

Annex 1a



Independent Tribunal
Bairiki, Tarawa

Date: 18 July 2022

Allegations to be investigated by the Independent Tribunal established by Te Beretitenti HE Taneti Maamau

I write on behalf of the Independent Tribunal, appointed by Te Beretitenti, under section 83(4) of the Kiribati Constitution comprising of the following:

1. Ms Teekoa Iuta – Chairperson
2. Mr Naka'u Mote – Member
3. Ms Eweata Maata – Member.

The Tribunal has been tasked to consider the submitted allegations as listed:

- a) Annual leave was taken in breach of your appointment and the law (Judicial Salaries and Allowances Regulations (2016)). Two issues are related:
 - (i) Leave was taken without mutual agreement between yourself and the Government – the Minister of Justice as stipulated in the abovementioned Regulations, nor the Beretitenti as the one who signed your appointment;
 - (ii) The number of days taken as leave were above your entitlement for the period of time served as Chief Justice;
- b) You had ordered the release of salary for Judge Lambourne through a signed MOU, under your hand. This is seen as inappropriate as this is the administrative responsibility of the Chief Registrar, as the accounting officer for the recurrent budget of the Judiciary. This occurred before your decision to preside over the same issue in court, listed on 12th August 2021. Ethically, you should have recused yourself from hearing the case, given you have dealt with the matter administratively.
- c) You had published an article entitled 'A personal Journey through the rule of Law in the South Pacific' in the Judicature International in October 2021. The article has been seen to reflect your views on, i) the Kiribati High Court Judge tenures, ii) the standard practice for judges in Kiribati to be on contract appointment, and iii) and the amendment to the High Court Judges Salaries and Allowances 2021. With the matter before you, or pending in court, ethically you should have refrained from making those public comments.

In accordance with the principles of natural justice, stipulated in the attached TORs, by which the Tribunal is required to function we submit these allegations for your information and relevant preparations.

Yours sincerely,

Chairperson