

REPUBLIC OF THE MARSHALL ISLANDS

PILON COUNTRY REPORT 2022-2024

Major law and justice sector developments and achievements

RMI's Country Report spans two years, encompassing the period from October 2022 to October 2024. During the reporting period, the Attorney-General's Office welcomed four new Assistant Attorney-Generals to work in both the Criminal and Civil Divisions. One of them, however, is employed as a Special Assistant Attorney-General given that her funding is derived from a Conservation Trust grant. This Office has recently gotten permission from the grantor for her to start litigating civil violations.

During the reporting period, the Attorney-General's Office received a total of 87 criminal cases from the law enforcement agencies including the Auditor-General, the Banking Commission, the Marshall Islands Police Department, the Majuro Atoll Police Department. The breakdown of the 87 criminal cases is as follows: 3 cases of homicide, 4 cases of sexual assault, 10 cases of unlawful distribution of prohibited substances, 25 cases of aggravated assault or assault with a deadly weapon, 2 cases of misconduct in public office, 6 cases of burglary, 17 cases of theft, 1 case of forgery, 1 case of child abuse, 2 cases of kidnapping, 1 case of contempt of court order, 5 cases of illegal importation, 1 case of unlawful remaining in the Republic, 2 cases of criminal mischief, and 3 cases of intimidation or harassment; 4 Unlawful Distributing Betelnut, and there were no reports of cybercrimes.

Significant court decisions

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

PILON strategic priorities

The Attorney-General's Office 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 by the member countries to contribute to a safe and secured Pacific by advancing law and justice issues. As part of its current strategic 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. Recently, attorneys from this Office as well as relevant officers have participated in webinars in these 3 priority areas.

In late 2022, the Nitijela adopted P.L. 2022-45, an amendment to the Criminal Code, 2011, to repeal the statute of limitations in criminal cases where offenders abscond the Republic. This is critical for the Office given that when offenders of these areas return, prosecutions can commence. In connection with this, the Office also implemented a policy related to the issuance of passports—when an offender applies for a passport, such will not be issued until said offender pleads guilty to the offense or until he/she returns to the RMI for prosecution. So far, there has been one successful plea agreement made where the offender pled guilty.

The Attorney-General's Office is also actively involved in the three working groups focused on Sexual and Gender-Based Violence, Corruption, and Cybercrimes, established by PILON.

These groups aim to provide technical assistance, develop supportive frameworks, and engage government leaders. Their initiatives include public education on these critical issues, guidance for case support workers, investigators, and prosecutors to effectively fulfill their roles, safeguarding the integrity of law enforcement agencies, and ensuring the provision of adequate evidence to secure convictions in court. To support these strategic priorities, the Attorney General's Office has appointed three Assistant Attorneys, each to be the point of contact and to specialize in each of the three priority areas: Sexual and Gender-Based Violence, Corruption, and Cybercrimes. The Attorney-General's Office is currently in the early stages of implementing the Regional Guidelines. On September 6, 2024, the RMI Attorney General's Office participated in a successful webinar with other member countries, where the Regional Guidelines were discussed and ideas were shared on improving their implementation. Regarding Cybercrimes, two prosecutors from the Attorney General's Office are currently enrolled in two online cybercrimes courses: 1. Fundamentals of Digital Forensics for Lawyers and Judges; and 2. Digital Forensics for Lawyers and Judges-Intermediate. Additionally, one of the two prosecutors represented the office at the Cybercrime Working Group meeting on September 13, 2024. The Attorney General's Office would appreciate further training opportunities in corruption and aims to become involved in any working groups focused on this area.

Significant issues affecting the law and justice sector, and options to address them

The Attorney-General's Office, in addition to the other offices/departments comprising the law and justice sector, continue to face challenges affecting its efficient and effective discharge of its functions. The most obvious is office space. The delivery of services, including passport issuance, legal opinion and so forth, cannot be properly undertaken without a publicly accessible office, especially with constituent divisions spread out in different locations. Moreover, as the principal legal office of the Government, a secure working environment, secure internet connectivity and storage for all Government legal documents, data and other information are critical.

Another challenge is, of course, funding for relevant posts. The Office also deals with the management and administration of passports in addition to handling corporate registry, both of which are time consuming. The Office has been proposing a budget for the relevant posts to take over most of the detailed work, leaving the legal work to the attorneys. Moreover, budget is also needed for more attorney posts as the Office also deals with civil violations as opposed to criminal infringements, particularly as Immigration and Labor are constituent divisions under the Office.

Significant initiatives/projects involving the Republic of the Marshall Islands and its law and justice sector

Recent engagement with Lawyers Without Borders (LWOB), an internationally recognized Non-Governmental Organization with extensive experience working on transnational organized crime, providing training and technical assistance to justice sector stakeholders, and supporting rule of law initiatives around the globe. Although its work is mainly for and with the recently-established Office of National Security, the Office took the opportunity to gauge LWOB's interest in providing training opportunities for our prosecutors and civil litigators. Another request was for LWOB to provide an experienced prosecutor to guide our current prosecutors, especially for more complicated cases such as money-laundering and other financial crimes.

In September 2023, the Office officially launched its cloud-based case management system ("CMS"). The CMS is co-funded by the Office and The Asia Foundation through the Pacific RISE-CTIP Project. The CMS provides a user-friendly and customizable cloud solution for saving, tracking, and organizing matters and documents. It provides superior searchability, sharing, and reporting features that save prosecutors time to do actual legal work. The CMS streamlines, centralizes, and automates legal service requests by having departments enter requests directly into the CMS which can automatically assign attorneys, create tasks, and send notifications. Dynamic data visualization gives management and staff instant key metrics. Powerful document management tools include audit and version history, instant red-line comparison, and permission-based file, folder, or site access. With the powerful Document Automation, the CMS improves the Office's efficiency and saves time with automated document and contract creation. CMS can be easily set up to intake, track, and efficiently respond to requests received by the Office.

Technical assistance

The following were offered to and attended by officials in the law and justice sector:

1. Search And Rescue Training by the Japan Coast Guard in January 23-26, 2024
2. Board Vessel Search and Seizure training by the UN Office on Drugs and Crimes in April 8-19, 2024
3. Intelligence Analysis Workshop by the U.S. Central Intelligence Agency in April 2-5, 2024
4. Maritime Domain Awareness by the U.S. Coast Guard in May 2024
5. Border Security & Processing Techniques Training by the U.S. Central Intelligence Agency in May 13-24, 2024
6. Maritime Crimes Investigation Training by UN Office on Drugs and Crimes in June 3-5, 2024
7. Human Rights and International Humanitarian Law by the U.S. Defense Institute of International Legal Studies in August 26-28, 2024
8. Narcotics Investigation Course by U.S. Drug Enforcement Agency and U.S. Postal Inspection Service, August 12-14, 2024
9. Transnational Crime Assessment by the Pacific Transnational Crime Coordination Centre on August 21, 2024
10. 2-part Counter Trafficking in Persons Training by the U.S. Army, 351st Civil Affairs Command, January 23-25, 2024 and September 10-12, 2024

Nevertheless, the Office is of the sentiment that the law and justice sector requires prosecutorial, civil litigation and investigative training, particularly in finance-related crimes.

The sector needs technical assistance in developing a legal framework related to cybercrime.

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 Nitijela and Cabinet, from time to time, on necessary revisions of the law and those that become obsolete and inactive.	Divine Waiti Legislative Counsel	(692) 625-8472/8473 marsollawyers@gmail.com
Department of Public Safety	Shall have command, superintendence and direction of the Department, which includes the National Police,	George Lanwi Police Commissioner	(692) 625-3233 georgelanwi@gmail.com

	Fire Station, Prison, and Sea Patrol Division.		
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