



**INDEPENDENT TRIBUNAL**

Section 93(4), Constitution

To: ?

Whereas, by virtue of Section 93(4) of the Constitution, the Beretitenti shall establish an Independent Tribunal appointing members consisting of a Chairman and not less than two other members, one of which holds or has held judicial office (magistrate/judges) authorizing them to inquire and investigate allegations against the current Judges of the Court of Appeal, the Honorable Peter Blanchard KNZM QC, the Honorable Rodney Hansen CNZM QC, and the Honorable Paul Heath QC, and the question for their removal, with facts reported to the Maneaba ni Maungatabu;

NOW THEREFORE I, Taneti Maamau, Beretitenti, by this Independent Tribunal;

1. Appoint Ms Teekoa Iuta, Mr Nakau Moote and Ms Eveala Maata as members (The Tribunal Members) to inquire and investigate allegations against the judges of the Court of Appeal the Honorable Peter Blanchard KNZM QC, the Honorable Rodney Hansen CNZM QC, and the Honorable Paul Heath QC, and the question for their removal, with facts reported to the Maneaba ni Maungatabu;
2. Authorise the Independent Tribunal members to inquire, investigate and analyse the issues of misbehaviour in relation to the following:

**The breach of Oath**

- a) On the 26<sup>th</sup> of August, Judges Blanchard, Hansen and Heath continue to dictate in apparent violation of their Oath and the legally binding Custom and Traditions (usages) of Kiribati by awarding David Lambourne with a life-time judgeship when they knew or ought to have known that David Lambourne in his affidavit acknowledged that every judge in Kiribati had been appointed a 3 year term and that such life-term appointment was never the practices and usages of Kiribati.

3 Direct as follows:

- a) THAT Ms Teekoa Iuta shall be the Chairperson of the Independent Tribunal;
- b) That the Independent Tribunal Members shall inquire into the matter and report on the facts thereof to the Maneaba and advise the Maneaba whether the judges should be removed under this section as well as the reasons for their conclusions.
- c. THAT the Tribunal must do their work in line with the principles of natural justice, some elements of this principle are listed below that the Tribunal may choose to observe or to make its own rules and procedure in line with the principles of natural justice.

Some elements of natural justice listed below;

- Tribunal must be independent and impartial,
- Adequate notice must be afforded to the judge; a summons to the judge to be served at least 14 days before the hearing so that the judge has reasonable time to prepare their defence.
- The summons must contain all allegations against the judges.
- Fair hearing;
  - a) the judges also have the right to be present during the proceedings,
  - b) to be legally represented, if they want to.
  - c) to call witnesses, if they have any.
  - d) to cross-examine other witnesses called by the Tribunal if they want to, and
  - e) to make final submissions at the close of the hearing.

While the Tribunal is not bound by the strict rules of evidence it is bound by the rules of natural justice and must provide written reasons for its decision.

d) THAT the Independent Tribunal Members shall in the performance of their function be assisted by:

- i. Mr Teeta Erikate who is hereby appointed as Secretary of the Independent Tribunal

Issued this <sup>2nd</sup> day of September, 2022.

**BERETITENTI**

Published by exhibition at the Public Office of the Beretitenti this <sup>2</sup>... day of September, 2022.

**SECRETARY TO THE CABINET**



**THE REPUBLIC OF KIRIBATI**

**SUSPENSION OF APPOINTMENT OF THE COURT OF APPEAL JUDGES**  
**s.93(5), The Constitution**

I, TANETI MAAMAU, Beretitani, in exercise of the powers conferred upon me by section 93(5) of the Constitution hereby suspend the appointment of the Court of Appeal Judges, Honorable Paul Heath QC, Honourable Peter Blanchard KNZM QC, Honourable Rodney Hansen CNZM QC as the question of removing the Judges have been referred to a Tribunal appointed under section 93(4) of the Constitution. The Judges will be immediately suspended from performing the function of their office, and any such suspension may at any time be revoked by the Beretitani and shall in any case cease to have effect if the Tribunal advises the Maneaba that the Judges should not be removed from office.

Done at Bairiki this <sup>2<sup>nd</sup></sup> day of September, 2022

Beretitani

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Secretary to the Cabinet