EDITORIAL

Firstly, may we apologize for sending you an amalgamated CMJA News (October 2022-April 2023). This is due to the continued constraints on human resources within the CMJA. I hope that you will still find this of interest.

It has been a sad few months for the CMJA. We lost our Hon. Treasurer, Patrick Latham FCA, who passed away in August 2022 following a long illness. We also lost the Hon. Life Vice President and former Executive Vice President and Treasurer, Michael Lambert, a stalwart of the CMJA, who passed away on 23 August 2022 and we were saddened to hear of the passing of former Secretary General, John Buchanan at the end of August as well. We were also very upset to hear of the passing of our Patron, Her Majesty Queen Elizabeth II, whilst we were in Ghana at the CMJA’s first in person conference since 2019 in September 2022. We remember all of those who have passed and our prayers and thoughts are with their families at this very sad time. The CMJA was represented at each of the funerals. It was especially an honour and a privilege for the CMJA to be represented by the Secretary General at Her Majesty Queen Elizabeth II’s funeral as we were aware that Her Majesty was Patron off around 800 organisations and to be singled out to attend the funeral was a great honour for the Association.

We are waiting to hear from His Majesty The King what the position is with regard to the royal patronage going forward. Our prayers and thoughts are also with those who have lost members of their families in the floods in Pakistan last year and the more recent Cyclone Freddy in Malawi.

Since the last newsletter circulated in July, the CMJA held its 19th Triennial conference in Accra, Ghana from 4-9 September 2022 on the Theme “Access to Justice in a Modern World”. We were very excited to meet old friends and make new friends at the Conference which attracted 379 delegates and 46 accompanying guests from 46 jurisdictions in the Commonwealth. We are deeply grateful to the Ghanaian judiciary, the local organising committee and the judicial service for all their assistance in making the Conference such as success. We are also very grateful, as always to our Conference Coordinator, Mrs Jo Twyman, without whom, the CMJA could not provide such support to its delegates in the run up and during the Conference. The CMJA Secretariat was also very grateful to its two volunteers, Ms. Ceris Probert and Mr Tom Brewer who also provided support during the Conference. We were also pleased to announce that we recruited an additional 122 new members during the Conference and we welcome them to the CMJA family! The CMJA also welcomed a new Council following the elections that took place at the Regional Meetings during the CMJA Conference, on 6 September 2022.

The CMJA has also continued to monitor judicial independence issues across the Commonwealth and is extremely concerned about the continued attacks on judicial independence in Kiribati in particular. It has also continued to work on the Funding and Resourcing of the Judiciary across the Commonwealth. In May, the CMJA circulated a survey to Chief Justices regarding funding of the Judicialies and continues to gather evidence of the current situation.

In June 2022, both Togo and Gabon acceded to the Commonwealth during the CHOGM and we look forward to working with the Judiciaries of both countries to advance the Commonwealth fundamental principles and in particular the implementation of Commonwealth (Latimer House) Principles in these two jurisdictions which are also members of the Francophonie and whose legal systems are based on French civil law. We hope that the French translation of the Commonwealth (Latimer House) Principles which was generously sponsored by the Canadian Superior Court Judges Association some years ago will be of value to Togo and Gabon.

Since September, the CMJA has been represented at the East African Magistrates’ and Judges’ Association (EAMJA) Conference in Kigali, Rwanda. The CMJA’s Immediate Past President, Justice Charles Mkandawire was invited to make a presentation at the EAMJA Conference on “Rationale for Harmonised Judicial Remedies in Cross-Border Issues”. He also presented the report on CMJA activities to the EAMJA’s

CONTENTS

1. Editorial
2. CMJA 19th Triennial Conference 2022
3. CMJA General Assembly and new Council
4. Regional Members of Council
5. Sheriff Douglas Allan Becomes Honorary Life Member
6. New CMJA President’s Speech
7. Judicial Independence Issues
8. Gambia Judicial Training
9. His Majesty, The King’s Commonwealth Day Speech.
10. New Members
Annual General Meeting. Also in attendance was newly elected Council Member for Uganda, Mrs Jackline Kagoya (see below). Newly elected Regional Vice President for East, Central and Southern Africa, Hon. Justice Ilvin Mugeta attended the Commonwealth Law Ministers Meeting being held in Mauritius at the end of November 2022. He presented the CMJA’s report on Activities to the Law Ministers Meeting.

The CMJA was also represented by the CMJA Secretary General, Dr Karen Brewer, in January 2023 at the Roundtable Conference on Global Challenges and the International Response: What role for the Commonwealth? held in Cumberland Lodge, Windsor, United Kingdom. It is particularly significant to re-examine the role of the Commonwealth this year as 2023 marks the Twenty Fifth Anniversary of the Commonwealth (Latimer House) Guidelines on Parliamentary Supremacy and Judicial Independence and the Twentieth Anniversary of the Commonwealth (Latimer House) Principles on the Accountability and Relationship Between the Three Branches of Government.

In February 2023, the CMJA and the Judicial Office of England and Wales and SIFoCC (the Standing Committee on Commercial Courts) once again cooperated with the Gambia Judicial Training and Research Institute and the Gambia Sentencing Guidelines Council to run a series of workshops and training during the Opening of the Legal Year week in Banjul, Gambia.

The CMJA was also represented at the Commonwealth Day Service at Westminster Abbey when His Majesty the King, Head of the Commonwealth made his Commonwealth Day Speech. Dr Karen Brewer also attended the Commonwealth Day Reception at Buckingham Palace on behalf of the CMJA. The focus of the Service and subsequent events during Commonwealth week was the Tenth Anniversary of the Commonwealth Charter, signed by Her Majesty Queen Elizabeth II. Former High Court Judge, Hon. Michael Kirby of Australia spoke during the week about the history and continued importance of adherence and implementation of the principles included in the Charter, including the respect for judicial independence across the Commonwealth.

We are now in full preparation mode towards the next Annual Conference which will take place in Cardiff, Wales from 10-14 September 2023 on the theme: “Open Justice Today”. Further details are now available on the CMJA Conference website at: www.cmja.biz. Since registration opened in early March, the CMJA has had an unprecedented number of registrations. So, if you want to attend, we suggest that you register soon to avoid disappointment as places are limited.

REGISTER EARLY TO AVOID DISAPPOINTMENT.

STOP PRESS
As we go to print with this issue of the CMJA News, the CMJA, together with the CLA and CLEA have just issued a Statement concerning the Independence of the Judiciary in Sri Lanka (see below) and urged Parliament to respect the independence of the Judiciary by respecting the orders of courts and by withdrawing the referral of three judges to the Parliamentary Committee on Privileges and Ethics. See www.cmja.org for the full Statement

The CMJA 19TH TRIENNIAL CONFERENCE

The CMJA held its conference from 4-9 September 2022 on the Theme “Access to Justice in the Modern World”. The Conference took place at the Labadi Beach Hotel. Although the Hon. Chief Justice of Ghana was unable to attend the Conference, His Hon. Justice Jones Dotse, who was also the Chairperson of the Local Organising Committee for the Conference spoke eloquently on his behalf at the Opening Ceremony. As at previous Triennial Conferences, there was a procession of the Commonwealth flags by the children of Roman Ridge School. We were very grateful to them and their teachers for the time they spent with us in rehearsal and at the Opening Ceremony.

The procession provided a great start to the Opening of the Conference despite the rain! The Keynote Speaker was the Hon. Chief Justice Peter Shivute of Namibia who spoke about the theme of the Conference outlining how access to justice works from a Namibian perspective, stressing the importance of legal aid, the use of the Ombudsman who is expected to play a role in the protection and promotion of legal and human rights. In addition, the University’s Law Clinic undertakes representation in court for those who cannot afford to get legal representation. As we are aware the Digitalisation of the Courts and in particular the introduction
of Virtual Courts has become the norm since the beginning of the COVID 19 Pandemic and these issues were discussed during the Conference. Some speakers, such as Acting Chancellor of the Judiciary, Justice Yonette Cummings-Edwards, lauded the increase in the use of technology to improve access to justice through remote hearings across Guyana and this had improved efficiency as well as providing an ideal opportunity to modernise court practices and clear some of the backlogs. However, she also pointed out that there were drawbacks, such as the lack of connectivity, Zoom-fatigue, the reluctance to embrace new technology, the right to have your say in court. Guyana, like other jurisdictions has created what they call “container courts” which provide facilities for circuit magistrates and judges in a country that is mainly rural and provide better access to justice for victims and for vulnerable members of society.

Chief Justice Prof Ibrahim Juma of Tanzania spoke about the initiatives taken by the Judiciary to improve access to justice. The creation of mobile courts has allowed “disabled and other vulnerable groups who ordinarily face difficulties traveling long distances to access primary court services at the nearest court houses”. Lord Hugh Matthews of Scotland pointed out that some of the innovations introduced in Scotland during the pandemic are, such as hybrid hearings are now seen as the norm in certain cases. Scotland introduced remote juries where juries sat in cinemas (which were closed to the public during COVID) and had access to better quality audio-visuals with the cinema screens divided so that the jury members could see the physical court and the court could see them. Whilst these are no longer required, Lord Matthews speculated that cinema jury trials could be used to avoid jury tampering or intimidation if that was required in the future.

Panel Sessions were held on a variety of issues, including how the implementation of the Latimer House Principles have been affected by COVID 19. 2023 will mark the twenty-fifth anniversary of the Latimer House Guidelines on Parliamentary Supremacy and Judicial Independence and the twentieth anniversary of the Commonwealth (Latimer House) Principles on the Accountability and Relationship Between the Three Branches of Government. The CMJA, as well as the Commonwealth Parliamentary Association (CPA), Commonwealth Lawyers Association (CLA) and Commonwealth Legal Education Association (CLEA) continue to monitor the implementation of the Principles across the Commonwealth and we know there is still a lot of work to do in this area. Other topics discussed during the Conference included whether there is sufficient diversity and gender balance in the judiciary, judicial education, whether compulsory ADR is the way forward, the role of traditional courts, the protection of cultural heritage in conflict and disaster zones. A number of specialist sessions were held including a session on corporate responsibility on environment, business and human rights organised by our partners SiFoCC (The Standing International Forum on Commercial Courts). The work that the CMJA has been undertaking with the Judicial Office of England and Wales and the Judiciary of the Gambia was showcased during the specialised session on Adopting Sentencing Guidelines in criminal matters.

The session on Community Violence against witches which included presentations from Ghana, Malawi, PNG and Cameroon as well as eSwatini, was particularly well received. The persecution of alleged witches is still a contemporary issue in many jurisdictions as was evident from the presentations made.

Justice Defenders (formerly the Africa Prisons Project) with whom the CMJA has been working in the Gambia, contributed to the session on Prisoners: Are they humans or numbers? and there was also a presentation by Neil McCallum on the work that Virtusync have been undertaking in recording prisoners data in Nigeria.

We are very grateful to the judiciary of Ghana and the Judicial Services of Ghana for all their support during the Conference which made it such a success.
General Assembly. The Council Members for 2022-2025 are as follows:

**REGIONAL COUNCIL MEMBERS**

**ATLANTIC AND MEDITERRANEAN**

**Regional Vice President:** Mr Justice Graeme Mew, Canada  
**First Council Member:** Mrs Sybil Roach Tennant, England and Wales  
**Second Council Member:** Sherriff Donald Corke, Scotland

**CARIBBEAN**

**Regional Vice President:** Hon. Justice Richard Williams  
**First Council Member:** Hon. Chester Crooks  
**Second Council Member:** a candidate is currently being considered

**EAST, CENTRAL AND SOUTHERN AFRICA**

**Regional Vice President:** Judge Ilvin Mugeta, Tanzania  
**First Council Member:** Nchimunya Simaubi, Zambia  
**Second Council Member:** Jackline Kagoya, Uganda

**INDIAN OCEAN**

**Regional Vice President:** Justice Balusundaram Rajendran, India  
**First Council Member:** Dr Ei Sun Oh, Malaysia  
**Second Council Member:** Vacant

**PACIFIC**

**Regional Vice President:** Mrs Linda Bradford Morgan, Australia  
**First Council Member:** Richard Cogswell, Australia  
**Second Council Member:** Dr John Carey, Papua New Guinea

**WEST AFRICA**

**Regional Vice President:** Hon. Justice Emmanuel Roberts, Sierra Leone  
**First Council Member:** Hon. Felix Datsomor, Ghana  
**Second Council Member:** His Worship Godwin Ibemesi, Nigeria

The following members were re-appointed at the Council Meeting immediately following the General Assembly:

**Executive Vice President:** Judge (Rtd) Tim Workman  
**Director of Programmes:** Judge Shamim Qureshi  
**Chairman of the Steering Committee:** Sheriff Andrew Normand

The following were co-opted on to Council:

The Rt Hon. Lord Justice James Dingemans, England and Wales; Justice Winston Patterson, Guyana; Justice John Vertes, Canada, who represents the CMJA on the Endowment Fund;  
Mrs Justice Maura McGowan, England and Wales who has agreed to be the Chairperson of the Gender Section;  
Mrs Matankiso Nthunya, Lesotho to represent Southern Africa.

**SHERIFF (RTD) DOUGLAS ALLAN BECOMES HON LIFE MEMBER**

At the General Assembly, the long service of Sheriff (Rtd) Douglas Allan was recognised. Justice Mkandawire informed those present that Sheriff (Rtd) Douglas Allan had been involved with the organisation of the CMJA Conferences since before the Triennial Conference held in Edinburgh in 2000 and had served until recently as Chairman of the CMJA’s Steering Committee, participating in fact finding missions as well as being an active member of the Association for over twenty-three years.

Douglas Allan had been unable to attend the Conference for health reasons although he had attended the Council Meeting via Zoom. Justice Mkandawire reminded those present that being a Council Member was a voluntary position with no remuneration and Douglas Allan had contributed enormously to the work of the association not only as a member of the Steering Committee but also the Executive Committee, providing sound advice and support. The Council were proposing that Douglas Allan become an Honorary Life Member. In addition, the Council had decided, in his honour to rename the Training Development Fund as well the Douglas Allan Training Development Fund, henceforth. The General Assembly approved the recognition of the contribution by Douglas Allan by acclamation.

**NEW CMJA PRESIDENT’S INAUGURAL SPEECH**

Following her election, the new CMJA President, Madam Justice Lynne Leitch, gave the following inaugural speech:

“Thank you very much Charles and thank you to everyone here who was supportive of me assuming this position. It is a great privilege and an honour. May I begin by saying that I think Charles deserves special thanks. He has had an extra year of responsibility because of the impact of the pandemic on our meeting and so I think we owe him, as I said, an extra expression of appreciation for those duties. I also wish to acknowledge, and express appreciation for, Charles’ thoughtfulness. He has represented us very well over the past four years. He always exemplifies humility and graciousness and, on top of all these...”
vices, we really enjoyed his sense of humour.

Whilst I have gotten to know many of you since I have attended CMJA conferences over the past number of years, there are a number of you who do not know me. Let me tell you a few things about myself so that we might have some points of commonality and things to share over the next three years which may help us to know each other better and which may allow me to help you more.

I first became involved with the CMJA in 2010. It is very special to me that I am here today with John Vertes from Canada, who is a past President of the CMJA. It was John who encouraged me to become involved with this Association and I attended my first conference in Brighton in 2010.

At that time, I was the President of the Canadian Superior Court Judges Association and thereafter I chaired the Committee that made the quadrennial submissions to the Federal Government on judicial compensation for judges in Canada. That was a volunteer project over four years.

I am a High Court judge, in Ontario, the largest province in Canada. I have been a judge for thirty years. I have four children who are now between 31 and 36. In case you are wondering that includes a set of twins. I have been married 45 years to my husband John, who has come with me from time to time and who is planning on coming to Cardiff.

I have had a number of administrative positions within my court during my thirty years as a judge. I was a regional senior justice for six years in the 2000s. As I mentioned, I was very involved in the Canadian Superior Court Judges Association. As I acquired more experience with the court, I have become involved in international projects, working with our Federal Commissioner of Judicial Affairs. I have done work in a number of countries, some within the Commonwealth. So being involved in this Association feels very comfortable. I feel very privileged and honoured to be serving in this position. My background, before I was appointed, a long time ago, was in commercial matters so I remain quite involved in education in Canada on commercial issues and business law but of course over the years, I have done all kinds of work and presided over cases involving diverse legal issues.

I hope with that information I can develop some common points of interest. I look forward to working with all of you.

I particularly want to mention that I look forward to working with our Secretary General, Dr Karen Brewer. As Chair of the Gender Section for the last six years, I have worked closely with her preparing the newsletter. I have also worked with her through our partnership with UNODC. Over the course of the summer, I have been included in some of the communications of the Executive Committee and have developed an appreciation for how she works with other partner organisations. I have witnessed the respect that other Commonwealth organisations have for the CMJA. I want to say that we could not ask for a more capable or more dedicated Secretary General who has an intense passion for this organisation.

I would like to echo the appreciation for the judges of Ghana and the Local Organising Committee. I think it is truly remarkable that under their leadership working with Karen and her team this conference has been a tremendous success in terms of the number of delegates and the programme. Thank you all. Justice Dotse, when you opened the programme on Monday you said that you were confident that the Local Organising Committee would do Ghana proud. May I say that you were right with your prediction. They have done so.

I also look forward to working with our “beloved” Sham. Sham, everyone feels so comfortable and so welcome. You have an ability to have everyone say yes to you no matter what you ask and you do everything that has to be done to make this conference a success from developing the programme to making sure that everything is ready. We really can’t thank you enough for your dedication both before the Conference and all during the year. Thank you very much.

I also want to recognise and acknowledge the other members of the Executive Committee noting in particular the unflappable Tim Workman and Andrew Normand, Chair of the Steering Committee. I look forward to working with them as we prepare for future conferences over the next few years.

I also look forward to working with all of the Executive Committee, the Regional Vice Presidents and the new members of Council and all of you who make this organisation such a unique one. Truly, I think it is fair to say that this organisation is very special. We consider ourselves a family. We lost some members of our family this summer as has been noted. We are a family because we share common bonds, we have some common history but most importantly we share common goals. We all have the same aims and goals to advance the administration of justice by promoting judicial independence and in ensuring that in all of our actions we are promoting and maintaining public trust and confidence in the administration of justice. We share a commitment to education in the law. We share a commitment to the appropriate treatment of offenders, the protection of individuals’ rights and the prevention of crime.

We are part of a family, as I mentioned and what makes it special is that we are all interested in hearing from each other. This is a week of learning and sharing. We respect other people’s views and perspectives. We empathise with the challenges that are shared with us. We also celebrate other’s innovations and achievements and hope to emulate them.

We have stood together during tumultuous times over the last number of years in extraordinary circumstances and I believe we have come together this week stronger than ever. It is wonderful to think that our family has expanded to the extent that it has and can I ask all of you to be Ambassadors for the Association over the next year and encourage your colleagues to join the CMJA and become part of our family.

We have had a great week. I feel we have been energised by our discussions. I think we are leaving here with better and more information and new ideas. We have benefitted from hearing from all of us and we are going to implement some of these innovations and hope to have the same achievements in these projects as in the jurisdictions where they have been successful.
Thank you very much for giving me the honour and privilege of serving as President of the Association over the next three years. I very much look forward to keeping in touch with you between now and the next time we are together in Cardiff. I commit to you that I will do my very best to fulfil all the objectives of this Association. Please be in touch if you have any suggestions or comments.

All the best to all of you. Thank you to everyone for being here and for all your contributions. Before I came here, I read that Ghana was the friendliest country in Africa, I think I agree with that sentiment, with all due respect to all the other countries represented here.

On behalf of all of our family, thank you to everyone who has made this conference so successful.

It is my duty now to close the Conference."

Judicial Independence Issues

eSwatini

The CMJA was very saddened to hear that the Chief Justice of eSwatini’s house was burned down in an arson attack in November 2022.

We were also saddened to hear in January 2023 of the brutal murder of human rights activist and defender, Thulani Maseko, who has been very helpful in keeping the CMJA informed of developments in Swaziland over the years.

Fiji

The CMJA is currently monitoring the situation in Fiji in relation to the suspension of the Chief Justice of Fiji, Justice Kamal Kumar, in January 2023 following allegations of misconduct. The CMJA is seeking further information on the reasons behind the suspension and on the setting up of a tribunal to hear the case against Chief Justice Kumar. This follows the election of the new Prime Minister of Fiji, Sitiveni Rabuka in November 2022 who succeeded in winning the election against former Prime Minister Frank Bainimarama who seized power in a 2006 military coup and later refashioned himself as a democratic leader by introducing a new constitution and winning elections in 2014 and again in 2018. Stiveni Rabuka is also a former coup leader having led Fiji’s first military takeover in 1987 and having served as an elected prime minister for seven years during the 1990s. Justice Salesi Temo, was sworn in as Acting Chief Justice by the President Ratu Wiliame Katonivere in January 2023 in line with the 2013 Constitution on the advice of the Prime Minister following consultation by the Prime Minister with the Attorney-General.

India

As some readers will be aware there have been a number of attempts to change the appointment system of judges in India by the government. In January 2023, senior officials in the government indicated once again that they wanted to play a greater role in the appointment of judges raising the issue that has been raised before of more government involvement in the appointment, especially of the senior judiciary. Currently a collegium of the Supreme Court proposes candidates to the law minister who approves these if security checks are undertaken. However, recently the government has not appointed a number of judicial officers proposed by the Supreme Court and has not given any reason for these decisions. Official data shows four out of every 10 judicial seats are currently empty, and there are over 70,000 cases pending before the Supreme Court and over 5.9 million cases before the high courts.

Whilst more influence in the appointments system has been attempted previously by the Indian government (2015 was the last time this issue was raised), previous attempts have been unsuccessful and have been challenged by the Supreme Court. In 2015, the Supreme Court struck down the legislation creating a National Judicial Appointments Commission as unconstitutional. A number of lawyers and retired judges said they believed the government was seeking to influence the judiciary, which would be unconstitutional and would severely affect judicial independence and human rights in the country under the current regime. The Law Minister of India recently accused the these judicial officers of playing the role of the opposition accusing them of being an “anti-India gang”. However, the Chief Justice of India responded to the criticism of the collegium system for appointments indicating that: “not every system is perfect but this is the best system we have developed” and the “object was to protect the independence of the judiciary, which is a cardinal value”.

In a recent development, six advocates are taking a public interest litigation (PIL) case to the Supreme Court, calling for better transparency in the appointments system and the restoration of the National Judicial Appointments Commission. They are seeking a “declaration that the collegium system of appointment of judges has resulted in the denial of equal opportunity for the petitioners and thousands of lawyers who are eligible, meritorious and who deserve to be considered”.

Kenya

In July 2022, the Judiciary Fund which was provided for in the 2010 Constitution (Article 173) was finally set up. The fund will provide much needed independence for the judiciary to operate at full capacity. Article 173 of the Kenya Constitution provides: “Judiciary Fund

(1) There is established a fund to be known as the Judiciary Fund which shall be administered by the Chief Registrar of the Judiciary.

(2) The Fund shall be used for administrative expenses of the Judiciary and such other purposes as may be necessary for the discharge of the functions of the Judiciary.

(3) Each financial year, the Chief Registrar shall prepare estimates of expenditure for the following year, and submit them to the National Assembly for approval.

(4) On approval of the estimates by the National Assembly, the expenditure of the Judiciary shall be a charge on the Consolidated Fund and the funds shall be paid directly into the Judiciary Fund.
Kiribati

Readers will be aware from the in-depth report in the Editorial of the Commonwealth Judicial Journal Volume 26 No 2 of December 2022 of the issues that have arisen in Kiribati since September this year. Whilst the situation of Judge David Lambourne and the Court of Appeal Judges has not yet been resolved, the Chief Justice, William Hastings, decided on 6 December 2022 to resign his position. The following is his statement:

“Statement of the Chief Justice of Kiribati

As a consequence of my suspension as Chief Justice on 30 June 2022 and the creation of a tribunal to investigate alleged misbehaviour on my part, I have been unable to perform judicial functions in Kiribati. I nevertheless continue to honour the terms of my appointment as Chief Justice of Kiribati by not performing judicial functions in New Zealand. I am, however, eager to get back to judging. Diplomatic approaches were made to HE Te Beretitenti to release me from my appointment so that I can resume judicial duties in New Zealand. His Excellency has not responded to those approaches.

When HE Te Beretitenti appointed me as Chief Justice of Kiribati in 2021, I was humbled and honoured to be given the opportunity to serve the people of Kiribati. With the support of the excellent judiciary staff, we achieved a lot. We devised ways to resume in-person, virtual, and hybrid hearings during the pandemic, with counsel and the judge appearing in person and virtually, to ensure access to justice was maintained. We produced rulings and judgments, and began to tackle the backlog of cases waiting to be heard. We travelled on circuit to some of the outer islands, held strategic planning meetings, virtual senior management meetings, and produced an annual report covering several years’ work in the Magistrates’ Court, the High Court and the Court of Appeal.

I was saddened to have been suspended less than a year after being appointed, on the morning I was scheduled to hear Justice Lambourne’s challenge to his suspension. I have never met Justice Lambourne, and I am disheartened that three Court of Appeal judges have now also been suspended. It is the right of every citizen and resident of Kiribati to have their disputes resolved fairly and within a reasonable time by an independent and impartial court. On joining the Commonwealth, Kiribati agreed that the principles of judicial independence and the rule of law were fundamental aspects of post-colonial democracy.

Judicial independence, the rule of law, and human rights are undermined when, within a span of less than five months, the executive branch suspends five senior judges with whom it disagrees. Having participated in the tribunal process during my suspension, natural justice required that I see and be able to comment on the tribunal’s report before it was submitted to the Maneaba. Unfortunately, the tribunal submitted its report to the Maneaba without notice, and without giving me the opportunity to comment on it.

In light of my suspension and the breaches of natural justice by the tribunal I am compelled, and left with no choice but, to resign. I do so reluctantly and with a heavy heart. My resignation does not constitute acceptance of any of the allegations. Indeed, the reverse is the case. I am reassured by the Court of Appeal’s judgment that upheld my decisions in the Lambourne case, and that decided the article published in Judicature International was not biased. I continue to deny any misbehaviour. On a more positive note, I have long expressed a view that my successor should be from Kiribati. This aim has been achieved. I wish former Attorney-General Tetio Semilota every success when HE Te Beretitenti appoints her as Chief Justice of Kiribati.

Finally, it has been an honour to serve the people of Kiribati as your Chief Justice. I will always have a soft spot in my heart for Kiribati, and remain eager to return in any capacity. I am most grateful for the support of the young and enthusiastic counsel at the bar, the judiciary staff, and in particular my executive secretary Gertie Reiher. She is a national treasure with whom I hope to remain friends. With these words, I bid you farewell and resign as Chief Justice of Kiribati to re-join the judiciary of New Zealand.

Te Mauri, Te Raoo ao Te Tabomoa
William Kenneth Hastings
6 December 2022.

The report from the Tribunal in Chief Justice Hastings case was presented to Parliament in December 2022. The President indicated that he did not accept the resignation letter from the Chief Justice and asked the Parliament to dismiss him, although he has no authority to do so under the constitution.

Sri Lanka

In March 2023, the conduct of three Supreme Court Judges was referred to Parliament following the interim order that they produced to the Attorney-General and to the Secretary to the Treasury to refrain from withholding funds for the elections to the country’s local authorities. Whilst Parliament had approved the funds, the release of the funds to the Election Commission for the local elections was blocked. The Speaker of Parliament was asked to refer the judges to the Parliamentary Committee on Ethics and Privileges as MPs felt that the powers and privileges of Parliamentarians had been violated by the interim order. The Bar Association of Sri Lanka has claimed that this is an attempt to undermine the independence of the judiciary. On 24 March 2023, a group of lawyers protested in front of the Columbo Magistrates’ Court and urged...
the authorities not to interfere with the independence of the judiciary. The Bar Council of England and Wales issued a statement on the issue in March 2023.

In a separate issue, in January 2023, the Court of Appeal of Sri Lanka issued the interim order preventing the Inland Revenue Department (IRD) from collecting PAYE taxes from judges following the consideration of a petition filed by the said association of Sri Lanka’s District Judges and Magistrates.

**GAMBIA JUDICIAL TRAINING**

As part of its ongoing programme to assist with capacity building in the Gambia, the CMJA, together with the Judicial Office of England and Wales have continued to work with the Gambia judiciary on a number of issues. In early February 2023, judges and representatives from the CMJA and Judicial Office of England and Wales attended the Opening of the Legal Year and the Call to the Bar in Banjul.

They also continued to assist the Sentencing Council of the Gambia on the formulation of Sentencing Guidelines, work which commenced in 2019. Sentencing guidelines on assault and theft have now been completed and the sentencing guideline on rape is nearly completed. Judges from the CMJA and England and Wales have been working w

with the Gambia Judicial Training and Research Institute to train magistrates on the existing guidelines as well as increasing awareness of court users, through stakeholders meetings of the guidelines. The judges and representatives from the CMJA, SIFoCC and the Judicial Office of England and Wales also ran a session on Business and Human Rights with a focus more particularly on environmental issues, led by Sir Ross Cranston during the week they visited Banjul. In addition, they attended a conference funded by USAID on Case Management and a stakeholders meeting on the changes the Gambian Judiciary are planning for the High Court and Subordinate Court civil proceeding rules. The CMJA is working with the sub-committee on the rules.

The CMJA also continued its work with Justice Defenders in the Gambia following the visit that took place in February 2022 to the prison with a view to improving the plight of prisoners. Justice Defenders have an office within the prison walls and the CMJA was able to see the paralegals in situ undertaking the examination of files and drafting appeals. The judges were able to look at some of the files and talk with inmates about their particular cases. The CMJA representatives also visited the remand wing in Mile 2 prison and spoke to some of those held on remand in very unsalutary, extremely crowded and inhumane conditions, some of whom were not aware of the charges against them even though they have been on remand for months. In February 2023, Justice Defenders organised a workshop with the visiting judges and representatives from the CMJA and Judicial Office of England and Wales and the judiciary of the Gambia represented by a number of Supreme Court, Court of Appeal, High Court Judges and magistrates. The object of this visit was to enhance the understanding of the plight of prisoners by the Gambian judiciary and magistracy and give them an opportunity to hear some of the challenges faced by the inmates. Whilst one or two judges were already aware of the conditions in the prison, most judges and magistrates who attended the workshop had never set foot inside the prison premises. A number of judges and magistrates in the Gambia are now hearing remand or appeal cases on a regular basis devoting specific days of the week or specific months to such hearings in order to expedite matters.

At the Opening of the Legal Year held on 5 February this year, Chief Justice Hassana Jallow announcing that, following consultations with stakeholders, including Justice Defenders, that a “Judiciary Visiting Prisons Committee is to be set up which will visit and audit the remand wings of the prisons and also examine cases of prisoners on appeal every six months and report to him, every six months on instances of prolonged detention and recommend remedial measures accordingly”.

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The audit is intended to resolve the problem faced by those who are not
brought to court in a timely way, a major problem for many of those held in Mile 2 and other prisons in the Gambia. The Chief Justice has also brought in a practice direction instructing judges and magistrates to consider granting bail or discharging accused persons when the prosecution fails to deal with a case 90 days after the execution of proceedings.

During the Workshop held at Mile 2, the CMJA Director of Programmes, Judge Shamim Qureshi, commended the work of Justice Defenders and its unique programme of training both inmates and guards to work together to advance the rights of prisoners.

**COMMONWEALTH DAY MESSAGE FROM HIS MAJESTY THE KING**

The following message was read out at the Commonwealth Day Service at Westminster Abbey on 13 March 2023 by His Majesty the King

“This Commonwealth Day was an occasion of particular pride for my beloved Mother, The late Queen— a treasured opportunity to celebrate our Commonwealth family, to whose service she dedicated her long and remarkable life.

In succeeding Her Majesty as Head of the Commonwealth, I draw great strength from her example, together with all that I have learnt from the extraordinary people I have met, throughout the Commonwealth, over so many years.

The Commonwealth has been a constant in my own life, and yet its diversity continues to amaze and inspire me. Its near-boundless potential as a force for good in the world demands our highest ambition; its sheer scale challenges us to unite and be bold.

This week marks the tenth anniversary of the Charter of the Commonwealth, which gives expression to our defining values – peace and justice; tolerance, respect and solidarity; care for our environment, and for the most vulnerable among us.

These are not simply ideals. In each lies an imperative to act, and to make a practical difference in the lives of the 2.6 billion people who call the Commonwealth home.

Whether on climate change and biodiversity loss, youth opportunity and education, global health, or economic cooperation, the Commonwealth can play an indispensable role in the most pressing issues of our time. Ours is an association not just of shared values, but of common purpose and joint action.

In this we are blessed with the ingenuity and imagination of a third of the world’s population, including one and a half billion people under the age of thirty. Our shared humanity contains an immensely precious diversity of thought, culture, tradition and experience. By listening to each other, we will find so many of the solutions that we seek.

This extraordinary potential, which we hold in common, is more than equal to the challenges we face. It offers us unparalleled strength not merely to face the future, but to build it. Here, the Commonwealth has an incredible opportunity, and responsibility, to create a genuinely durable future – one that offers the kind of prosperity that is in harmony with Nature and that will also secure our unique and only planet for generations to come.

The myriad connections between our nations have sustained and enriched us for more than seven decades. Our commitment to peace, progress and opportunity will sustain us for many more.

Let ours be a Commonwealth that not only stands together, but strives together, in restless and practical pursuit of the global common good.”

**NEW MEMBERS**

We welcomed the following new Members and those renewing again to the CMJA.

**ANTIGUA & BARBUDA**
- Hon Judge Petra Byer

**AUSTRALIA**
- Hon Judge Patricia Cope
- Hon Judge Pauline David
- Deputy President Mr John Merrell
- Hon Mr Roger David Prowse

**BAHAMAS**
- Hon Justice Indra H Charles

**BERMUDA**
- Hon Chief Magistrate Maxann J Anderson

**BURUNDI (EAST AFRICAN COURT OF JUSTICE)**
- Hon Justice Nestor Kayobera

**CANADA**
- Hon Justice Ranjan Agarwal
- Hon Judge Del Atwood
- Hon Judge Kenneth R McLeod
- Hon Justice Michèle Monast
- Hon Judge Brandy Shaw

**CYPRUS**
- Hon Judge Christia Middleton

**ENGLAND & WALES**
- His Hon Judge Alan Bates
- His Hon Judge Michael Cullum
- Hon Judge Mark Emerton
- Mr Mark J Guthrie
- Hon Justice Sir Robin St John Knowles
- Her Hon Judge Barbara Mensah
- Hon Mr Ryan Alexander Newman
- Dr Sally Penny
- Deputy District Judge Araba Taylor

**FIJI**
- His Worship Mr Joseph R Daurewa
- Her Worship Ms Waleen Maria George
- Hon Chief Justice Kamal Kumar
- Hon Master Ms Vandhana Lal
- Hon Justice Lyone Degiri Mendis Seneviratne
- His Worship Liyanage Kashyapa Wickramasekara

**GAMBIA**
- Mr Tim N Akpo Bisong
- Hon Judge Tunde Ademola Bakre
- Hon Master Omar Cham
- Hon Justice Momodou S M Jallow
- Hon Judge Isatou Janneh
- Hon Judge Sidi Jobarteh

**GHANA**
- Hon Justice Cynthia Pamela A Addo
- Hon Justice Richard Adjei-Frimpong
- Her Hon Judge Akosua Anokyewaa Adjepong
Hon Justice Afia Nyarko Adumankwa
Hon Lady Justice Asare-Botwe Afia Serwah
Her Ladyship Justice Rita Agyeman Budu
Hon His Worship Divine Kwaku Ahiadu
Hon Justice Joseph Bawah Akamba
Hon Justice Nene A Ofoe Amegatcher
Hon Lady Justice Juliana E Amonoo-Neizer
Her Hon Judge Patriciia Amponsah
Professor Olivia Anku-Tsede
His Worship Derrick Annan
Her Hon Judge Afia Owusu-Apiah
Hon Justice Ruby N A Aryeetey
Her Hon Judge Rosemarie Afua Asante
His Lordship Samuel Asare-Nyako
Hon Justice Charity Asem
Hon Justice Abdul Yusif Asibey
His Worship Nelson D Awuku
Her Hon Judge Eleanor Kakra Barnes-Botchway
His Worship Simon Kofi Bediako
Hon Justice Eudora Christina Dadson
Hon Justice Jerome Noble
His Honor Justice Henry Anthony Kwofie
Hon Justice Irene Charity Larbi
Her Hon Judge Gloria Mensah-Bonsu
Hon Justice Angelina Mensah-Homiah
Her Hon Judge Ellen Serwa Mireku
Hon Justice Jerome Noble-Nkrumah
His Worship Mawu Koenya Nutekpor
Her Worship Adwoa Akyaama Ofosu
Her Hon Judge Simon Suurbaareh Gbeil
Hon Justice Henry Anthony Kwofie
Hon Justice Margaret Welbourne
Hon Justice Malike Awo Woanyah Dey
Hon Justice Merley Afua Wood
Hon Justice Amos Wuntah Wuni
Hon Justice Mary M Ekue Yanzuh

GUYANA
Prof Justice Courtney A Abel
Hon Justice Fidelia Corbin-Lincoln

INDIA
Hon Justice Munuswamy Selvanathan Ramesh

JAMAICA
Hon Judge Ms Winsome Henry
His Hon Mr Alwayne Smith

KENYA
Her Worship Edna Ameyo
Hon Mr Justice Ocharo Kebira
Hon Mr Justice Charles Gitonga Mbogo
Hon Lady Justice Jamila Mohammed
Hon Lady Justice Abigail S Mshila
Hon Justice Charles A Nyachae
Hon Lady Justice Maureen Akinyi Odro
Hon Mr Mohammed Garama Randu

MALAWI
Hon Justice Gladys Gloria Assima Gondwe
Hon Mr Kondwani Banda
Hon Justice Lovemore Paul Chikopa
Hon Justice Ophrah Dorothy Kamanga
Hon Mr Peter M E Kandulu
Hon Justice Fiona Atupele Mwale
Hon Chief Justice Rizine Robert Mzikamanda

MALAYSIA
Mrs Musliati Moslimin
Datuk Stephen Liaison Sondoh
Datin Seri Vicky Nyat Yin Yee Tan (nee: Lai)

MOZAMBIQUE
Hon Deputy Chief Justice Beirão João António da Assunção Baptista
Hon Justice Felícidade Sandra Machatine Ten Jua

NAMIBIA
Her Worship Ms Atutala Namwenyo Shikalepo

NIGERIA
Hon Mr Obomejero Aforkeya
Hon Justice Roli Harriman
Hon Mr David Director Ihua-Maduenyi
Hon Justice Dr Adesuyi Olateru-Olagbegi
Hon Mr Amaebi Ibomo Orukari
Hon Mrs Abimbola Ibafade Oshodi-Makanju
Hon Justice Mark Saadatu

PAPUA NEW GUINEA
Hon Justice Oagile Bethuel Key
Dingake

RWANDA
Hon Ms Christine Mutimura

SAINT LUCIA
Hon Judge Alvin Pariagisng
Hon Justice Ms Margaret Price-Findlay
Hon Justice Gertel Thom

SAMOA
Hon Chief Justice Simativa Perese

SCOTLAND
Sheriff Colin Dunipace
The Rt Hon Lord Hugh Matthews

SIERRA LEONE
Hon Judge Tonia Barnett
Hon Justice Adrian Josielyne Fisher
Hon Justice Emmanuel Roberts

TANZANIA
Hon Mr Wilbert Martin Chuma
Hon Judge Mohamed Rashid Gwae
Her Worship Lydia S Ilunda
Hon Chief Justice Ibrahim amis Juma
Hon Mr Chiza Jacob Kabwebwe
Hon Judge John Rugalema Kahyoza
Hon Ms Adeline Kashushura
Hon Justice Shaban Ally Lila
Hon Miss Keritha Chriss Mkwasa
Hon Mr Kisasila Saguda Malangwa
Hon Justice Dr Adam Juma Mambili
Hon Justice Sauda Z Mjasiri
Hon Mr Edward Petro Mpabansi
Hon Lady Justice Stella Esther Mugashe
Hon Justice Ilvin Claid Mugeta
Hon Mr Bittony Innocent Mwakisu
Hon Mr Moses Betwel Ndelwa
Hon Judge Mustapher Mohamed Siyani
Hon Mr Chiganga M Tengwa

TRINIDAD & TOBAGO
Hon Chief Justice Ivor Archie
Hon Justice Avason Quinlan-Williams

TURKS & CAICOS
Hon Ms Keri-An J A Kemble
Hon Ms Justice Tanya Lobban-Jackson

UGANDA
Her Worship Catherine Agwero
Lady Justice Elizabeth Jane Alividza
Her Worship Patricia M Amoko
Hon Mr Justice Emmanuel Baguma
Hon Lady Justice Patricia Basaza-Wasswa
His Worship Allan Mpirwe Gakyaro
Hon Mr Justice Benjamin Kabiito
Hon Registrar Prossy Agababyona Katushabe
Hon Mr Simon Zirintusa Kintu
His Worship Peter Fred Lochomin
Hon Mr Justice Vincent Emmo Mugabo
Hon Mr Robert Mukanza
Her Worship Sylvia Mbuga Nabaggala
Hon Justice Dr Nyondo Winifred Nabisinde
Her Worship Esther Lydia Mubiru Nakadama
Hon Justice Alfonse Chigamoy Owiny-Dollo
Hon Mr Justice Musa Ssekaana
Hon Lady Justice Percy Night Tuahaise
CMJA CONFERENCE
10-14 September 2023
“OPEN JUSTICE TODAY”

Welcome to Cardiff, Wales
Croeso i Gaerdydd, Cymru

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