



Statement on the continuing disregard for the independence of the Judiciary in Kiribati and the continued suspension of High Court Judge David Lambourne.

The CMJA, CLA and CLEA (the Associations) are deeply concerned about the continued suspension of High Court Judge David Lambourne and in particular the setting up of a new tribunal on 7 March 2024 without terms of reference . A tribunal set up to investigate a judge who has security of tenure must be consistent with the rule of law, constitutional safeguards and international standards.

The Commonwealth (Latimer House) Principles provide that “..... *In addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered..”* *Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness’* . This includes the right to be fully informed of all allegations, to be able to attend as well as be represented at any hearing of the tribunal, to make a full defence and to be judged by an independent and impartial tribunal. Members of the judiciary like other members of society may not be subjected to violations of their fundamental human rights no matter what the alleged charges are against them.

Whilst we recognise that there should be checks and balances in the relationship between the three organs of state, the Associations emphasise that any process of investigation must be founded in well-established principles of procedural and other fairness and must be transparent and open. Natural justice has not been followed in relation to the establishment of the new tribunal and its procedures, which preclude Judge Lambourne and his legal representatives from directly accessing the Tribunal, responding to any allegations made, attending the hearings and cross examining witnesses.

By virtue of its membership of the Commonwealth, Kiribati is committed to the shared fundamental values and principles of the Commonwealth, at the core of which is a shared belief in, and adherence to, the rule of law including the principles of natural justice and independent and impartial judiciary.

The Associations urge the government and public authorities of Kiribati to respect the rule of law and comply with orders of the courts. The Associations further commend that all necessary steps are taken to ensure that the proceedings of the tribunal in any investigation of the purported “complaints and allegations”, comply with well recognised procedural fairness principles as well as the international standards and natural justice

The Associations further urge the President of Kiribati to respond to the letter sent to him by the UN Special Rapporteur on the Independence of Judges and Lawyers on 14 September 2023 and finally urge the government of Kiribati to respect and ensure the independence of the judiciary.

4 April 2024

Commonwealth Magistrates’ and Judges’ Association (CMJA)
Commonwealth Legal Education Association (CLEA)
Commonwealth Lawyers Association (CLA)

NOTE TO EDITORS:

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea.ac

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. www.comonwealthlawyers.com