



# **Cybercrime and Electronic Evidence into Judicial Training Curricula – Tonga**

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



# CONTENT

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- 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 %)



# TONGA'S JUDICIAL SYSTEM

- 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



# TONGA'S JUDICIAL SYSTEM

## IT Expert pool

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



# TONGA'S JUDICIAL SYSTEM

## Court of Appeal

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



# TONGA'S JUDICIAL SYSTEM

## Supreme Court

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



# TONGA'S JUDICIAL SYSTEM

## 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





# TONGA'S JUDICIAL SYSTEM

## 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)



# TRAINING SYSTEM & CURRENT AFFAIRS

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



# TRAINING SYSTEM & CURRENT AFFAIRS

- 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