



PngCJE Updates

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April—July 2020

Inside this issue:

- New Judges undergo Judicial Orientation Workshop
- A Testimony of Justice John Absalom Keniapisia of the High Court of Solomon Islands
- Human Trafficking and the Courts
- The Supreme Court Charter
- Extras
- And many more...

Papua New Guinea Centre for Judicial Excellence

"Delivering effective and responsive Judicial Education for a competent and efficient Judiciary"

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GLOSSARY

IOM - International Organization for Migration

NAHTC - PNG National Anti-Human Trafficking Committee

NJSS - National Judicial Staff Services

PicCJE - Pacific Islands Countries Centre for Judicial Excellence

PNG - Papua New Guinea

PngCJE - Papua New Guinea Centre for Judicial Excellence

TIP - Trafficking in Person

UNTOC - United Nations Convention against Transnational Organized Crime

UPNG - University of Papua New Guinea

USP - University of South Pacific (Fiji)

Executive Director's Foreword



The Global Pandemic has significantly impacted the way we conduct our daily activities. It has given the PngCJE more opportunities to explore innovative methods to deliver programs for Judges, Magistrates and Court Staff. Our team has successfully delivered three workshops in the past month in spite of the threat of Covid-19. It is our commitment to excellence and focus on improving access to Justice in Papua New Guinea through judicial education and training that energizes us.

There are a number of workshops and seminars scheduled for the remainder of 2020 which should take our total delivery output to 30 training activities. There are many areas that are being explored and cross cutting issues such as gender equality, HIV/AIDS awareness and gender based violence are being integrated in many workshops. We have implemented the use of technology more in our programs and covid-19 has to a large extent created the opportunity to embrace virtual learning. Many of our meetings are now done remotely to promote effective use of software while ensuring that social distancing is done. We are actively examining learning management systems with determinations being made in due course to provide a platform for e-learning for our stakeholders.

The transition to the regional role in judicial education and training for the Pacific Islands in the form of the PicCJE is expected to be complete by the end of this year. Under the leadership of our Chairman and Chief Justice Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE, we have been able to make tremendous progress with our institutional capacity building and infrastructure development. I encourage you to read through the newsletter and get more insights into PngCJE and the progress we are making in this time of the Covid-19. We continue to add more offerings at the PngCJE and are currently in our planning cycle for 2021. We welcome your comments, concerns or queries and are happy to share this newsletter with you.

Best wishes,

John Carey, JP

Executive Director, PngCJE

The Editorial

HELLO again everyone.

Welcome to the second issue of the PngCJE Updates, the Judicial Education newsletter that provides updates on the latest happenings within the PNG judiciary and other jurisdictions in the Pacific region.

Our highlights for this issue will be a look at a number of training programs conducted by PngCJE particularly the protocol training for the support staff of the Chief Justice and Deputy Chief Justice of Papua New Guinea, and the induction program for the five newly appointed judges of the PNG Supreme and National Courts. Both of these programs were successfully completed just a few weeks after the uplift of the Covid-19 State of Emergency (SOE) in PNG. A big thank you to the PngCJE team for ensuring the smooth running of these very important yearly training activities and also a sincere appreciation to the training facilitators who had made time available to impart their professional knowledge and skills.

With regard to the Covid-19, articles on pages 10 to 12 will cover highlights of the judiciary's ongoing response to the threat of the pandemic, and its effort to maintain a safe and secure Court environment. One of the key measures taken by the judiciary is the launching of an emergency response clinic within the Waigani court premises in Port Moresby. The health facility has been set up in partnership with the St John's Ambulance service and will see a paramedic and a nursing officer attending to health and safety emergencies within the court premises. Other relevant measures involving the establishment of an emergency response committee and the issuance of standard workplace protocols for staff, court users and the public.

Due to the recent and ongoing changes in public policy as the Government responds to the Covid-19 pandemic, PngCJE has postponed some of its programs and activities to the second half of the year. The Editorial then decided to invite professionals and stakeholders in the law and justice arena to contribute articles to this issue, which some did and we would like to thank them accordingly.

The PngCJE Editorial team sincerely expresses its gratitude to all the contributors who have sent in their articles for this issue - Mrs. Enid Kantha of the International Organization of Migration, for reiterating the need for Courts to increase their knowledge in recognizing Trafficking in Persons (TIP) cases that are usually masked by other crimes such as Gender-Based Violence; Justice John Absalom Keniapisia of the High Court of the Solomon Islands for his personal testimony of his journey from being a lawyer to sitting on the bench as a judge; and, the Deputy Registrar, Mr David Gonol of the PNG Supreme and National Courts for informing us of the expected standard of service that court users should receive from the PNG Supreme Court Registry.

To conclude, the last few months have been like charting a course through unknown waters, due to the threat of the pandemic, but despite this challenge, the PNG Centre for Judicial Excellence was able to deliver on a number of its key training priorities. We thank our stakeholders and partners for their continuous support in promoting judicial education and awareness and we wish all our esteemed readers a safe three months till our next issue.

In the meantime, do expect the publication of our "SPECIAL EDITION" newsletter anytime from now. The Special Edition will feature our recent developments towards transitioning to the Pacific Island Countries Centre for Judicial Excellence (PicCJE), plus interview segments of our Chief Justice and the Deputy Chief Justice.

Stay safe.

Debbie Laudiwana
Editor in Chief



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Our **PROGRAMS**



Judicial Protocol for CJ and DCJ's Support Staff

By GIDEON KINDIWA

THE Chief Justice and Deputy Chief Justice's support staff have been issued with important tools to continue improving their performance and maintaining efficiency in their respective duties.

The Chief Justice Hon. Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE opened the Judicial Protocol workshop with strong words of encouragement, reminding the officers of their professional duties and the offices they represent.

"You are the face of the Office of the Chief Justice and the Office of the Deputy Chief Justice. How you act, behave and conduct yourself directly reflects the offices of the Chief Justice and the Deputy Chief Justice," said the Chief Justice.



TOP: NJSS Protocol Manager, Mr Joshua Konga doing his presentation as participants from the offices of the Chief and Deputy Chief Justice's listen attentively.

ABOVE: The Support Staff of the Office of the Chief Justice and the Office of the Deputy Chief Justice posing for a picture with PngCJE Deputy Executive Director, Mr Sam Kaipu, OBE (wearing a tie), outside the new PngCJE Conference Room. The new PngCJE Conference Room will now host most of the judicial education and training programs and activities. Pictures by GIDEON KINDIWA.

His Honor said the two offices were Constitutional Offices that require the highest standards of professionalism to paint a better picture to other jurisdictions. He welcomed the participants and said the training was important and necessary as it will equip the officers

with the proper work attitude, ethics and behavior to continue with their respective duties.

The one-day training was held on June 19 at the new PngCJE Training Room at the Waigani Supreme and National Court Complex in Port Moresby.

PngCJE Deputy Executive Director, Mr Sam Kaipu, OBE opened the sessions with a presentation on the position of the Chief Justice explaining the separation of powers in the

“

You are the face of the Office of the Chief Justice and the Office of the Deputy Chief Justice. How you act, behave and conduct yourself directly reflects the offices of the Chief Justice and the Deputy Chief Justice.

”

- Chief Justice Hon. Sir Gibuma Gibbs Salika

government, the roles of the Head of State and the National Executive Council in the appointment of the Chief Justice and the Deputy Chief Justice and the duty of staff with respect to the office they serve.

NJSS Protocol Manager, Mr Joshua Konga presented on Judicial Protocol and deliberated on the various professional technicalities and processes of protocol when dealing with events, activities, logistics etc. involving the Chief and Deputy Chief Justices, as well as other national or foreign judges.

Also facilitating the sessions were PngCJE staff members Ms Debbie Laudiwana (Research and Publications Manager), Ms Olivia Paru (Secretary), Ms Susie Vaieke (Secretary) and Mr Tongia Kekebogi (Program Officer – Judicial Officers).

Ms Laudiwana presented an interactive session on *Setting Priorities, Meeting Deadlines and Punctuality*. Ms Olivia Paru joined Mr Tongia Kekebogi on a presentation on *Developing Checklists and Templates*, and again joined Ms Susie Vaieke on a session on *Client Service*.

Mr Kaipu took over the afternoon sessions covering topics on *Communication*, and *Allocation of Tasks and Supervision*, and wrapped it up with an evaluation of the workshop.

The workshop, which was designed and delivered by PngCJE Program Officer for NJSS Staff Mr Peter Michael has proved useful and has been a success with so many positive feedbacks from the participants.

New Judges undergo Judicial Orientation Workshop

By GIDEON KINDIWA

FIVE newly appointed judges of the Supreme and National Court of Papua New Guinea have undergone an orientation workshop with PngCJE to equip themselves with the necessary skills to function in their duties on the bench.

The week-long Judicial Orientation Workshop spanning June 29 to July 3 was held for Justice Regina Sagu, Justice Dr Vergil Narokobi, Acting Justice Paul Tusais, Acting Justice Elizabeth Nalaii Suelip and Acting Justice Paulus Mapa Dowia.

The Chief Justice Hon. Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE welcomed the new judges and reminded them of the judicial power and authority they now possess and the responsibility that comes with it.

“The judicial power and authority of the people of Papua New Guinea has been vested upon you and I. This is a very important constitutional duty for us. We are not mandated by election into office but by the Constitution. We don’t go for elections, like in some other countries, but we are mandated by the Constitution upon merit. The judicial power belongs to the people. We are simply custodians of that power,” said the Chief Justice.

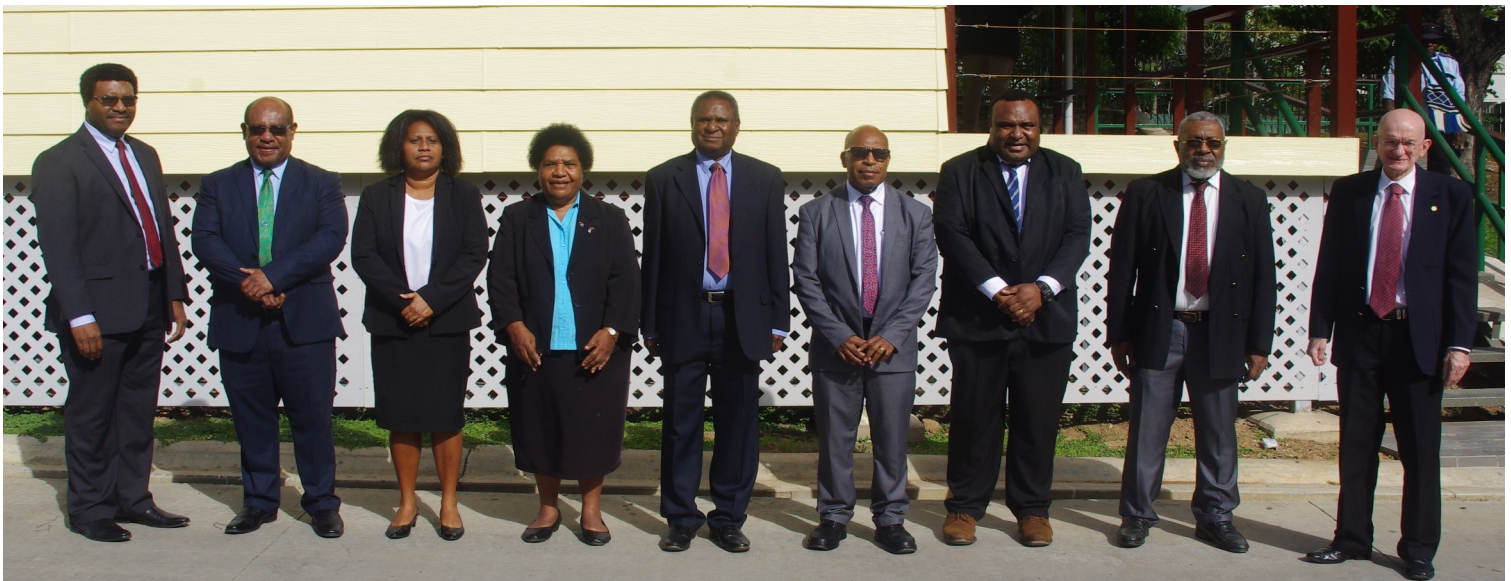
“Power comes with responsibility. Our role is to use that power with utmost care, diligence and responsibility. We are custodians of the Constitution and of the Rule of Law. To do that, we need to be continuously reminded and addressed of the changes taking place and what is happening around the world and in the country. This workshop is therefore aimed at clearly showing us our roles and duties and how to do those efficiently. Serving judges will tell you of their experiences and how they go about managing their work and dealing with cases.

“This week is specifically dedicated to those of you who are now transitioning from the bar to the judging bench. It’s a transition for you as new judges to move from your lifestyle of being a lawyer to a

new lifestyle of being a judge. It’s not an easy task being a judge, it’s a difficult job. We were not taught to become judges at university or at the Legal Training Institute, but to become lawyers. You get appointed to the bench to be a judge upon merit. So, I would like to thank PngCJE for facilitating this very important workshop.”

Senior judges who facilitated the workshop included the Chief Justice, Justice Nicholas Kirriwom, CMG, Justice Les Gavara-Nanu, OBE, CSM, Justice Panuel Mogish, CSM, Justice David Cannings CBE, Justice Collin Makail and Justice Jeffrey Shepherd.

Other facilitators from the NJSS included National and Supreme Court Registrar Ian Augerea, Robert Tonny, Smith Tende, Tony Kila, Serah Paua, Pavora Marupi, Bruce Ifina and Kwara Giriwa.



From left: Justice Collin Makail, Acting Justice Paul Tusais, Acting Justice Elizabeth Suelip, Justice Regina Sagu, Chief Justice Sir Gibuma Gibbs Salika GCL, KBE, CSM, OBE, Acting Justice Paul Mapa Dowia, Justice Dr Vergil Narokobi, Justice Nicholas Kiriwom, CMG and Justice David Cannings, CBE.

Top: PngCJE Deputy Executive Director Mr Sam Kaipu, OBE, giving the opening announcements for the workshop.
Pictures by GIDEON KINDIWA

The PNG Judiciary's Response to COVID-19



COVID-19 Protocols for Safe and Secure Courts

By **GIDEON KINDIWA**

THE Covid-19 pandemic has affected the normal conduct of business and activities all over the world. Jurisdictions from many countries have adapted new ways of doing business with some succeeding and some failing. In terms of the administration of justice, “Justice delayed is justice denied,” as once famously stated by former British Prime Minister and Statesman William Ewart Gladstone in the 1800s.

The PNG Judiciary has been doing its very best, and continues to do so, to control and prevent the contraction and spread of the disease whilst conducting the business of running courts and administering justice on matters before the courts.

Supreme and National Courts Registrar, Mr Ian Augerea issued “new normal” protocols and a public notice to be followed by judges, the judiciary staff, lawyers, parties to court cases and the public for guidance and compliance with legal requirements of the state of emergency (SOE) declared by the Government and with the health requirements of the pandemic.

As part of the preventive measures, the NJSS has published protocols for its staff, court users and the public to abide by. A Covid-19 Emergency Response Committee has been formed and headed by PngCJE Finance Manager, Mr Gitu Lago. The Committee worked in line with the protocols and has established certain measures.

Measures taken

- Worked in partnership with St Johns Ambulance to set up a Covid-19 Response Clinic within the Court premises to respond to emergencies;
- Set up markings for social distancing on pavements and platforms;
- Set up and installed sinks, water taps, hand wash soaps, and tissues at the Court entrances;
- Installed hand sanitizers in front of every doorway;
- Issued face masks for all staff members;
- Issued face masks and hand gloves for all drivers and security personnel;
- Set up check points for all staff and court users to undergo temperature check before entering the Court premises;
- Kept track of all staff members; and
- Provided transport for all staff members to prevent them using public transport.

“As part of our efforts to keep the courthouse safe, we have issued instructions to everybody around the country,” said Mr Augerea.

“I have issued two protocols and a public notice to all court locations to guide the use of the court facilities during this time as we are under the threat of the virus.”

He said hand-washing sinks would also help court users to maintain hygiene.

“The foot path has been marked one metre apart for the public to maintain social distancing.

“We also have at our gate security officers with face masks, hand sanitizers and thermometer guard as we try to maintain the directions given by the Government.”

Electronic means of filing cases have been put to use during the State of Emergency (SOE). All documents for filing on all existing cases were sent to the registry by email and filing was processed and returned to parties by email in sealed copies. Tele-conferencing equipment was installed in court rooms 8 and 9 and the conference room.

The National and Supreme Court sittings in Waigani, NCD, resumed under the “new normal” – no facemasks, no entry – and the same applies for national courts throughout the country.

Mr Augerea said while the courts will be open, public access to courtrooms will remain restricted, with strict protocols to be adhered to.

Some protocols that were put into use

- Any person entering courtroom in this capacity must wear a face mask;
- Any person entering a courtroom must use a hand sanitizer prior to entering the court premises and the court rooms;
- Any person entering any courtroom must maintain 1.5 metres of distance between him/herself and any other person in court;
- Entry into any courtroom by persons observing court proceedings is restricted to no more than five persons;
- Access will be supervised and authorized by security officers; and
- Personnel access to all registry counters will be restricted to only 3 to 4 persons at one time. All persons gaining access to the registry counter must adorn a mask.



Above: Supreme and National Court Registrar Mr Ian Augerea washing his hands after launching the newly installed water taps at the entrance of the Court House at Waigani, Port Moresby.



Left: One of the many signs placed around on the Waigani Court premises to remind staff and court users about social distancing. Pictures by GIDEON KINDIWA

New St John Emergency Clinic at the Waigani Court Complex

By GIDEON KINDIWA

AS part of the measures taken to combat the pandemic, the PNG Judiciary, in partnership with the St John's Ambulance has set up an Emergency Response Clinic within the Waigani Court premises.

The Chief Justice Hon. Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE, formally opened the clinic on June 23, along with the Supreme and National Court Registrar Mr Ian Augerea.

The Chief Justice said, although the clinic was specifically set up to attend to Covid-19 emergencies at the courts, other emergencies are also to be attended to and this was a step towards creating and maintaining a safe environment for everyone, staff, clients and public included.

"We've had cases where lawyers, clients, or judges have cardiac arrests or other physical and health emergencies, and having this clinic right here in our premises will greatly help in terms of attending to emergencies and stabilizing patients before sending them to hospitals," said the Chief Justice.

"We have had issues where lawyers get into stressful conditions that should be treated and also people in the premises who are affected by stress," His Honor said.

His Honor thanked the St John's staff for their partnership in ensuring the safety of the judges, court staff and users through the installation of the clinic.

The clinic staff includes Health Extension Officer (HEO), Ms Rachael Pyokol and nursing officer, Ms Enai Idana. In light of the events leading up to the clinic being formally opened, a lawyer was saved by paramedic Ms Pyokol.

"When I rushed to the room, I found the lawyer lying on the floor. By then he was cold and pale, and I couldn't feel his pulse," said Ms Pyokol.

She called the St John Ambulance and informed them about a possible cardiac arrest emergency case.

"I tried CPR (cardiopulmonary resuscitation) on the lawyer but it didn't work," she said.

"When I put the automated external defibrillator pads on, the mode on the machine advised me to shock the patient. I shocked the patient three times together with CPR.

"Such situations are difficult for paramedics like myself, but I continued and finally on the third attempt he gasped for air."

The clinic has begun its first aid service on June 2 treating staff and lawyers at the Waigani Court Complex.



Chief Justice Hon. Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE, giving a speech before opening the Clinic while the Supreme and National Court Registrar, Mr Ian Augerea and the St. John's Staff look on.



Chief Justice Hon. Sir Gibuma Gibbs Salika, GCL, KBE, CSM, OBE, cutting the ribbon to formally open the St John Emergency Clinic at the Waigani Supreme and National Courts premises in Port Moresby.



NJSS Covid-19 Emergency Response Committee Chairman, Mr Gitu Lago, standing beside a clinical bed in the new St John Clinic.

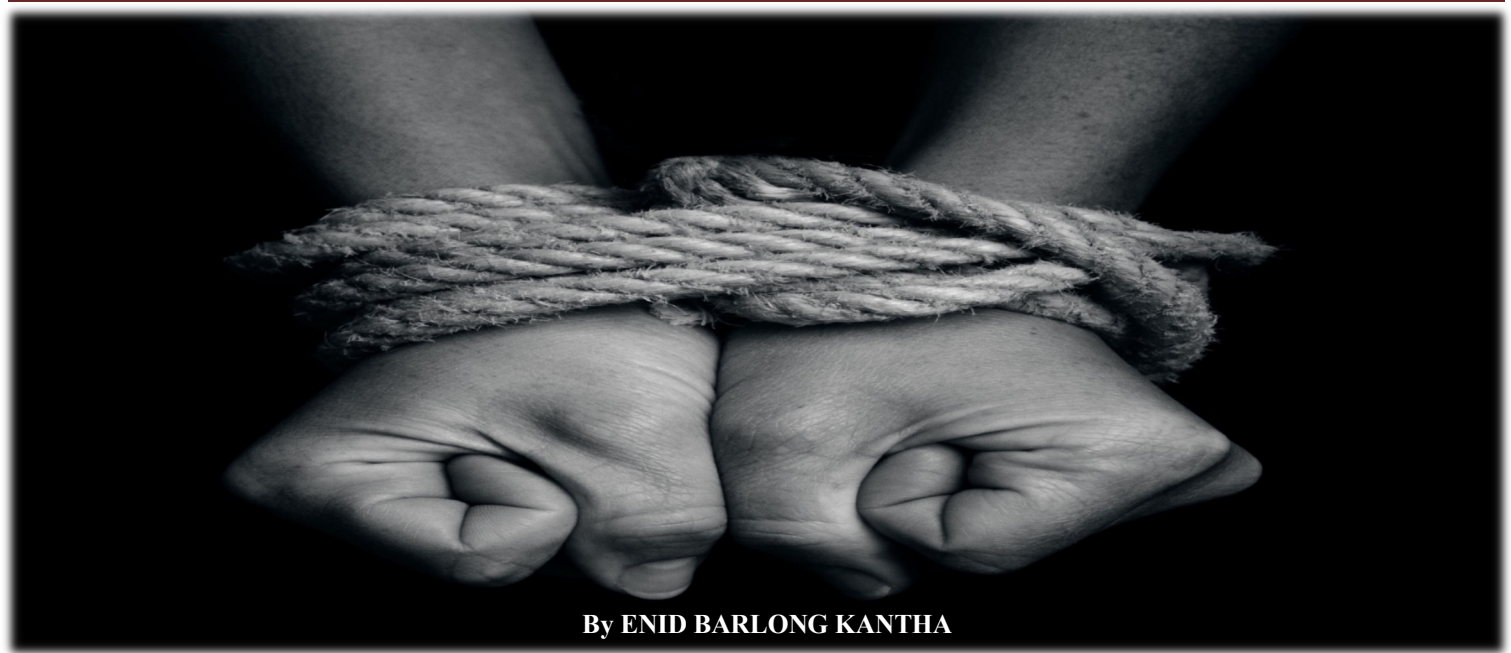
Pictures by GIDEON KINDIWA

Articles

Contributed



Human Trafficking and the Courts



By ENID BARLONG KANTHA

What is Human Trafficking?

“Human Trafficking takes place when men, women, or children are tricked, sold, or forced within countries and across borders into a “slave-like” situation for purposes of exploitation including, sexual exploitation, forced labor, forced begging, illegal adoption, domestic servitude and forced marriage.” - ENID BARLONG KANTHA

What does the Law in PNG say about Human Trafficking?

IN 2013, the PNG Criminal Code was amended by the Criminal Code (Amendment) Act No. 30 to criminalize the offence of human trafficking in line with international law that is supported by the United Nations Convention against Transnational Organized Crime (UNTOC) and its two related protocols: The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons and the United Nations Protocol against Smuggling of Migrants by Land, Sea and Air, which entered into force in 2003 to 2004. The following penalties apply in PNG:

Trafficking of an Adult	Imprisonment for term not exceeding 20 years
Trafficking of a child/Minor	Imprisonment for term not exceeding 25 years
If Victim of Trafficking (VOT) is subjected to circumstances that could result in death or results in death	Life imprisonment of trafficker

Combatting Human Trafficking in PNG through the Judiciary

Recognizing the importance of increasing the knowledge of members of the judiciary country-wide in countering Trafficking in Persons (TIP), and more importantly on recognizing cases where trafficking may be masked in other crimes especially Gender-Based Violence (which also carries a lighter sentence), prostitution, etc., the International Organization for Migration (IOM) has partnered with the PNG Centre for Judicial Excellence

(PngCJE) to deliver a series of trainings in seven target provinces.

The trainings on human trafficking and identification of potential TIP cases, which were held last year, with the exception of the Kokopo training in June this year, is for district and village court magistrates and other members of the judiciary, including court



Participants taking part in activities during the Human Trafficking Workshop in Kokopo.



Participants and facilitators of the Human Trafficking Workshop in Kokopo. Pictures supplied by ENID BARLONG KANTHA.

clerks, who, along with law enforcement, are the first line of the criminal justice process; therefore enabling them to identify potential TIP cases and victims from the time a case is initially lodged. It is envisioned that the trainings will strengthen the capacity and awareness of the trafficking crime and its legal framework among members of the judiciary, thus leading to improved access to protection and justice for victims of Human Trafficking and Migrant Smuggling.

Although judges and magistrates have vast experience presiding on a variety of cases, gaps exist at the judicial level where there is a general lack of knowledge on the adjudication of human trafficking cases in accordance with the Act and other relevant laws. Engaging members of the judiciary to understand the legal implications and applications of the Act allows judges and magistrates to identify and prosecute trafficking cases, in turn advancing PNG's efforts to disrupt the crime of TIP in the country more effectively.

Human Trafficking Workshops: A Reflection

By GIDEON KINDIWA

HUMAN Trafficking has been an issue hidden in disguise for a while. It is a pressing human rights issue all over the world, however, cases of such are sometimes not fully understood when charges are laid on perpetrators.

Based on my interview with PngCJE's Program Officer for Lay Judicial Officers Ms Arabella Owen in our last issue of the newsletter many important points have been raised on the importance of understanding and properly identifying human trafficking matters.

Ms Owen deliberated on workshops held in the six provinces stating that most of the participants who were court staff did not have any idea on how to distinguish TIP cases.

"We found out from their responses that before the workshops, most of them did not have any idea about human trafficking and did not even know that it was happening within their very own communities," she said.

She said most of the cases registered at the courts were disguised as cases of violence or rape and trafficking was completely ignored, but the workshops proved useful in helping the staff to identify human trafficking cases, refer victims to specialized support services and prosecute offenders.

PngCJE partnered with the International Organization for Migration (IOM) in running the trainings which were held in six provinces last year. The seventh was a two-day workshop held in Kokopo in June this year. IOM's National Project Officer for Counter-Trafficking & Protection Mrs Enid Barlong Kantha headed the facilitation of the workshop with Ms Owen and PngCJE's Program Officer for Law and Justice Sector Agencies, Ms Vali Kila.

Acting Resident Judge Justice Elizabeth Suelip said during her opening remarks that the world experiences a large number of human trafficking and we may think that PNG does not, but the trafficking of people is real and is happening in PNG.

The training was funded by the US government as part of a three-year project by IOM to address human trafficking. IOM works closely with various government agencies such as PngCJE,

non-governmental organizations (NGOs) and private entities to support direct assistance and protection to victims of trafficking in the country. IOM is also a founding member of the PNG National Anti-Human Trafficking Committee (NAHTC).



Cut Outs: Interview segment with PngCJE Program Officer for Lay Judicial Officers Ms Arabella Owen in the last quarterly issue.

Pacific Judiciaries need Training: PngCJE has Capacity to Reach Out

A Testimony of JUSTICE JOHN ABSALOM KENIAPISIA of the High Court of the Solomon Islands



Justice John Absalom Keniapisia
The High Court of the Solomon Islands

I JOINED the bench in November 2015. I came with 15 years of experience in private practice and public service. After my swearing in ceremony, I went straight to preside over my first case. It was a simple application for default judgment. As a lawyer, I knew it was easy to present a default application. I needed to show claim was properly served, yet, the defendant failed to defend the claim in the time required by the rules.

I had seen judges hear cases, but had no idea on how they construct their decisions. And to make things worse, I had no mentor. To write my ruling, I had to read a few rulings by judges on default applications, then I wrote my ruling, granting default judgment.

In February 2016, my Chief Justice sent me to attend an induction training for new judges in Australia. In 2019, I was sent again to another induction training for new judges in Papua New Guinea (PNG), called the Judicial Orientation Workshop which was facilitated and delivered by the Papua New Guinea Centre for Judicial Excellence (PngCJE).

Adelaide Induction Training – Australia 2016

I went to the Adelaide training as a clean sheet. As a ‘baby’ judge, I went to the training with an open mind and took in everything on offer. The training covered different aspects of a judge’s responsibility and even touched on areas like physical exercise, balanced diet, meditation, etc. The one important thing I took from the training, among others, was that a decision must have reasons. So, in every decision I make, I must always ensure the orders I pronounce at the end must have the backing of reasons discussed in the body of the decision. In addition to styles, techniques and

features of good judgment writing like clarity, use of simple language etc, every good decision must have reasons behind every material conclusion reached.

Judicial Orientation Workshop – PNG 2019

The Port Moresby training was different. I went to the training with three years’ judging experience. The training which was conducted by the PngCJE, gave me an opportunity to validate, invalidate, approve or disapprove of the things I have been doing as a judge. It proved worthwhile, from the formal sessions and from the periphery discussions and interactions with other judges from PNG.

“ The training which was conducted by the PngCJE, gave me an opportunity to validate, invalidate, approve or disapprove of the things I have been doing as a judge.

”

I wish to mention two things, out of the many that I got from the Judicial Orientation Workshop that will have a profound effect on my work:

1. Judgment writing – The structures of a judgment are presented in a rather simple manner enabling me to make sense of what I was doing in my judgment writing.

- Introduce briefly (to say briefly and succinctly what the case is about; say it without reference to court documents and evidence);
- go to the issues early and quickly; a judgment is not a report, so pick the relevant evidence only, do not cite every evidence and do not cite long quotations (read, understand and summarise long quotes);
- give judgment to a non-legal person to read and hear their feedback;
- explain things clearly and simply using simple language; and a judgment should have 10 pages, at the most.

2. Oral Judgment is a Judgment – In some of my inter-locutory rulings, I would give oral decisions and to follow it up by written versions. It struck me to learn that an ‘oral judgment’ is complete on its own and I do not have to give a written judgment on the same. I only have to ensure the recordings are working. This way it allows for the reasons to be accessed by the appealing party, thus, I would have more time to work on other decisions and would not have a backlog of decisions to write.

Lessons learnt from the Judicial Orientation Workshop

I came out from the conference, satisfied that the style I employed in my judgment writing were confirmed. I used simple language and I explain in a simple way where legal jargons are used. In my introduction, I did exactly as what I learnt (to say what

the case is about, say it briefly and succinctly and to say it without reference to court documents and evidence).

In my introductions, I try to tell a story, which captures briefly, but succinctly what the case is about. I normally would go to the issues quickly and early. I also like to use the relevant evidence only. I learnt that a judgment is not a report to cover



Justice John Absalom Keniapisia sharing his thoughts during the Judicial Orientation Workshop in Port Moresby, as fellow PNG colleagues Justice Teresa Berrigan (left), Justice John Numapo (centre) and Justice Oagile Bethuel Dingake (right) look on. Picture by NIGEL TAVATUNA

everything. I normally do not use long quotes in my judgments. I read, understand and summarise the cases from which I want to borrow a quote. My associate normally reads my judgment for obvious errors and to give me feedbacks. This is helpful for me to gauge, whether what I say was clear and easy to understand, by a third party (my audience). My judgments are normally 1 – 10 pages long, and for inter-locutory rulings, it is normally 1 – 5 pages long. Two judgments I wrote recently were 1 – 21 pages which was on election petitions that alleged more than 10 incidences of corrupt practices. Each incident warrants a meritorious treatment, hence, the long judgment.

Upon my return from PNG, I announced to lawyers, my intention to make oral decisions and not to follow it up in writing. I wanted to start with inter-locutories. Some senior lawyers expressed concern, that the practice here in the Solomon Islands was different. But I am determined to implement this, once our recording systems become reliable and as soon as I start having a backlog of decisions to write.

The Importance of Continuing Legal Education (CLE) and Judicial Education.

By JUSTICE JOHN ABSALOM KENIAPISIA

LAWYERS are trained to become lawyers. Judges are not trained to become judges. Lawyers can choose to specialise in certain fields of the law. Judges have no choice, but must have a working knowledge in all different fields of the law. That is why Continuing Legal Education (CLE) and judicial education for judges is critically important. Training of judges is important in specialised areas of the law. For instance, the Forum Fisheries Agency in Honiara, has been conducting training for judges on illegal and unregulated fishing in the Pacific region. That is a specialised area of the law and an evolving area of crimes committed in our fishing waters. Judges need to be constantly trained on recent developments in the fishing industry so that they are well equipped when fisheries offences come before the courts.

There are of course, new issues coming before the courts, in the areas of money laundering, human rights, insurance,

environment, climate change etc. There are specialised lawyers in these areas of law, but judges are the ‘jack of all trades’, which is why judges must constantly be taught and trained in specialised areas of the law. Having a fair working knowledge is equally sufficient. CLE and continuous judicial education also bring judges together to interact and build networks. Such avenues prove to be vital for smaller judiciaries with fewer judges to access a wide network of judges.

CLE may be available everywhere, but initiated from within the region would provide trainings targeted at specific issues that we are facing in our courts. The design of the regional training packages could come after training needs of our judiciaries are investigated. The trainings would therefore become relevant to our needs. There is no doubt that our region (Melanesia or the Pacific) has peculiar needs in our judiciaries. These needs warrant proper detection and appropriate training has to be tailored accordingly.

Because of our similarities, these trainings would prove useful from our context. First, we are common law democratic jurisdictions and we come from a region with diverse cultures and languages. We all have colonial histories and emerging, young judiciaries. We are mostly isolated from the large judicial players and are mostly smaller jurisdictions with commonalities in our cultures, notably on natural resource and land law concepts. All these factors provide a rich dynamic environment to design appropriate trainings that will capture the needs of our judges and our judiciaries.

Judges cannot pretend that they are doing the same old things. They are exposed to new issues before them. Issues they have never come across or have limited experiences in and this is where CLE and continuous judicial education for judges is imperative.

We cannot always look outside for CLE and judicial education for our judges. We must design something for our own. When we attend international forums of trainings for judges, we will be proud to carry something with us, in terms of training. We will not only be receivers, but givers at international forums. This strengthens the case for a regionally tailored training initiative like the PngCJE.

PNG is a bigger judiciary compared to other Pacific Island nations. Being a big judiciary, PNG is endowed with diverse blessings and opportunities compared to smaller judiciaries. PNG can be the leader in the provision of judicial education for judicial officers in Melanesia and the rest of the Pacific region. To whom much is given, much is expected. It is my personal joy to see PNG rising up to that challenge with the establishment of PngCJE. With innovation, PngCJE can become a regional leader and provider of continuous judicial education for judges and judiciaries in the Pacific.

“ *PNG can be the leader in the provision of judicial education for judicial officers in Melanesia and the rest of the Pacific region.* ”

With innovation, PngCJE can rise to new heights. Whilst responding to its domestic training needs, PngCJE can reach out regionally (Melanesia or the Pacific). It can forge regional partnerships, like we see with the establishment of *Paclii* – I use *Paclii* all the time. Specific judiciaries can utilise and pay for trainings offered by PngCJE. The beauty is that, ‘specific judiciary training requests’ would be preceded by ‘training needs assessments.’ The assessments would inform the design and delivery of training packages.

I am a stronger supporter of CLE and continuous judicial education for judges and other judicial officers. Short term training is the option for judges, because of their tight schedules. I feel that PNG being a bigger judicial player in the region, is better placed to lead the way. I was excited to be part of the first beneficiaries of training packages, designed and offered by PngCJE in 2019, therefore, I would like to see PngCJE grow strong and be able to

reach out to our region's judicial education and training needs. In five years, I would have gone a long way into my judicial career on the bench. I would look back and reflect that the humble beginnings in my career path have been given a boost with the trainings offered by PngCJE in 2019. I suppose, it was one of the first induction training for judges designed and offered by PngCJE.

Long live PngCJE and long live judicial education in the Pacific. I thank PngCJE for giving me and the Solomon Islands Judiciary the honour to share my testimony. God bless our judiciaries in the Pacific in our pursuit of providing legal services and justice to our citizens. Without continuous legal and judicial education we would not be better positioned to deliver on our obligation effectively and efficiently.



Justice David Cannings, CBE (standing, centre), speaking to judges during the Judicial Orientation Workshop in Port Moresby last year.



Justice Teresa Berrigan (left) with Justice John Absalom Keniapisia during the Judicial Orientation Workshop in Port Moresby last year. Pictures by NIGEL TAVATUNA

FUN FACTS

Some weird facts you never knew about!

1. People can suffer from a psychological disorder called 'Boanthropy' that makes them believe that they are a cow. They try to live their life as a cow or an ox. If you don't believe me, well, read Daniel 4:25-35 in the Bible. The great King Nebuchadnezzar of Babylon (605BC-526BC) did that once.
2. A duel between three people is actually called a 'truel'.
3. The human nose can remember 50,000 different scents. Have you ever noticed that smell is the strongest of our senses? Have you ever had a time where you smelled something and you are instantly taken back to a memory? A certain scent of a perfume or cologne that made you remember someone special? Oops, gotcha!
4. Tigers have striped skin and not just striped fur. The stripes are like fingerprints and no two tigers have the same pattern.
5. Ketchup originated in China as a boiled-down brine of pickled fish and spices called 'ke-chiap'.
6. Two PlayStation 1 games, *FIFA 2001* and *Gran Turismo 2*, has scratch & sniff discs. The *FIFA 2001* smelled like a soccer field, while *Gran Turismo 2* smelled like car tires.
7. In 2014, a missing woman on a vacation in Iceland was found when it was discovered that she was in the search party looking for herself.
8. Rowan Atkinson – also known as Mr. Bean – is the voice of Zazu in *The Lion King*.
9. If you sneeze while traveling at 60 mph your eyes are closed for an average of 50 feet.
10. The term 'footage' comes from films being measured in feet, when being edited in the early days of film making.
11. As of 1998, over 50% of Iceland's population believed in the existence of elves.
12. "Bluetooth" technology was named after a 10th century king, King Harald Bluetooth. He united Denmark and Norway – just like the wireless technology united computers and cell phones.

The Supreme Court Registry Service Charter



PURPOSE

The Supreme Court Registry provides registry services to the Supreme Court, Judges and Court Users. It is headed by a Deputy Registrar and assisted by an Assistant Registrar. It is divided into two Court Tracks – Appeals Crimes & Appeals Civil. Each track is managed by a Track Leader with the assistance of track officers.

This Service Charter outlines the standard of service you should expect from the Supreme Court Registry and the steps you should take if you are not happy with the service you have received. The Charter also outlines your responsibilities as a Court user.

WE AIM TO:

- Provide friendly and efficient service for all Court Users;
- Provide a customer centred and safe environment for the Court Users;
- Dispense fair and equal treatment to all clients of the Court regardless of age, sex, creed, colour and religious affiliations;

WHAT YOU CAN EXPECT FROM THE SUPREME COURT REGISTRY

When you visit the Supreme Registry, our staff will:

- Attend to you in a courteous, professional and respectful manner;
- Provide efficient and fair treatment to all parties regardless of whether or not they are familiar with the Registry process or are represented by lawyers;



- Provide prompt service within a reasonable time from the time of your request at the counter;
- be respectable to your privacy (unless there is a legal

requirement to disclose information which would otherwise remain private and confidential);

- listen to your requests attentively and provide answers in clear and concise manner;
- listen to your comments concerning our registry services and try our best to improve on the areas that need improvement;
- Upon your request, provide information on Court sittings, dates, daily dairies, etc.;
- Upon your request, provide status update on your case;
- Refer you to the appropriate section within the Court registries (both Supreme and National Court) where you will be adequately assisted.

WHEN YOU CALL US, OUR STAFF WILL

When you call the Supreme Court Registry by phone our staff will:

- Answer you within three (3) to five (5) rings and attend to your queries accordingly; or
- After notifying you, transfer your call to an appropriate officer if need be; or
- Take your message and later relay to the officer concerned; or
- Advise you to call back later if the officer you wish to speak to is not available.

WHEN YOU WRITE TO US, OUR STAFF WILL:

- Acknowledge receipt of your correspondence within five (5) working days;
- Reply by writing or email or notations within five (5) working days after receipt and acknowledgement of your correspondence;
- In the case of delay, explain the reasons behind any delay in acknowledging receipt or replying.

WHEN YOU EMAIL US, OUR STAFF WILL:

- Acknowledge receipt of your email within three (3) working days;
- Reply within three (3) working days of receipt;
- If your email were to be replied at a convenient and reasonable future time, inform you accordingly when acknowledging receipt of your email.

THINGS WE CANNOT DO:

We cannot:

- Provide you with legal advice or recommend you to a named solicitor or attorney at law;
- Tell you what the decision or possible decision of the Court will be;
- Interpret, intervene or alter orders or directions of the Court;
- Transfer your case from one Court Track to another without directions from the Court;
- Remove your case administratively from a Summary
- Determination list upon your request;
- Furnish to you electronic copies or otherwise of a Court file in which you are not a party or a lawyer on record;
- Disclose any communication between our staff and judicial officers;
- Facilitate you to communicate directly or have an audience with a Judge other than during hearing in a Court room;
- Perform any activity that is in breach of the Registry practices, rules and laws governing our work and the Registry.

REMEMBER

Registry officers can only give information that is related to procedures and general matters relating to the Court. They cannot provide legal advice. Consider qualified lawyers for legal advice.

WHAT DO WE EXPECT FROM YOU?

We expect you to:

- Have fair and basic knowledge of the Supreme Court, the Registry and their respective functions;
- Be polite to our staff and respect their rights;
- Understand that our staff are ordinary persons who are bound to make mistakes;
- Read and follow instructions carefully;
- Ask us or any of the Court officers about anything you are not sure of;
- Use Court facilities with care;
- Conduct yourself well so as not to get into trouble with the Court;
- Always bear in mind that any misconduct against the Court or its officers without cause could amount to contempt of Court.

Our Contacts

For more information, write to us at Supreme Court Registry, National Judicial Staff Service, P.O. Box 7018, BOROKO, NCD or call us on 3245805 or email at dgonol@pngjudiciary.gov.pg

Authorized for publication by:



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Deputy Registrar
Supreme Court
National and Supreme Court of Papua New Guinea

POETRY CORNER

“The Lure”

By SAGAL BOSKI

Mega malicious investors,
Masquerading, luring.
Promises of glowing bucks
Wowing the simpletons everywhere,
Precariously, they now dream big on cloud naught

Cohorts in cities and towns,
Colluding, conspiring.
They’ve become sophisticated over time,
Who once roamed in communities,
Their own clansmen, they target mercilessly

The unsuspecting,
Yearning, coveting through desperation
Driven by poverty and lack
Plunge into the fray of seductiveness
Mere preys, they realize not

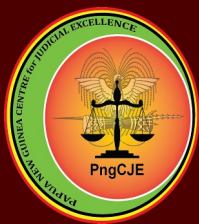
Behold, the Lure,
So prevalent, persistent in society.
The innocent gets ensnared,
In the whirlpool of corruption
Lives so precious, become dispensable commodities

Alas, the web
Powerful, yet breakable and exposable
Human dignity, they turn into cheap materials
Smuggled and exploited, our *wantoks*,
Traumatized, they beg for our aid

Corridors in high places,
Breed schemes, lurking with impunity
Our own kind, heartless and selfish
But we can repel, in unity and indignation
This hideous onslaught
And *Take back PNG!*

Break the Lure, all,
Being watchful, be a Vigilante!
For our common good, we can all rise together
Beyond today, making PNG the prosperous home it can be!

Sagal Boski is the Crimes NCPIP Officer at Kavieng National Court in New Ireland Province.



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PAPUA NEW GUINEA CENTRE FOR JUDICIAL EXCELLENCE

About Us

The PngCJE was established in 2010 under a Memorandum of Understanding entered into between the Chief Justice of the Supreme and National Courts, the Chief Magistrate and the Secretary for the Department of Justice and Attorney General. The Centre is primarily responsible for the delivery of professional continuing judicial trainings and development activities for Judges, Magistrates, Court Staff and other officers of the Law and Justice Sector Agencies in PNG as well as other Pacific Island Countries.

Key Objectives for the Establishment of PngCJE

- Promote Judicial Excellence;
- Promote professional development and training; and
- Foster an awareness of judicial administration, developments in the law and social and community issues.

Our Core Values

The core values that underpin the professional development activities of PngCJE are:

- Excellence in the professional integrity and competence of Judicial Officers and Court Staff;
- Excellence in dispensation of justice by the courts according to international best practices;
- High level of competency, skills and experiences of Judicial Officers and Court Staff;
- Maintenance of democracy, good governance and the Rule of Law by the Judiciary.

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Look us up on:

<http://pngcje.gov.pg/>