



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**
PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

International Association of Judges

Media Release

Rule of Law in Kiribati

The International Association of Judges (IAJ) is concerned about recent events in Kiribati relating to the position of Chief Justice William Hastings and Justice David Lambourne.

Justice Lambourne has been held by the Chief Justice of Kiribati to hold office as a judge of the High Court of Kiribati for an indefinite period. The Attorney General of Kiribati filed, but then withdrew, an appeal from that decision. Since that time, Justice Lambourne has been the subject of attempts by agents of the government to deport him – even to the extent of trying to force him onto an aeroplane which was departing from Kiribati.

The Chief Justice has been suspended from office and has been accused by government officials of instituting “a judicial coup”. But there is now no challenge to his decision by the government. Any action taken against the Chief Justice must only take place in accordance with both the Constitution and the rules of natural justice.

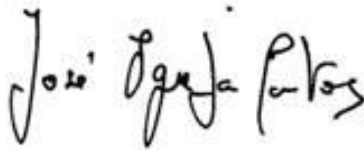
Any matters which concern the validity of Justice Lambourne’s appointment or of his entitlement to a visa should be resolved through the court system and he should not be subjected to improper pressure to abandon his position or leave the country.

It is essential to an effective judiciary maintaining the rule of law that the judiciary be independent of government and that its members make decisions without fear or favour, affection, or ill will. We are concerned to learn that recent comments by government officials have contained derogatory statements questioning the independence and integrity of Kiribati’s judiciary.

The preamble to the Universal Charter of the Judges begins by noting the words of Montesquieu that there is “no freedom if the power to judge is not separated from the legislative and executive powers”. An essential part of the rule of law is the exercise of judicial power by an independent judiciary. The United Nation’s basic principles on the independence of the judiciary also recognises the importance of governments guaranteeing the independence of the judiciary and the duty of all governmental and other institutions to respect and observe that independence.

The Kiribati Court of Appeal is due to hear an appeal relating to these matters on Friday 19 August. The processes of that court should be respected and the independence of the judiciary – which is an essential component of the rule of law – should be strictly observed.

The IAJ was founded in 1953 as a professional, non-political, international organisation bringing together national associations of Judges. The main aim of the IAJ is to safeguard the independence of the judiciary which is essential to the judicial function and the guarantee of the rule of law, human rights and freedom within society. The judges of Kiribati are not formally members of the IAJ, but the Australian Judicial Officers Association and the Judges Association of New Zealand are. The IAJ currently encompasses 94 national associations or representative groups over five continents.

A handwritten signature in black ink, reading "José Igreja Matos". The signature is written in a cursive style with a small dot above the 'i' in "Igreja".

Mr Igreja José Matos

President of the IAJ