

**2024 OFFICIAL OPENING OF THE COURTS
OF VANUATU
(THE HONOURABLE CHIEF JUSTICE LUNABEK)**

26 January 2024

- **His Excellency Nikenike Vurobaravu, President of the Republic of Vanuatu and the First Lady;**
- **Hon. Charlot Salwai, Prime Minister of the Republic of Vanuatu and Madame Salwai;**
- **Hon. Seule Simeon, Speaker of Parliament of the Republic of Vanuatu and Mrs Simeon;**
- **Hon. Judges of the Supreme Court of Vanuatu and Spouses;**
 - **Hon. John Amos, Minister of Justice and Communities services and Mrs. Amos;**
 - **Hon. other Ministers of the Government of the Republic;**
- **Hon. Alatoi Ishamel Kalsakau, Leader of the Opposition and Mrs Kalsakau;**
- **Hon. Members of Parliament;**
- **Magistrates of the Republic of Vanuatu;**
- **Justices of Island Courts around Vanuatu;**
- **Excellencies Members of the Diplomatic Corps;**
- **Public Prosecutor;**
- **Attorney General;**
- **Public Solicitor;**
- **Ombudsman;**
- **Director General of Justice and Director Generals and Heads of Government Departments;**

- **Commissioner of the Police;**
- **President of Malvatu Mauri (National Council of Chiefs);**
- **Members of the Legal Profession;**
- **Chief Registrar of the Supreme Court, Court officers and Staff;**
- **Representatives of Women;**
- **Representatives of the Press/Media;**
- **Representatives of the Churches;**
- **Olgeta Chiefs blong Vanuatu;**
- **Big Men and Big Women, Pikinini mo People blong Vanuatu**

I bring to you all, Greetings from the Judges, Magistrates, Island Court Justices, courts officials and support staff of the Judiciary of the Republic of Vanuatu.

On behalf of the Judiciary, I extend a warm welcome to all of you to the Opening of the Legal Year. It is my privilege and pleasure to address you on this special occasion of the opening of 2024 legal year and I thank you all for coming.

I wish you all: “a Happy and Blessed New year 2024”.

2024 is a New Legal Year. Again, as we begin a New Legal Year, we join together and reflect on the workloads and performances of the courts in the past legal years and look back to the good things, the bad things and the challenges Vanuatu Courts have gone through in respect to the work of the courts, the development of the law in general and all other developments in our society as to how the laws

impacted on the life of our people and Vanuatu as a nation. We must then reflect back on these achievements, values, strengths and weaknesses. We must stand and continue with our vision of:

“A Judiciary that is independent, effective and efficient, and worthy of public trust and confidence, and a legal profession that provides quality ethical, accessible and cost-effective legal service to our people and is willing and able to answer the call to public service.”

I now report to you on the works of the courts of the year 2023.

THE WORKS OF THE VANUATU COURTS OF THE YEAR 2023 IN REVIEW

2022 REMINDER

- **In 2022, the court was not able to report fully against the international court performance indicators due to the cyber- attack on the Government System which affected all government Sectors including the courts. Despite the aftermath, the court has pulled together all available resources and worked extra hours in re-entering majority of the lost data in the ‘2022 Data Recovery Project’ run in 2023 and am very pleased to announce that as a result am able to report again on the court performance indicators end of 2023.**

- **This report covers 4 jurisdictions (The Court of Appeal, the Supreme Court, the Magistrate Courts and the Island Courts).**

2023 REVIEW

- **2023 was a very busy year for the Vanuatu Courts in respect to total cases filed.**
- **Over 3,400 cases filed across the four jurisdictions, this is the workload on the courts and upon court administrators.**
- **The Supreme Court in particular saw over 800 cases filed, almost 20% increase on previous years, while the Magistrate Court again saw decrease of more than 5% of cases filed. It is also most pleasing to see the Island Court's filings steadily reflecting its improved accessibility across the country, with over 390 cases filed compared to 329 cases in 2022.**
- **With respect to the international court performance indicators that we work to, we have seen a satisfactory result with Clearance Rates – three out of the 4 jurisdictions are under 100% due to increase in filing (which means our pending #s increased). In addition, the significant increase in workload, time to finalise cases across criminal and civil matters, two out of four jurisdictions have reduced, a remarkable achievement.**
- **Pending numbers has always been one of the main key indicators of the courts, our overall numbers have increased.**
- **2,949 cases are now pending across the four jurisdictions, with 31% of cases pending in the**

Supreme Court, 46% of cases pending in the Magistrate Court and 22% in the Island Courts.

- **Of concern is the high Pending to Disposal Ratio (PDR)- this ratio gives on average how long a case takes to finalize in a court, seen in the Supreme Court the PDR is at 1.2 (meaning on average it takes more than a year to finalize a case). The Magistrate' Courts PDR is at 0.7(on average it takes more than 6 months to complete a case). Ideally, 1.0 (a Year) for the Supreme Court and 0.5 (6 months) for the subordinate courts. So, the lower the PDR the better.**
- **The Court of Appeal is doing exceptionally well with PDR (at 0.2).**
- **Additional judicial resources may be needed to deal with the growing number of filings and the increased # of pending cases.**
- **Another key indicator is the Attendance Rate (measures the number of visits/appearances at court to dispose a matter). The target for all courts internationally is to keep this indicator as low as possible. The attendance rates for completed cases in the year 2023 has been consistent to 2022.**
- **The productivity of our judges and magistrates still remains consistent, despite having less judges & magistrates, again this reflects a solid year, with respect to disposals per judicial officer on average with 116 per Judge and 267 per Magistrate in a year.**
- **The Court of Appeal yet again continues to provide world standards such as timeliness being consistent & clearance rate. Despite more cases being filed,**

CoA still managed to finalize cases bringing its clearance rate to 119%, of highest quality in service to this country and its people.

- **There continues to be a similar percentage of Supreme Court cases being appealed - running at 8%.**
- **The ongoing commitment that the Supreme Court shows to the criminal workload has ensured the timeliness of cases to be finalized (average is less than 180 days), The attendance rates (approximately 4 attendances), and the relatively low number of pending cases reflects a positive outcome for this work in 2023.**
- **With Civil cases, attendance rate still high due to completion of many old cases which has direct impact and cost to the parties. Most of our current pending cases are under judicial management and we are working to ensure each case has a future listing date, (another international court indicator).**
- **The enforcement matters in the Supreme Court has seen attendance rate similar to civil matters and is still high. Preferable to see the rate lower and will be looked at in the first part of the year.**
- **Reserved Judgments in the Supreme Court now stand at 44 cases and approximately half of these judgments are older than 90 days and will continue to be a focus for Judges in 2024.**
- **From an Island Court perspective, the clearance rate at 98%, is a positive improvement, still more resources need to be allocated to the Island Court to tackle the continuous increase in registration**

however, a positive turnaround in registration and finalization of cases in 2023 - reflecting confidence building up in the Island Courts.

- **With respect to the Magistrates Court, as mentioned earlier, the Court took on a record where the number of filings is slightly down on previous years and finalization has significantly decreased compared to 2022. A possibility of this decrease is because some of the outer islands are still doing manual registration e.g. Malampa, Tafea and other outer islands, an issue that we will look into in 2024.**
- **Over the last years, filing of PI in the Magistrate courts has increased substantially, while criminal matters in the Magistrate courts have decreased in 2023.**
- **Filing of DV cases are low compared to 2022 but still consistent above 1000 but finalization did not match the incoming workload in 2023.**
- **Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – for example, gender, as well as the criminal charge outcomes and charge orders associated with the cases. The 2023 detailed analysis will appear on the website within the week.**
- **We have at our disposal more court performance indicators which allow us to assess the operation, impact and efficiency of our case management protocols and ensure greater transparency about the**

performance of the courts, and insights into case management.

- **Our ability to reflect on the performances of the courts at the end of 2023 is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the Community, each year courts performance analysis within the month of January, for example our 2023 performance analysis is testament to the work of many.**
- **The Courts Data Information will be published in the Court website and copies may be available at the Supreme Court Registry.**

2023 REVIEW AND FOCUS FOR 2024

Court of Appeal

- **For COA, 2023 marks a turning from virtual hearing back to appearances in persons, after the COVID19 pandemic which prevented physical appearances in court for most judges and parties for the year of 2022.**
- **Court of appeal continues to demonstrate a consistent world standard in disposing its matters in court and that will continue.**

Supreme Court

- **6 Active Judges of the Supreme Court at present including the Chief Justice.**
- **Appointment of Justice Oliver Saksak as designated Chief Justice for a period from 25 September to 3**

December 2023, while Chief Justice was on medical leave for overseas treatment.

- **After the ongoing appointments of different Judges (4 in total) from New Zealand Judiciary on 3 months interim arrangement coming to assist the Supreme Court of Vanuatu, on June 2024 we finally have the appointment of Hon. Judge Bill Hasting to serve longer than 3 months, and will end on June 2024.**
- **On November 2023, the appointment for Justice Edwin Goldsbrough was extended for a further 2 years to serve in the Supreme Court of Vanuatu.**

Magistrates Courts

- **9 Active Magistrates in 2023**
- **Appointment of Anna Laloyer as Chief Magistrate on 13 April 2023**
- **Magistrate Trevor Naieu was removed from bench towards the end of 2023. The position is currently vacant and will be fill towards end of 1st quarter of this year 2024**
- **Magistrate Philip Toaliu is on 1 year study leave in 2023 and will resume duty beginning 2024, this would be a boost to the workforce for the Magistrate Court to deal with the constant filing of cases and the high number of pending.**

Island Courts

- **Appointment of 23 lay justices for Erromango Island Court**
- **5 Tanna Island Court Justices completed certificate of Justice program**

- **Customary Land (Review) Management training for clerk was a success and cases have been disposed by the chair lady.**
- **Active lay justices**

<u>Island Court</u>	<u>Current Active Justices</u>	<u>Female</u>
Banks & Torres Island Court	48 Active Justices	11
Santo & Malo Island Court	12 Active Justices	2
Ambrym & Pamma Island Court	23 Active Justices	6
Malekula Island Court	14 Active Justices	4
Ambae & Maewo Island Court	23 Active Justices	6
Pentecost Island Court	23 Active Justices	5
Epi Island Court	24 Active Jusitces	4
Tonga and Sherperds Island Court	6 Active Justices	0
Efate Island Court	12 Active Justices	4
Tanna, Aniwa, Futuna & Anietyum Island Court	8 Active Justices- Tanna alone, none from outer islands	3
Erromango Island Court	23 Active Justices	8

Highlights - 2023

- **The new Court building at Epi was open on July 2023, a credit to Vanuatu government and its partnership**

with Australian Government for continuing to supporting the expansion of court services to remote areas of Vanuatu.

- **Expanding Access to Justice** consultation carried on selected islands of Vanuatu by Dr. Carolyn Graydon in the full month of October 2023 with the support of the Supreme Court on Efate, Tanna, Santo, Pentecost, Ambrym & Malekula. The public consultation focuses on:
 - *Proposed telephone-based procedure,*
 - *Strengthening Mobile courts and*
 - *Suggestions for a paralegal role in communities.*

The final draft is completed and waiting for final consultation with the Chief Justice before implementation.

- **Official handing over of Court Materials to the Ministry of Education by the Hon. Chief Justice on 28 June 2023, the materials to be inserted into the school curriculum under the Civics subject for senior secondary students; Yr. 11, Yr. 12 & Yr. 13/14. The event was followed by a ½ day workshop for the curriculum officers as the Trainer of Trainers, by Dr. Livingston, to give an opportunity for officers to understand the given court materials.**
- **3 months project for missing data entry for the Efate Island Court, Supreme Court and Magistrates, from Aug - Oct (for Port Vila only) – was a success, making it possible to report on majority of the international**

indicators on court performances at the end of year 2023.

- **Erromango (Dillion's Bay) 20 new Island court Justices trained, appointed by the Head of State and sworn in by the Chief Justice at Dillion's Bay in 2023.**
- **The Certificate of Justice Programme – introduced to the justices of the Island courts, 2023 – was conducted on Tanna and 5 lay justices has successfully reached its completion at the end of 2023 – now awaiting Emalus graduation to obtain their certificates.**
- **2024 – Program will be moving to Banks & Torres – 6 names for USP registration. These lay justices are sponsored by PJSP [Pacific Justice Sector Programme].**
- **Vanuatu participated in the PJIP program – Pacific Judicial Integrity Program that targets reporting on 'Fraud and Corruption' – we have continuous attendance to PNG and Brisbane in 2023.**
- **At the Invitation of UNDP, Vanuatu Judiciary attended the Training on Whistleblowers Protection for Judiciary on 12-13 September 2023 in PNG (Chief Justice attended).**

Cessation of employment 2023

- **Resignation of Naomi Vira as Secretary for Judge of the Supreme court.**

- **Resignation of Blandine Tepi as Clerk of Tanna Island Court.**
- **Retirement of Gloria Bob on Medical grounds**
- **Removal of Magistrate Trevor Naieu by the president of the Republic of Vanuatu.**
- **Resignation of Shalika Marcel as Secretary for Judge of the Supreme Court**

Recruitments 2023

- **Appointment of the Chair Lady for the Island Court (land) – Senior Magistrate Beverly Kanas Joshua, on July 2023 to deal with high number of Island Court (land) cases filed in the Island Court registries.**
- **Appointment for two Secretaries to the Magistrate Court - one based in Port Vila and the other on Luganville, Santo.**
- **Appointment for Secretary to Tanna Magistrate Court as replacement of the outgoing Secretary.**
- **Appointment for one Secretary to Port Vila Supreme Court as replacement of the outgoing Secretary**
- **Appointment for Tongoa Shepherd Island Court Clerk.**
- **Transfer of Clerk Joel Jacob from Tongoa Shepherd Island Court to Tanna Island Court, to replace the Tanna Clerk.**

Court Library /Website Information /Achieves

Acquisitions

- **There have been no new acquisitions in 2023 as there is no additional space and shelving to accommodate the expanding collection. In 2024, the Library will look into moving towards starting a digital Library collection.**

Court Website Information services

- **Library staff manages content and disseminate information on the Court Website.**
- **The current number of judgments now available on the Court website since its launching in June 2017 is now 2168 and still counting. In the later part of 2023, the website was successfully upgraded. 2024 forecast would be updating content so that it would be more user-friendly for the general public.**

Court Archives

- **Despite the acquisitions of 2 x 20ft storage containers in previous years for extra file records storage. There is the continuous need for more space for file storage. Future forecast would be turning to digital storage as a remedy for the ongoing space issue.**

Challenges

- **Twin Cyclone of Judy and Kevin on March 2023 is a setback to the work of the Vanuatu courts, in particular the damages to the court buildings.**
- **Court buildings all around are quite old, some needs facelift, renovations. This is a serious concern and**

must be addressed as soon as possible for effective and efficient court services delivery.

- **The poor government network connectivity is an uncontrolled issue within the courts and that hinders the accurate entry of court data into the Case Management system**
- **Solar systems used in the Island Courts have reached the limit of their life span and needs to be replaced with new solar systems. This has affected the power supply for several courts.**
- **Secure and improve internet connections for remote court hearings is a challenge to be targeted in 2024.**

Trainings specifics

- 1. Two Judicial Training for judges and magistrates. First 2 days training on March and second on October 2023 – the key focus on both trainings was on ‘judicial ethics followed with deep discussions on issues under the Family Protection Act and Bail applications in particular section 50 of the Criminal Procedure Code.**
- 2. The Island Court clerk training was successfully carried out in 2023 with main focus on importance of case management – with continuous reminders we see some improvements in case registration and finalization at end of 2023. The significant improvements at end of 2023 reflects the island court gradually reviving back the confidence and trust that the community at large has had in the Island courts.**
- 3. Customary Land Management Training was successfully carried out with the Island Court Clerks by the appointed Chairlady of the Customary Island**

Court Land – seen a slight improvement on dealings with land reviews end of 2023.

- 4. Under the PJIP Program – seen 4 Supreme Court staff attend to the ‘Fraud and Corruption’ registration workshop held in Brisbane on March 2023 – resulting with slight improvements on CMS that would assist to capture Fraud and Corruption cases much easier when needed for reporting purposes.**
- 5. Refresher Training for Efate lay justices on criminal processes and decision makings, targeting court orders on fine and community work – seen a big improvement on registration and finalization end of 2023 on criminal registration on Efate.**
- 6. Induction & Orientation for;**
 - i. 23 new justices for Erromango Island court**
 - ii. 5 court support staff**
- 7. Human Right checklist workshop was successfully carried out for all Magistrates, followed by an ‘Access to justice consultation’ on remote hearing specifically with DV applications, with PJSP Human Right Adviser – Carolyn Graydon straight after the 2nd Judicial Training in 2023.**
- 8. Criminal procedures refresher workshop for Efate Island Court Justices on June 2023 - Resulted in a significant disposal of criminal cases for Efate Island Court at end of 2023. Reflecting positively the confidence in the Efate Island Court on dealing with minor Criminal cases.**

Judicial Management Improvement Plan 2023

Out of 45 activities within the Judicial Management and Improvement Plan (JMIP) 25% of the activities was implemented. 31% of the activities will roll-over to 2024 and 44% of the activities, priorities changes.

Note: we have several major hiccups on year 2023, the 2 twin cyclones resulting with office electricity power out for almost a month resulting with close of office. The Data loss on year 2022 was still yet to recover so priorities were set on recovering back loss data for a period of full 3 months.

FUNDS: Funds used for the implementation on Activities within the JMIP 2023 is shared among the Vanuatu Judiciary budget and the court developing partners.

Note: Vanuatu Judiciary has limited funds, but continuous support from PJIP, PJSP and VAPJP has made it possible for the planned activities to be carried out.

On- going activities into 2024:

- **The consultations on the Evidence Bill have been completed. We are waiting for the Policy Papers on the Evidence Bill to be submitted to the Council of Ministers (COM) by February of this year. I ask that our Director General of Justice places the Submissions before the COM as soon as possible.**

- **The Scoping study and consultations for a Judicial Development Council for the Professional development for Judges and court personnel, and a Legal Development Section for lawyers under the Law Council and potential review of the current Legal Practitioners Act to commence on April 2024. I ask that judges, lawyers, government officials, all stake holders and those who have interest in the good practice of the law participate in the consultations.**
- **Vanuatu to host the Level II of the Regional Fraud and Corruption Workshop for Judges on March; preparations are going well with the assistance of the Pacific Judicial Integrity Program (PJIP).**
- **2019 Family Violence Action Plan – continuous implementation of the Action Plan by the Magistrates, will see more awareness in conjunction with court circuits and a focus to improve services of Protection orders in the outer islands and especially the remote areas and have put good measures in place to making sure orders are complied with.**
- **Certificate of Justice Program extending to Banks & Torres Island court lay justices in 2024.**
- **Training and Appointment of Island Court justices for the Tanna outer islands followed by Tongoa Shepherds in 2024.**
- **Refresher training for the Island Court Justices on the code of conduct and ethics in preparation for the**

launching of the complaint procedure for judicial officers.

Court Buildings

- **The design team of Hall of Justice project has completed their consultation on the Hall of Justice building and ready to issue the final design early this year, we are hoping to see the commencement of the construction of new building this year.**
- **Santo Court building is deteriorating hence a plan for a new building location for the near future is necessary.**
- **Penama province needs a new court building at Saratamata, Ambae.**
- **Ambrym court House is no longer safe for use. The office has been relocated and operates in a room within the Area council office.**
- **Renovation needed in Banks & Torres court house including the Clerk residence.**

That is all I have to say.

I now declare that the court session for 2024 officially open.

I thank you for your attention.

