

THREE-DAY TRAINING PROGRAM ON COLLECTION OF ELECTRONIC / DIGITAL EVIDENCE AND CYBER CRIMES FOR FIA OFFICERS AND INVESTIGATORS OF SINDH POLICE (BATCH-01 FROM 11-13 DECEMBER 2023)



Background Context

❖ The Hon'ble Mr. Justice Zulfiqar Ahmed Khan, Judge High Court of Sindh passed an order in Criminal Bail Application No.1614 of 2023 on 04-08-2023 whereby the issue of defective investigation on the part of FIA officials was discussed at length.

❖ The Hon'ble Court observed that the officials who qualify and meet the required criteria against each post may be identified and accordingly they may be trained for collecting, preserving, and securing evidence, in particular, electronic evidence in cybercrime cases. The operative para of the order reads as under:

"In these circumstances, Sindh Judicial Academy in consultation with the Director General, Cybercrimes to assess the training needs of officers and other staff of the Cybercrimes Wing Sindh with the objective of imparting legal as well as technological and forensic training to Wing's personnel and let a report be submitted to this Court."

❖ To implement the order, the Academy decided to arrange the training program for each official posted in the Cybercrime Wing FIA

Training Strategy

❖ It was felt necessary to assess training needs and accordingly arrange a comprehensive training program on cybercrimes particularly, the process of collecting, securing, and preserving electronic evidence. Two courses were planned for each category of the investigation officers. The first Batch started from 11 – 13 December 2023. It was attended by 17 participants.

❖ The basic course was designed for 3 days whereas the advanced course was for two additional days.

❖ Basic Course covered introduction to relevant laws such as the Code of Criminal Procedure 1898, the Qanun-e-Shahadat 1984, the Prevention of Electronic Crimes Act 2016 and Rules made thereunder, the Federal

Investigation Agency Act 1973 and Rules made thereunder, the Mutual Legal Assistance (Criminal Matters) Act, 2020 and the Fair Trial Investigation Act, 2013.

❖ The advanced course, based on practical exercises, was designed in such a way that the trainees would be required to complete the process from receipt of a complaint to the process of trial. This complete process involves conducting the inquiry, converting it into an investigation, and thereafter completing the trial by producing evidence before the trial court.

Salient Proceedings

❖ The following topics were covered:

- Introduction to electronic evidence and cybercrime types, impact, and challenges
- Introduction to the Global Initiative on handling electronic evidence and development of the Customized practical Guide for Pakistan for requesting electronic evidence across the border
- Pre-trial process (section 154 to 173 Cr. PC)
- The Prevention of Electronic Crimes Act, 2016 and its significance for cybercrimes investigation
- Cyber-crime investigation process under the Prevention of Electronic Crimes Investigation Rules, 2018
- Role of I.O. during inquiry under FIA Act and Rules made thereunder, Procedure of recovery and seizure during inquiry and its impact on investigation and trial
- Collection procedure of Digital Evidence, Preservation of electronic evidence, Procedure of sending e-evidence for forensics, Collection of forensic report and its production in court
- Role of I.O. during Financial Crimes Investigation; how & when to connect Cybercrime offences with Money Laundering & Terrorism Financing; how to complete chain of evidence and emerging crime
- Collection of Digital Evidence (Mock session) and use of prescribed format
- Causes of acquittal and superior courts' verdicts

- Practical exercise: Cyber Crime Investigation from complaint to final report-Simulation
- International Cooperation and Mutual Legal Assistance in cybercrime cases under the scheme of national legislation

❖ The following speakers were associated:

- **Mr. M Shahid Shafiq** (D&SJ/SFM, SJA) 
- **Mr. Mehmood-ul-Hasan** (Deputy Director, FIA) 
- **Ms. Arianna Lepore** (Coordinator of the Global Initiative on Handling Electronic Evidence, Terrorism Prevention Branch, United Nations Organization for Drugs Control) 
- **Dr. Arif Rajput** (Additional District & Sessions Judge) 
- **Mr. Abdul Rauf Sheikh** (Deputy Director FIA) 
- **Mr. Amir Sheikh** (Deputy Director FIA) 
- **Mr. Qasim Mandokhail** (Advocate) 

Conclusion

❖ The **Hon’ble Mr. Justice Zulfiqar Ahmed Khan** (Judge, High Court of Sindh), in his address, unfolded the reasons for arranging this training and shared that it is an initiative to make the electronic crime wing of Sindh an exemplary institution for the country. He also shared the data on cybercrime complaints and the conviction rate against them.

❖ During his short address, **Mr. John A. Morales**, Assistant Legal Attache at the U.S Consulate in Karachi, revealed his affiliation with an investigation agency, emphasizing his firsthand understanding of the challenges confronted by field investigation officers (I.O). He disclosed ongoing collaborative efforts between his team and the Federal Investigation Agency (FIA) aimed at developing enhanced solutions for addressing I.O challenges and conducting a comprehensive training needs assessment to bolster officer capacity.

Mr. Morales pledged his unwavering support to enhance the effectiveness of these training programs. Emphasizing the contemporary

landscape, he highlighted the pervasive nature of cyber threats, underscoring the global concern of child pornography. Proposing modern approaches, he stressed the importance of leveraging cutting-edge methods to elevate conviction rates and mitigate the impact of such cases.

❖ In the end, the participants were awarded certificates.



