

Annex 2c



MINISTRY OF FOREIGN AFFAIRS & IMMIGRATION

File reference:

Date: 23rd June 2022

New Zealand High Commission,
Tarawa

Dear Deputy High Commissioner,

I hope this letter reaches you in good health and spirit despite your very busy schedule.

Let me begin by reaffirming that Kiribati attaches great importance to its partnership with New Zealand at all levels and I thank you and your colleagues for your hard work to elevate our cooperation and mutual friendship. The depth and broadening reach of our partnership bears witness to these efforts and rest assured that we will continue to nurture the special friendship we have with New Zealand and the High Commission in Kiribati. Allow me also to specifically thank New Zealand for extending its support to our Judiciary sector at a time when it is really needed.

The purpose of my writing today is to convey the Government of Kiribati's concerns regarding the comments made by a New Zealand national who is the Incumbent Chief Justice in Kiribati. We have recently become aware of the Honourable CJ's insensitive, derogatory, and culturally offensive references about his experiences and work in Kiribati. The article in question is titled "A personal Journey through the rule of law in the South Pacific" published in October 2021 on Judicare International. I have attached a copy of such for your ease of reference and we request your assistance to convey these concerns to the Judiciary in New Zealand where Justice Hastings still holds his warrants.

While the Government of Kiribati strongly supports and endeavours to promote the freedom of expression and the independence of the judiciary, it was felt that the reference made to important cultural practices and the overall working conditions in the Judicial sector in Kiribati portrays a negative image of the country and perhaps allegations that the executive is attempting to make his time in Kiribati unbearable. More concerning is that it paints a picture that Chief Justice Hastings is being forced to work under barbaric conditions in a non-Christian and murderous third world country in a quest to protect the rule of law and the independence of the judiciary. While we are acutely aware of the working conditions in Kiribati and therefore expect such comments from our visitors, we believe that this is unbecoming of one who voluntarily accepts to work in Kiribati and especially one who holds high office. It is

offensive to say the least to our people who had openly and warmly welcomed the Chief Justice into their communities and eager to showcase their culture, traditions, and customs.

Equally concerning is that the article conveys preconceived concerns about the executive's perceived "micro-attack" on the judiciary, even before the Judge set foot in Kiribati and we fear that these may have pre-empted judgements that have been handed down on sensitive cases recently heard before the court. The Chief Justice's boldness in openly publishing these views and labelling these as a micro-attack on the independence judiciary in Kiribati is viewed as a way to pervert the course of justice and the government of Kiribati's genuine attempt to seek recourse on what we believe to be a legitimate concern of our people.

Our perceptions and expectations of Justice Hastings willingness to work in Kiribati is now clouded with his views about our culture and traditions, his inconvenience, discomfort and preconceived views about our government's alleged ill intentions. These certainly do not bode well with our intentions to work closely with the Honourable Chief Justice, to uphold the rule of law and improve the understanding and working relationship between the executive and judicial arms of government, in good faith and for the benefit of the I-Kiribati people.

In the event that the above concerns may be seen as another "micro-attack" on the independence of the Judiciary in Kiribati, I want to be clear in conveying that the Government of Kiribati shares the very same principles that the Honourable Chief Justice holds so dearly, in ensuring that we have an independent and impartial functioning judiciary, that is accountable, culturally sensitive and beneficial to the people of Kiribati.

I look forward to working closely with you on these grave concerns and as we pursue the joint aspirations of our two countries and peoples to elevate our longstanding friendship.

Sincerely,

SECRETARY