

# Cybercrime and Electronic Evidence into Judicial Training Curricula – Tonga

**GLACY Project Workshop – Johannesburg, South Africa 2016** 



#### CONTENT

- Tonga's Judicial System
- Training System and Current State of Affairs
- GLACY Project Support
- Way Forward



#### **TONGA**

- EXTREMELY difficult to find on the world map
- 21 hour flight to South Africa
- 106,000 population
- Rich in culture and tradition
- Fans of the Springboks (small %)



- Common Law System
- Court of Appeal, Supreme Court, Magistrates Court, Land Court
- Prosecutorial services Attorney General's Office
- Ministry of Justice handles administrative matters of the Courts



# IT Expert pool

- for technical expertise advice
- IT personnel's from public and private section
- Assist police with investigation



# **Court of Appeal**

- 4 Judges
- 1 Tongan Judges
- 3 Expatriate Judges
- Sit twice a year



## **Supreme Court**

- 3 Judges
- 2 Resident Judges & 1 visiting Judge
- All Expatriate Judges
- Conducted in English



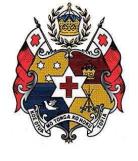
# **Magistrate's Court**

- 7 Magistrate's
- 6 based in the capital
- 1 based in the outer island
- Conducted in Tongan
- Current legal requirements mostly falls within
  Magistrate Court jurisdiction eg. Preservation order



#### **Prosecutorial Services**

- under the Attorney General's Office
- jurisdiction of the Director of Public Prosecutions
- ■14 Prosecutors
- few are 'trained' or aware of cybercrime issues
- Use Tongan and English



#### **TONGA POLICE**

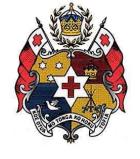
- Serious Crime Unit
- Cybercrime Section
- ■8 staff
- including cybercrime and electronic evidence issues into the new recruit training & refresher courses (using CoE Electronic Evidence Guide)



- Judges and Magistrates trained on an ad hoc basis
- No current training system in place
- No specific training institution
- Our size is our advantage

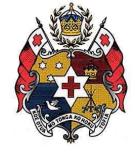


Reliant on CoE Electronic Evidence Guide & introductory training



#### **GLACY PROJECT SUPPORT**

- Introductory Training for Magistrates and Prosecutors 2015
- 2 half day sessions
- Proved to be very beneficial
- Reliance on training materials and Electronic Evidence Guide



#### **GLACY PROJECT SUPPORT**

- Regional Prosecutorial training
- collaboration with Commonwealth Secretariat, Council of Europe (GLACY Project), International Prosecutors Association (under GPEN) & AGO Tonga
- 12 countries represented



#### WAY FORWARD

- Review and Update Legislation: reflect best international practices (currently undergoing);
- Capacity Building for law enforcement, prosecutors and judiciary
- Train the Trainers Course
- Advanced Training for Judges and Prosecutors
- Localizing the CoE training materials to Tonga
- Developing a 'off the shelf training materials'
- **Develop International cooperation capabilities:** MLA, agency-to-agency cooperation, asset recovery, foreign evidence requests, extradition