



PAPUA NEW GUINEA CENTRE FOR JUDICIAL EXCELLENCE

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



FIRST QUARTER NEWSLETTER

January - March Edition

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Judiciary opens legal year

The official opening of the 2025 legal year was commemorated on the 3rd of March, 2025. The dedication service held at St Martin Anglican Church, Boroko in the Nation's Capital.

The theme for this year is "Enhancing public confidence in the judiciary" Those presented at the service included Judges, Magistrates, Lawyers and others in the Law and Justice Sector, including the Police. As is tradition the LYO commenced with a march to the church led by Chief Justice Sir Gibuma Gibbs Salika, Deputy Chief Justice Ambeng Kandakasi and Minister for Hon. Pila Niningi, Minister for Justice followed by Judges, Magistrates and Lawyers.

A Guard of Honor was performed by Police recruits from the Royal Papua New Guinea Constabulary.





Judges at the Legal Year Opening



Chief Sir Gibuma Gibbs Salika, Chief Justice of PNG



Chief Sir Gibuma Gibbs Salika, Chief Justice of PNG and Hon. Pila Niningi, Minister for Justice



Mr. Ian Augerea, Registrar, National and Supreme Courts of PNG

Pictorial of the 2025 Legal Year Opening



Judges of the Supreme and National Courts



Mr. Nichodemus Mosoro, Secretary NJSS



Police Band from the PNG Royal Constabulary



Judges of the Supreme and National Courts



Chief Justice inspecting the Guard of Honour



Dancers from Oro Province

Chief Justice attends Pacific Judicial Conference hosted in New Zealand

2025 Pacific Judicial Conference Highlights



Chief Sir Gibuma Gibbs Salika, Chief Justice of PNG



Chief Justice at the conference

The Chief Justice of Papua New Guinea, Sir Gibuma Gibbs Salika, attended the 2025 Pacific Judicial Conference (PJC) in Auckland, New Zealand, from February 9th to 12th, accompanied by delegates Justice Nerrie Eliakim, Justice John Carey, Mr. Paul Kelly, Ms. Alison Holt, and Mrs. Stacey Levakia-Wali.

The conference, themed “Strengthening the Institution of the Judiciary,” brought together judicial leaders from across the Pacific. The conference was hosted by the Chief Justice of New Zealand, RT Hon. Dame Helen Winkelmann, and attended by Chief Justices and judges from various Pacific Island

nations, including the Cook Islands, Niue, Nauru, Samoa, Solomon Islands, Guam, New Caledonia, and French Polynesia and Notable international judicial participants from Singapore, Australia, Brunei, and the Ninth Circuit of the United States.

Welcome address by Chief Justice Winkelmann, highlighted the challenges facing the judiciary in today’s world, where the legitimacy of institutions is increasingly questioned. Chief Justice Winkelmann emphasized the growing influence of new media and artificial intelligence, encouraging

discussion on how courts can adapt to these changes.

The conference featured discussions on key topics which included:

- Protection of Judicial Independence and the rule of Law;
- The Future Evolution of Courts;
- The importance of diversity in the judiciary; Legal pluralism; and
- The impact of climate change in the Pacific region.

The event provided a valuable opportunity for judicial leaders to share experiences and collaborate on addressing the evolving challenges facing the judiciary.



Participants at the Pacific Judicial Conference in New Zealand

PCJE highlights strategic intentions for the future at the Pacific Regional Meeting



Chief Sir Gibuma Gibbs Salika, Chief Justice of PNG (second from right) with Participants at the Pacific Judicial Conference in New Zealand

The Chief Justice of Papua New Guinea Sir Gibuma Gibbs Salika and Chairman of the Pacific Judicial Centre for Judicial Excellence, Justice John Carey Judge Administrator PNG Centre for Judicial Excellence, and Mrs. Stacey Levakia-Wali, Assistant Director PNGCJE and Program Officer for the Judicial Sector in the Pacific Countries were in Auckland, New Zealand in February to attend the first ever Pacific Regional Meeting. Justice John Carey outlined strategic goals for 2025, focusing on:

1. Capacity building for judicial excellence across the Pacific to strengthen the competence, integrity and ethical standards of judges, magistrates, and court officers across PNG and the Pacific;
2. Enhancing judicial education through regional cooperation, to improve legal knowledge and research capacity across the Pacific through shared education programs;
3. Expanding access to justice and legal awareness in remote customary law context to improve legal literacy, dispute resolution, and access to formal justice systems, especially for rural and customary law communities.
4. Strengthening institutional governance, anti- corruption and judicial independence to enhance transparency, accountability, and ethical governance in judicial systems across the Pacific; Supporting digital transformation and modernization of the judiciary across the Pacific to improve judicial efficiency and accessibility through digital technology; and
5. Strengthening regional and international collaboration or judicial excellence to reinforce PCJE as a leader in regional judicial training and capacity-building.

The meeting's goal was to improve coordination and collaboration among organizations to better support the Pacific justice sector.

Judges attend one-hour webinar on Mindfulness and Judging



Hon. Jeremy Fogel (Ret.)

The PNG Centre for Judicial Excellence hosted a webinar on Mindfulness and Judging in February. Mr. Tongia Kekebogi, Program Officer for Judges and moderator of the webinar said the topic was extremely important and the webinar was very useful for the Judges.

The session was presented by Hon. Jeremy Fogel (Ret.), Executive Director of the Berkeley Judicial Institute, California, United States of America.

In attendance from the PNG Judiciary were:

- Justice Joseph Yagi;
- Justice Ere Kariko;
- Justice Iova Geita;
- Justice Peter Toliken;
- Justice Paul Tusais;
- Justice Nerrie Eliakim;
- Justice Laura Wawun-Kuvi;

Judge Fogel has earned numerous accolades for his contributions to the legal field, including the President's Award for Outstanding Service to the California Judiciary. The webinar aimed to help judges understand the importance of mindfulness, its core principles, and how to apply it in judicial settings.

Topics discussed included:

- Mindfulness;
- Thinking fast and slow;
- Judicial applications of mindfulness;
- Pro-survival attributes of judges; and
- Humility

The session can be accessed through the link below:

Webinar - Mindfulness and Judging.mp4

Judges and Magistrates in PNG and the Pacific attend Managing Stress and Strengthening Resilience webinar

A total of 19 Judges and Magistrates in PNG and the Pacific recently attended a one-hour webinar conducted on the topic *"Managing Stress and Strengthening Resilience: Practical Strategies for Judges"*.

This webinar was moderated by Mr. Tongia Kekebogi PNGCJE Program Officer and presented by Hon. Jeremy Fogel (Ret.), Executive Director of the Berkeley Judicial Institute.

Amongst the Judges and Magistrates who attended the webinar were Chief Justice of PNG Sir Gibbs Salika and Chief Justice of Samoa Satiu Simativa Perese.

Hon. Fogel (ret.) emphasized the importance of discussing wellness and resiliency, noting that it is a topic he can engage with judges from any part of the world, and it is universally recognized as a crucial subject. He highlighted that being a judge is inherently stressful, demanding significant mental and emotional effort. Despite the responsibility, honor, and status that come

with the role, it remains challenging in most countries. He pointed out that when judges focus on the demands of their work, they realize that the challenges and stressors they face are shared across the globe.

During his discussion with judges, Hon. Fogel (ret.) addressed several key areas:

- The difficulties inherent in the role of judging.
- The ways in which stress impacts judges, particularly their health and overall well-being.
- Effective strategies for managing stress and building resilience in the face of these challenges. Hon. Fogel (ret.) advised judges that by identifying these issues and developing strategies to address them, their work as judges could be made more manageable.

The webinar can be accessed through the link below:

Webinar - Stress Management for Judges and Magistrates.mp4

Navigating Judicial Independence and Accountability in the context of the Supreme Court of Kenya's Politically Sensitive Jurisdiction

Hon Justice Professor – OBK Dingake - A speech delivered at a Conference in Nairobi – Kenya, themed “Introspecting and Reflecting on the Supreme Court’s Jurisprudence: 12 years of Defending the Constitution” – 4th of November 2024

Introduction

The Honourable Chief Justice and President of the Supreme Court of Kenya, Her Ladyship Martha Koome, the Chief Justices of Ghana, Tanzania, Liberia, Malawi and Eswatine, fellow Judges, members of the bar, academia, distinguished ladies and gentlemen, allow me to stand on the protocol already observed. I bring you greetings from the Second Republic of Botswana.

I have been asked to discuss the issue of navigating judicial independence and accountability in politically sensitive cases. In Kenya these cases include the three Raila cases on Presidential election petitions, the Building Bridges Initiative (BBI) case, the case of Gikonyo and Another v The National Assembly of Kenya and 4 others.

In 2017 the Supreme Court of Kenya nullified the Presidential elections and ordered a re-run within 60 days. This was a first in Africa and the fourth in the world. It was a momentous decision. In the BBI judgement the Supreme Court halted the BBI, but did not declare it “null and void”. In the Gikonyo case the Supreme Court of Kenya declared the Constituency Development Fund (CDF) unconstitutional.

Recently in the case of the Cabinet Secretary for the National Treasury and Planning and Others v Okiya Omtatah Okoitai and Others, the Supreme Court of Kenya upheld the constitutionality of the deeply unpopular Finance Act 2024 and public sentiment was that they capitulated to the Executive.

Paradox

Electoral disputes and other politically sensitive cases often present a paradox to the court because

objectivity is often lost on account differing political interests of the populace. Scholars and international observers have high regard of the Supreme Court of Kenya decisions in politically sensitive cases. But public opinion is divided.

Often the public views the court’s decisions through partisan political lens. For example, a survey of people’s views following the Supreme Court’s verdict in the 2022 Presidential elections, showed that 26.3 percent of the respondents who were surveyed were dissatisfied with the way the Supreme Court handled the 2022 Presidential petition, 43.8 percent said one of the reasons was that the decision was not based on evidence or was biased; 11.3 percent cited outside interference or coercion and 32.8 percent bribery.

About 18.2 percent said they were annoyed because the court did not nullify the election. The above sentiments show that constitutional law (a discipline within which electoral law is situated) lies at an intersection of law and politics – and often courts are viewed as impartial only when their judgements align with political interests, while adverse decisions invite attacks on the judiciary.

In these circumstances the question often arises whether the court can maintain its independence in the face of political pressure? The judiciary must remain loyal to the constitution and never compromise its independence. Clashes between the judiciary and politicians in any constitutional democracy are not uncommon, especially when it comes to high-stakes election petitions.

It is important though that the judiciary must avoid judicial overreach.

Navigating judicial independence and accountability

Navigating issues of judicial independence and accountability can feel like walking on quicksand or a slippery slope. This is because calls for accountability often have the potential to compromise independence and independence without accountability carries no public benefit. It can lead to lawlessness.

There is an inherent tension between independence and accountability. It is hardly surprising therefore that much attention is often devoted to striking the “right” balance between these two concepts.

It seems to me that independence and accountability are not ends in themselves but a means to an end; that end being fair, impartial, and effective justice.

Only a judiciary that is independent and accountable can be a true guardian of the constitution. Judicial independence refers to both decisional and institutional independence.

A judge should be able to adjudicate over a dispute without pressure, intimidation and undue influence from any person or authority. Accordingly, to guarantee this independence most constitutions strive to give judges sufficient protection - such as guaranteeing job security, adequate and satisfactory terms and conditions of service.

This is meant to ensure that they can make independent judgements without fear of adverse consequences.

Importance of judicial independence

Judicial independence is not meant for the protection of judges, but the protection of the public. It is precisely because an independent judiciary is a public good that a heavy obligation rests with the judiciary to ensure that the judges and the institution are strong enough to resist improper influence from the politically powerful.

It requires a judiciary that exercises its authority according to higher principles of integrity and justice. The question may be asked: independence from whom? The answer is independence from political influence, individuals, from crime syndicates and other non-governmental entities.

In a society led by a strong man or woman, a country without democracy, or where civil society is weak and disengaged, the independence of the judiciary is in peril.

Strong men or women often behave as if they are above the law – and often these types of leaders are quick to capture the judiciary so that it can do their bidding. An independent judiciary should not only resist undue influence from strong men and women but also from the democratically elected majority.

As Alexis de Tocqueville once said, in a democratic society the role of the judiciary is to protect the minority from the “tyranny of the majority”. Tension often arises when the judiciary imposes limits on what the democratically elected executive or legislature can do, to protect the rights of the minority.

Attempts to pressurize the judiciary to align with the majority line can only be resisted by an independent judiciary. It must also be stated that judicial independence goes beyond insulating the judiciary from political pressure, as judges are also subject to threats and pressure from litigants, including society’s criminal elements and or criminal syndicates.

Importance of judicial accountability

Judicial independence goes side by side with judicial accountability. It is not enough that judges be independent. They must also be accountable. At its heart judicial accountability is meant to curb or avoid bad behaviour by judges.

Judges are human, they can engage in conduct that is inconsistent with their oath of office. Like any other person judges can be corrupt too. Accountability is also a mechanism of disciplining errant judges.

The question is often asked to whom are the judges accountable? Creating an accountability mechanism creates a dilemma. This is so because whoever has the power to discipline or remove judges also has the power to influence them. It follows therefore that the creation of accountability, the very possibility of discipline, necessarily undermines judicial independence.

There are differing approaches to holding judges accountable. However, the emerging consensus seems

to be the need to keep discipline away from majoritarian politics. Consensus is emerging that judicial discipline is better kept within the judiciary, and should be carried out by a committee made up, on the main, at least, by judicial officers and members of the independent bar.

This is consistent with the provisions of the Universal Charter of the Judge, Beijing Statement of Principles of the Independence of the Judiciary, Council of Europe, European Charter on the Statutes of Judges.

Finding the right balance

Recognizing that there is tension between judicial independence and accountability means that it is important to find the right balance. Further, recognizing that both concepts are intended to promote fairness and effective justice means that the right balance shouldn't be difficult to find.

On close reflection these two concepts are mutually reinforcing, the need to act independently regardless of consequences and acting ethically, regardless of whether anyone is watching are fully compatible and reinforcing. Stronger accountability mechanisms can also deter judges from bad behaviour.

Unique Challenges faced by Judiciaries in Africa in Maintaining their Independence

African judiciaries face a host of challenges in maintaining their independence. These challenges include excessive control over judicial appointments, discipline and removal of judges. In most jurisdictions in Africa the bodies charged with selection of judges are dominated by politicians or presidential appointees.

This does not only happen in Africa. For example, during the Marcos dictatorship in Philippines, the Supreme Court was criticized as “subservient judiciary” because of the dominance of the executive in selecting judges.

Other challenges include lack of financial autonomy resulting in the judiciary having to beg the executive to fund its activities. In situations where the judiciary has no financial autonomy, it can be manipulated by the executive that controls the purse. Sometimes executives withhold financing the judiciary because it simply doesn't like its decisions.

There are many other problems that plaque the

judiciary in maintaining their independence such as lack of resources and operating within weak constitutional frameworks.

Conclusion

Navigating issues of judicial independence and accountability is complex and multi-layered. In navigating this issue, we must always keep in mind that independence and accountability are simply a means to an end, and that the ultimate objective is fair and impartial justice.

They are many factors that are critical in achieving fair, and effective justice. The courage of individual judges is also important. The courage to do justice when it is unpopular to do so, and the integrity to resist corruption and remain true to the judicial oath of office cannot be over-emphasized.

In other words, the individual judges must exhibit both courage and integrity in their decisions. It is important therefore that the selection of judges should screen judges for these qualities.

Decisions in high profile cases attract intense media scrutiny and public attention, become politicized and viewed through partisan lenses. These leads to perceptions of bias of the court even if decisions are based on sound reasoning.

It is therefore important that in all cases, especially the politically sensitive cases, that the court should provide clear, detailed explanations of the legal reasoning. Courts should make oral arguments and court proceedings more accessible. They should also endeavour to write their decisions in simple English without compromising the quality of legal reasoning.

It is also important that courts should demonstrate impartiality by avoiding appearances of bias in public statements and conduct, maintain consistency in legal interpretation across cases, enhance ethics and accountability and implement more robust recusal practices. The independence of judges may also be undermined by misinformation and unwarranted attacks against the judges.

It is therefore important for the judiciary to appoint a court spokesperson who can address false narratives and correct misinformation.

Program officer Ms. Vali Kila shares her journey with NJSS to highlight National Women's Day

Thank you for inviting me to share my experiences and challenges working with NJSS for the past 29 years.

Let me begin:-

Ladies and gentlemen and fellow NJSS advocates for change, Happy National Women's Day!

It is both an honour and a privilege to speak with you today as we come together to celebrate the remarkable achievements of women in PNG and to reflect on the challenges we continue to face.

My journey has taken me on a path filled with unique experiences that I believe many of you can relate to. I have had the privilege to serve under four Chief Justices, Sir Mari Kapi, Sir Arnold Amet, Sir Salamo Injia and Sir Gibbs Salika.

I started my career in 1995 as a National Court Translator, bridging the gap between Pidgin and English under former Judge Justice Doherty and late Justice Kirriwom. This role laid the foundation for my subsequent positions: from Legal Secretary to Admin Assistant to the Deputy Secretary Corporate Services, and ultimately to Executive Secretary under the guidance of former Secretary to NJSS Jack Kariko.

Each step was not merely a job change; it was an opportunity to grow, learn, and contribute to our justice system.

I had the opportunity to serve on the Pacific Judicial Conference Secretariat Team, which was instrumental in broadening my perspective on legal processes and international collaboration.

In 2015 I was seconded to PNGCJE as a member of the Pacific Judicial Conferences organizing committee headed by Justice Mogish, reporting to the former Chief Justice Sir Salamo Injia.

A total of 300 participants attended from the Pacific, Asia, Australia and New Zealand attend 1 week conference

In 2017, I was appointed Program Officer for Magisterial Services, a position I held until 2020 when I was assigned the role of Program Officer for the Law and Justice Sector. I coordinate training programs for lawyers within various sector agencies, such as NJSS, DJAG, Office of the Public Solicitors, Office of the State Solicitor, the Solicitor General's office, the Legal Training Institute, the University of Papua New Guinea School of Law and CLE programs in partnership with Australian Queensland Bar with PNG Law Society.

I find my job incredibly exciting. It has given me the opportunity to network with these agencies and collaborate with passionate individuals dedicated to justice too. However, my journey has not been without its challenges. Unlike men we women juggle our workload with the role of being a mother, I am a mother of 4 and now a grandmother.

As a non-legal professional, in a field so deeply rooted in legal complexities, I've had to navigate uncharted waters. Understanding the nature of their work and speaking their language has been crucial. It is imperative that we learn to communicate effectively to ensure that we are all aligned in our objectives.

To bridge this gap, I dedicate time to research the topics relevant to my role and the needs of the legal professionals I work alongside. It has become essential for me to understand their perspectives, challenges, and aspirations. I have come to appreciate that knowledge is a powerful tool—not just for personal growth, but for fostering understanding, collaboration, and ultimately, success.

In 2019, I was honoured to be nominated for a two-week work attachment at the NSW Judicial Commission alongside Ms. Arabella Owen. This year, I was scheduled to participate in a one-month job attachment at the Singapore Judicial College; however, due to budget constraints, this trip has unfortunately been deferred.

These experiences show the commitment of our organization to foster professional growth, and I look forward to the opportunities that will come in the future.

Women in positions like mine often face the dual challenge of being underestimated while simultaneously being held to the highest standards. Over the years I have learned that it's okay to ask questions, to admit when I don't know something, and to lean on my colleagues for support. My key message is to communicate and work as a Team with your colleagues, as I mentioned earlier I have learned so much from them. They have become my greatest teachers, empowering me to grow in confidence and expertise.

Today, as we celebrate the achievements of women, let us also acknowledge the importance of mentorship and support. When we lift each other up, we create a network of strength that can overcome any challenge.

Let us continue to share our stories, advocate for each other, and inspire the younger generation of women to pursue their dreams fearlessly. I have come a long way in my career and am grateful to those who have inspired and supported me.

In closing, I want to leave you with this thought: Our individual journeys may vary, but together we form a powerful collective team. Let us embrace our differences, celebrate our uniqueness, and work together to strive for a future where every woman can thrive.

Thank you for allowing me to share my story today and by doing so I hope that I have encouraged you to reach your full potential. Here's to our resilience, our passion, and the incredible potential we possess when we come together!

Happy National Women's Day



PNGCJE facilitates training in West New Britain Province



Participants of the National and District Courts in Kimber, WNB who attended the training

The PNG Centre for Judicial Excellence (PNGCJE) has successfully facilitated a four-day training course in Kimbe, West New Britain Province. Ms. Emmah John PNGCJE Program officer for the National Judicial Staff Services (NJSS) and lead facilitator said 28 officers from the National and district courts in Kimbe had recently participated in:

- Effective time management.
- Seven habits of highly effective people; and
- Stress management.

Ms. John mentioned that time management and productivity training was successfully conducted for both the District and National Court Officers.

The training focused on emphasizing the significance of time management. Ms. John said, "By managing your time effectively, you can prioritize tasks, set clear goals, and create structured schedules. By the end of the training, participants should be able to avoid wasting time on unnecessary activities, reduce procrastination, and stay focused on their tasks, efficient use of time ultimately leading to improved productivity and a more efficient use of time. These training programs whilst designed for District and National

Court Officers, they will also include selected agencies from the Law and Justice Sector in the provinces. "Kimbe District and National Court is the first centre to receive this training.

Our plan is to conduct programs across the country throughout the year, completing all provinces by the end of 2025,"

Ms. John stated. The lead facilitators were:

- Mr. Peter Michael, Program Officer – Magisterial Services
- Mr. Tongia Kekebogi, Program Officer – Judges
- Ms. Emmah John, Program Officer - NJSS



Ms. Emmah John
Program Officer - NJSS

Upcoming events

Training of Trainers & Fraud and Corruption Workshop

12 - 16 MAY

PORT MORESBY





About the PNG Centre for Judicial Excellence

THE Papua New Guinea Centre for Judicial Excellence (PNGCJE) coordinates judicial education and training for Papua New Guinea Judiciary, Magisterial Services, and Law and Justice Sector agencies. The purpose of the Centre is to facilitate and coordinate structured professional training to all judicial officers, court officers, and officers of the law and justice sector to help improve the delivery of judicial services to the people.

The PNGCJE has been involved in various activities and programs in 2024 aimed at promoting court excellence and improving access to justice. The Centre also offered a variety of programs and assisted conferences including the Asia Pacific Mediation Forum, Advanced Mediation Skills Training, Protocol training, Fraud and Corruption workshops, Judicial Wellness Program, Financial Literacy, and Customer Service.

The PNGCJE was established in 2010 under a Memorandum of Understanding (MoU) entered between the Chief Justice of the PNG Supreme and National Courts, the Chief Magistrate and the Secretary for the Department of Justice and Attorney General.

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.

