for the Cybercrime WG to present at the PILON Annual Meeting in Nauru.

iii. PILON Invitation to Regional Conferences Report

Lauren Murray of AGD provided an update on the Pacific Island Chiefs of Police Conference held at the Gold Coast Australia from 30-31 August 2023. The theme of the Conference was Cybercrime – Countering Child Exploitation and PICP Secretariat invited the Cybercrime WG Chair, Linda Folaumoetui to present on “Legislative Initiatives to Counter Cybercrime and Child Exploitation”.

Lauren shared with members that she was very pleased to accompany our Chair and supporting the Chair and the Acting Secretary of her Department, Ms Sarah Chidgey, who delivered the opening remarks for the Conference.

Lauren also reminded members that the PILON Secretariat circulated a request for updates in August for recent developments in Cybercrime Legislation. This was to assist with the drafting of the presentation and also to update PICP on the hard work that everyone has done.

Because no updates were received in the time available, it was necessary for the presentation to focus on the review finalised in 2018, whereby PILON looked at child legislation across PILON members and identify where everyone was doing well and where there were gaps that could be addressed. At the conference, it was clear that technology has developed rapidly since 2018. Many presenters at PICP presented on new methods of offending, including the growth of livestreaming in particular using skype or messenger apps to conduct crimes. A desktop review of publicly available legislation indicated that some Pacific jurisdictions had passed new cybercrime laws (including Fiji, Kiribati and Vanuatu), or amended their laws since the review was conducted, but it was not possible to revisit the entire review in the time available.

The presentations were well received and two Police Chiefs asked to be connected to the PILON contacts in their jurisdictions. We understand that Chair and AGD will look at the meeting Communique when it is released, and identify any areas that could be flagged for the information of the WG.

Chair acknowledged Lauren for the work she's doing at the Office of AGD and also thanked AGD for funding and presenting all the information that she was able to use in her presentation.

Chair shared that it was a well-attended meeting and she shared that the information for American Samoa was pointed out by the Police Chief of American Samoa, Chief Pouu'amea Tualo-Supapo as outdated. Chair informed WG that she advised the Police Chief to consult with their PILON member agencies to inform them of all the updates to date. Janelle was informed by Chair that the Police Commissioner of her country may reach out to her.

Invitation to 50th Pacific Islands Chiefs of Police Conference, 29 - 31 August 2023, Queensland, Australia

i. Invitation to the P4C for PILON Cybercrime Working Group, Fiji 2-4 October 2023

Jamie Crawford will represent the WG in the Pacific Cyber Capacity and Coordination Conference (P4C) held from 2 to 4 October 2023. The P4C was jointly organised and hosted by Oceania Cyber Security Centre (OCSC) and the Global Forum on Cyber Expertise (GFCE).

PILON was offered funding for a member to attend and present on Day 2 Plenary session 5 ('Partners in the Blue Pacific Case Studies') and was asked to present a case study. Jamie will present a case study on PILON's recent capacity building activities in the cybercrime space, including the Zyber forensics courses running since 2021, and the 2022 Cybercrime Workshop.

Decision:

Members noted Jamie Crawford will represent the WG in the P4C conference. She will also present on behalf of PILON in this conference.

iv. Work Plan 2024 – 2027 Suggestions - all

The Chair shared that the purpose of this discussion is to devise a Workplan for 2024 to be finalised at the Annual meeting that will be held in Nauru. Chair informed members that the WG may recalled that the usual practice, which is a very important component of our WG work, is to develop a draft Work plan which will be confirmed at the AM each year.

Chair also mentioned that there are some existing items in the current Workplan that can be rolled over but the aim of these discussions is to seek views from the WG on the most important cybercrime priorities and common themes that the WG should feel be reflected in the draft work plan for 2024. Members were asked also to provide any comments on what has worked well in the current work plan

and what could be improved. Based on these conversations, AGD will draft a proposed work plan for the Working Group to consider for adoption at the AM.

Lauren provided an update of the current Work plan.

Laren shared that the Zyber digital forensic course recently started again in August. Two parallel courses were offered to Police and to Lawyers and Judges and two graduates from last year's Lawyers and Judges course were enrolled in the Intermediate course. 27 participants have been enrolled in the current Zyber session.

Lauren then turned to the proposed work plan for 2024, and outlined AGD's proposals for what could be included.

Lauren mentioned that we've seen a lot more of capacity building partners returning to the Pacific and many of them specifically the UNODC are now looking at developing digital forensic training. Some of these trainings are in person and she is not sure if virtual digital forensics training continues to be helpful to PILON members. Lauren seeks the views of members if we feel if these are of value to the WG and their agencies: if so, this is something that we could look into for the workplan next year. AGD will be guided by the WG's feedback.

Secondly, she also informed members that a training webinar that is currently in the workplan could be held either at the end of this year or in early 2024: the idea is to align with some of the Zyber content considered during the case study sessions. AGD will pick up something that's of interest to the group/class during zoom sessions and will work with the AFP to deliver a training webinar to broadcast more widely than just the Zyber class.

Thirdly, a Questionnaire is listed in the work plan. Its purpose is to understand what has worked well over the long term for the Cybercrime WG. The format of the questionnaire will be discussed at the Annual Meeting. We propose having an in-person discussion at the AM in Nauru what has worked well over your history of involvement in the CWG and that cover anything that you would want to include going back to when the CWG was established since 2016. We would then seek the views of the WG on who else could be consulted within each members jurisdiction and then we can engage with those contacts to obtain their feedback as well.

The last one is the development of Digital Evidence Guidance materials. AGD was proposing to the WG doing something similar to the Corruption WG 2021. The Corruption WG developed 2 videos which include animations on corruption-related topics. Those videos have been uploaded onto the PILON YouTube channel and were quite successful.

Members' views are invited to indicate whether this item should be continued in the work plan. To provide an idea of how it could work, WG member views would be sought on the topic for the videos, and AGD would approach experts to be interviewed. These recorded interviews could focus on recommendations for how to investigate and prosecute cybercrime offences. For example, it could be a digital forensic expert sharing knowledge on issues on digital evidence concepts

like chain of custody. A live-scriber could also be engaged to create some animations to support some of the concepts that the WG will be covering in these videos. She also reminded members that were very open to feedback on how this will work.

Lauren also spoke on the final proposal, which is a long-term project of the WG to create a Cybercrime Legislation Implementation handbook. She reminded members that this WG published a Mutual Assistance Handbook in 2020. That Handbook was based on outcomes of the Cybercrime Workshops. This would be a similar project in size and scope.

She proposed that the WG would determine the content list and the scope of the Handbook in the future meetings. She also mentioned that the COE provides a lot of assistance to PILON members, and may be happy to collaborate on this project.

The question is based on your support on the ideas as mentioned above and also we can explore other ideas the WG feels should be prioritised.

Janelle Etelagi of AS thanked Lauren on the summary of the 2024 Workplan proposals. She supported all that was raised by Lauren and she mentioned that AS don't have any Cybercrime legislation at present so this is something AS can discuss further and perhaps implement. Secondly, she supported the Forensic Digital Evidence concept and the Zyber courses being run at the moment.

Jamie Crawford of the Cook Islands supports the proposals by Lauren and also agree with AS on the interest to have a Cybercrime legislation, which she added that it is a government priority to have this legislation in place. She also advised members that the PILON WG Mutual Legal Assistance Handbook is used regularly as a training tool for the new lawyers of the office in the Cook Is. And in that respect, she supported the Cybercrime Legislation Implementation handbook which she sees as a useful tool for all to use.

Jamie also mentioned the importance of political buy in to allow the Cook Is even to start discussion on the drafting of a bill for Cybercrime. The handbook could be a tool for the office to use as a resource to advise their leaders and gain buy-in on the importance of having data that relates to cybercrime in the islands. She also supported the continuation of the virtual Zyber training.

Sasae Walter of the PILON Sec added that the PIFS have added Cybercrime as a very significant topic in the leader's priority lists of topics for discussion and that includes a push at national level the importance of acceding to the Budapest Convention.

Chair thanked Lauren on the various topics as proposed for the Workplan of the WG. She also agreed with members on their support for the concepts raised in the proposed Workplan. She also agreed with what was raised on the political buy in issues, and the importance of having Leaders to be committed to having Cybercrime legislation in place.

Glenys Andrews of Fiji thanked the Chair and Lauren for the proposed work plan. She informed members that the Fiji participant that took the Zyber course

advised that this course was a useful course for her role at FICAC, so she supports its continuation. She will also be happy to link with Jamie to assist her in any way possible for her presentation in Fiji.

Glenys supported the drafting of the Cybercrime Legislation Implementation handbook because it will be a useful guide for all the implementation issues after the legislation has passed.

She noted it would be a worthwhile objective of the WG to help all countries reach a similar stage of achievement. As such, the WG can assist those nations that have not reached or passed any relevant cybercrime legislation or recent legislative amendments.

Glenys also noted that she supports the digital evidence guidance materials in principle.

Andrew Kelesi added (through comments to the Chair as his sound was not working) that from experience from past participants taking the Zyber course is very useful, and staff of the DPP Solomon Islands support the continuation of training arrangements. He also supports the drafting of a Cybercrime Legislation Implementation handbook.

Chair also shared that participant from Tonga appreciates and valued the Zyber Digital Course and would welcome the continuation of these courses. Participants said that it applies directly to their work on cybercrime, and those completing the Fundamentals course have indicated interest to pursue the Intermediate course.

She added that she supports the inclusion of the Zyber course in the new workplan and also the drafting of a Cybercrime Legislation Implementation handbook. She also agreed that countries who have Cybercrime Acts like Tonga Vanuatu and Fiji can assist in the putting together of this Handbook.

Decision:

Members provided feedback on the Workplan proposals as set out by Lauren Murray of AGD. The proposed concepts that were supported were:

1. Drafting a Cybercrime Legislation Implementation handbook;
2. Development of Digital Evidence Guidance materials that contains the videos;
3. To Offer Zyber Digital Forensic Course later in next year.
4. Hosting a WG Webinar

Decision:

Members agreed to AGD to draft a Working Plan to be discussed for adoption at the Annual Meeting in Nauru that contains the:

1. Cybercrime Legislation Implementation handbook; and
2. Zyber Digital Forensic Course

AGD will also communicate with UNODC to obtain further details on their work plan for the next year, to minimise areas of overlap and identify any opportunities for collaboration.

4. Other Matters:

Glenys Andrews (Fiji) asked a question on the process for new members to join Working Groups. The Secretariat informed the meeting that on Day 3 of the Annual Meeting, members are given the option to nominate to join any of the WGs. The current Chairs and members of all WGs are encouraged to stay.

Members congratulated Andrew Kelesi as the new DPP of the Solomon Islands.

Glenys informed members that the new DPP of Fiji is David Toganivalu.

5. Next Meeting – Monday 30 October – Nauru (in person and virtual)

6. Meeting Closed. 2.35pm

Postscript: on 2 October 2023, Acting Director of Public Prosecutions Ratu David Toganivalu passed away at his residence in Taro, Bau, Fiji. PILON recognises his service to the legal profession across the Pacific and expresses its deepest condolences to the Republic of Fiji.