



PILON CYBERCRIME WORKING GROUP HYBRID MEETING

MINUTES

Monday 30 October 2023

11:00 – 12:30 Nauru Time

1. Present:

1. **WELCOME** Linda Folaumoetui – Chair, PILON Cybercrime Working Group,
Attorney General, Tonga

2. WORKING GROUP REPRESENTATIVES PRESENT

- i. Linda FOLAUMOETUI - Attorney General, Tonga
- ii. Rebecca VONTHETHOFF- Assistant Secretary, AGD, Australia
- iii. Jamie CRAWFORD - Senior Crown Law Counsel, Cook Islands (online)
- iv. GLENYS ANDREWS - Senior Legal Officer, Fiji
- v. Loretta TEUELI - Director, Legislative Drafting Division, Nauru
- vi. Justin KAMUPALA - Solicitor General, Niue
- vii. Dr Eric KWA - Secretary of Justice, PNG
- viii. Rosemary SOMA - Chief Crown Counsel, Solomon Islands
- ix. Tristan KARAE - Acting Director Public Prosecutions, Vanuatu

ADDITIONAL OFFICIALS IN ATTENDANCE (IN-PERSON):

- x. Tewia TAWITA - Assistant AG, Kiribati
- xi. Anieli FUATINO - Senior State Attorney, Kiribati
- xii. Saif SHAH - Senior Government Lawyer, ODPP, Nauru
- xiii. Kyleen NAIK-LEONG - Crown Counsel, NZ
- xiv. Tauvasa TANUVASA - Solicitor General, PNG
- xv. Leslie MAMU - Public Solicitor, PNG
- xvi. Thomas ILAISA - Deputy Public Solicitor, PNG
- xvii. Dorothy MIMIKO-KESENGA - Deputy Secretary Legal Services, PNG
- xviii. Kearnneth NANEI - Deputy Secretary Legal Services, PNG
- xix. Margaret SUIFA'ASIA - Chief Prosecutor, Solomon Islands
- xx. Bernadette 'UTA'ATU - Assistant Crown Counsel, Tonga
- xxi. Sosefo PATELISIO - Assistant Crown Counsel, Tonga

ADDITIONAL OFFICIALS IN ATTENDANCE (ONLINE)

- xxii. Lauren Murray - Senior Legal Officer, Australia
- xxiii. Nicholas Wilson - Legal Officer, Australia

Apologies (including those present online)

- i. [Fainu'ulelei FALEFATU ALA'ILIMA-UTA - Attorney General, American Samoa]
- ii. [Robert NAKASONE - Assistant Attorney General, FSM]
- iii. Jo Mildenhall - Crown Counsel, NZ
- iv. Apolima TAMOA - Legal Officer, Tokelau

2. Matters for Discussion:

- **Approval of Previous Minutes (Friday 22 September 2023):**

Fiji/Tonga – Motion to approve by Glenys Andrews of Fiji and seconded by Linda Folaumoetu'i AG Tonga.

- **Regional Conference Report – Presentation on behalf of PILON Cybercrime Working Group to the Pacific Cyber Capacity-Building and Coordination Conference (P4C), Fiji 2-4 October 2023 (Jamie Crawford, Cook Islands)**

Agreed to defer this matter until Cook Islands' IT arrangements were settled.

- **Update – 2023 Work Plan**

- **Australia** – Rebecca Vonthethoff (Australia) updated members that since the 2022 Cybercrime WG workshop in Fiji, a workshop publication/booklet has been professionally produced.

- A survey has been prepared for broader group of cyber-affiliated officials nominated by Working Group (meeting in-person where possible). There is also a report that has been prepared which includes views gathered from event data to date, qualitative responses from questionnaire and how WG could implement the findings in the future.
- AGD has also proceeded to run two more Zoom sessions for the Zyber digital forensics course on 29 September and 6 October 2023.
- In 2023 two sessions from the Zyber Digital Course have been recorded for members to review. This year's content included expert contributions from the Australian Federal Police, Solomon Islands DPP, Australian CDDP. Content was well received.
- The content for the case study sessions was well-received. However only about one third of the course participants were present at each Zoom session.
- Given that the case study is quite labour-intensive to run, AGD has considered options to make this part of the course more sustainable.
- The Zyber course is now ending, and a survey has been prepared for members to provide comment on their views on what has gone very well and more.
- In summary, it has been a big year for Working Group activities.

- **All** – Working group noted the report.

- **Discussion – Questionnaire on long-term outcomes of Cybercrime Working Group activities: refer to Attachment B**

The following questions are a guide for our discussions today:

Discussion Question 1: How long have you been participating in Cybercrime Working Group activities?

- Sometimes it's difficult to pitch Cybercrime events to members. The information of these sessions find it difficult to attain the interest of those that are not IT knowledgeable.
- **Fiji** – commented that they have been involved with PILON for some time. And have been engaged in most of the activities of PILON especially the Cybercrime workshops that were hosted in Tonga and Vanuatu, then Fiji.
- **Nauru** – In December last year, conversations were held with law enforcements with Australia FP who also shared relevant trainings on electronic evidence with Nauru police.
- **Nauru** – We have worked with COE and are now preparing a Cybercrime bill.

Discussion Question 2: What do you think is the most significant change generated by PILON's work on cybercrime, either for your agency, or more broadly for the discussion of cybercrime in your country (e.g. events like the Cybercrime Workshop, webinars, digital forensics training, speakers at Annual Meetings)?

- Chair asked members if the work of the WG has been relevant.
- **Samoa** – Su'a commended the WG for their persistence in getting the message out there. She mentioned that the difficulty is the prosecuting of cyber cases. She encouraged more opportunities of training to make it more relevant and members find it more regular and familiar. The more you hear about these issues the easier it becomes to understand cybercrime.
- **Solomon Is** – MS commented that the work of the WG has had an impact in their office. Whenever there is a PILON webinar, the office will always accommodate it to ensure that members access these trainings (including changing days for CLE if needed).
- **Fiji** – interest to be connected, noted a 2016 initiative at the governmental level to look into cybercrime and cybersecurity. Raised awareness within Fiji and region of urgency and need. Ministry of Communications deals with cybercrime and cybersecurity, with different agencies responsible and reporting to that ministry. Encourage having different agencies know about the importance of their work within this space, as well as centrally reporting. The workshop PILON provided, reached out to the Fiji relevant agencies (including FICAC on dealing with electronic evidence.). It also identified and bridged the gaps on cyber knowledge. Some assistance for judges training on cyber and IT issues were provided. Very broad field – urgency spurred by matters including cyber-attacks on government emails. PILON workshops and activities help to identify gaps.

- **PNG** – no. of users can have a negative impact on smaller jurisdictions. The volume of users can trigger the assistance is a factor for assistance but will be a hindrance for smaller island states in securing assistance for relevant programs. For example, query whether gathering source data from Meta and X is easier when you are a larger jurisdiction with lots of users. Can larger jurisdictions and PILON assist smaller countries with this? There is value in a regional framework on this issue.
- **PNG** – Also query whether PILON can provide support to smaller countries with cybercrime laws and gathering evidence. In PNG, usually police deal with (and prosecute) cybercrime – bigger matters go to the DPP. Mutual assistance issues arise (for example, MA request from Romania is complex to work through). Can PILON consider a regional approach to MLA?
- **PNG** – Interested in civil suits against international companies as well e.g. Meta. AML/CTF is different for small countries. Suggested the creation of a platform for Pacific island countries to help each other regarding cybercrime, Mutual legal assistance, criminal and civil action against social media companies.
- **PNG** – A smaller program in PNG encourages Dept of Justice to engage young people to counter cybercrime.
- **Tonga** – Confirmed that Budapest Convention covers many of these matters. Council of Europe will be presenting at PILON. Since acceding in 2016, Tonga has received a lot of assistance from CoE. Judges, prosecutors and police trained. Tonga has been identified as the hub of Cybercrime. Encourage countries here to engage with CoE. Tonga disappointed with outcome of Australian MLA decision on a sedition matter. Nonetheless noted importance of having a regional voice. Civil matters important too.
- **Australia** – there is a PILON Mutual Assistance Handbook in addition to the Budapest Convention materials can also provide assistance to our members.
 - **Agreed action** – secretariat to recirculate handbook/links to handbook to members, as well as policy handbook. Members to let Secretariat know if they want hard copies. Members noted value of hardcopies and direct links (noting documents are available on the website).
- **Fiji** – Mutual Assistance Booklet and Pacific Toolkit are current resources that has been very helpful to their office.
- **Secretariat** – Members are reminded that the copies of these handbooks are available online on the PILON website (www.pilonsec.org)

Discussion Question 3: PILON has previously received some interesting feedback that it is difficult to pitch cybercrime events at the right level – senior people may be bored and very junior people may not know enough to participate. Do you think that PILON cybercrime activities are targeted at the right level? If not, do you have any suggestions for how to address this?

- **Nauru** – Saif noted that Nauru had found past PILON workshops, training and other engagement helpful.
- **PNG** – Agreed that pitching training at the right level for junior and senior participation is a dilemma. Emphasised that it is critical to pitch at the right level for the relevant meeting – and critical to have messaging both up and down. PNG explained that there is a need to share information *within* jurisdictions too; need to report up to seniors. PILON should keep doing its thing, this is about needing to share information internally within countries.
- **Samoa** – Pitching activities right – pitch at prosecutors and practical work done. Need training for police investigating officers and prosecutors. Samoa is working towards accession to the Budapest Convention.

Discussion Question 4: Sometimes it can be challenging to get engagement during virtual events – do you have any suggestions for how virtual events could be better designed to overcome this?

- **All** – Members agreed that face to face engagement was a lot better than virtual, although they did agree that a lot of activities such as webinars and very valuable discussions were achieved using virtual sessions.

Discussion Question 5: Which PILON publications have been most useful for your agency? For example:

- **Pacific Toolkit: From Policy to Legislation**
- **Mutual Legal Assistance Handbook**
- **Cybercrime Workshop Booklets**
- **Zyber Digital Forensics Course Workbooks**
- **PILON Model Forensics Provisions**

- **All** – Members noted value in all publications
- **Fiji** – remarked that PILON booklets, handbooks and checklists, for example the Mutual Legal Assistance handbook are useful.
- **Fiji** – remarked that the Pacific Toolkit: From Policy to Legislation is also helpful for developing policy frameworks and associated decisions. Fiji is able to continually use these resources, they are still current. There is a lot of on-the-job learning.

Discussion Question 6: What is the most important skill you want your staff to develop to assist with the implementation of the laws which regulate cybercrime in your jurisdiction?

- **Tonga** – The PIFS meeting is encouraging members at national level. Michael Crowe (PIFS) is interested in working with PILON on how they can convince

countries to sign up to the Budapest Convention. There is an interest with PIFS for this area to be strengthened. PILON will continue to work with regional bodies e.g. PICP, PIFS.

- **Samoa** – Samoa mentioned that virtual meetings worked during covid time, and was not sure whether it will work form now, especially when we're all busier post-lockdown.
- **Samoa** – From prosecutions level, there is a lot of need of training at the IO level, with the hope of triggering down that knowledge to lower level.
- **Solomon Islands** – Solomon Islands doesn't have Cybercrime legislation. It's not a top government priority thus the slower response but there is a working group in place working on the matter.
- **Vanuatu** – the work that the Working Group has done has influenced greatly on office. In 2022 Vanuatu passed cybercrime legislation. A new bill (Digital Harmful Communication Bill) is being worked upon by the office on. They have not prosecuted any cybercrime matter yet. Attending UNODC courses on cybercrime and encouraging prosecutors to enrol. The tools that have been provided by the PILON Working Group have been very helpful.

Discussion Question 7: If adopted in the 2024 Work Plan, what is one key priority or challenge you think the Cybercrime Legislation Implementation Handbook proposed in the 2024 work plan should cover?

- **Discussion** – Draft 2024 Work Plan: refer to **Attachment C**
 - i. **Australia** – Rebecca Vonthethoff sequentially discussed the proposed work plan.
 - ii. **Samoa** – Suggestion to discuss how to make Zyber achievable for lawyers and judges. Currently too much sometimes for judges and lawyers to finish. Queried whether participants could do half one year and the other half the next, and get a certificate/recognition for the first half completed?
 - iii. **Australia** – RV noted steps planned to make training more achievable.
 - iv. **All** – 2024 work plan agreed.

3. Other Matters (5 mins)

- **Fiji:** Mr John Rambuku is a/g DPP Fiji. Chair passed condolences to Fiji on behalf of WG on death of former DPP
- **Solomon Islands:** Andrew Kelesi confirmed as DPP Solomon Islands.

4. Meeting Closed