

REPUBLIC OF THE MARSHALL ISLANDS

PILON COUNTRY REPORT 2021-2022

Major law and justice sector developments and achievements

In 2022, the Criminal Division under the Office of the Attorney-General welcomed two new Assistant Attorney-Generals to occupy the vacancies.

During the period 2021-2022, the Office of the Attorney-General, through the Criminal Division, filed 33 criminal cases in the High Court, 7 of which were disposed. Of the 33 criminal cases, 26 cases were filed in Majuro and 6 cases in Ebeye. The breakdown of the 33 criminal cases is as follows: 1 Homicide; Attempted Murder; 3 Sexual Assault; 4 Aggravated Assault/Assault with Deadly weapon; 2 Illegal Possession of Firearms; 7 Unlawful Possession/Distribution of Prohibited Drugs; 4 Theft; 2 Smuggling; 1 Burglary; 1 Importation of Tobacco without License; 3 Unlawful Remaining in the Republic; 2 Misconduct in Public Office; 2 Bribery in Official Matter; 1 Tax Evasion.

The total number of 33 criminal cases shows a slight decrease in criminal cases filed compare to previous fiscal year 2020-2021. The decrease is due to staff shortages.

Non-felonious misdemeanors and petty misdemeanors are also subsumed under the umbrella of the Criminal Division. So far, in Majuro the Criminal Division filed a total of 101 misdemeanor cases in the District Court. Of the 101 misdemeanor cases, 59 were disposed and 47 cases are pending before the District Court.

The Criminal Division received 3 new reports from the Office of the Auditor General involving fraudulent practices by employees of the national government and several State-Owned Enterprises. With the addition of the 3 new reports, the total number of fraud cases increased from 5 to 8. Of the 8 fraud reports, 2 cases were filed in the High Court and the defendants were convicted, 1 case is currently entering into a plea agreement; and the other 4 cases are currently under review.

Significant court decisions

As of this date, other than those referenced above, none.

PILON strategic priorities

The Office of the Attorney-General is an active member of the Pacific Island Law Office Network (“PILON”) which is a network of senior law officers from 19 Pacific Islands countries including RMI. PILON was formed to by the member countries to contribute to a safe and secured Pacific by advancing law and justice issues. As part of its current strategi plan, PILON conducts conferences and seminar and provides regular trainings to member countries in the areas of corruption, cybercrime, sexual assault and gender-based violence. These conferences, seminar and trainings are often held in the South Pacific countries such as Samoa, Tonga, Fiji and Vanuatu. Prior to Covid-19, prosecutors in the Criminal Division travelled off-island to attend these trainings. Since the outbreak of COVID-19, and due to being short-staffed, the

Criminal Division has opted to attend these conferences, seminar and training through virtual platforms.

In 2021, two Assistant Attorney-Generals enrolled in and attended the first series of cybercrime course called “Zyber Global Fundamentals of Digital Forensics” facilitated by PILON. The intermediate course of the Zyber Digital Forensic was offered later that year and 1 Assistant Attorney-General attended and completed it. In 2022, 1 Assistant Attorney-General represented the Office of the Attorney-General and attended a seminar on Sexual Assault and Gender based violence hosted by the Regional Rights Resource Team (“RRRT”) in collaboration with the Women United Together Marshall Islands. 2 Assistant Attorney-Generals have been nominated to attend Cybercrime Workshop in Fiji November 29-December 3, although both will participate virtually.

Technical assistance

The Attorney-General’s Office chairs the RMI National Taskforce on Human Trafficking. In February 2022, the Attorney-General engaged The Asia Foundation (“TAF”) under the Pacific RISE-CTIP 5-year program to combat human trafficking in the RMI. TAF provides a fully funded program officer co-located at the Attorney-General’s Office to implement the program. The program provides the following technical assistance: funding of a case management system include training on its use; legislative reforms and development of SOPs or regulations; a communications and awareness campaign; a hotline of TIP complaints; scoping, gap analysis and assessment studies; and active participation in RMI TIP-related meetings, workshops, trainings, etc.

Contact information for key law and justice agencies

Agency	Key responsibilities	Contact person and position	Phone number and email
Office of the Attorney-General	Legal advisor to the Cabinet, President or a Minister. Responsible for instituting, conducting or discontinuing for offenses alleged to have been committed.	Bernard J. Adiniwin Attorney-General	(692) 625-3244/8245 bernardadiniwin@rmiagoffice.com
Office of the Legislative Counsel	Draft Bills, resolutions and other instruments for the Nitijela (Parliament). Render legal services to the Standing Committees or Members of the Nitijela upon request. Advise the	Divine Waiti Legislative Counsel	(692) 625-8472/8473 marsollawyers@gmail.com

	Nitijela and Cabinet, from time to time, on necessary revisions of the law and those that become obsolete and inactive.		
Department of Public Safety	Shall have command, superintendence and direction of the Department, which includes the National Police, Fire Station, Prison, and Sea Patrol Division.	George Lanwi Police Commissioner	(692) 625-3233 georgelanwi@gmail.com
Office of the Public Defender	Provide, upon request, legal defence assistance and representation in both criminal and civil proceedings to all persons who cannot afford to hire a private attorney.	Russel Kun Chief Public Defender	(692) 625-3217/4992 Rkun2405@gmail.com