

# Judiciary of the Republic of Vanuatu

## ANNUAL REPORT 2017



**Chambers of the Chief Justice  
Supreme Court of the Republic of Vanuatu  
PMB 9041  
Port Vila  
Efate  
Republic of Vanuatu**

**January 2018**

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CHIEF JUSTICE'S CHAMBERS  
SUPREME COURT OF VANUATU  
PMB 9041  
PORT VILA  
EFATE

March 2018.

The Honorable Ronald Warsal  
Minister of Justice & Community Services  
Ministry of Justice & Community Services  
Government of Vanuatu  
Port Vila  
Efate

Dear Minister,

I have the pleasure in submitting, in accordance with section 51 of the Judicial Services & Courts Act No. 54 of 2000, a report of the management and administrative affairs of the Judiciary during the year 2017 and the unaudited financial statements in respect of that financial year. The report includes information about the court, its activities and workload.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Vincent Lunabek'.



Vincent LUNABEK  
CHIEF JUSTICE

## A. Background

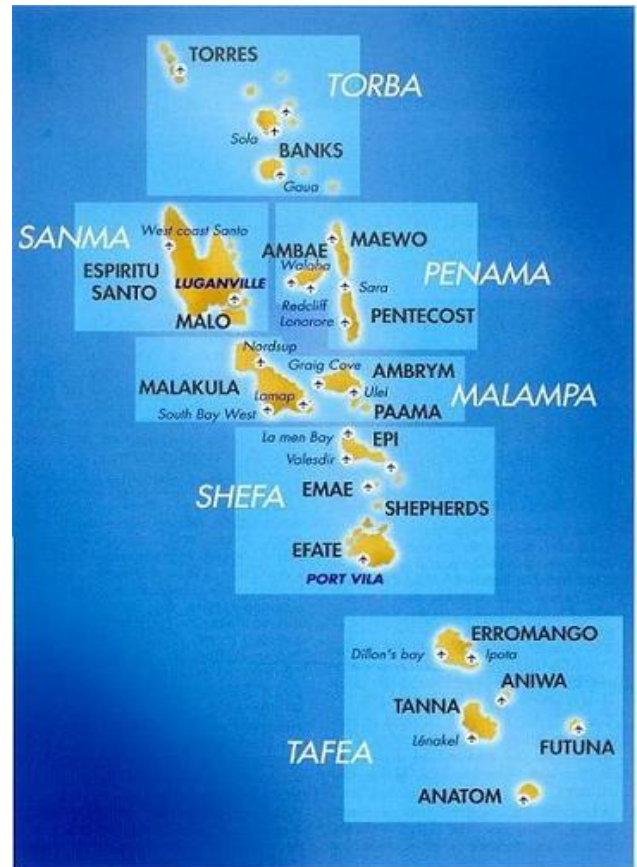
Vanuatu is a 900 kilometer-long, volcanic archipelago that consists of more than 80 islands. Most of these islands are inhabited, and around half are mountainous and densely forested with narrow strips of farming land on the coasts.

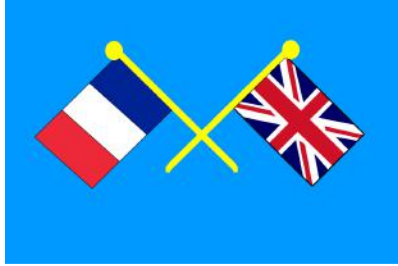
Five volcanoes are still active and volcanic eruptions are not uncommon. Vanuatu is the most cyclone prone nation in the South Pacific, with two to three cyclones entering its territory every year. The country also experiences earthquakes and resulting tsunamis. Vanuatu has a tropical climate with regular, sometimes heavy, rainfall. Temperatures average between 26°C and 34°C.

There are over 100 indigenous languages with English, French and Bislama (the local form of Pidgin English) recognized as the official languages. All of Vanuatu's towns have both French and English names. Almost 80 percent of the population live on the twelve largest islands and the two main cities are Port Vila (30,000 people) and Luganville (13,000 people). Total population is about 272,459.

The majority of Vanuatu's population is Melanesian, known as ni-Vanuatu. There are communities of French and British people, due to its colonial history, as well as some Australians, New Zealanders, Vietnamese, Chinese and people from other Pacific Islands.

In 1774 Captain Cook named the islands "New Hebrides" and this name remained until independence. French and British missionaries, sandalwood traders and 'black birders', who took large numbers of people to work as virtual slaves on plantations in Australia and Fiji, changed life for Vanuatu's indigenous population. These 'visitors' brought new diseases such as measles, influenza and the common cold which killed large numbers of indigenous people due to their lack of immunity.





Flag of the New Hebrides. 1906



Flag of the Republic of Vanuatu. 1980

In 1906 Britain and France agreed to jointly administer the New Hebrides. The movement for political independence and self-determination began after occupation by the United States during World War II. The local people began to speak out for self-rule.

When Independence was achieved in 1980, the new nation was renamed Vanuatu was to take its place among independent states in the region and the world. For about a decade, there was political stability as the Ni-Vanuatu took over the State apparatus, established by a written Constitution.

Vanuatu is a Republic with a democratically elected government. The Non-Executive State President is elected for a 5-year term by an Electoral College comprised of all the MPs (52) plus the Presidents of the six Provincial Councils. Vanuatu has a unicameral parliament of 52 MPs elected for 4-year terms by universal suffrage with an element of proportional representation. The government elects a Speaker from among its own ranks. Twenty-seven MPs are therefore required to form a government.



The Judiciary of the Republic of Vanuatu is created by Article 47[1] of the Constitution under Chapter 8 on Justice:

***“The administration of justice is vested in the judiciary, who are subject only to the Constitution and the law...”***

In the same Chapter, the Constitution goes on to provide for the Supreme Court in Article 49, the Court of Appeal in Article 50 and the Island Courts in Article 51.



In accordance with section 12[1] of the Judicial Services & Courts Act No. 54 of 2000, The Magistrates' Courts established by section 1 of the Courts Act [CAP 122] continue in existence on and after commencement of the Judicial Services & Courts Act No. 54 of 2000, as the Magistrates Court of Vanuatu.

The judicial year 2017 was officially opened on 26<sup>th</sup> January 2017. At this annual occasion, the Honorable Chief Justice reiterated the vision and mission of the Judiciary. The Judiciary is set on an ongoing path of reform and improvements.

## B. Vision and Mission Statements

The vision statement of the Judiciary of Vanuatu is not radically different to similar statements of vision from other jurisdiction, insisting on fundamental notions like judicial independence, public trust and confidence and effectiveness and efficiency.

However, the vision statement is peculiarly extraverted in seeking to encompass the legal profession into a vision of mutually beneficial standard of expectations of quality, ethical, accessible and cost-effective legal service.

The mission statement is a statement of intent on how the Judiciary of Vanuatu will deliver on its vision and its overarching Constitutional mandate – the administration of justice according to law.

### **Vision Statement**

“A JUDICIARY THAT IS INDEPENDENT, EFFECTIVE, 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 TO PUBLIC SERVICE.”

### **Mission Statement**

“TO DISPENSE JUSTICE SPEEDILY, FAIRLY, INDEPENDENTLY AND WITH IMPROVED QUALITY OF EXTERNAL INPUTS. TO IMPROVE ACCESS TO JUSTICE BY EFFECTIVE, EFFICIENT AND CONTINUOUS IMPROVEMENT OF JUDICIAL INSTITUTIONS. TO BE A JUDICIARY THAT CONDUCTS ITS BUSINESS WITH DIGNITY, INTEGRITY, ACCOUNTABILITY AND TRANSPARENCY”

C. Statement From Chief Justice

**REPUBLIC OF VANUATU**



**CHIEF JUSTICE'S CHAMBERS**

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**INTRODUCTORY REMARKS FROM CHIEF JUSTICE**

After the production of the 2016 Annual Report in this format, this is the 2017 Annual Report for the Courts. The Report provides information on the Courts, their Achievements and Challenges and Performances in the year under review. The focus is on the Management of the case load by the courts. The Report includes a deeper analysis of the nature of cases registered, those completed, and importantly, those pending disposal by the courts.

The objectives of Court Administration are Equity, Effectiveness and Efficiency. The review analyses the ways in and the extent to which the courts in their endeavor to perform their roles in the delivery of service of justice to the people of the country despite the huge difficulties/ challenges encountered by the courts in respect to shortage of man power, lack of court spaces, equipment / facilities, systems and processes including budget constraints.

The court administration performances are evaluated by quantitative output indicators based on the registrations (filings), finalizations, pending case load and time taken between filing and finalization. Prior to 2009, the court's Annual Reviews has focused solely on those performances indicators. This year's review continues the practice adopted in the past years Annual Report Reviews of Reporting on an expanded range of quantitative indicators. Those indicators indicate that the courts have been successful in achieving results despite the challenges referred to earlier.

There are also other qualitative indicators that assist in gaining an appreciation of the court's performances. This year's review again includes qualitative output indicators of access to Justice, including in the accessibility of the court and the responsiveness of the courts to the needs of users where ever they are in the country.

Further, despite the challenges which are really critical to the delivery of justice by the courts, the material contribution of the courts to the community is still unevaluated. This material contribution is reflected to the volume of decisions made. In 2017, the Court of Appeal delivered 51 outcomes of cases, some of which were substantive judgments and were sent for publication on [www.paclii.org](http://www.paclii.org) and courts website. The Supreme Court sent 264 judgments for publication on [www.paclii.org](http://www.paclii.org) and the courts website. Island Court sent 3 judgments for publication as well.

The publication of this judgment provide valuable information to land, civil, criminal, commercial, administrative and constitutional jurisprudence. They also enable transparency and accountability in the courts' decision making despite the difficulties still encountered by the court administration and the Judicial Services.

Throughout the year, the Judges, registrars of the courts and courts support staff have administered the courts and the rule of law with a high degree of independence, impartiality, equity, effectiveness and efficiency.

The Honourable Justice Vincent Lunabek  
Chief Justice



## D. Implementation of the Court's Strategic Plan.

At the beginning of 2012, the Judiciary underwent a diagnostic assessment which culminated in a comprehensive report. The report provided the impetus for the 2012-2015 strategic plan for the Judiciary which was the subject of an organization-wide consultation. Since the initial strategic plan, there is continuous work with implementing parts and aspects of the strategic plan that stretches to 2016 and 2017, the reporting year.

The strategic plan has 7 key result areas: Case Management & Enforcement, Governance, Institutional Services & Development, Asset Management & Infrastructure, Innovation & Technology, Communication, Access to Justice and Independence and Integrity.



### 1. Consolidation of the Court Management System [CMS]

Under the delay reduction sub-strategy which fits under the Case Management key result area, the Court Management System [CMS] which was purchased from LexisNexis, in the course of 2015 allowed migration of data previously kept on MS Excel, onto the new software. In 2017, the work of consolidating the metadata, data entry discipline and general infrastructure of the system gained momentum. The whole-of-court approach to the implementation of this automated tracking system allows information to be gathered, kept and viewed for all cases from the Island courts to the Court of Appeal.

Any delay-reduction strategies will be easily implemented because cases can be tracked more easily, faster and more accurately using the CMS.

The need brought out by this technology is to be able to make use of the information produced by the data collected in the system. Training of the Chief Justice, the Judges and the Chief Magistrate and Magistrates, and key users of the CMS were done in the last couple of months of 2017 and were constantly monitored.

### 2. Addressing pending Customary Land disputes

In 2017, proper warrants were issued by the Chief Justice to 3 Senior Magistrates to concentrate on land cases and management of land was on track again for some pending land cases.

### 3. Consolidating Master of the Supreme Court function

The original funding assistance to build up the Master position and function in the Supreme Court as an integral part of case management came to an end but the court's recurrent budget supported the incumbent for an extension of her appointment for further 24 months. The process and finalization was made in late 2017 for the appointment of Deputy Master in 2018.

### 4. Court website. [www.courts.gov.vu](http://www.courts.gov.vu)

In terms of institutional communication and the use of technology, a court website was developed. An Australian volunteer from the Australian Volunteers International Development Program, was engaged, when he was doing work for other agencies in the sector, to build a website for the court. To ensure capacity development and skills transfer, two court staff members were identified to be his counterpart. Together, they built and populated the website. It was launched in June 2017. The website has become popular, reaching 1,000 unique visitors in October and 4,000 in November. Pages visited most are the Daily Lists and Judgment pages. The top 10 countries from where visitors come include the USA, Russia, Tunisia and Ukraine.

### 5. Training and Development

The Training and Development office of the court administration continued to produce national and international training programs. For the first time in 2017 the Stretem Rod Blong Jastis program<sup>1</sup> supported some court staff to enroll in formal courses at the University of the South Pacific Emalus campus.



The Chief Justice at an opening of a training program

The court's partnership with the Pacific Judicial Strengthening Initiative [PJSI] program continued with beneficial outcomes for the Vanuatu Judiciary in various areas.

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<sup>1</sup> Stretem Rod Blong Jastis [SRBJ] is a program under Policing and Justice Partnership between Vanuatu and Australia, managed by the Palladium Group, [thepalladiumgroup.com](http://thepalladiumgroup.com)

## 6. Asset Management and Infrastructure

Under this key result area, focus was on maintenance of the court's assets. Based on engineers' report, the Magistrates Court office and courtrooms in Port Vila was declared unsafe. The Magistrates Court offices and courtrooms were moved to new locations and efforts to rebuild the Magistrates Court building commenced.

Low level maintenance on court offices and courtrooms was ongoing including a rebuilding of part of the roof of court house at Morua, Tongoa island. The maintenance of the court fleet of vehicle had a significant impact on the court's recurrent budget.

### E. Summary of significant issues and developments.

1. The Supreme Court continued to engage the assistance of the New Zealand judiciary in the form of a Judge of the District Court of New Zealand to be seconded to the Supreme Court of Vanuatu. March 2016, saw the appointment and swearing in of a Judge from the District Court of New Zealand to carry on with this assistance.
2. A major policy decision was the implementation of a Master of Supreme Court project with the assistance of the Commonwealth secretariat. However the project could not be sustained as the local counterpart was not recruited in the timeframe of the project.

The Commonwealth secretariat also assisted with the position of a Judge of the Supreme Court for an initial period of two years.

Both projects impacted the judicial capacity of the Supreme Court in a positive way.

3. There was further work with the Case and Data Management Technical Advisor resourced by the Law and Justice Partnership program, to fine tune the data we have in Microsoft Excel and improve its integrity and make it useful information to use, elevating it from just information but information what could be used for decision making.
4. The Court continued to deal with the rippling effects of it's the conviction and sentencing of 14 members of Parliament to custody as various Applications and Notices of Appeal were filed in the Court of Appeal.
5. In 2017, the operational budget of Judiciary was affected as result of the implementation of the Government Remuneration Tribunal Determination of August 2016. The Judiciary resort to the parliament through Council of Ministers for supplementary budget and was allocated VT 55,055,401.

6. The coming into force of the Customary Land Management Act had implications for the operations of the court. And in 2017, Judge Fatiaki manages Island Court (land) reviews being filed in the Island Court with budget support from the Customary Land Management office.

F. Organizational review: Overview of the Courts and their jurisdiction, roles and functions.

1. Court of Appeal

The Court of Appeal is the highest court of the land. It is composed of at least 2 Judges of the Supreme Court sitting together. In 2017, the Court of Appeal met in April, July and November.

The Chief Justice of the Supreme Court is the president of the Court of Appeal and all the Judges of the Supreme Court are called upon by the Chief Justice to compose the Court of Appeal. The visiting judges who came to serve on the Court of Appeal of Vanuatu in 2017 included:

Justice Ronald Young – Retired Justice of the New Zealand High Court  
Justice John Von Doussa – Retired Justice of the Federal Court of Australia; and  
Justice John Mansfield – Justice of the Federal Court of Australia

Significant cases dealt with in the Court of Appeal in 2017 involved issues of surrounding the imprisoned 14 Members of Parliament. CAC 583 of 2017 was the appeal against the conviction and sentence against 11 of the 12 person convicted of conspiring to pervert the course of Justice. The convictions were set aside.

CAC No. 2336 of 2017 was a case involving employment law and contract law arising out of the decision of Port Vila Municipality Council to dismiss 19 former employees of (PVMC)

2. Supreme Court

The Supreme Court has unlimited jurisdiction to hear and determine civil and criminal proceedings. It has jurisdiction to hear questions concerning elections and similar matters; and it has jurisdiction to hear any grievances from citizens about emergency regulations made by the Council of Ministers. The Supreme Court has jurisdiction to hear civil and criminal appeals from a magistrate's court and to hear appeals from Island Courts as to ownership of customary land. Its decision in such cases is final.

The Supreme Court consists of the Chief Justice and Justices appointed on local terms and conditions. One Justice is seconded by the New Zealand District Court to the Supreme Court of Vanuatu for a period of 2 years. Different Judges of the New Zealand District Court have served on this scheme since 2004.

Procedures for complaints against Judicial Officers

A “Complaint Procedure” is drawn up and consultations with judicial officers have been undertaken, but it is yet to be officially launched. Complaint in relation to a Judge of the Supreme Court was brought by a practicing lawyer. The nature of the complaint went to the perceived bias of the Judge in a particular case. The complaint was dealt with in accordance with drawn up “Complaint Procedures”, and no substance was found and the matter ended there.

### 3. Magistrates’ Court

The Magistrates' Court has jurisdiction to hear cases where the amount claimed or the subject matter in dispute does not exceed vt1,000,000; disputes between landlord and tenant where the amount claimed does not exceed vt 2,000,000; and cases involving uncontested petitions for divorce or nullity of marriage.

In its criminal jurisdiction, the Magistrates' Court hears cases that concern any criminal proceedings for an offence for which the maximum penalty does not exceed 2 years imprisonment. It has jurisdiction to hear appeals from civil decisions from Island Courts, except decisions as to ownership of land, where appeal is to the Supreme Court.

The Magistrates' Court is specifically excluded from exercising jurisdiction in wardship, guardianship, interdiction, appointment of conseil judiciaire, adoption, civil status, succession, wills, bankruptcy, insolvency and liquidation.

In 2017 Magistrate Court got support from “Stretem Road Blong Justice” project where one experience Magistrate from Federal Court of Australia spent 3 months ended in October 2017. As result of the job well done, a very good clearance rate saw Magistrate Court commands respect, trust and confidence from all court users.

### 4. Island Courts

The Island Court may only deal with civil matters in which the Defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries, customary land cases when the land is within their territorial boundaries.

In criminal matters, cases in which the defendant is ordinarily resident within their territorial jurisdiction or in which the cause of action is within their boundaries; claims in contracts or tort where the amount claimed or the subject does not exceed vt 50,000; claims for compensation under provincial by-laws not exceeding vt 50,000; and claims for maintenance not limited in amount.

The Island Courts are specifically empowered to administer the customary law prevailing within their territorial jurisdiction so far as it is not in conflict with any written law and is not contrary to justice, morality and good order

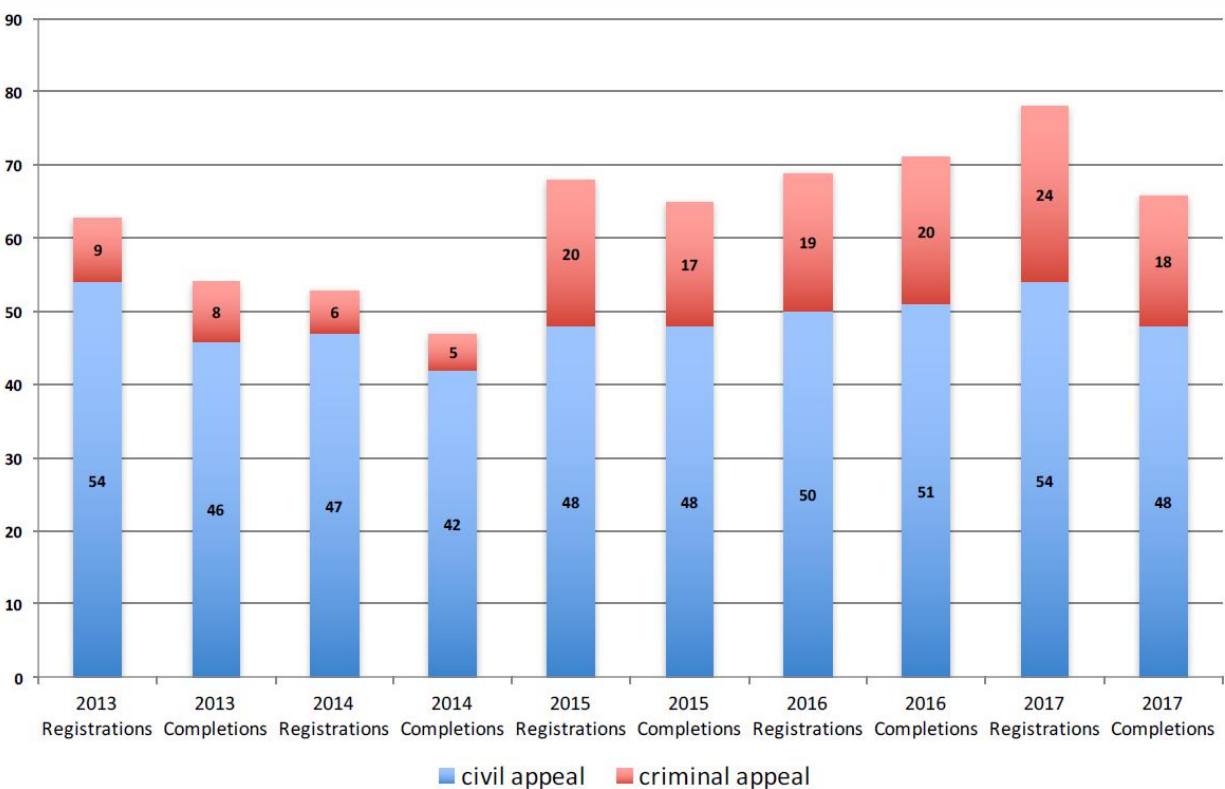
There are currently 10 operational Island Courts in the Republic. The Island Courts have full time clerks, appointed by the Chief Justice to administer the affairs of the Island Courts. There are about 240 lay justices appointed to decide small claims and minor criminal cases that are lodged in the Island Courts. The lay justices are members of the community.

The coming into force of the Customary Land Management Act has implications for the operations of the Island Court as they are mandated by law to act as the Island Court [land] Tribunal to review decisions of customary land ownership from the village level.

G. Court results

1. Court workload

a. Court of Appeal – a trend of registration and completion of cases – 2017



Historical outcomes in Civil Appeals

CIVIL	2013	2014	2015	2016	2017	Grand Total
Allowed	16	18	21	8	12	75
Discontinued				1	4	5
Dismissed	17	17	19	8	13	74
Judgment				21	13	34
Order				2	2	4
Refused		1	2	3	2	8
Struck Out				3	1	4
Withdrawn	13	6	6	3		28
Grand Total	46	42	48	49	47	232

#### Historical outcomes in Criminal Appeals

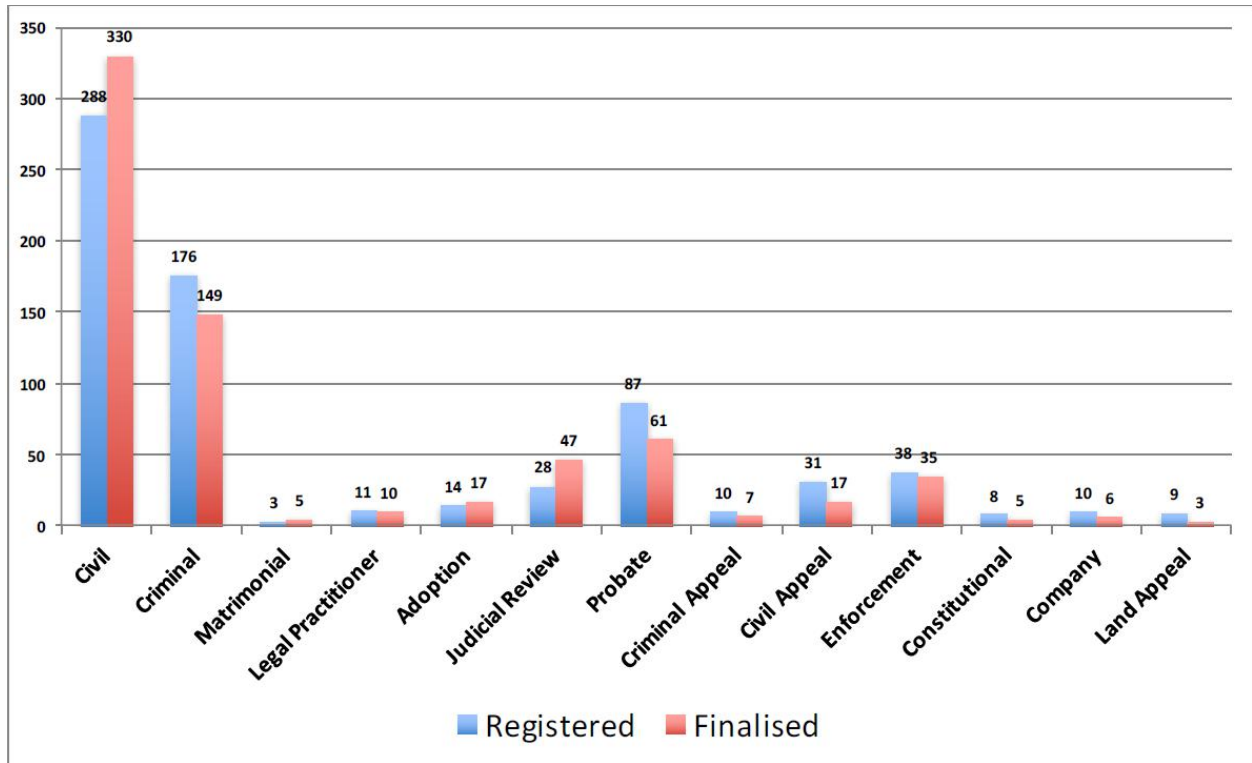
CRIMINAL	2013	2014	2015	2016	2017	Grand Total
Allowed	5	2	6	3	4	20
Discontinued				1		1
Dismissed	2	1	3	4	4	14
Granted			1			1
Judgment		1		8	5	14
Order				1		1
Refused			3	2		5
Struck Out				1		1
Withdrawn	2	1	4		5	12
Grand Total	9	5	17	20	18	69

If we add all the figures for “discontinued” and “withdrawn”, it will be noted that appeals that did not make it to full hearing make up 9 of the total 65 appeals.

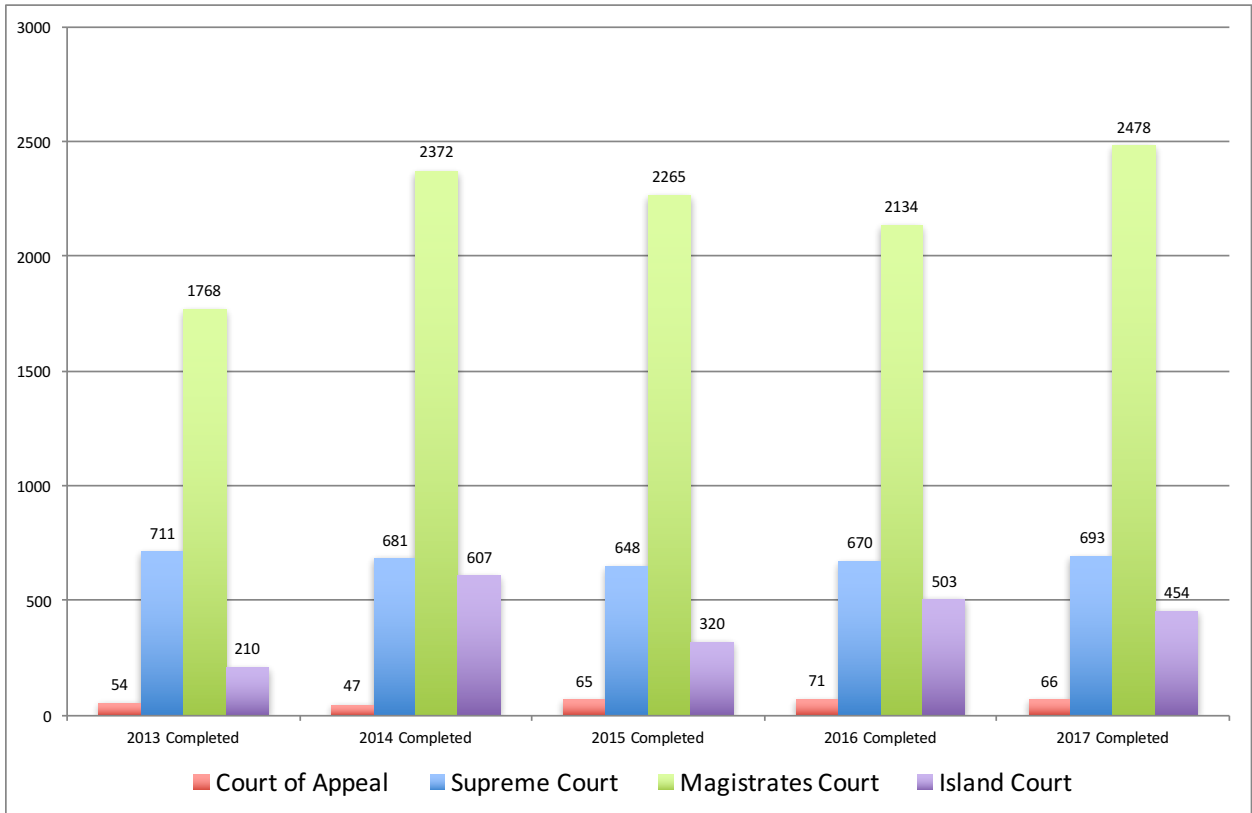
If we add all the figures for “allowed” and “granted” it will make up make up 12 appeals that were allowed, therefore judgments of the lower court disturbed. This is 8%, while it can be said 92% of appeals resulted in the Court of Appeal upholding the decisions of the Supreme Court.

- b. Supreme Court
  - Registered and Finalized by Case Type

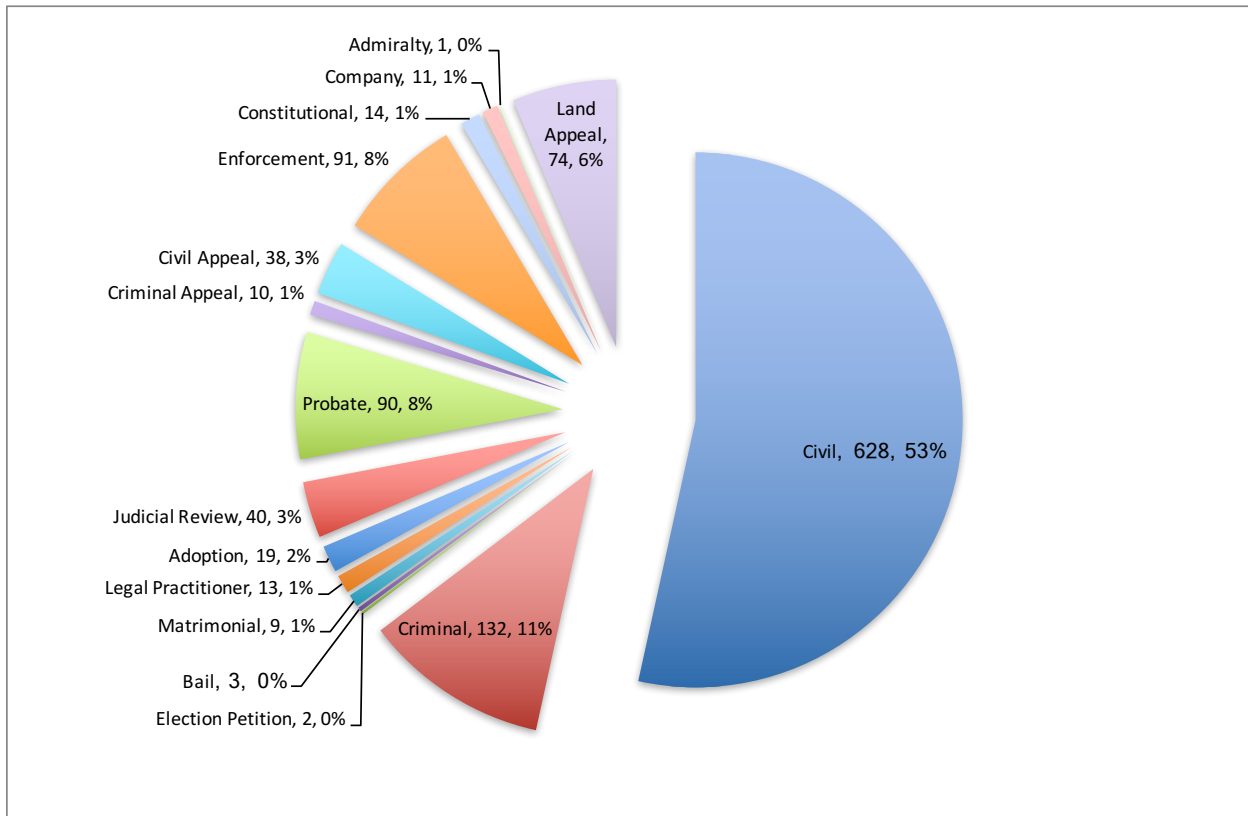




How the Supreme Court finalized cases



## Pending Cases in the Supreme Court by stage

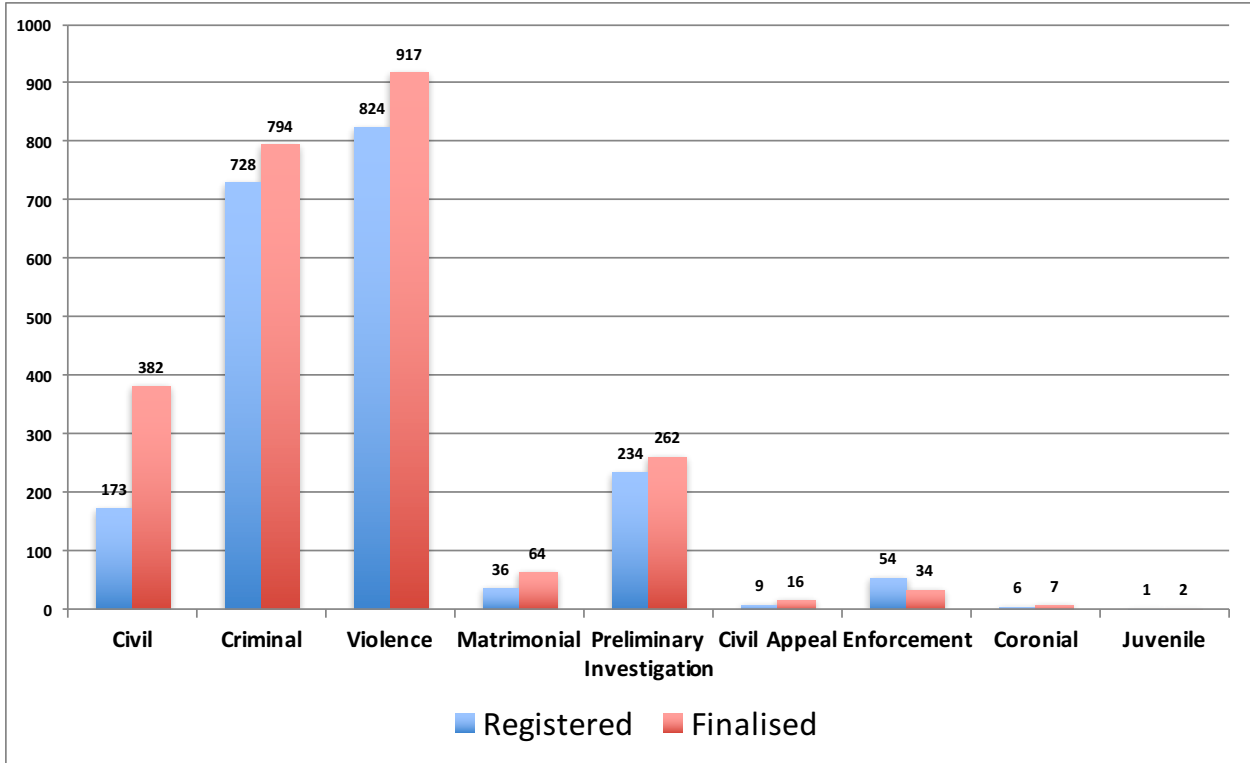


### Commentaries

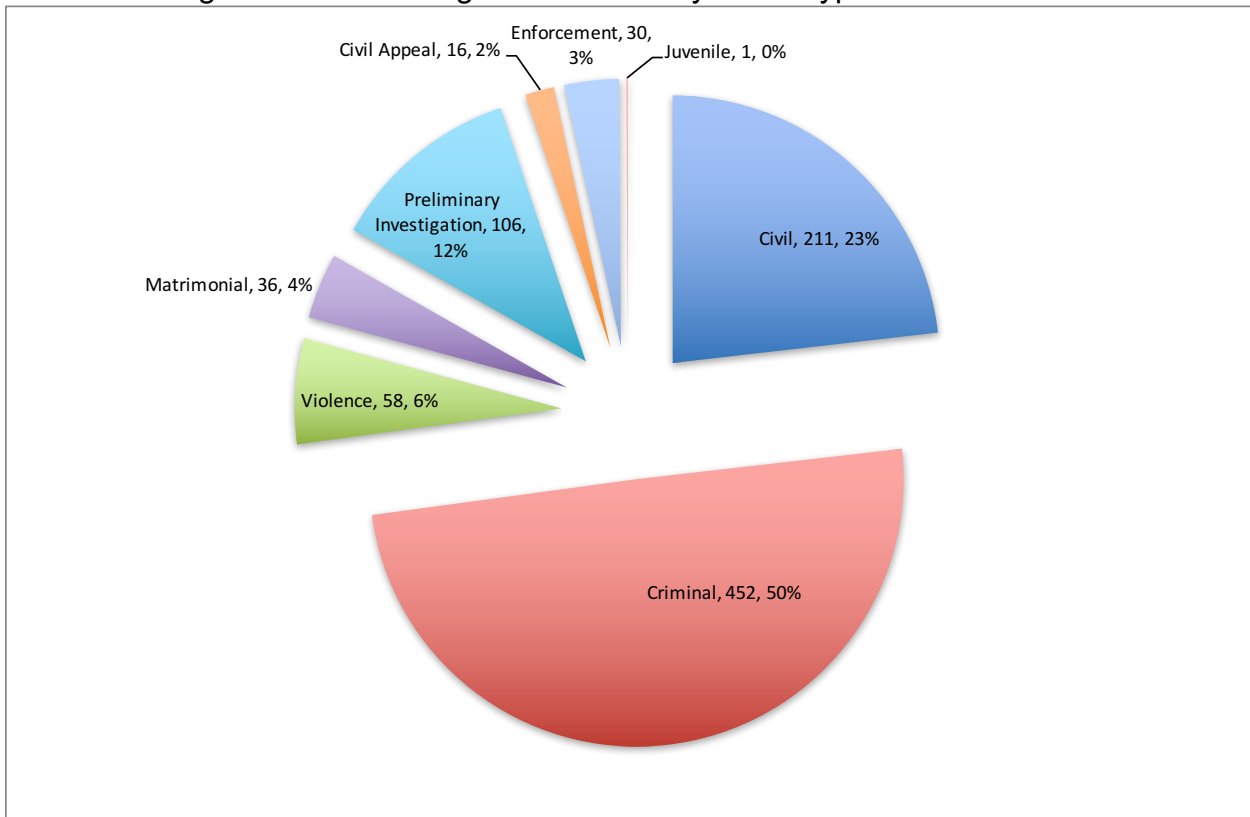
- (i) SC filings rose slightly from 689 cases to 713, an increase of 3.5%
- (ii) SC disposals rose slightly from 670 to 693 cases, an increase of 3.5%
- (iii) Pending has steadily grown from approx. 800 at the end of 2013 to now 1175 cases
- (iv) PDR has grown from approx. 1.2 to 1.7 – a worrying sign
  - Potential 340 cases in excess of ideal position – equating to 3.4 judicial resources and/or improvements in case management handling of cases
- (v) Clearance rate slightly below 100% - 97% for the 2017 calendar year
- (vi) Timeliness for completing CRIMINAL cases – still excellent at an average of 180 days – but CIVIL cases just under 800 days

### c. Magistrates Court

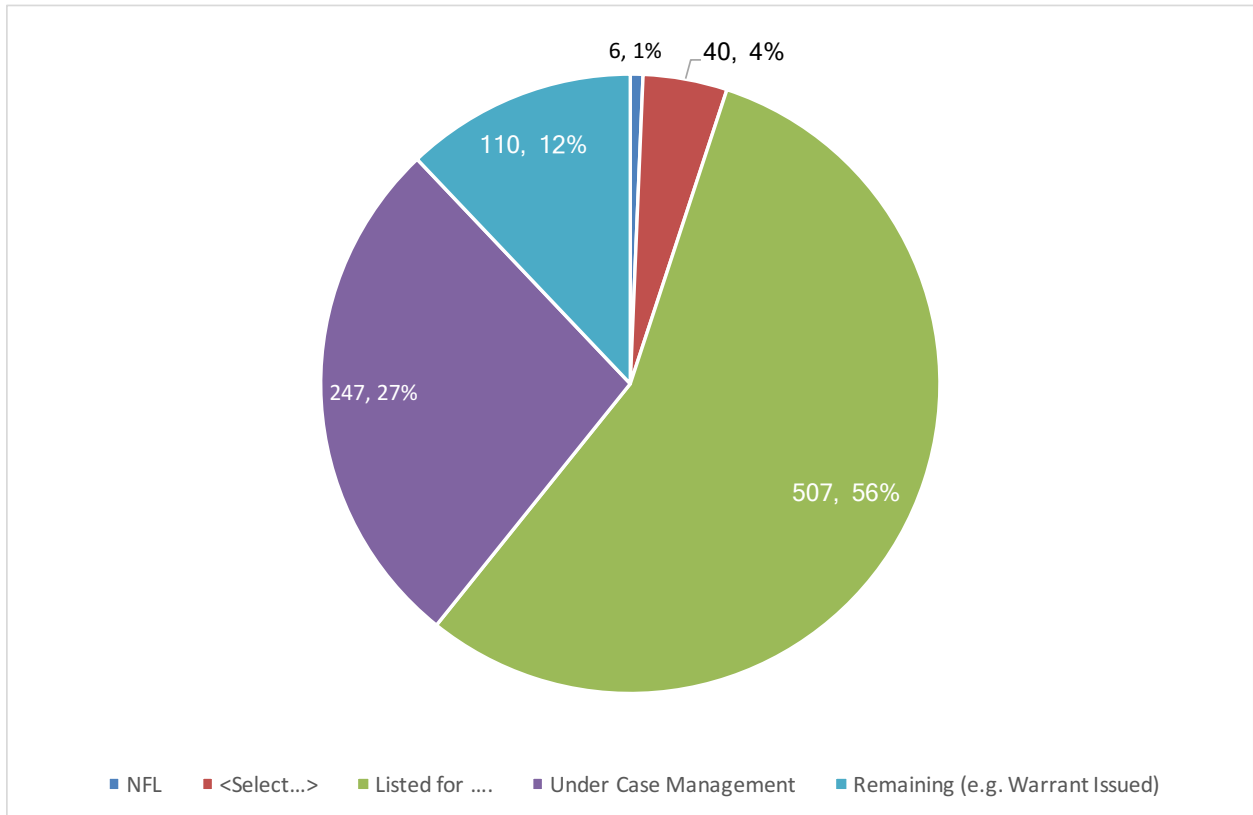
#### Registered and Finalized by Case Type



Pending Cases in the Magistrates Court by Case Type



## Pending Cases in the Magistrates Court by Major stage

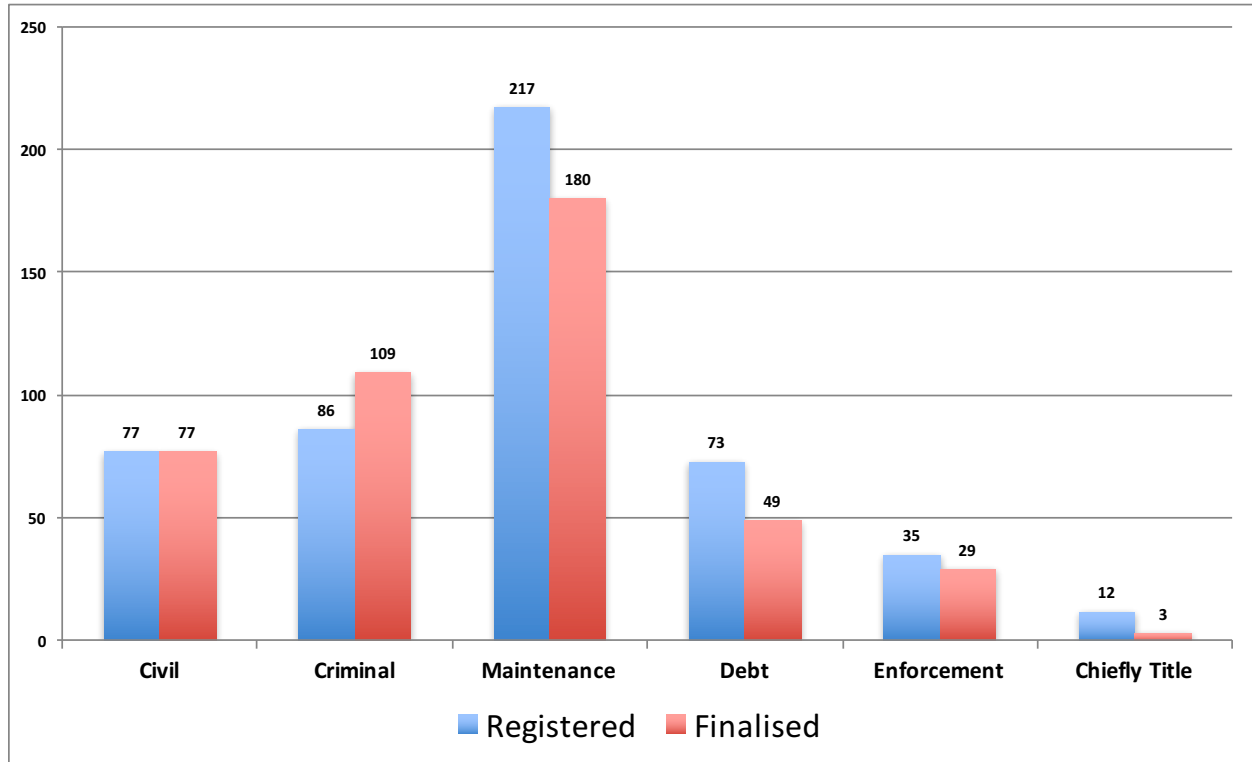


### Commentaries

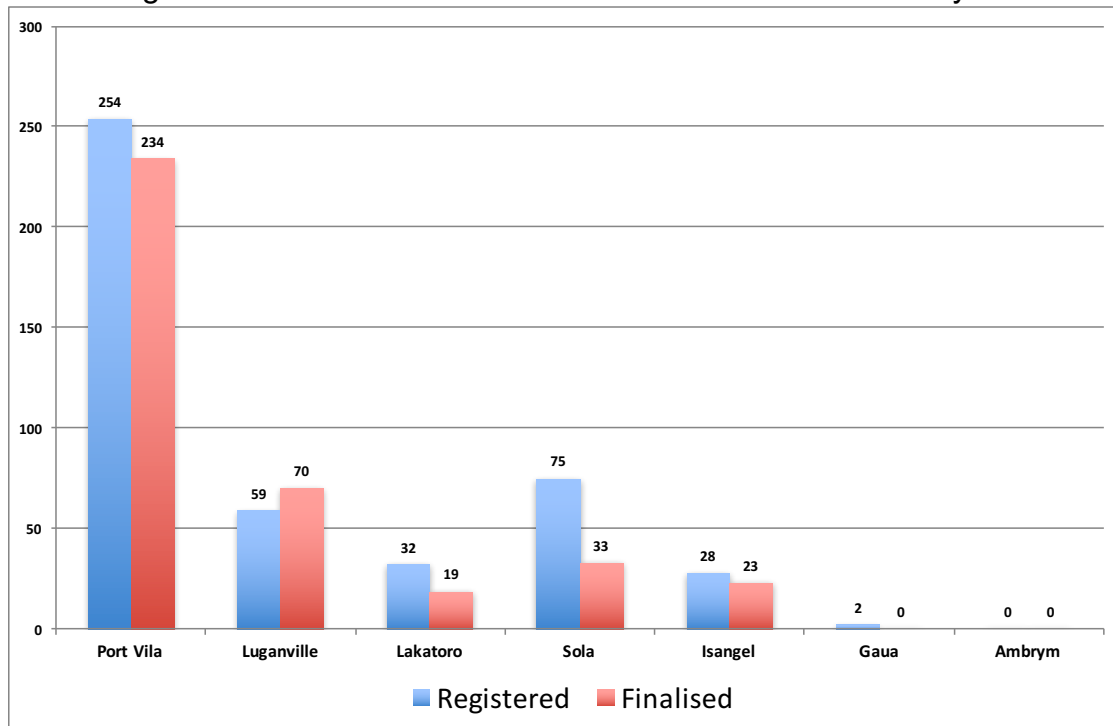
- (i) MC filings dropped from 2135 cases to 2065 – a decrease of 3.2%
- (ii) MC disposals rose sharply from 2134 to 2478 cases, a significant increase of 16%
- (iii) Pending has decreased accordingly from 1570 to 910 cases
- (iv) PDR has decreased accordingly and is now at .4 – an excellent result
  - There are still 200 cases approximately older than 2 years that should be assessed
- (v) Clearance rate was an exceptional 120%
- (vi) Timeliness for completing CRIMINAL cases – higher than SC at 346 days – but this is partly due to closing off many old cases during the year – a good thing

d. Island Courts

Overall registration and finalized cases in the Island Courts



Registration and Finalization of Cases in the Island Courts by location



## Commentaries

- IC filings dropped from 700 cases to 500 – a decrease of 29%
- IC disposals dropped from just on 500 cases to 447, a decrease of 11%
- Pending has increased accordingly to over 600 cases
- PDR has increased accordingly and is now at 1.2 – a worrying result
  - There are 380 cases approximately greater than desired
- Clearance rate was lower than desired at 89%

### 2. The Cook Islands Indicators

According to the 15 or so indicators agreed by the Chief Justices of the region as a good starting point for reporting the court's work, below is how the courts in Vanuatu were tracking in 2017.

#### 3. Clearance rate.

- a. In the Court of Appeal, the clearance rate is 100%;
- b. Supreme Court clearance is 97%;
- c. Magistrates Court clearance rate was exceptional in 2017 at 120%; and
- d. Island Courts rate is 89%.

#### 4. Average Duration of Cases from filing to finalization.

- a. Court of Appeal
  - i. Civil Cases – 109 days
  - ii. Criminal Cases – 74 days
- b. Supreme Court
  - i. Civil Cases – 800 days
  - ii. Criminal Cases – 180 days
- c. Magistrates Court
  - i. Civil Cases – 730 days
  - ii. Criminal Cases – 346 days

#### 5. The Percentage of Appeal.

The percentage of cases that goes on appeal in the Court of Appeal is calculated using the number of cases finalized in the Supreme Court and the number of appeals registered in the Court of Appeal as a percentage of the later. 693 cases were finalized by the Supreme Court in 2017, and 66 cases were appealed to the Court of Appeal. This represents 9% of all cases finalized in the Supreme Court that were appealed.

#### 6. Overturn rate on appeal is 10%

7. Pending – total cases pending in the Supreme Court as at end of 2017 is 1175 cases. In the Magistrate Court, 910 cases are pending, and in the Island Courts, 613 cases.
8. The percentage of complaints received concerning a judicial approximately is 0.5%.
9. The percentage of complaints received concerning a court staff member approximately 1%. The spread is uneven as two particular staff was more complaint of than others. One staff was suspended in late 2017 due to his involvement in activities outside his parameters and even misappropriation of monies belonging to different people.
10. The average number of cases per judicial officer in the Supreme Court is 146 cases.
11. The average number of cases per member of the Supreme Court staff is 117.
12. The Court produces an Annual Report each year, except 2015. And published on [www.paclii.org](http://www.paclii.org). In 2017, the Supreme Court sent out a total of 49 batches of judgments containing a total of 318 judgments for all courts.
13. Factors, events or trends influencing court results.

The Vanuatu Courts enjoy a good degree of independence from the executive branch of the Government. However, external and internal factors contributed to the results of the court operations and functions in 2017.

- i. The limited resources available to the court administration to comprehensively and effectively support the performance of the courts in their judicial functions has been and is always at the core of challenges. These challenges include inadequacy of office space and office tools and equipment. The insufficiency of the annual budget leads to minimum level of operations in rural centres while the two main cities attract the most voluminous work and therefore the bigger share of the budget expenditure. The budget constraints limit the courts' ability to be innovative in their operations and functioning.
- ii. The additional judicial capacity at the Supreme Court level was a welcomed effort. The Master of the Supreme Court's jurisdiction was specified in a Practice Direction issued by the Chief Justice and the role and function of the Master is being constantly refined.
- iii. The service of summonses for criminal cases lodged in the Magistrates Court is also a source of impact on the Magistrates Court operation.



- iv. Court circuits to islands other than Efate and Santo have been limited to Provincial headquarters.

#### H. Interaction with other agencies.

- i. The Judiciary has enjoyed a healthy working and professional relationship with the Ministry of Justice & Social Welfare throughout the year. It has supported the Ministry of Justice Sector Strategy and is in continuous dialogue with the Ministry on carrying the Strategy forward.
- ii. Further, the Judiciary has been the beneficiary of assistance offered through grant funding by the Stretem Rod Blong Jastis under the Law and Justice Partnership under the auspice of the Ministry of Justice.
- iii. The courts welcome the professional relationship it has with the Vanuatu Correctional Services Department, which comprises of the Probation office. The provision of support in the form of required reports have improved the quality of sentences in criminal cases.
- iv. The Vanuatu Police Force has been a major partner in the execution of court warrants around the country.
- v. The court's interaction with the non government organizations has been very limited except for the continued cooperation with the UNICEF, and the Vanuatu Women's Crises Centre [VWC] who represent victims of Domestic Violence in their application to the Magistrates Court.
- vi. The Pacific Legal Information Institute [PacLII] who are hosted by the University of the South Pacific Emalus campus in Port Vila, have been a strong partner is assisting the Supreme Court and the Court of Appeal judgments to be published online in a timely manner.

#### I. International interactions.

- i. Vanuatu gained from its association with the Pacific Judicial Development Program [PJDP], a regional cooperation in Judicial Developments, funded by NZaid and managed by the Federal Court of Australia which has been relaunched under the name Pacific Judicial Strengthening Initiative [PJSI]
- ii. The Judiciary has been in constant dialogue with the Federal Court of Australia's international cooperation unit to finalize a proposed Memorandum of Understanding between the two courts, but in 2017 the volume of dialogue has been less than the previous years and confined to the assistance of an experience Federal Magistrate to conduct a preliminary assessment of how to improve the operations of the Magistrates Court. Magistrate Fleming was with the Magistrate Court for 3 months ending August 2017.

J. Management accountability

i. Annual Accounts

Annual expenditure budget for 2014 slightly increased.

1. Annual budget was VT246,084,581
2. Payroll budget was VT169,801,967 representing 59%
3. Operational budget was VT 79,934,017 representing 41%

Year	Payroll Budget	Operational budget	Annual Budget
2013	102,130,762	83,774,984	185,905,746
2014	104,797,348	87,362,327	192,159,675
2015	113,418,528	77,907,141	191,325,669
2016	116,250,862	79,934,017	196,184,879
2017	169,801,967	76,282,614	246,084,581

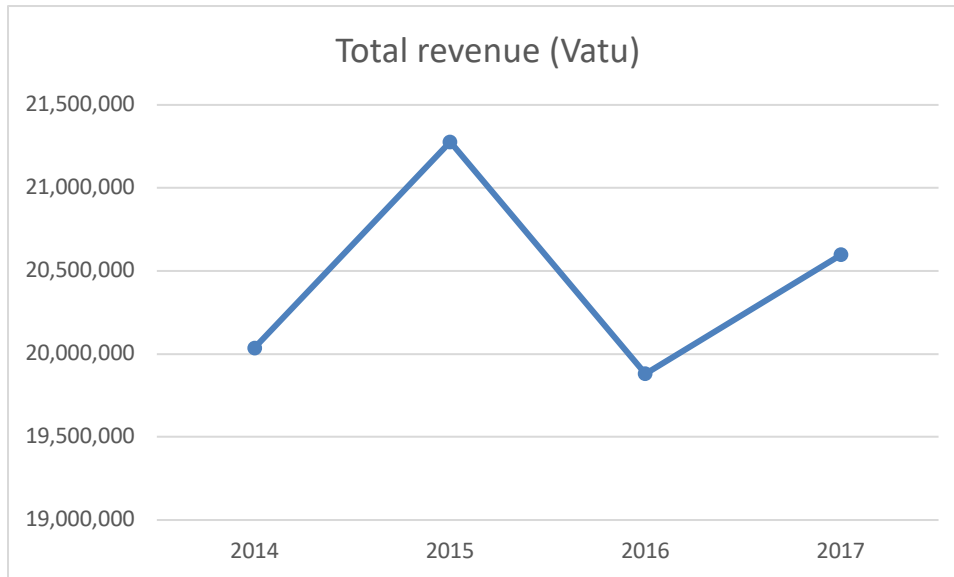
A detailed financial report is found at Appendix iii at the end of this report.

Judiciary had difficulty with operational budget in 2017 which resulted in going for supplementary and was allocated VT 55,055,401 making the annual budget shown above.

Description	Amount(VT)
Judiciary GRT PAYR Adjustment including Cola, Gratuity & Housing Allowances	34,783,649
Relocation of Magistrate Court	6,931,201
Localize Positions	13,340,551

In terms of revenue, Judiciary accounts show a total of VT20, 597, 785 as at end of December 2017, a slight increase from 2018

Years	Total revenue (Vatu)
2014	20, 036,636
2015	21, 277,539
2016	19, 880,325
2017	20, 597,785



ii. Senior management committees and their roles

1. The Chief Justice meets with the Judges of the Supreme Court on a weekly basis to discuss matters which he thinks fit for consultation and discussion.
2. The Chief Magistrate consults with the Chief Justice on matters relating to the operation of the Magistrates Court
3. A National Judicial Training and Development Committee is chaired by Justice Oliver Saksak driving the training and development of the judicial officers and court personnel
4. The Chief Registrar meets with the Accountant, the Sheriff, the Human Resource officer, the Training Coordinator, the Senior Administrator of Island Courts, and the Assistant Registrar of the Magistrates Court in Port Vila, on a regular basis for coordination of administrative efforts to implement policies and projects announced by the Chief Justice, and for normal administration purposes.

iii. Training and development activities undertaken locally.

Local training and development was varied in content and target group ranging from Judicial training programs to in-service training, to mentoring. Of note, was the training of lay justices of Malekula Island Court in November 2017. This was done with the assistance of Responsive Funds from the PJSI regional program.



***Lay Justices of Malekula Island Court at their training session***

## K. Management of court infrastructure

### 7. Port Vila, Efate Island

There still have not been any major changes to the plan to build a new Court House since the burning of the old courthouse in the capital city. The court administration and judicial Chambers and Master's chamber are still housed in the temporary location which used to be a former government residential house.

The current temporary accommodation that the Court is using is becoming fast inadequate. The extension added is used by the court administration and making space for temporary court chambers. Recruitment will be an issue now as there a more office space available.

The Courtrooms and the retirement room rented at the Dumbea Hall complex is the bare minimum, and the condition of one Island Court courtroom there adjoining the judges' retirement room is deteriorating due to persistent leakage from the roof in wet weather.

The congested nature of these temporary locations also mean there is inadequate space for parking and protected customer or public waiting areas. There is also very limited provision of public toilet facilities while internal facilities are inadequate at best.

The Magistrate Court building was declared unsafe for use by the Public Works engineers in 2017. As result Magistrate Court was relocated to the Equity Investment Building and a room at the Mall Building opposite the VNPF was turned into a court

room for 6 Magistrates to use. The total rental of temporary court room and office is VT8, 600,000.

#### 8. Luganville, Santo Island

The Court Administration continues to rent the property in Luganville, Santo to house the court center there. Demand on space has lessened somewhat when the resident judge there returned to Port Vila. However, the Magistrates court has strengthened its presence there with 2 magistrates resident in Luganville.

The property is a two storey building and houses the Supreme Court, the Magistrates Court and the Island Court. One Assistant Sheriff is also accommodated in the building.

#### 9. Isangel, Tanna Island

The Court house accommodating the registry, Magistrate's office, a clerk's office and a courtroom has not been renovated in any meaningful way since it was built more than 20 years ago.

The Court house needs renovation to its structure as well as the furnishing of the courtroom.

The office is now connected to the Vanuatu government network and so makes it easy to work on the court management system [CMS].

#### 10. Morua, Tongoa Island

The Court house at Morua on Tongoa island, accommodates the court registry, an Island Court Clerk office, a judicial officer's office and a courtroom. The design is the same as the court house at Isangel on Tanna Island.

The "Stretem Rod blong Jastis" project funded solar power units have been installed in the courts' outer island offices including Morua, Tongoa.

The roof of the building was partly damaged in 2015 TC pam, however in 2017 the damaged corrugated iron roof were replaced. The full building needs renovation to its structure and office spaces.

#### 11. Saratamata, Ambae Island

The Ambae Island Court is operating on a small room at the head quarter of the Penema Provincial government on an annual rental fee of VT 360,000.

#### 12. Sola, Bank Group of Islands

While the Court office at Sola, Banks islands enjoys a reliable and constant source of power from the Solar power unit that was installed there early 2012, however, in 2017 the unit was down most of the time and needed major overhaul to bring it back to operational. Now the Court is relying on a solar power that was installed later in 2017. The need for structural repair and renovation to the building is the same as the other court centers. Internal and public toilet facilities need to be provided in the court office building.

There is need for repair and maintenance of building and furniture of the court in this location as well.

### 13. Lolong, Pentecost Island

The Pentecost Island Court is accommodated in a building owned originally by the Penama Provincial government at Lolong. The Court administration maintains the lawn and the physical upkeep of the place but does not spend its budget on the building. The Court administration keeps a fiberglass boat at Lolong for transportation so the court can access other coastal parts of the island of Pentecost. The boat was donated by the French government, through the French Embassy in Port Vila.

### 14. Lakatoro, Malekula Island

The court office at Lakatoro, Malekula is in a better condition than many other court offices around the country. There is constant centrally provided power. However, facilities available for the public court user is non-existent. There is need to build public toilet facilities and upgrade the staff facilities.

Telecommunication to and from this court office has now improved with internet connection, through the help of the E-government project.

### 15. Graig-cove, Ambrym Island

The court office on Ambrym was built concurrently with the one on Epi island. It is a simple design of two office spaces, one for the judicial officer and the other for the clerk or support staff. Then the rest of the building is an open-style courtroom not similar to the ones at Morua, Isangel, and Sola.

This office benefitted from the funding assistance from the Strem Rod Blong Jastis project to acquire a solar panel and accessories to generate power for the office.

The condition of the two building has deteriorate to a stage where it needs immediate attention or the two building will be unsafe to use. Ambrym Island Court now has no furniture as all furniture were damaged during the cyclone pam.

### 16. Technology

Most of the court offices around the country have computers and some source of power supply to enable officers to operate the machines. The most basic technology in the outer islands consists of a computer with Windows XP and 2003 or 2007 version of the Microsoft package, a printer, a photocopier and a phone/fax machine. But the phone/fax machines are not really useful now due to competition in the telecommunication industry intensified and most providers are targeting the mobile phone market. The court offices are left with under-maintained land lines which they depend on for the phone/fax machines.

2017 did not see any major change in the area of access to the internet and email except for connectivity improvements with all outer island court offices. There is now adequate Video conferencing [VC] equipment set up so VC is becoming a norm between the Luganville office and Port Vila.

The desktop computers of the Judiciary across the country needs to be replaced since many of them are more than 5 years old.

#### 17. Library

The main collection of the court Library is housed within the Supreme Court office. The Library is a closed library; its clientele are judicial officers and staff of the courts.

The print collection of the library incorporating primary and secondary resources of the collection comprises of 2,400 items.

The library is responsible for collecting and disseminating court decisions for publication. Decisions are forwarded to the Pacific Legal Institute commonly known as PacLII: <http://www.paclii.org/> Decisions are also published on the courts official website: [courts.gov.vu](http://courts.gov.vu) or [judiciary.gov.vu](http://judiciary.gov.vu). Judgements published are from the:

- Court of Appeal; civil & criminal appeal
- Supreme Court; civil & criminal
- Island Court; land & chiefly title

In 2017 49 batches of judgments, containing 318 decisions was sent to PacLII for publication.

#### 18. Archives

There are ongoing efforts to index and digitize court records to allow information on records to be accessible and retrieved efficiently.

Ongoing Projects:

- (i) Inventorisation of archived records in 20ft Storage Container. The records of the contents of 325 boxes of court casefiles have been indexed and digitally stored in the shared network drive.



- (ii) Digital Compilation of Magistrate Court Registrations Books. With the assistance of staff member Mr. Jimmy Wovan, details from the Port Vila Magistrates Court Registrations books are now in the process of being transferred from the registrations books into excel spreadsheets.

#### 19. Court Website

The official website of the Court was launched in June 2017. Since launching date, 277 decisions have been published on the Court website. Distribution of court decisions to PacLII and publication on the court website allows the court to better promote access to justice.

#### 20. Vehicles

The court has a fleet of 13 vehicles. The acquisition in this area this year was two sedan type car purchased for the use of a Judge and Master of the Supreme Court in Port Vila. Five vehicles in the current fleet need replacement. Despite budget submissions to this effort, the Ministerial Budget Committee has not been supportive. The need for replacement only compounds the need for new court vehicles for the Lakatoro court office and the Isangel court office. In the future this need will apply to other court offices around the country but for the moment, other court offices need motorbikes or quad-bikes to assist with the service of court documents. Out-sourcing transport for servicing of court documents is becoming extremely expensive and simply unsustainable.

#### 21. Boats and accessories

There is one operating boat at Lolong, Pentecost Island. This was donated by the French Government. There is currently a 15hp outboard engine on the boat which is inadequate considering that the boat is about 7 meters long.

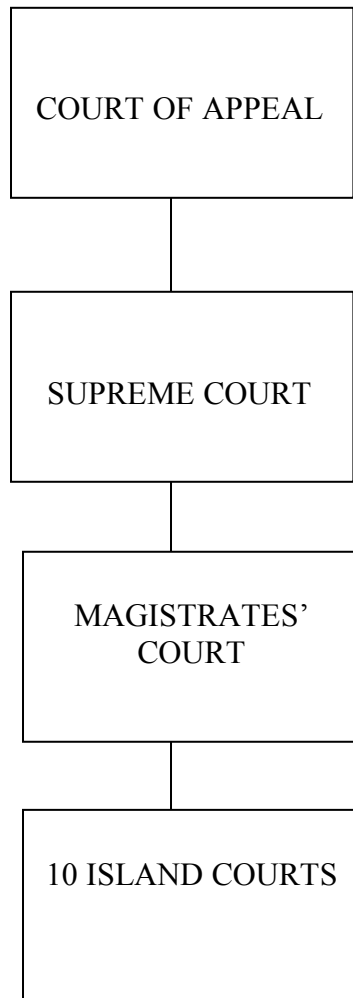
An aluminum boat which is located at Sola in the Banks group of islands has been relocated to the court office on Epi Island. A new engine and safety equipment and accessories will need to be purchased to make the boat sea worthy.

The plan to move the boat from the Banks islands to Epi island is underlined by the need for a bigger and heavier boat for the Banks islands where the islands are scattered far and wide, and the high swells and rough seas is not uncommon in this part of the country.

A 500cc motorbike is located at the Court office on Ambrym.

#### K. Appendices

##### ii. Organisational Chart



ii. List of Judicial Officers and Court Personnel

	Employee ID	Employee Name
1	0118059	Georges Shirley

2	0118141	Manmelin Wilma
3	0119818	Stephen Felix Dorrick
4	0129882	Meltek Anita Isabele
6	0149054	Tepi Blandine Konmawi
7	0153601	Saksak Oliver Albert Abraham
8	0167668	John Daniel [Deceased]
9	0176180	George Timakira Malachi
10	0219709	Madeng M. John [deceased]
11	0231373	Laloyer Anna
12	0328849	Aru Dudley
13	0395574	Kara Selina [Resigned 2017
14	0411710	Vinabit Anita
15	0425777	Kutty Jen Noel
16	0428342	Hannaline Nalau Ilo
17	0430397	Lunabek Vincent
18	0442848	Thomas Cynthia
19	0468330	Alilee John Obed [Retired 2017]
20	0505404	Kanas Beverleigh Agnes
21	0552810	Sawia Evelyne
22	0553776	Ishmael Gloria Bob
23	0565523	Kalo Cleris
24	0636209	Peter Moses
25	0639393	Tevignawul Veronique
26	0644286	Albano Loten Melip
27	0706028	Shemi Joel
28	0726596	Tabi Florina Sigambo
29	0741413	Kalo Pauline
30	0741843	Wanamay Wendy Molivo
31	0743690	Kaltabang Gloria
32	0764225	Garae Belinda Woi Livusi
33	0782755	Hinge Naomi Victoria
34	0806927	Kaltapau Evelyn
35	0998201	Geoghegan James Paul
36	1063923	Tete Collyne
37	1065228	Selwyn Morrison
38	1065584	Litong Aurelie
39	1066364	Abel Kathrine Leona
40	1066466	Pakoa Celina
41	1069727	Georges Patrick
42	1069788	Maltape Kikina

43	1070115	Molonturala Rodrice
44	1070348	Melenarave Lui
45	1072647	Alida Tchivi
46	1074771	Basil Enuma Tabimal Nounou
47	1075034	Sablan Ethel
48	1076127	Sam Florence
49	1076365	Vafoou Fatiaki Taniela
50	1076457	Palo Jessica
51	1077952	Aru Dimas
52	1078057	Donald Vanessa Alexanria
53	1078396	Labsai Robson
54	1078397	Mavuti John
55	1079126	Abel Nailyn
56	1080937	Mathias Iona
57	1080961	Wovan Jimmy
58	1082268	Marcel Shalika
59	1083480	Jacob Joel Masala
60	1083514	Ephraim Florina
61	1084085	Batsari Anata
62	1084169	Lessy Anthony
63	1085015	Nimbwen Kibeon
64	1088705	Naieu Trevor Ialame Iabar
65	1089228	Kalo Stephen
66	9999969	Sey Mary Mamyassin [contract vacated 2017]