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Law Council concerned by continued assault on judicial independence in Kiribati

The Law Council of Australia is concerned by continued efforts of the Government of Kiribati to undermine judicial independence and the rule of law, following its attempted deportation of High Court judge, Justice David Lambourne.

The Law Council is particularly concerned that authorities sought to proceed with the deportation, in contravention of an interim order from Kiribati's Court of Appeal, and then placed him in immigration detention

This attempted deportation is the latest in a series of efforts by the Government of Kiribati to remove Justice Lambourne from the judiciary. These efforts have included refusing to issue Justice Lambourne a visa or repatriation flight to Kiribati, withholding his salary, and pressuring him to sign an employment contract which purported to limit his tenure.

After Kiribati's Chief Justice William Hastings affirmed Justice Lambourne's security of tenure in accordance with his appointment, the Government of Kiribati established disciplinary tribunals to investigate alleged misconduct by both Justice Lambourne, and later, Chief Justice Hastings. As a result, both of Kiribati's High Court judges have been suspended, and no further appointments can be made while the Chief Justice is suspended from performing the functions of his office.

The Law Council's concern is heightened in the knowledge that warrants of appointment for the Court of Appeal expire this week, and soon Kiribati will have neither a High Court nor Court of Appeal exercising jurisdiction.

The Law Council urges the Government of Kiribati to respect and observe the independence of the judiciary, and ensure that all disciplinary, suspension or removal proceedings are fairly and independently determined in accordance with established standards of judicial conduct, and free from political influence.

The Law Council will continue to monitor developments in Kiribati, including the substantive hearing before the Court of Appeal on Friday 19 August 2022, and proceedings of the disciplinary tribunals established to investigate Chief Justice Hastings and Justice Lambourne.

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