****

**PILON COUNTRY REPORT TEMPLATE**

Please return this completed report to the PILON Secretariat (coordinator@pilonsec.org) by no later than **cob Friday 6th September 2024**, to facilitate timely circulation to PILON members prior to the meeting. Please advise if you do not wish your Country Report to be made available on the PILON website.

**COUNTRY REPORT PRESENTATION:**

During the PILON Annual Meeting, each delegation will be invited to speak and present on **one (1) key law and justice achievement** that is relevant to **one** of the three PILON Strategic priorities; Sexual and Gender Based Violence, Cybercrime, *or* Environmental Crime and Corruption. A key law and justice achievement could include a report on any recent legal reform, a review or introduction of important legislation *or* accession to a new international treaty.

*Please submit your nominated topic to the Secretariat with your completed country report by* **Friday 6th September 2024***.*

Please note that the time for presentation will be strictly limited to **ten (10) minutes** per delegation to allow time for all PILON member countries to speak. To provide a fair opportunity for all delegations to speak, this time limit needs to be strictly adhered to.

During the group discussions on the three PILON strategic priorities (cybercrime, environmental crime and corruption, and sexual and gender-based violence), delegations will have additional opportunity to raise any other relevant developments in their jurisdictions.

**REPUBLIC OF KIRIBATI**



**KIRIBATI PILON COUNTRY REPORT 2023**

**Presented by the Office of the Attorney-General (OAG)**

COUNTRY REPORT WRITTEN SUBMISSION

**COUNTRY REPORT WRITTEN SUBMISSION**

The Country Report written submission should be limited to 10-15 pages and include the following titles:

1. **Major law and justice sector achievements**
2. *Office of the Attorney-General*

**On 16 September 2024 the Office of the Attorney General was finally complete in terms of having its Attorney Ms. Pauline Beiatau** officially appointed after many times being OIC then Acting Attorney General for a transitional period of more than two years. It is a milestone for Ms Beiatau a graduate of the Emalus Campus. During her tenure as Acting Attorney General, she implemented several changes within the Attorney General’s Office, specifically in the Civil Division, Legislative Drafting Division, and Criminal Prosecution Division. Upon her official appointment, she retained these arrangements.

The current structure of the Attorney General’s Office includes:

* **Three Divisions**: Civil, Legislative Drafting, and Criminal Prosecution.
* Each division consists of only the **Directors and their Deputies**.
* **Senior to junior legal officers** are assigned to these divisions and perform general civil, criminal, and legislative drafting tasks. These tasks are allocated and supervised by the Attorney General, the Directors, and the Deputies of each division.

The target is on young lawyers to develop and groom them for future roles in the legal profession. To gain a broad range of legal skills and practical experience all lawyers must be exposed to all the Divisions and be readily available to attend meetings locally and overseas.

The office of the Attorney General has also opened its branch on Christmas Island on the 12th of January 2024 consisting of one Assistant Senior State Attorney handling all tasks for the three divisions Civil, Criminal and Drafting.

Another interesting point to note is that the government passed 6 Bills during the parliament sitting in April this year, which have now become new Acts. These newly passed bills include:

1. Kiribati Qualifications Authority Act 2024
2. Elections (Amendment) Act 2024
3. State Pre-Emptive Right of Purchase (Amendment) Act 2024
4. Kiribati Building Act 2024
5. Kiribati Chamber of Commerce and Industry (Amendment) Act 2024
6. Appropriation Act 2024

This was quite an achievement for the government, reflecting the positive development and significant contributions of the Office of the Attorney General (OAG) team in enhancing access to justice through law reforms. The House in April was the last Parliament held before Kiribati had a general election in August. A Presidential candidate has been nominated and voted by all MPs and now the election would be in October.

Between 2023 and 2024, the OAG recruited three new graduates from the USP School of Law. Two were recently admitted to the Kiribati High Court in September, and the third has just completed her PDLP program. They will be under the general supervision of the Directors for each Division and have been allocated various civil, criminal, and legislative drafting tasks.

1. *Judiciary*

**A former Attorney General Mrs. Tetiro Maate Semilota** was recently appointed as the Chief Justice on 5 April 2024. As a Chief Justice, her responsibilities include overseeing the judiciary, appointing judicial staff, Commissioners of the High Court and appointing magistrates in the Magistrates Courts pursuant to the Magistrate Courts Ordinance Cap 52. Her main role is to hear cases, appeals from the Magistrates and presiding in the Court of Appeal.

Since there is currently no criminal judge in the High Court, the Chief Magistrate has been appointed as a Commissioner of the High Court by the Chief Justice to primarily handle criminal cases and other miscellaneous applications filed before the High Court. Consequently, the Chief Magistrate and the Chief Registrar are now serving as Commissioners of the High Court.

Chief Justice Semilota has also introduced some changes to the court system. One significant change is the inclusion of the **Pre-Trial Conference**. This is a meeting held before the trial begins, involving the parties to the case and their attorneys. The main purposes of a pre-trial conference include:

1. **Clarifying Issues**: The parties discuss and clarify the issues of the case to streamline the trial process.
2. **Case Management**: Establishing a timeline for pre-trial activities and setting tentative trial dates.
3. **Evidence Review**: Reviewing the evidence that will be presented during the trial and addressing any legal issues related to it.
4. **Settlement Discussions**: Encouraging the parties to explore the possibility of settling the case without going to trial.
5. **Procedural Matters**: Resolving procedural issues and motions that may affect the trial.

In criminal cases, pre-trial conferences often focus on what evidence will be allowed at trial and other legal matters that do not directly determine the defendant’s guilt

Another development in the judicial system is the establishment of a “complaints center” to deal with public complaints mostly with poor customer, court services and delayed court processes. This is an ongoing challenge and identified area for the judicial system to improve and with available information from the public at the complaints center; the High Court may use this data to advance its judicial system.

1. **Significant court decisions**
2. ***David Lambourne v Taneti Mamau (1st Respondent), Teekoa Iuta (2nd Respondent), Mantoa Miita (3rd Respondent), Amerika Toka (4th Respondent), Katokamana Anterea (5th Respondent) Attorney General (Republic) (7th Respondent) and Nakau Mote (8th Respondent) High Court Civil Case 18 of 2022:***

In this case the following orders were sought:

1. A declaration that the 1st Respondent’s instrument dated May 13, 2022, appointing the 2nd to the 6th Respondents to the Tribunal and which was later supplemented on August 23, 2023, revoking the appointment of the 3rd Respondent and substituting the 8th Respondent in his place is invalid;
2. An order restraining the 2nd, 4th, 5th , 6th and 8th Respondents from doing any act pursuant to the 1st Respondents instrument dated May 13, 2022 and 23/08/2023;
3. A declaration that the 1st Respondent’s instrument dated May 16, 2022, purporting to suspend the Applicant from office, is invalid;
4. And order that the Republic immediately resume payment of that salary be continued henceforth until further order or until the Applicant no longer holds office as a judge.

The issues revolved around the powers of the 1st Respondent in appointing the Tribunal and the suspension of the Applicant as a judge of the High Court.

The Court concluded that:

1. The 1st Respondent’s instrument dated 13/05/2022 appointing the 2nd to the 6th Respondents to the Tribunal, which was later supplemented on the 23/08/2023 revoking the appointment of the 3rd Respondent and substituting the 8th Respondent in his place is valid. Further, the instrument dated 01/03/2024 does not revoke the 13/05/2022 instrument; it merely complements the 13/05/2022 instrument with a new Chair.
2. It follows therefore that the Respondents mentioned in (a) above are not to be restrained from doing any act or thing required by their appointment in pursuance of the 1st Respondent’s instruments dated the 13/0/2022 and/or 23//08/2023.
3. The 1st Respondent’s instrument dated 16/05/2022 purporting to suspend the Applicant from office is valid.
4. As regards to withholding of the Applicant’s salary, the Court found it to be invalid. As such, the Republic is asked to release and pay the Applicant’s salary as of May 16, 2022, including all arrears and should continue until such time as the question of removal is resolved by the Maneaba.
5. ***David Lambourne v Taneti Maamau (1st Respondent), Uering Ieteraera (2nd Respondent) and Attorney General (Republic) (3rd Respondent) High Court Civil Case: 32 of 2022***

In this case, the following orders were sought:

1. A declaration that the Deportation Liability Notice dated September 16, 2022, is invalid;
2. An order restraining the 1st and 2nd Respondents, for so long as the Applicant continues to hold office as a judge, from taking any step to deport the Applicant from Kiribati or detaining the Applicant on account of his visa status.

The issues are more directed against the deportation orders. The Applicant challenges the validity of the powers exercised and seeks remedies in the form of declarations and restraining orders, which can be summarized as follows:

1. Whether the instrument dated 13/05/2022 purporting to appoint the Tribunal is valid;
2. Whether the instrument dated 16/05/2022 purporting to suspend the Applicant is valid;
3. Whether the withholding of the Applicant’s salary pursuant to the suspension notice is valid;
4. Whether the deportation liability notice is valid.

The Court concluded that:

1. Deportation Notices were invalid in so far as the question of the Applicant’s removal is pending.
2. It follows therefore that the Respondents must ensure that the Applicant is allowed to stay in Kiribati, but not to work, until such time the question of removal is resolved by the Maneaba.

The Office of the Attorney General has filed an appeal case against the decision in ***High Court Civil Case 18 of 2022*** on the ground that the learned Commissioner erred in law to find the suspension of the Judge without pay unlawful. The Court of Appeal session has been rescheduled from the 23-30 September 2024 to the 2-13th of December.

1. ***HCCC 49/23Mr. Mohanand Al-Ibraheim v AG iro Minister and Director Ministry of Foreign Affairs & Immigration***

Mr. Mohanand Al-Ibraheim (Plaintiff) is currently tasking civil action against the Republic of Kiribati, for failure of statutory duty in fulfilling the Removal Order issued against him by the Beretitenti on 14 February 2020.

Mr. Al-Ibraiheim arrived in Kiribati in 16 January 2020 on his way to Funafuti Tuvalu. While awaiting his flight to Tuvalu, the Air Kiribati Dash 8 airplane was unable to continue its schedules due to mechanical problem. The fact that his 1month visa was soon to lapsed, he attended the immigration office for a visa extension.

On 6 February 2020, a visa extension application with relevant onward ticket to Fiji was submitted by the Plaintiff, where upon assessment the visa extension was not granted as it was not a genuine air ticket. Following this, a removal order was signed soon after to have the Plaintiff removed within 14 days of service of the order.

As Immigration work towards fulfilling the Order, COVID 19 hit Kiribati and the world at large was in lock down making it impossible to fulfill the order.

Over the years, the Plaintiff through his lawyers and locals
has submitted asylum seeker application.

Immigration in the performance of their work, June 2021 granted the Plaintiff an interim visa so that the Plaintiff has lawful status to be present in Kiribati. The terms of the visa were very clear, that the Plaintiff is granted the interim visa which is a temporary visa while assessment towards his application for work visa is being reviewed. However the Plaintiff is not
to engaged in any form of commercial and business activities.

The Plaintiff has then since lived in Kiribati until in 2023 where he now filed a writ of summons, claiming that the Republic has failed it statutory duty to remove him under the removal order dated 14 February 2020. As a result of such failure, he has suffered damages.

The case is currently before the High Court of Kiribati, where counsels are expected to returned to court in November 2024.

1. **Significant Law Reforms**

Between 2023 and 2024, the Government passed several Bills that have now become new Acts, focusing on various aspects of national development and fiscal management. These newly passed Bills includes:

*Digital Government Act 2023*

The main purpose of this Act is to enhance government operations through the use of Information and Communications Technologies (ICT). This Act focuses on several key areas:

1. **Digital Services**: Improving the delivery of government services through digital platforms.
2. **Digital Infrastructure**: Establishing and maintaining the necessary infrastructure to support digital services.
3. **Digital Skills**: Enhancing the digital skills of government employees and the public.
4. **[Cybersecurity](https://www.mict.gov.ki/publications/digital-government-act-2023%22%20%5Ct%20%22_blank)**[: Ensuring the security of digital government operations and data](https://www.mict.gov.ki/publications/digital-government-act-2023%22%20%5Ct%20%22_blank).

[The Act also include provisions for the establishment of a National Transformation Advisory Board and a National Computer Emergency Response Team (CERT) to oversee and manage these initiatives](https://www.mict.gov.ki/sites/default/files/Digital%20Government%20Act%202023.pdf%22%20%5Ct%20%22_blank).

*Kiribati Qualification Authority Act 2024*

The Kiribati Qualifications Authority Act 2024 serves to establish the Kiribati Qualifications Authority (KQA) as a national body responsible for ensuring quality assurance in the education sector. Its purpose is to align Kiribati's educational standards with the Pacific Qualifications Framework (PQF), thereby ensuring that secondary and tertiary education providers are accredited and maintain high standards. This involves monitoring and accrediting educational institutions to ensure they comply with the National Qualifications Framework (NQF). Essentially, it aims to improve and maintain the quality and credibility of education and training in Kiribati.

*Elections (Amendment) Act 2024*

The purpose of the Election (Amendment) Act 2024 is to improve and update the existing Election Act, addressing disparities and inconsistencies within the Principal Act. The amendments aim to clarify definitions, adjust appointment processes, and refine the qualifications for electors. Essentially, it seeks to enhance the electoral framework, ensuring it is more inclusive, transparent, and effective in administering elections in Kiribati

*State Pre-Emptive Right of Purchase (Amendment) Act 2024*

The purpose of the State PreEmptive Right of Purchase (Amendment) Act 2024 is to address a loophole in the original Act from 2001, specifically the omission of state lands on Kiritimati (Christmas Island) in  its schedule. The aim is to ensure that the state lands on Kiritimati areproperly included and covered by the Act, just like the lands on Tabuaeran (Fanning Island) and Teraina (Washington Island).

The amendments make the Act retroactive to January 1, 2002, to regularize the omission, andthey  update the schedule to include Kiritimati's state lands, ensuring the Act applies equally across all specified islands. Essentially, it corrects an oversight to ensure consistent legal coverage and administration of state lands.

*Kiribati Building Act 2024*

The Kiribati Building Act 2024 aims to regulate the construction and occupation of buildings in  various parts of Kiribati, ensuring they are safe, structurally sound, and compliant with national standards.

The purpose includes:

1. **Establishing a uniform set of minimum standards** for building design, construction, and performance through the Kiribati Building Code.
2. **Ensuring buildings are safe, climate-resilient, and accessible**.
3. **Supporting building practitioners and landowners** to comply with the Building Code through resources like the Kiribati Building Manual.
4. **Clarifying the responsibilities of the Minister and the Ministry** in administering the Act and  ensuring compliance.

Overall, the Act seeks to enhance the quality and safety of buildings while ensuring they meet specific  standards and are equipped to handle the unique environmental challenges of the region.

*Kiribati Chamber of Commerce and Industry (Amendment) Act 2024*

The purpose of the Kiribati Chamber of Commerce and Industry (Amendment) Act 2024 is to refine and improve the original Act from 2013. The aim is to enable the Chamber to serve the private sector more efficiently, especially in the outer islands of Kiribati.

These amendments streamline membership classifications, clarify the steps for starting business, expand the objectives of the Chamber, and extend the term length for officials from 2 years to 4 years. Overall, these changes are designed to enhance the operational effectiveness and outreach of  the Chamber, supporting better business practices and development across Kiribati.

*Appropriation Act 2024*

The purpose of the Appropriation Act 2024 is to authorize the allocation of funds from the Consolidated Fund for the recurrent expenditures of the government for the year ending December 31, 2024. This Act ensures that the necessary financial resources are allocated to various heads of expenditures as specified in the Schedule, which aligns with the Estimates for the financial year. It is presented to the Maneaba n Maungatabu (House of Parliament) in accordance with constitutional requirements, enabling the government to manage and disburse funds effectively for its operations and services.

1. PILON strategic priorities
2. **Cybercrime**

Since the enactment of the Cybercrime Act in 2021, representatives from Kiribati have attended workshops and trainings that would assist Kiribati in enhancing their skills and knowledge on cybercrime. One of the trainings that OAG representative attended recently was the Pacific for Cyber Capacity Building Coordination (P4C) that was held in Cook Islands in September 2024.

The training was based on the collection of digital evidence. During the training, Kiribati alongside with other Pacific countries agreed to request to the donor that instead of conducting trainings, the donor should visit all the Pacific Islands that requires their assistance to determine different gaps or loopholes in their legislations. Since each Pacific Countries have different issues or needs concerning cybercrime, it would be proper for the donor to visit and witness the type of assistance that is required. For instance, Kiribati is ready to implement its Act but still lacks the resources such as fingerprint tools, etc.

1. **Sexual and Gender-based Violence**

OAG continues to help police prosecutors in preparation for court trials when requested and continues to work closely with the Ministry of Women, Youth, Sport and Social Affairs (MWYSA) to assist children and young women who have become victims of domestic violence. This year, an amendment has been drafted and is currently waiting for next sitting of the House of Parliament. The amendment is concerned with the Implementation of the Regional Guideline for SGBV cases inserting a provision for a witness support officer. OAG is waiting for the allocated budget from UN Women who will be funding this Project, and which the implementation of a witness support office will in the beginning of next year.

1. **Contact information for key law and justice agencies**

|  |  |  |  |
| --- | --- | --- | --- |
| **Agency** | **Key responsibilities** | **Contact person and position** | **Phone number and email** |
| Ministry of Justice P.O Box. 62, Bairiki Tarawa Kiribati | Administration of Justice | Mrs. Kaaro Neeti,Secretary | Tel: 75022801Email: secretary@justice.gov.ki  |
| Attorney General, OAG, P.O Box 62Bairiki, Tarawa Kiribati |  The principal legal advisor to the Government and Criminal Prosecution | Ms. Pauline Beiatau,Attorney General | Tel: 75021342Email: attorney-general@legal.gov.ki |
| Solicitor General,OAG, P.O Box 62, Bairiki Tarawa, Kiribati | Handles and provides all legal services on civil and land matters/issues to Government Ministries. | Mrs. Tumai Timeon, Solicitor General | Tel: 75021342Email: tumai@legal.gov.ki  |
| Director of Legislative Drafting, OAG, P.O Box 62Bairiki Tarawa, Kiribati | Handles and provides all legislative drafting services to Government Ministries. | Ms. Ereta Bruce,Director of Legislative Drafting | Tel: 75021342Email: ereta@legal.gov.ki  |
| Office of the Public Legal Service P.O Box 461, Betio Tarawa, Kiribati | Provision of legal aid services to financially disadvantage people. | Mr. Raweita Beniata, Director for Public Legal Service | Tel: 75126312Email: rbeniata@gmail.com  |
| Judiciary Kiribati, P.O Box 501, Betio Tarawa Kiribati | Provision of Judiciary Services (Judiciary) | Mr. Abuera Uruaaba, Chief Registrar, High Court, Judiciary, KiribatiMr. Aomoro Amten, Principal Magistrates, Magistrate Court Dvision, Judiciary, Kiribati | Tel: 75126007Email: cr@kiribatijudiciary.gov.kiEmail: pm@kiribatijudiciary.gov.ki |
| Maneaba ni Maungatabu, P.O Box 52, Ambo Tarawa Kiribati | Kiribati House of Parliament (Legislature) | Mr. George Mackenzie- Parliamentary Counsel | Tel: 74021880 |
| Kiribati Police Service, P.O Box 497, Betio Tarawa, Kiribati | Law Enforcement | Mr. Ioeru Tokantetaake- Commissioner of Police Eeri Aritiera- Deputy Commissioner of Police(Officer in Charge) | Tel: 75126187Email: compol@police.gov.ki Email: dcpo@police.gov.ki  |