



# REPORT

## Webinar for PNG Judges on *Conducting Voir Dire Hearing*

7 October 2021, PNGCJE



**Report by:** Tongia Kekebogi  
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PngCJE

**Date:** 14 October 2021

## **1.0 Introduction**

This is a report on the webinar titled *Conducting Voir Dire Hearing* for PNG Judges delivered at the PNG Centre for Judicial Excellence (PNGCJE), Port Moresby on 7 October 2021 from 11.00am to 12.00pm.

The webinar was recorded and an edited version was sent to the Chief Justice and all other Judges who participated.

## **2.0 Program Objectives**

The purpose of the webinar was for the presenter to share experience and techniques with the newly appointed Judges as well as those interested Judges in conducting voir dire hearing in National Court criminal proceedings.

## **3.0 Facilitator and Participants**

Chief Justice Salika facilitated the webinar and interested Judges who participated or attended around the country logged on via Zoom platform from their Provincial locations. Judges in Waigani attended the webinar at the PNGCJE Training Facility.

A total of 11 Judges participated in the webinar. Two senior Judges included Justice Allen David and Justice Ere Kariko whilst remaining 9 included Justice Paulus Dowa, Acting Justice Elizabeth Suelip, Acting Justice Paul Tusais, Acting Justice Tracy Gamaii, Acting Justice Laura Wawun-Kuvi, Acting Justice Emma Wurr, Acting Justice Gerhard Linge, Acting Justice Camillus Sambua and Acting Justice Getrude Tamade.

## **4.0 Program Content and Method of Delivery**

The one-hour webinar session commenced with introductory remarks by Mr Sam Kaipu (Deputy Executive Director, PNGCJE), followed by presentation by Salika CJ, Question and Answer (Q & A) and concluded with a Vote of Thanks by Mr Kaipu. Lunch was provided to all participating judges after the webinar.

The method of delivery was online via Zoom platform.

## **5.0 Discussions**

The Chief Justice commenced his presentation by indicating that voir dire hearing has been defined as a mini or small trial within the main criminal trial. The requirement for a voir dire hearing arises when the defense counsel indicates to the Court that objections would be raised for tendering of a particular evidence. In most cases, it is the admissibility of the Confessional Statement obtained by police or the Record of Interview conducted by police.

The defense counsel informs the Judge during the pre-trial conference stage on their intention to object to the tendering of the confessional statement or record of interview. This is unlike the previous practice where prosecutors were caught by surprise by the defence counsel.

A notice of voir dire hearing is given by the defence counsel at an early stage. The judge and the prosecutor are put on notice that there would be a voir dire hearing. The State Prosecutor would have to call the relevant witnesses to give evidence at the voir dire hearing. These witnesses are usually the police officer who conducted the Record of Interview and the corroborator, and the police officer who prepared the confessional statement.

The defence counsel would indicate the reasons or basis for the objection to the tender of the record of interview and confessional statement. Some of the common reasons are that the accused was assaulted, intimidated, offered something, etc. The issue is whether the confession was obtained voluntarily.

During the hearing, police officers and corroborators are asked questions relating to the manner on which the confession was obtained, or the record of interview was conducted, whether it was fair, not harsh and threatening or not intimidating. Submissions are made by both counsel after the cross examination of witnesses.

The court then makes a ruling whether the evidence is admissible or not. When the court makes a ruling that the confessional statement was made voluntarily, the State Prosecutor usually asks the court that the proceeding in the voir dire hearing be taken as evidence in the trial proper. Counsel will make submissions on whether the court should give more weight to the evidence or not. Judge would make a determination on that.

The Chief Justice indicated that he was sharing his experience on cases that he dealt with both as a State Prosecutor and a judge,

During the Q & A, judges discussions were held with respect to prisoner in person raising issues on Record of interviews at the Supreme Court appeal stage when such were not properly considered and addressed by their lawyers at the National Court pretrial stages. Acting Judges also shared their experiences in conducting voir dire hearings, the various judgments they came across on the wider discretion of a judge in controlling the proceedings. Clarification was sought from the presenter on the way evidence was to be called as there existed differences in practice which were reflected in judgements.

## **6.0 Conclusion**

The webinar was a success as participants showed willingness to learn more by raising questions to clear doubts on certain aspects of conducting voir dire hearing and sharing their experiences as newly appointed judges or before their appointment.

*Annexure:*

- 1) Webinar Flyer
- 2) Photos taken during the webinar



Papua New Guinea Centre For Judicial Excellence



# Webinar

## "Conducting Voir Dire Hearing".

*for PNG judges*



Thursday, 07 October 2021  
11:00am - 12:00pm

Presented by:  
**Chief Sir Gibuma Gibbs Salika, GCL KBE CSM OBE**

Chief Justice and Chairman PNGCJE Board.

### Program

- 11:00am - 11:05am**  
Introduction
- 11:05am - 11:40am**  
Presentation by  
Salika CJ,  
"Conducting Voir Dire  
Hearing"
- 11:40am - 11:50am**  
Questions & Answers
- 11:50am - 12:00noon**  
Vote Of Thanks!

### ZOOM WEBINAR DETAILS



**JOIN**

**Meeting ID: 930 3483 9092**  
**Passcode: 244169**

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