

# 2015-2019



Solomon Islands, National Judiciary

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## 1. Foreword by the Chief Justice



*... the Court's  
Role must also be  
to support  
improved public  
access to Justice  
and to adapt to  
the range of  
technological,  
social and  
economic  
changes affecting  
the Court's and its  
participants ...*

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I am pleased to present the combined Annual Report of the National Judiciary for the years 2015-2019 as it continues to develop as an independent organisation committed to making a substantial contribution to the Justice Sector with agreed outcomes. This report reflects the dedication and hard work of the Judges, Magistrates and staff of the National Judiciary who serve the Government and the people of the Solomon Islands.

On behalf of the National Judiciary, I wish to express my sincere thanks and appreciation to the Government for their ongoing support and assistance to the work of the courts in the country, in particular through budgetary support and other forms of ancillary support. We are committed to working with the Government to maintain a National Judiciary that is independent with services reaching down to the rural areas and where capacity building strengthens our judicial services ensuring timely justice is delivered. Our shared goals dictate that we work together in a spirit of respect and collaboration.

I also wish to express my sincere thanks to the Minister for Justice and Legal Affairs and Permanent Secretary for their dedicated commitment and cooperation in those preceding years towards the work of the courts in ensuring that courts were adequately supported to carry out their judicial functions in that period.

I also take this opportunity to thank the Australian Government through the Department of Foreign Affairs and Trade (“DFAT”) who through the Solomon Islands Law and Justice Sector Program have continued to provide much needed assistance with funding and the provision of experienced and capable advisor support. My thanks also are extended to

those other donor countries who have invested in strengthening and building the capability of the National Judiciary.

Finally, my sincere thanks to the Pacific Judicial Strengthening Initiative (“PJSI”) Program, for their specialised assistance through the Technical Advisor, Cate Sumner, who tirelessly through her patience, encouragement and supervision have enabled us to progress to completion this combined Annual Report for 2015-2019.

This Annual Report sets out the development, progress and consolidation of our current capability that is critical for us to be successful in discharging our responsibilities.

The Honourable Justice Sir Albert R. Palmer, CBE  
Chief Justice

## 2. The National Judiciary

The Judiciary is the constitutionally independent third arm of Government, whose role is to interpret and apply the laws of Solomon Islands, to ensure equal justice under law, and to provide a mechanism for dispute resolution between the other arms of Government (the Legislature and the Executive).



This is a “unified national court system” where the Chief Justice as head of the Judiciary exercises direct control and supervision over the Courts in the country.

### ***Our Vision***

Have an independent, impartial judiciary, with administrative and financial autonomy, to deliver justice effectively, efficiently, and locally.

### ***Our Mission***

Deliver justice that is visible, tangible and accessible to all.

### ***Our Values***

- **Independence & Accountability:** We act solely in the interests of justice and are transparent and fair in all our decision-making.
- **Professionalism & Ethics:** We behave ethically and professionally.
- **Leadership & Service:** We lead the justice sector in understanding and meeting the needs of those to whom we provide a service.
- **Excellence & Innovation:** We promote a culture of learning and encourage innovation and excellence to achieve better results.
- **Public Confidence & Trust:** We value the trust placed in us by the public and at all times act in a manner that will maintain their confidence.

The Preamble to the Constitution at paragraph (a), declares that the Judiciary is one of the three arms, or branches of Government that exercises the Power of the People on their behalf, a responsibility vested on the three arms of Government by the Constitution.

The three arms are equal in status, but different, and perform different functions and exercise different powers separately. The Parliament/Legislature makes the law, while the Executive implements the law, controls the political policy, the public service and the budget, and the Judiciary, interprets and applies the law.

This combined Annual Report summarises the National Judiciaries operations, activities and accomplishments over a 5-year period from 2015-2019.

## 2.1 Court Structure

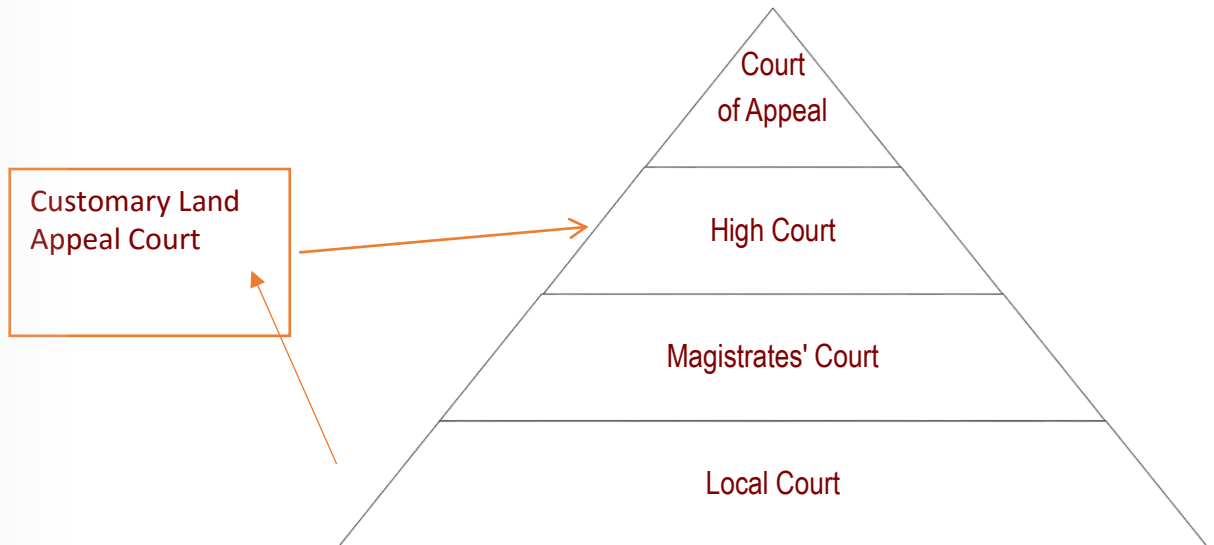


The court system in the Solomon Islands is derived from Chapter VII, Part II of the Constitution, and provides five levels of courts. The highest court is the Court of Appeal (exercises appellate jurisdiction only), followed by the High Court, Magistrates' Court, the Customary Land Appeal Court and the Local Court.



*... We lead the Justice Sector in understanding and meeting the needs of those to whom we provide a service ...*

**Figure 1 National Judiciary Court Hierarchy**



The **Court of Appeal** is the country's highest court, exercising appellate jurisdiction only; that is, hearing appeals from the High Court.

**The High Court** has "unlimited original civil and criminal jurisdiction"<sup>1</sup> and also exercises appellate jurisdiction, that is, hearing appeals from the Magistrates' Court, and from the Customary Land Appeal Court (on an error in point of law or on the ground of a failure to comply with any procedural requirement of any written law). The High Court's rulings on appeal from the Customary Land Appeal Court is final and conclusive<sup>2</sup>.

**The Magistrates' Court** is a court of limited jurisdiction. There are three levels of Magistrates<sup>3</sup>, the highest jurisdiction being exercised by a Principal Magistrate, and limited jurisdictions by a Magistrate of the First Class, and Magistrate of the Second Class. In civil cases if the value of the claim is below a specific threshold (\$50,000 and \$100,000 by agreement) for a Principal Magistrate and the maximum sentence imposable in criminal cases is also limited<sup>4</sup>. The Court also hears appeals from Local Courts. Appeals from the Magistrates' Court are heard by the High Court. The Magistrates' Court also hears appeals<sup>5</sup> from any act or determination of an Acquisition Officer in relation to acquisition of land undertaken pursuant to Part V of the Land and Titles Act [cap. 133].

The **Customary Land Appeal Court** hears only cases relating to the use and ownership of indigenous customary land, on appeal from a Local Court. It applies customary law and may exercise all the powers of a local court<sup>6</sup>. It is comprised of five members, one of whom is a Magistrate<sup>7</sup>. The lay members are from the locality or region of the court. At least Appeals from this court to the High Court are possible only on a point of law, or on a failure to comply with any procedural requirement of any written law. It also hears appeals<sup>8</sup> from a determination of the Provincial Executive Government in Timber Rights hearings conducted under the Forest Resources and Timber Utilisation Act [cap. 40].

**Local Courts** exercise exclusive jurisdiction over disputes on customary land and apply "customary law" of the tribes and communities within the area of its jurisdiction. This currently takes up all of their time. They however, also have both minor civil and criminal jurisdiction within their locality, but this jurisdiction has hardly been utilized for decades now. The composition of this court is made up of lay members (non-law trained) from the region or locality of the court.

This report reviews all five levels of Court in the National Judiciary – the Court of Appeal, the High Court, the Magistrates' Court, the Customary Land Appeal Court and the Local Court, and those in the Corporate Section, supporting staff and the Registry and supporting staff.

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<sup>1</sup> Section 77(1) of the Constitution.

<sup>2</sup> Section 256(3) of the Land and Titles Act [cap. 133].

<sup>3</sup> Section 19 of the Magistrates' Court (Amendment) Act 2007.

<sup>4</sup> 5 years for a Principal Magistrate.

<sup>5</sup> Section 66 of the Land and Titles Act [cap. 133]

<sup>6</sup> Section 255(4) of the Land and Titles Act [cap. 133]

<sup>7</sup> A quorum consists of 5 members (4 non-law trained members), one of whom is a Magistrate – Section 255(5) of the LTA [cap. 133].

<sup>8</sup> Section 10 of the Forest Resources and Timber Utilisation Act [cap. 40]



## 2.2 Governance



JSCC Members

Various committees and groups govern the activities of the National Judiciary. Further information and detail on the internal governance committees and groups, including their roles and responsibilities are set out in Appendix 1: National Judiciary Governance Structures.

The Executive Management Team (EMT) consists of the National Judiciary Divisional Heads. The EMT convenes monthly and is chaired by the Chief Justice.

The Justice Sector Consultative Committee (JSCC) is the senior consultation committee for the Law and Justice Sector and includes the heads of Ministry and legal sector agencies. The Committee meets every second month. The CEO represents the Corporate Services of the National Judiciary at these meetings and the Chief Justice chairs the meetings.

### **NATIONAL JUDICIARY FUNCTIONAL STRUCTURE AND DEPARTMENTS**

**The Corporate Services Division** provides the general administrative support to the National Judiciary. It includes the Human Resource section, Finance, Infrastructure, Library services and Executive Secretarial support to the Judges. The Chief Executive Officer heads the Corporate Division.

**The High Court Registry** is headed by the Registrar of the High Court and the Court of Appeal. She is assisted by the Deputy Registrar of the High Court, and the Deputy Registrar of the Court of Appeal. It includes the Sheriff's Office, Transcription section, Interpreters' Unit, Court Clerks, and Clerk Associates who provide registry and administrative support to the Courts.

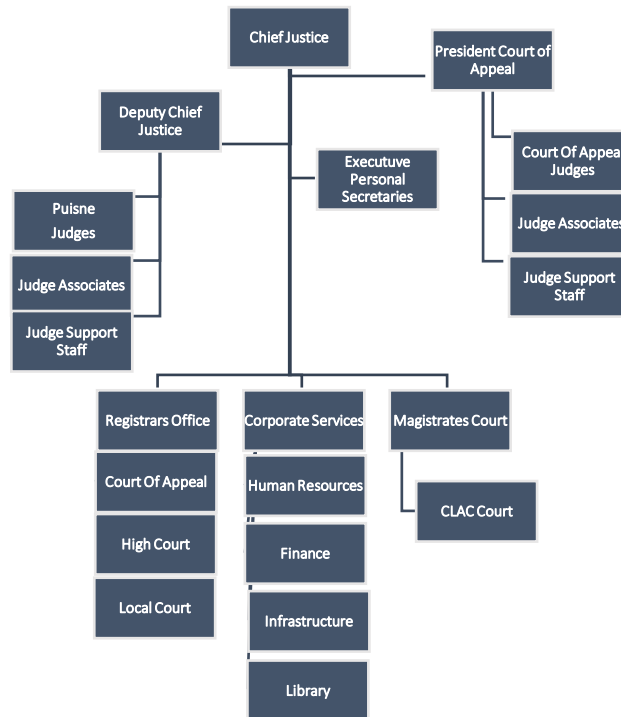
**The office of the Local Court**, headed by the National Local Court Officer (National Coordinator) and administrative staff is also located at the High Court. There are Local Court Officers located in each of the District/Regional Centres at Gizo, Auki, Kira Kira and Lata who are responsible for coordinating court sittings of the Local Court within the District/Region. There are also Clerks to the Local Court, who provide the secretarial assistance to the Local Court during each sitting of the Local Court.

**The Magistrates' Court** comprises of the office of the Chief Magistrate and the Deputy Chief Magistrate, both based at the Magistrates' Court in Honiara. The Deputy Chief Magistrate is responsible for the Magistrates' Court (Central) which includes Honiara, the Central Islands Province and Rennell and Bellona Province. There are four other Districts or Regions and each region has a Magistrate resident in each centre, at Gizo, Auki, Kira Kira and Lata.

The majority of Magistrates reside in Honiara. Each District centre also has support staff to support the work of the Magistrates' Court in the District.

The **Customary Land Appeal Court** primarily operates as an appeal court on customary land matters, and determinations on the identity of persons lawfully entitled to grant timber rights under the Forest Resources and Timber Utilisation Act. It is a separate court but currently functions and operates with a Magistrate sitting as one of the members and also performing the role of the clerk to that court. The supervising or resident magistrate determines the circuit and sitting schedules of the court.

**Figure 2 National Judiciary Organisation Structure**





### 3. Report from the Chief Executive Officer

#### 3.1 Highlights of 2015-2019



Mrs Lynette Tora, CEO

It is my pleasure to report on Corporate Services activities of the National Judiciary for 2015-2019. The past years have been challenging and my team and I have been working hard towards improving and strengthening the corporate services department to support the courts in the delivery of its services in Honiara and the provinces effectively and efficiently.

As part of our endeavour to improve the quality of service delivery to the courts, my department continues to review and develop key administrative systems and processes that will support and improve on the efficient running of the courts. The key areas of focus are financial management, human resource, staff development, and infrastructure support.

To achieve our work agenda, we streamlined key internal systems and processes. We reviewed, developed and adapted internal procedures and processes to minimise delays, enhance and empower the capacity of judicial officers and

managers in the National Judiciary to be able to discharge their duties timely and efficiently.

In relation to financial matters, the following guidelines were developed:

- 1) National Judiciary budget guidelines;
- 2) Revenue Collection guidelines;
- 3) National Judiciary procurement guidelines;
- 4) Standing Imprest guidelines; and
- 5) Imprest Accounts Cash Books and Reconciliation Guidelines.

At the same time focusing on Human resource needs of the courts through timely recruitment and staff development. The National Judiciary workforce has increased over the 5-year period from 126 to 163 employees in 2019. More importantly, we sought to ensure that any vacant judicial positions were filled as soon as possible.

In 2017, the National Judiciary appointed its first local female Judge to the High Court bench and a first local female appointed to the position of Chief Magistrate. In 2019, the National Judiciary also successfully recruited a Chief Infrastructure Officer. The position had been vacant for about two and half years.

Training continued to play an important part in upgrading and improving the knowledge base, skills and attitudes of our staff. Over the 5-year period, judicial and senior management officers in the National Judiciary were able to attend trainings provided overseas. We also provided training for our local staff. Some of the more significant trainings included the Commonwealth and Magistrates Judges Association Regional Conference in Port Moresby, Papua New Guinea in September 2019 attended by some Judges and Magistrates. Other trainings provided included Decision-Making for Non-Law Trained Members of the Local Court and the Customary Land Appeal Court, conducted by the Pacific Judicial Strengthening Initiative (“PJSI”) program and training on the Family Protection Act 2014 (“FPA”) for Local Court members sponsored by the South Pacific Commission (“SPC”) in Malaita and Guadalcanal provinces. As well, seven of our staff members graduated with a Certificate in Leadership from the Australian Pacific Training Coalition (“APTC”). The Department of Foreign Affairs and Trade (“DFAT”) of Australia sponsored those staff members.

With continuous support from DFAT through the Solomon Islands Justice Program (“SIJP”), the Gizo Court house underwent much-needed refurbishment under Phase 1, which was completed in 2017. Also over that period, five Magistrates’ residences were repaired and renovated. The National Judiciary Medium Term Plan highlighted the ongoing infrastructure needs of the Courts in the country.

Corporate services team however, continued to face a range of issues and challenges over the last five years. This includes ongoing recruitment of Magistrates, issues of retainment and continuous decrease on the recurrent and development budgets.

Despite the challenges, the Corporate Team continues to work closely with Judges and Magistrates to meet our overall goals and objectives.

The Corporate Team needs to be more proactive in its efforts and to work closely with other key stakeholders, to ensure that much-needed support for the Courts, is provided in terms of adequate financial support to enable the Judiciary to carry out its core duties and functions.

### **3.2 Performance against the Corporate Plan**

The National Judiciary has made progress against its corporate plans in the last five years. While implementation of the plan was challenging, progress was made against the list of goals in the 2014-2017 and 2018-2020 corporate plans.

There were six priority areas in the most recent 2018-2020 Corporate Plan, which the National Judiciary was required to address. These were:

- (1) Access to Justice (To strengthen organizational capacity of NJ to improve access to and delivery of quality justice services centrally and in the Provinces);
- (2) Access to Justice – Magistrates’ Court and the Customary Land Appeal Court (Focus on strengthening the Organisational Capacity of the Magistracy and the Customary Land Appeal Court (CLAC) to improve access to and delivery of quality justice services centrally and in the Provinces);
- (3) Leadership and management;
- (4) Human resources management and development,
- (5) Self-Autonomy for National Judiciary; and
- (6) Corporate Administration (strengthen management and execution of financial and administration services to ensure accountability, reduce delays and to provide effective and efficient support for the work of the courts).

This Annual Report shows the progress and achievements made in the Corporate Plans’ objectives and contained in the reports of each head of department including the Chief Magistrate’s report.

We have also undertaken to have the 2018-2020 Corporate Plan reviewed in preparation for the issue of the Corporate Plan for 2020-2022. The updated version will form the National Judiciary Corporate Plan for 2020-2022. The document will align with the Justice Sector Strategic Framework 2020-2030, which in turn is aligned broadly to international commitments, obligations and expectations under the United Nations Sustainable

Development Goals (“SDGs”) together with National Development Strategy (“NDS”)<sup>9</sup> and other policies and reports from actors in the system and stakeholders. The Justice Sector Strategic Framework defines areas for improvement, clear priorities, and objectives, including sector priorities on the areas of institutional governance, infrastructure, and organisational capacities into the next 10 years.

The National Judiciary is committed towards complying with Government Policies and the Justice Sector Strategic Framework priorities for implementation through our corporate plan and reporting.

### 3.3 Financial Performance

#### 3.3.1 Court Revenue

The cumulative total revenue collected from the National Judiciary Courts in 2015 to 2019 equalled \$12,206,034.

Year	Actual Revenue
2015	\$1,063,657
2016	\$1,427,147
2017	\$1,612,895
2018	\$3,619,822
2019	\$4,482,513
<b>TOTAL</b>	<b>\$12, 206,034</b>

#### 3.3.2 Court Expenditure

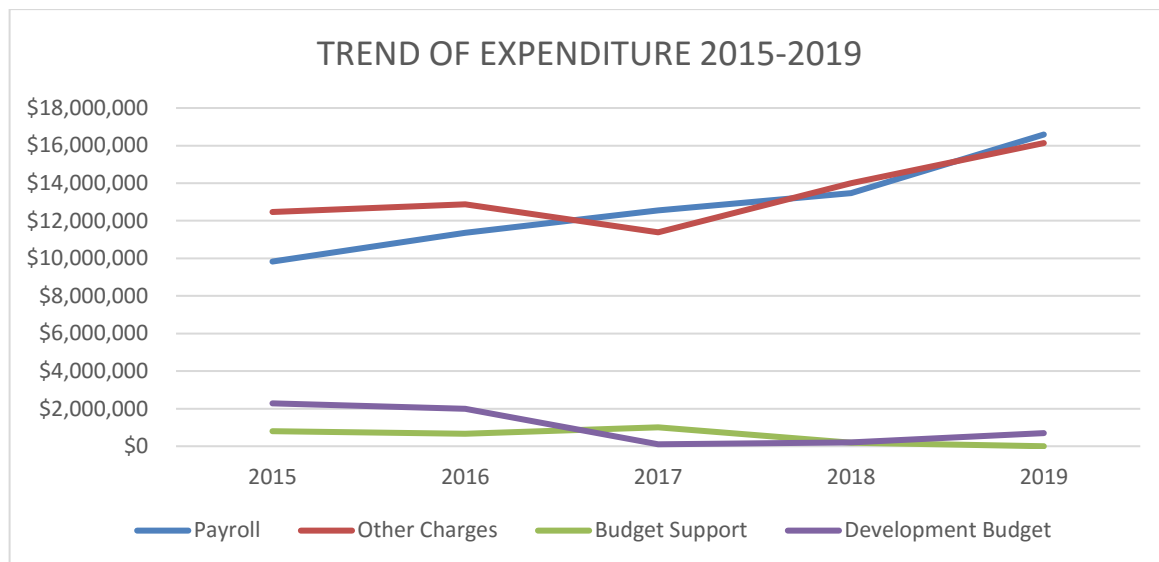
Table 2 below presents National Judiciary’s five-year expenditure summary; Table 3 shows the Budget Estimates; and Figure 2.1 illustrates the expenditure trend over the period.

**Table 2. Summary of Expenditure 2015-2019**

Year	Payroll	Other Charges	Budget Support	Development Budget
2015	\$9,829,727	\$12,459,713	\$795,132	\$2,282,538
2016	\$11,364,436	\$12,871,938	\$672,430	\$1,992,357
2017	\$12,545,363	\$11,384,973	\$1,007,145	\$104,224
2018	\$13,466,650	\$14,000,205	\$193,969	\$204,953
2019	\$16,589,210	\$16,135,406	\$-	\$699,204
<b>TOTAL</b>	<b>\$63,795,386</b>	<b>\$66,852,235</b>	<b>\$2,668,676</b>	<b>\$5,283,276</b>

<sup>9</sup> The NDS 2016-2035 maps out a strategic direction for the development of Solomon Islands. It presents a visionary strategy for the next twenty years, setting out a long-term vision, mission and objectives that reflect the aspirations of all Solomon Islanders. The current NDS covers a longer time period than previous development strategies, so as to provide a longer-term framework for planning, and laying the foundations for recovery and long-term sustainable development.

**Figure 2.1**



The national Judiciary budget expenditure shows a gradual increase over 2015-2019 for payroll, other charges, and development budget. The funding provided by DFAT through the SIJP also contributed to the payroll and development budget charges totalling some \$2.6 million over the 5 years. The funding stopped in 2018.

Over the 5-year period, payroll expenditure gradually rose as a result of yearly recruitments of new Judges, Magistrates and Court Clerks. In 2019, a significant increase was incurred on the payroll expenditure as a result of implementation of the coming into force of the revised terms and conditions of Judges backdated to 1<sup>st</sup> September 2016, and increases in public servants salaries of 3.5%.

There is a significant decrease on other charges expenditures, by 12% in 2017 as compared to 2016, due to the reduced consultancy fees, charged by the Commissioner of the High Court. He had been engaged separately to deal with the trial of a major civil commercial case, *Austree Enterprise Pty Ltd, and Zong Wu Zhou, and Ling Yun Zhou v. Shiyao Guo and China United (SI) Corporation Ltd, and Ray Chu, and Junbin Guo, and Junzong Guo, civil 322 of 2012* (“the Town Ground Case”), and other court activities.

There is a significant decrease in development budget expenditure by 95% from \$1.9m in 2016 to \$100K in 2017 due to the unavailability of a Chief Infrastructure Officer. Consequently, many infrastructure activities and projects could not be progressed and or implemented. In 2019, there was a swift turnaround and a huge increase in the development budget expenditure by as much as 240% as a result of the appointment of a Chief Infrastructure Officer, who was then able to attend to so many outstanding infrastructure works and activities. Below is the detailed information on the 2015-2019 budget estimates and expenditures.

### 3.4 Human Resources

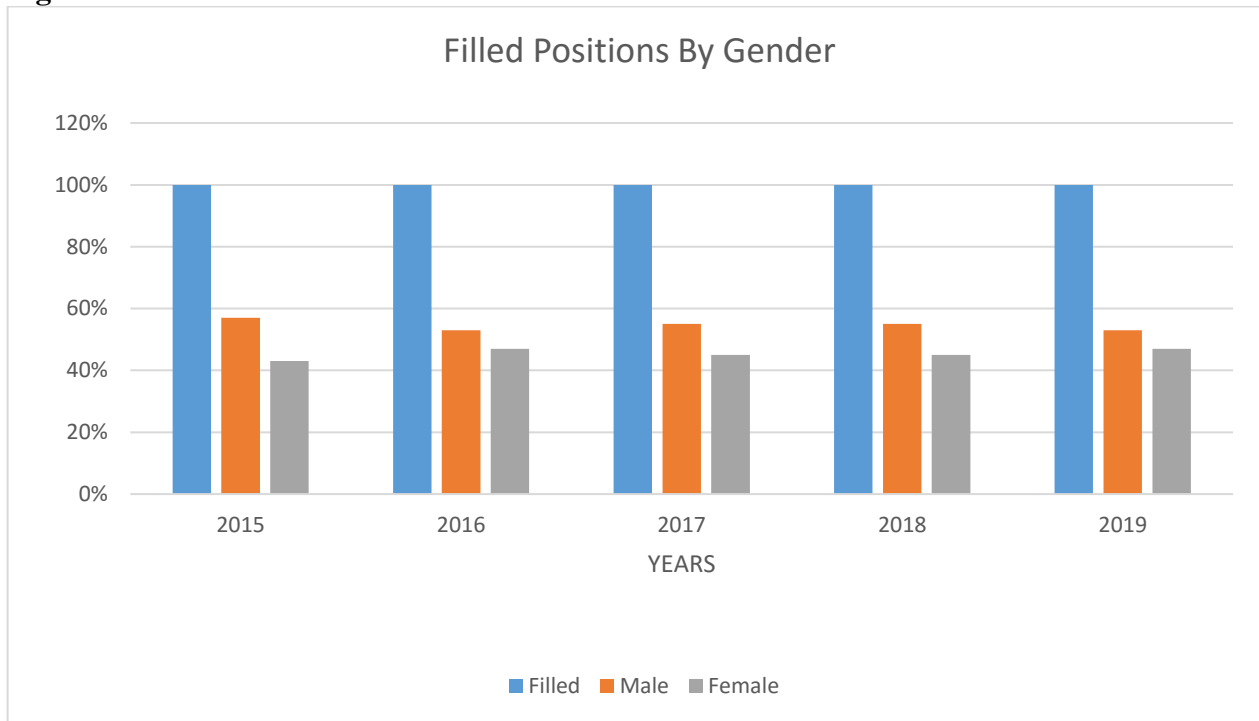
During 2015-2019, recruitment and appointments in the National Judiciary showed an increase each year as set out in Table 4 below. The increase is quite noticeable as shown in the progressive growth on payroll expenditure

**TABLE 4 NATIONAL JUDICIARY STAFFING 2015-2019**

Year	Filled	Vacant	Total	By Gender	
				Male	Female
2015	126	17	151	72	54
2016	114	15	129	60	54
2017	155	26	181	86	69
2018	155	26	181	86	69
2019	163	40	203	87	76

over the 5-year period.

**Figure: 4.1**



The above gender graph showed National Judiciary has a more gender-balanced recruitment with an average minimal gap of 9% between male and female employees.

### 3.5 Infrastructure Report



There were various infrastructure projects attended to and concluded over the 5-year period. Of significance is the work done on the Magistrates' Courthouse at Gizo, Western Province. Funding for the Phase 1 part of the refurbishment and rehabilitation of that building was provided by DFAT through the SIJP in 2017. The Magistrates' Court in the Western Province serves a population of around 78,000 plus. The building also serves the High Court when on circuit, the Local Court and the CLAC.

In 2018, the security fencing for the Magistrates' Court (Honiara) was upgraded with the erection of picket fencing and barbed wires around the entire court premises, which included the newly constructed Juvenile Court building.

In 2019, the Juvenile Court building was completed with funding support from DFAT through the SIJP.

As well, the Magistrates' Court building in Kira Kira, Makira Ulawa Province was refurbished with concrete slabbing and railing constructed. Also a new gate was installed for direct access between the Kira Kira police holding cell and the Kira Kira Magistrates' Court.

Five residences for court staff were renovated in 2019. These included residences in the provincial centres.

The infrastructure needs of the National Judiciary is an ongoing challenge. The current state of some of our court buildings in Honiara and the Provincial Centres are old, run down and in urgent need of repair, refurbishment and maintenance. Most of the sub-stations covered in circuits by the Magistrates' Court do not have courthouses. On many occasions, therefore court had to be convened in halls and other buildings, which had to be hired for use. Some provincial centres also do not have any courthouses. This issue of access to justice in the rural areas with the lack of proper court facilities needs to be addressed and attended to. Proper and adequate funding as well as land need to be provided to improve court infrastructure in the provinces. People in the rural areas deserve to have their court cases heard in a proper court building that provides a safe and secure environment.

Our main challenge has always been lack of sufficient funding. Our National Judiciary medium term development program (MTDP) had all our programs clearly laid out and ready to be progressed but for funding issues.




## **4. Report from the Registrar of the High Court and Court of Appeal**

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### **4.1 Highlights of 2015-2019**

The years 2015 to 2019 have been challenging years for us. We have endeavoured to implement our corporate plan 2013 to 2018 and 2018 to 2022, with the mission to deliver justice that is visible, tangible and local.

One of the significant advances in the collection, storage and management of data was the introduction of an integrated database management system to replace the old one with a modern Justice Integrated Management System (JIMS) with the support and assistance of the Australian Government through DFAT.



Myonnie Tutuo~Ofaga,  
Registrar for the High  
Court and Court of  
Appeal

There is an increase in the number of Judicial Officers from 7 to 8 in 2019.

The efficiency of the court is measured by the clearance rate and the average duration of each case.

### **4.2 The Court of Appeal**

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#### **The President and members of the Court of Appeal.**

The President is Justice Edwin Goldsbrough from the United Kingdom.

Other Justices of Appeal include:

- Justice Sir Gordon Ward (New Zealand & Ireland) (now retired April 2019);
- Justice Vincent Lunabek (Vanuatu);
- Justice Margaret Wilson (Australia);
- Justice Sir John Hansen (New Zealand);
- Justice Les Gavara-Nanu (Papua New Guinea);
- Justice Sir Ronald Young (New Zealand);
- Justice Sir John Muria (Kiribati/ Solomon Islands).

All High Court Judges are *ex officio* Judges of the Court of Appeal.

The Court sits bi-annually for two weeks at a time, in the first half of the year, usually in March/April/May and in the second half of the year, in September/October. On occasions if needed it may convene an extra session.

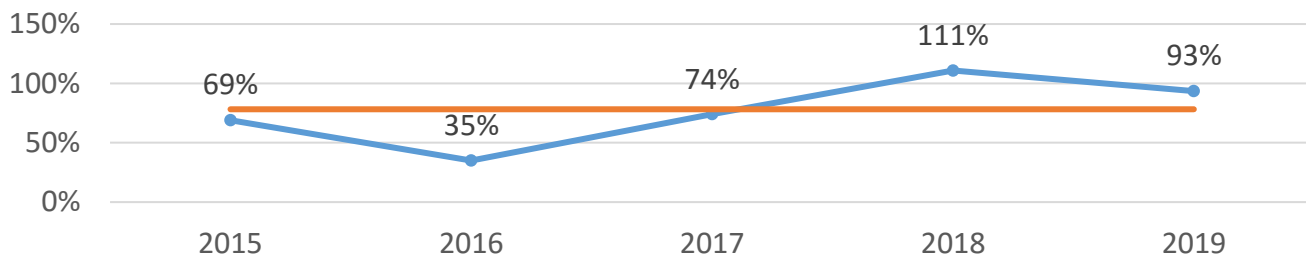
## Cook Island indicator 1: Clearance Rate

*The result against this indicator is obtained by dividing all cases finalised in a year by cases filed. The aim is to finalise the same number of cases as are filed in any year to maintain a clearance rate of 100%. If a backlog has developed then a court needs to aim to finalise more cases than are filed each year and therefore achieve a clearance rate of more than 100%.*

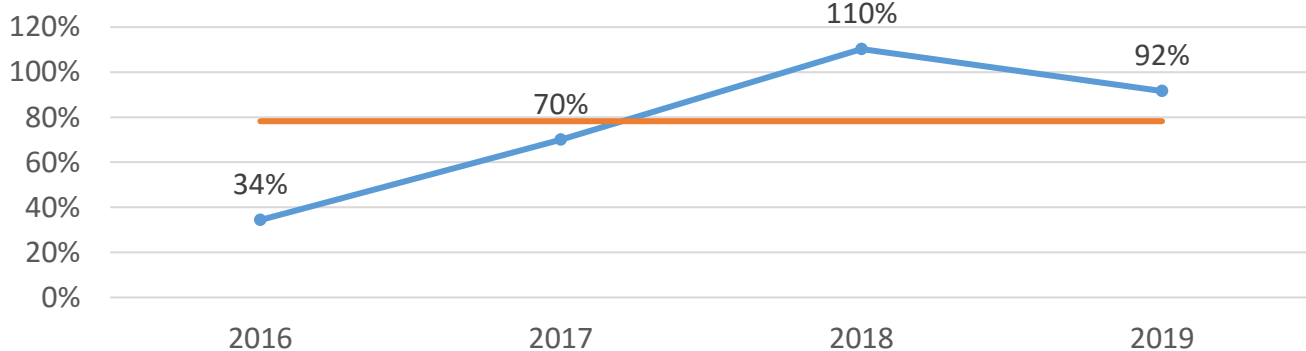
In 2019, the overall clearance rate for the Court of Appeal was 93%. The clearance rate for civil cases in 2019, was 92%, and for criminal appeals 100%. From 2015-2019 the clearance rate fluctuated between 35% -111%. The President of the Court of Appeal actively manages the list of cases in consultation with the Registrar to ensure that all appeals are heard promptly during their two sessions each year.

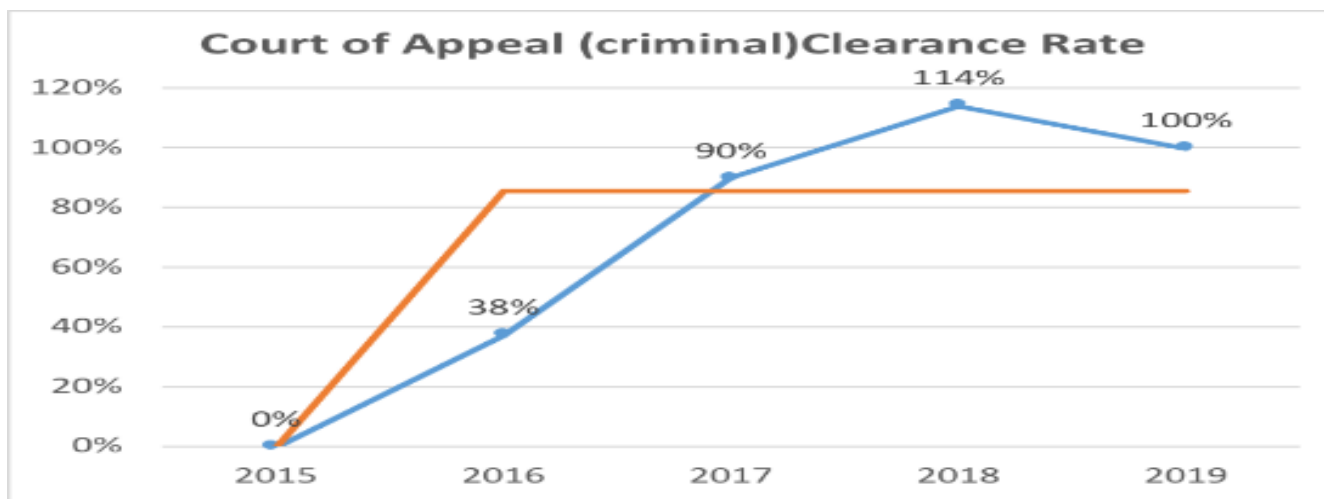
Year	Total Cases Filed	Total Cases Finalised	Total Cases Pending	Clearance Rate as a %	Balance vs. Average
<b>Insert Year</b>					
<b>2015</b>	29	20	11	68.97%	9.23%
<b>2016</b>	40	14	37	35.00%	43.20%
<b>2017</b>	50	37	50	74.00%	4.20%
<b>2018</b>	46	51	45	110.87%	-32.67%
<b>2019</b>	46	43	48	93.48%	-15.28%
<b>Total:</b>	<b>211</b>	<b>165</b>	<b>48</b>	<b>78.20%</b>	<b>29.09%</b>

**Court of Appeal (total) Clearance Rate**



**Court of Appeal (Civil) Clearance Rate**





## **Cook Island Indicator 2: Average Duration of a Case**

*The result against this indicator is obtained by totalling the days for each case from the date the case is filed to the date it is finalised and then dividing this by the number of cases finalised.*

43 cases were finalised in the Court of Appeal in 2019. In the 33 civil appeals, the average duration until disposal was 321 days and in the 10 criminal appeals the average disposal 185 days.

### 4.2 High Court

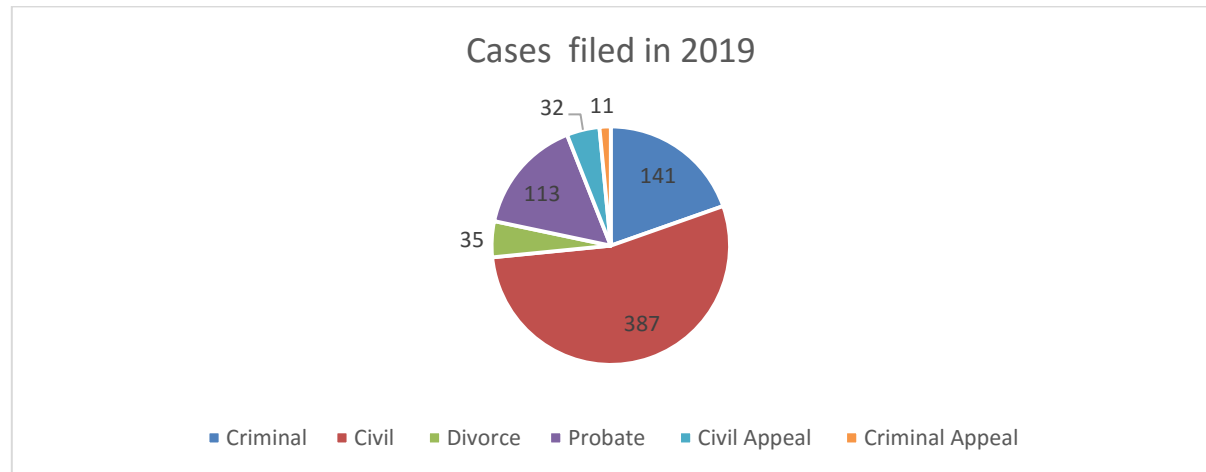
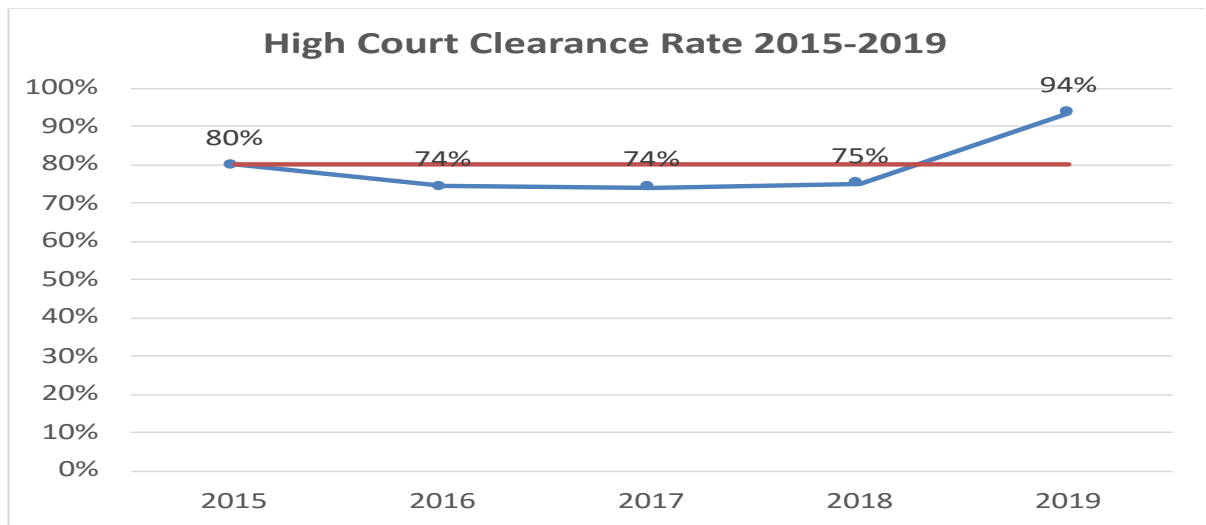
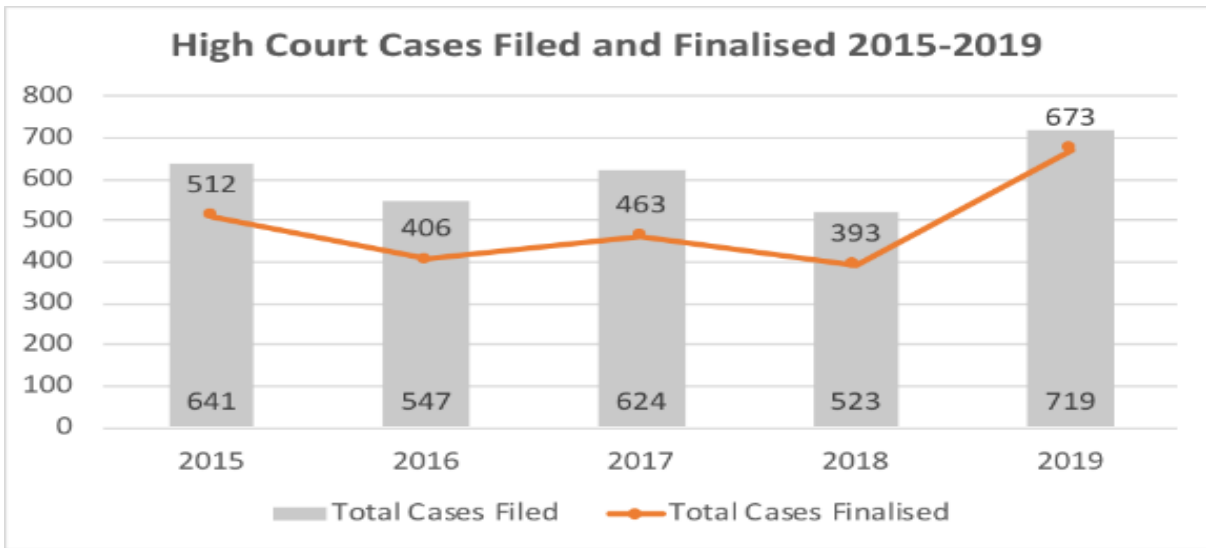
The High Court 2015 to 2019 Judicial Officers were:

- The Chief Justice Sir Albert R. Palmer CBE
- Deputy Chief Justice Francis Mwanosalua CBE
- Justice Rex Faulkona
- Justice Leonard Maina
- Justice John A. Keniapisia
- Justice Emanuel Kouhota
- Justice John R Brown
- Justice Maelyn Bird

## **Cook Island Indicator 1: Clearance Rate**

**The result against this indicator is obtained by dividing all cases finalised in a year by cases filed. The aim is to finalise the same number of cases as are filed in any year to maintain a clearance rate of 100%.**

The High Court clearance rate for 2019 was 94% with 719 cases filed and 673 cases finalised. This is a significant improvement from 2015-2018 and can be attributed to an increase in the number of judges.



In 2019, 54% of cases filed are civil case. 20% are criminal, 16% probate cases, 5% divorce, 4% for civil appeal and 1% for criminal cases.

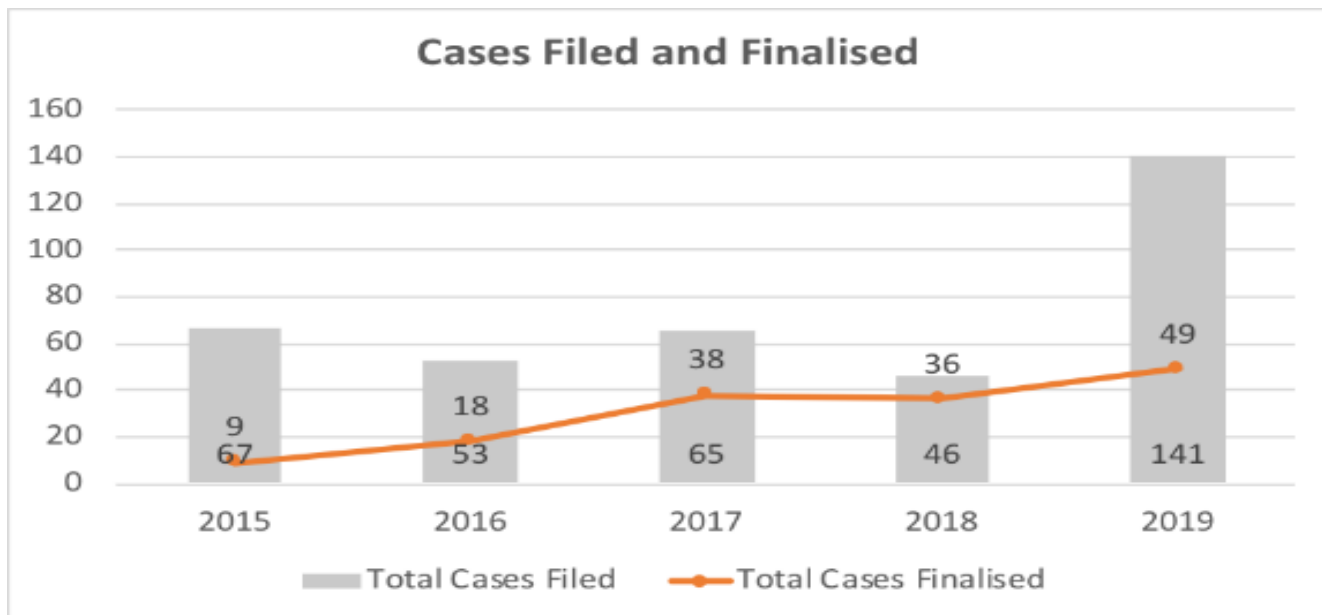
## Criminal Cases

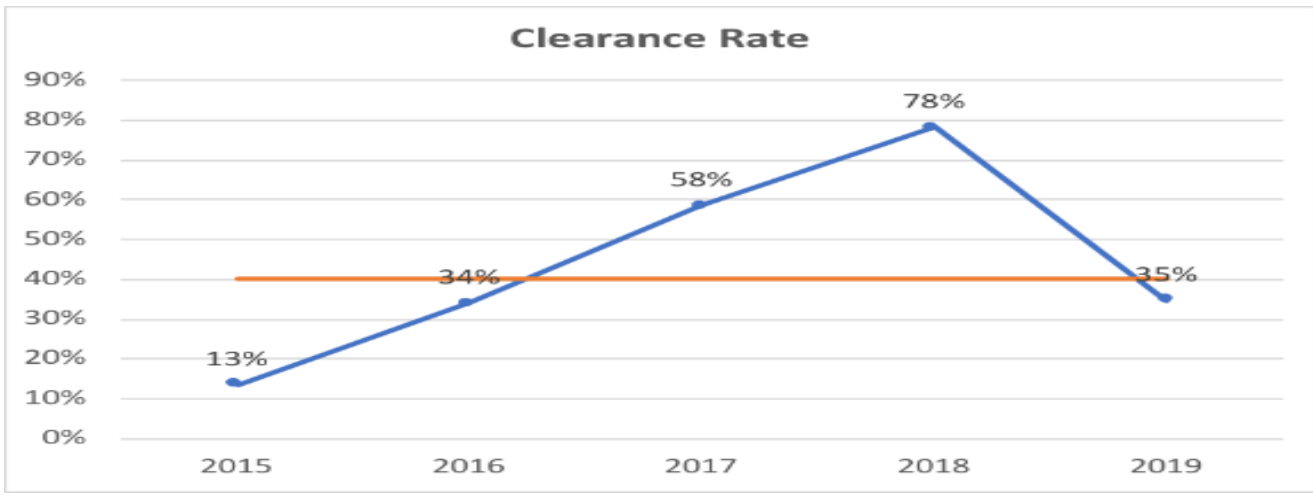
From 2015-2019 the number of criminal cases filed in the High Court has increased dramatically from 67 cases in 2015 to 141 cases in 2019. The High Court clearance rate for criminal cases in 2019 was 35% with 141 cases filed and 49 cases finalised. The clearance rate has declined from previous years. This resulted in part from the fact that there were a significant number of election petition cases that were given priority in 2019, and in part due to the health condition of some Judicial Officers, which affected their work capacity and output, which in turn affected their disposal rate which ultimately decreased.

Currently, age is not captured on JIMS the Court case management system so that the number of criminal cases filed with a juvenile defendant can only be captured by checking each case manually. However, in future this will be entered into the JIMS case management system.

Currently, the JIMS Court case management system does not capture data on the sex and age of the victim in violence offences. However, in future the Court intends that this will be entered into the JIMS case management system.

The number of cases filed in 2019 has increased from 46 in 2018 to 141 cases in 2019. The increase is due to a change in approach by the High Court Registry in 2019 to permit criminal cases to be registered and listed for hearing even when the information/ indictment from the DPP has not been filed (s. 233 of the Criminal Procedure Code).

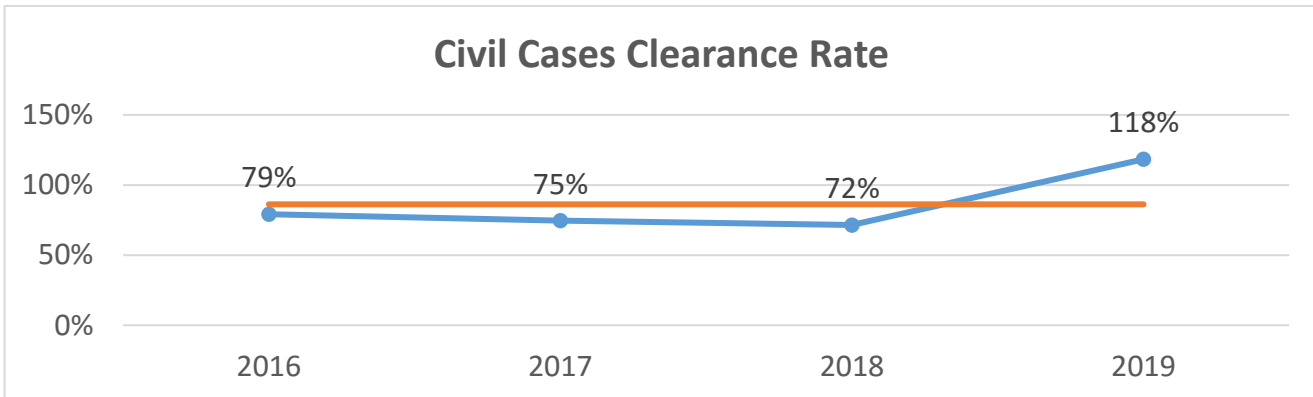
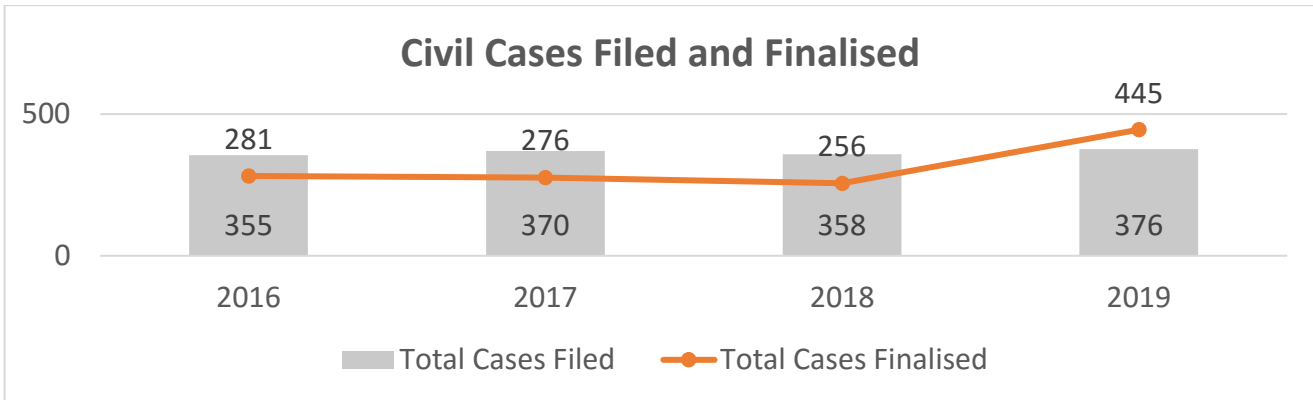




Criminal clearance rate has decreased from 78% in 2018 to 35% in 2019. The attribute to this is that, we had only 2 criminal judges in 2019.

### Civil Cases

From 2015-2019 the number of civil cases filed in the High Court has remained stable with 355 civil cases filed in 2015 and 376 cases filed in 2019. The High Court clearance rate for civil cases in 2019 was 118% with 376 cases filed and 445 cases finalised. In 2019, the High Court Registry reviewed older files and applied the Court's case management rules to have those matters struck out where no actions had been taken in the preceding 12 months.



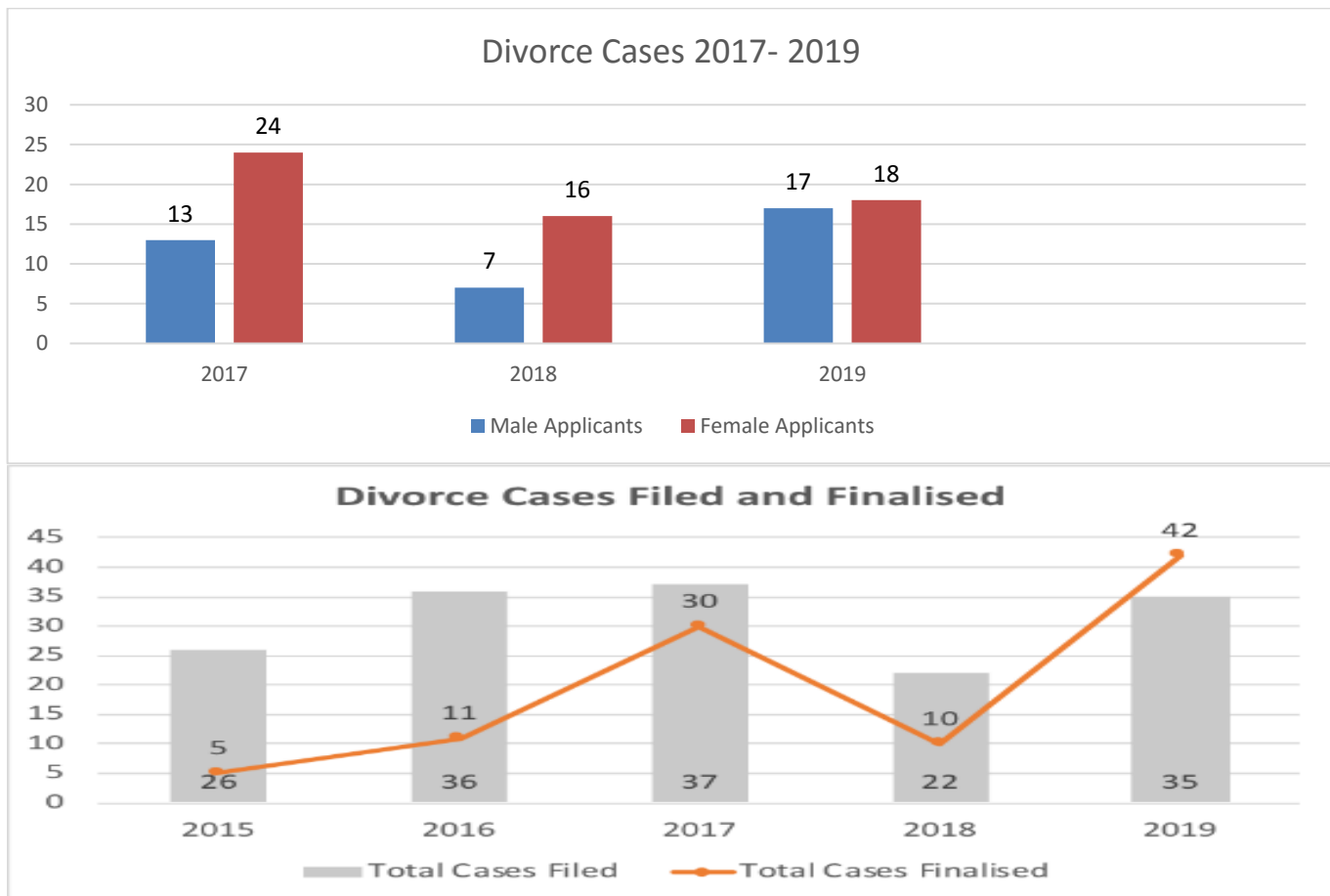


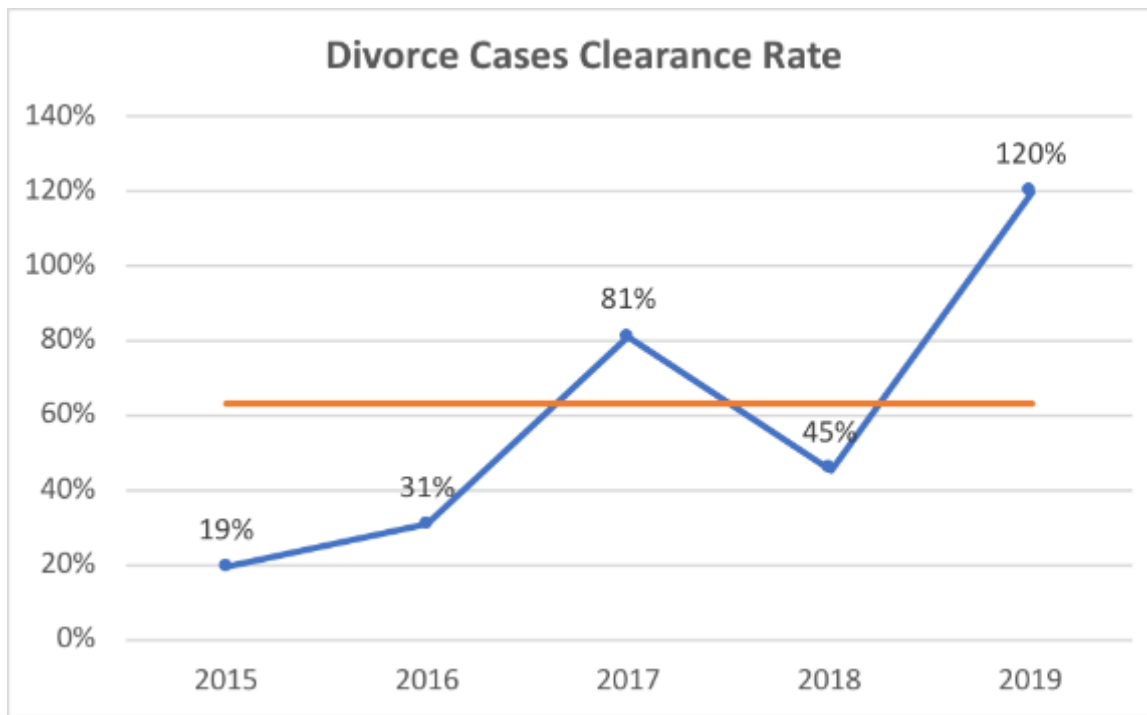
In 2019, 445 cases were finalized of the 376 cases opened. That is a total 118.4 %. In 2018, 256 cases finalised of 358 cases opened, that is 71.5%. In 2017, 276 cases were finalised out of 370 cases opened and that is 74.6%. The increase of disposal rate is attributed by increase number of Judges sitting in civil cases and case management by strike out proceedings that had been dormant for more than 12 months.

### Divorce Cases

From 2015 to 2019 the number of divorce cases had increased from 26 divorce cases filed in 2015 to 35 cases filed in 2019. The clearance rate for divorce cases in 2019 was 120%. In 2018, 22 new divorce cases were opened, a total of 10 cases were finalised, that is 45.5% finalised. There is increase of disposal rate as the number of judges presiding over divorce cases increased from 1 to 2.

Of the 35 Divorce cases filed in 2019, 17 applicants are male and 18 applicants are female. In 2018, out of the 23 cases filed, 7 applicants' are male and 16 applicants female. In 2017, 37 cases filed, 13 applicants are male and 24 applicants are female.



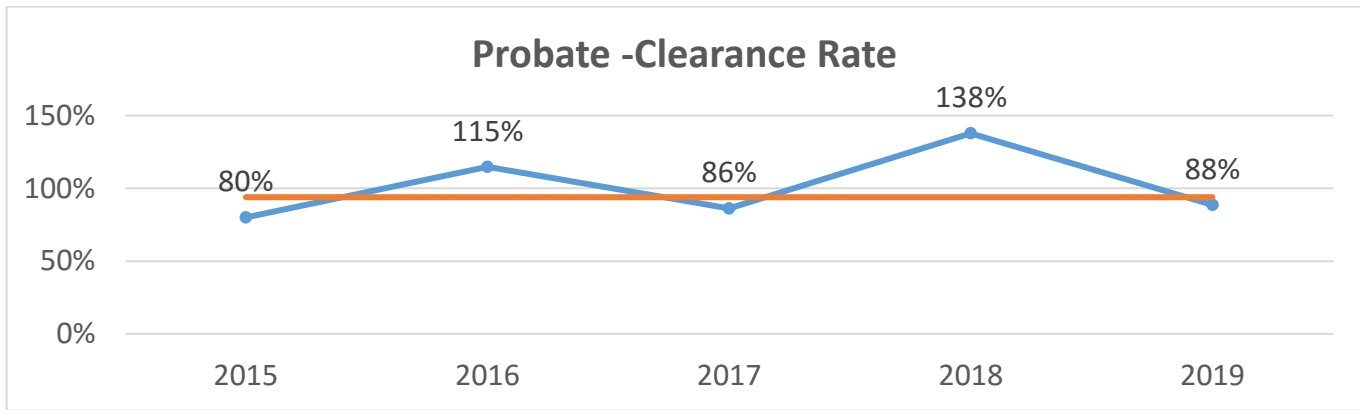


Divorce clearance rate has increased from 45% to 120% in 2019. This was mainly due to an additional Judge who was tasked to deal with and assist with divorce petitions.

#### **Probate**

From 2015 to 2019, the number of probate cases filed decreased from 165 cases in 2015 to 113 cases in 2019. The clearance rate in probate cases in 2019 was 89%.

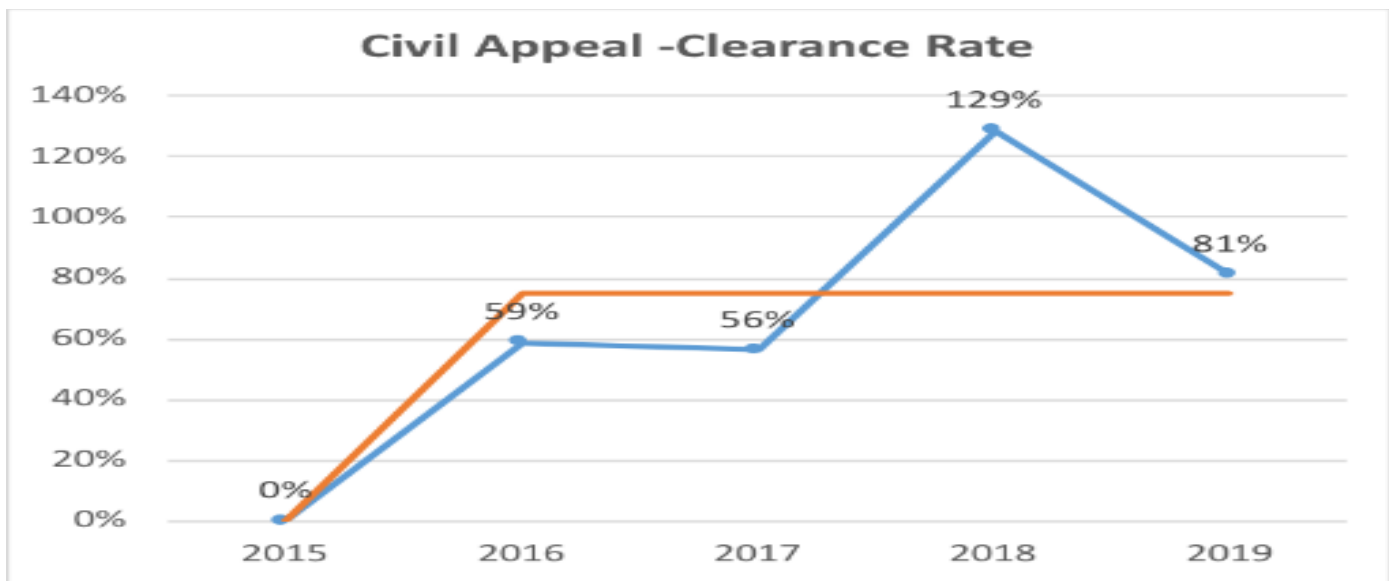
Year	Total Cases Filed	Total Cases Finalised	Total Cases Pending	Clearance Rate as a %	Balance vs. Average
2014					
2015	165	132	33	80.00%	13.90%
2016	68	78	23	114.71%	-20.81%
2017	109	94	38	86.24%	7.66%
2018	53	73	18	137.74%	-43.84%
2019	113	100	31	88.50%	5.40%
<b>Total:</b>	<b>508</b>	<b>477</b>	<b>31</b>	<b>93.90%</b>	<b>6.50%</b>



### Civil Appeal

From 2016 to 2019 civil appeals cases have increased from 17 civil appeals filed in 2016 to 32 civil appeals filed in 2019. The clearance rate for civil appeal cases in 2019 was 81%.

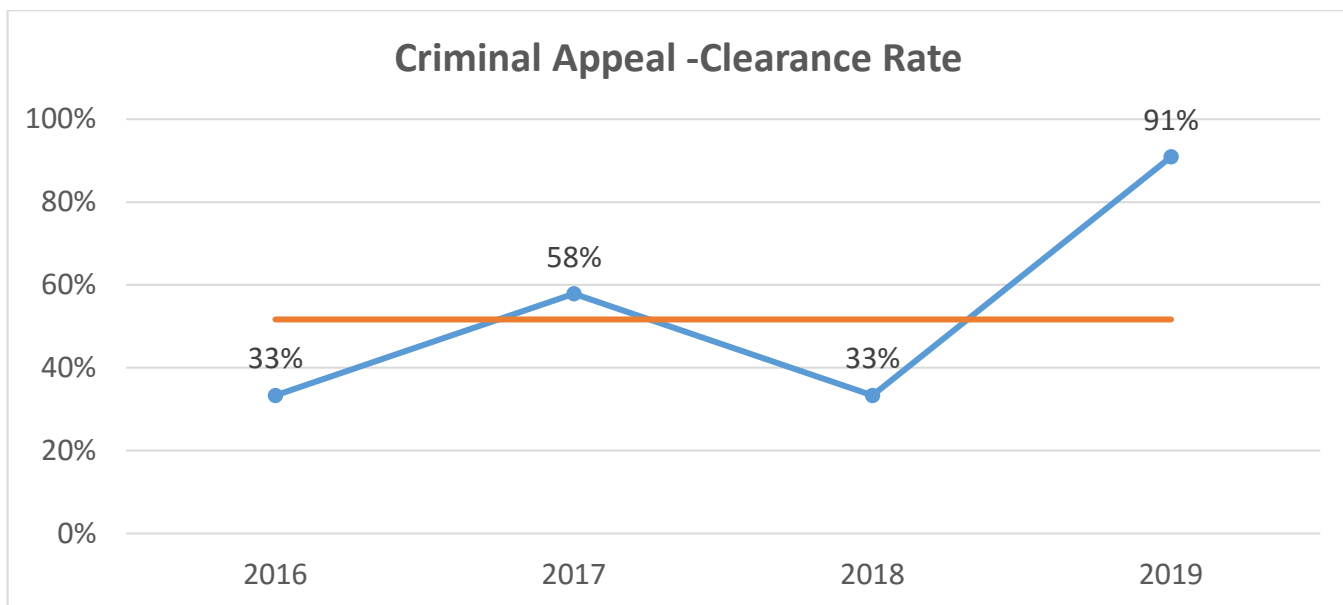
Year	Total Cases Filed	Total Cases Finalised	Total Cases Pending	Clearance Rate as a %	Balance vs. Average
<b>Insert Year</b>					
<b>2015</b>			0	#DIV/0!	#DIV/0!
<b>2016</b>	17	10	7	58.82%	16.18%
<b>2017</b>	16	9	14	56.25%	18.75%
<b>2018</b>	7	9	12	128.57%	-53.57%
<b>2019</b>	32	26	18	81.25%	-6.25%
<b>Total:</b>	<b>72</b>	<b>54</b>	<b>18</b>	<b>75.00%</b>	<b>33.33%</b>



## Criminal Appeals

Criminal Appeals cases filed have remained stable with 12 criminal appeal cases filed in 2016 and 11 criminal appeal cases filed in 2019. From 2016 to 2019 there were a total of 60 cases registered. The clearance rate for criminal appeal cases has improved from 33% in 2016 to 91% in 2019. The increased clearance rate can be attributed to the addition of another judicial officer to the criminal jurisdiction.

Year	Total Cases Filed	Total Cases Finalised	Total Cases Pending	Clearance Rate as a %	Balance vs. Average
<b>Insert Year</b>					
<b>2016</b>	12	4	8	33.33%	18.33%
<b>2017</b>	19	11	16	57.89%	-6.23%
<b>2018</b>	18	6	28	33.33%	18.33%
<b>2019</b>	11	10	29	90.91%	-39.24%
<b>Total:</b>	<b>60</b>	<b>31</b>	<b>29</b>	<b>51.67%</b>	<b>93.55%</b>



## Cook Island indicator 2: Average Duration of a Case

**The result against this indicator is obtained by totalling the days for each case from the date the case is filed to the date it is finalised and then dividing this by the number of cases finalised.**

The judiciary worked to integrate this Cook Island indicator into the JIMS case management system so as to enable this data to be presented.

In 2019: the average duration of the:

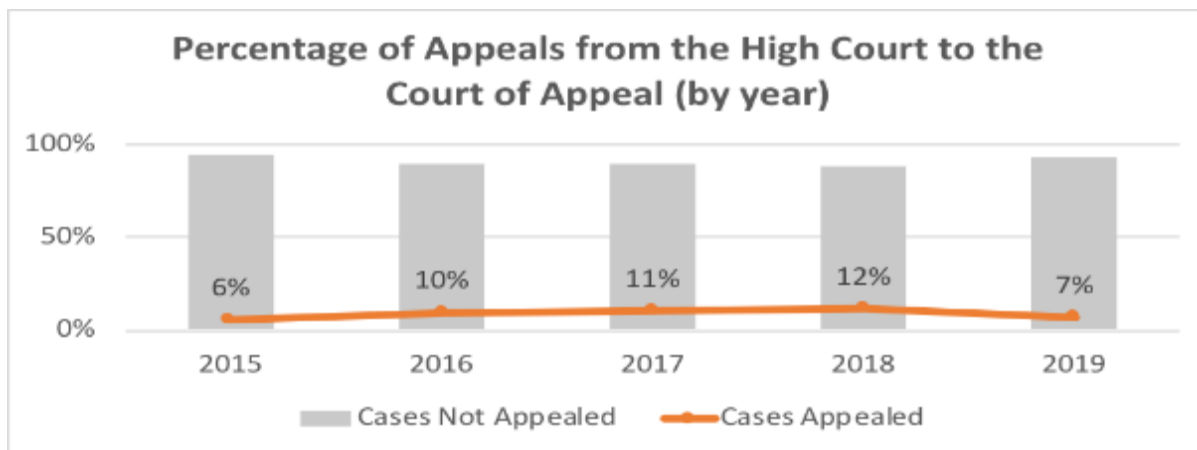
- 445 civil cases finalised was 895 days

- 52 criminal cases was 829 days
- 26 civil appeal cases was 969 days
- 10 criminal appeal cases was 562 days
- 42 divorce cases was 941 days
- 11 civil adoption cases was 235 days
- 100 probate cases was 94 days

### **Cook Island indicator 3: Percentage of Appeals**

**The result against this indicator is obtained by dividing the number of cases appealed to a higher court by the number of cases finalised in the level of court jurisdiction from which the appeal is made.**

The percentage of civil cases decided in the High Court and appealed to the Court of Appeal is stable as it ranged from 6% to 12%. In criminal, the percentage of appeal has increased from 6% in 2016 to 24% in 2017 and 14% in both 2018 and 2019.



In 2019, 673 cases were finalised, 46 were appealed from the High Court to the Court of Appeal. Cases that were the subject of an appeal to the Court of Appeal represented 7% of High Court cases finalised in 2019.

Of the 46 cases filed to the Court of Appeal, 36 were civil appeals and 10 cases were criminal appeals. The 36 civil appeals represented 8% of the 445 civil cases finalised in 2019. The 10 criminal appeals represented 19% of the 52 criminal cases finalised.

Of the 279 civil cases finalised 2018, 39 cases were appealed to the Court of Appeal, which represents 14% of the civil cases finalised. Out of the 36 criminal cases finalised, 7 criminal appeal were filed. That represents 19% of the criminal cases finalised.

In 2017, 40 civil appeals were filed to the Court of Appeal from the 415 civil cases that were finalised; and 10 criminal appeal cases were filed to the Court of Appeal from 38 criminal cases finalised.

### **Cook Island indicator 4: Overturn Rate on Appeals**

**The result against this indicator is obtained by dividing the number of appeal cases in which the lower court decision is overturned in whole or in part by the total number of appeals.**

In 2019, 43 cases appealed from the High Court to the Court of Appeal were finalised comprising 33 civil cases and 10 criminal cases.

11 of the 33 appeal cases were allowed meaning that 33% of the High Court civil decisions appealed were overturned by the Court of Appeal; 15 cases dismissed, 5 appeal applications were refused, 1 appeal case was abandoned and 1 discontinued.

Of the 10 criminal appeal cases, 5 appeals were allowed meaning that 50% of the High Court criminal decisions appealed were overturned by the Court of Appeal; 2 appeal cases were dismissed, 2 refused and 1 abandoned.

### **Indicator 5: Percentage of Cases that are Granted a Court Fee Waiver**

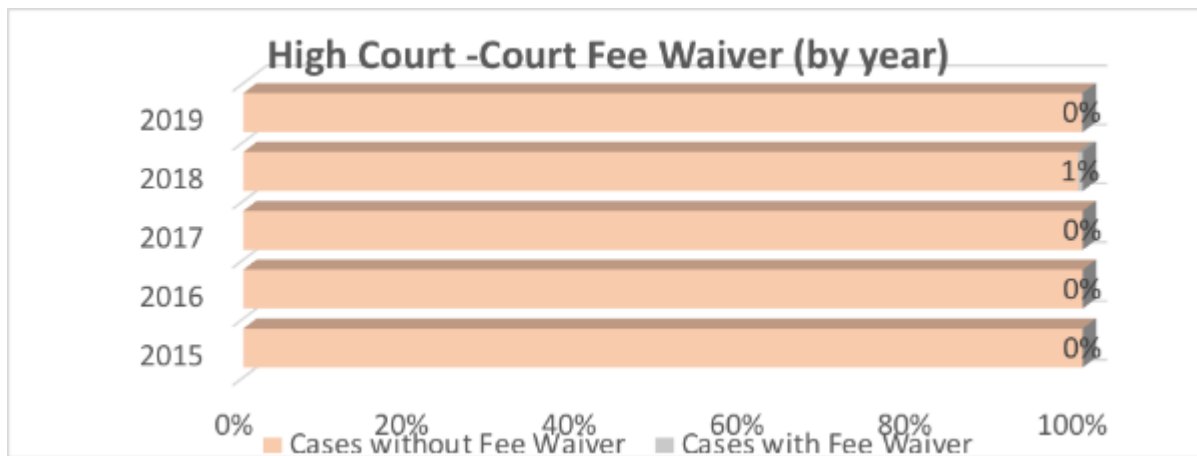
**The result against this indicator is obtained by dividing the number of cases that are granted a court fee waiver by the total number of cases filed.**

The Solomon Islands Civil Procedure Rules 2007 provide that any fee that is payable under the rules may be waived in full or part by a judge, magistrate or registrar on the basis of financial hardship.

Application for fee waiver is very rare.

There is no application of waiver in 2015, 2016 and 2017. In 2018, there were three (3) application received and granted, and only one application on waiver in 2019.

The fact that there are very few number of applications made for fee waiver, does not mean that there is no fee waiver rules. There are hardships however, we see that awareness is lacking in this court.



### **Indicator 6: Percentage of Cases Disposed Through a Circuit Court**

**The result against this indicator is obtained by dividing the number of cases finalised through a circuit court by the total number of cases finalised.**

High Court circuits, usually Criminal are scheduled for Gizo, Auki, Kirakira and Lata. The total percentage of cases finalized in 2019 during court circuit is 2.6%. A special civil circuit was held in Gizo for a week, 8-divorce petition cases were listed and 7 disposed. Civil cases are rarely listed for circuit, as usually they are dealt with in Honiara.

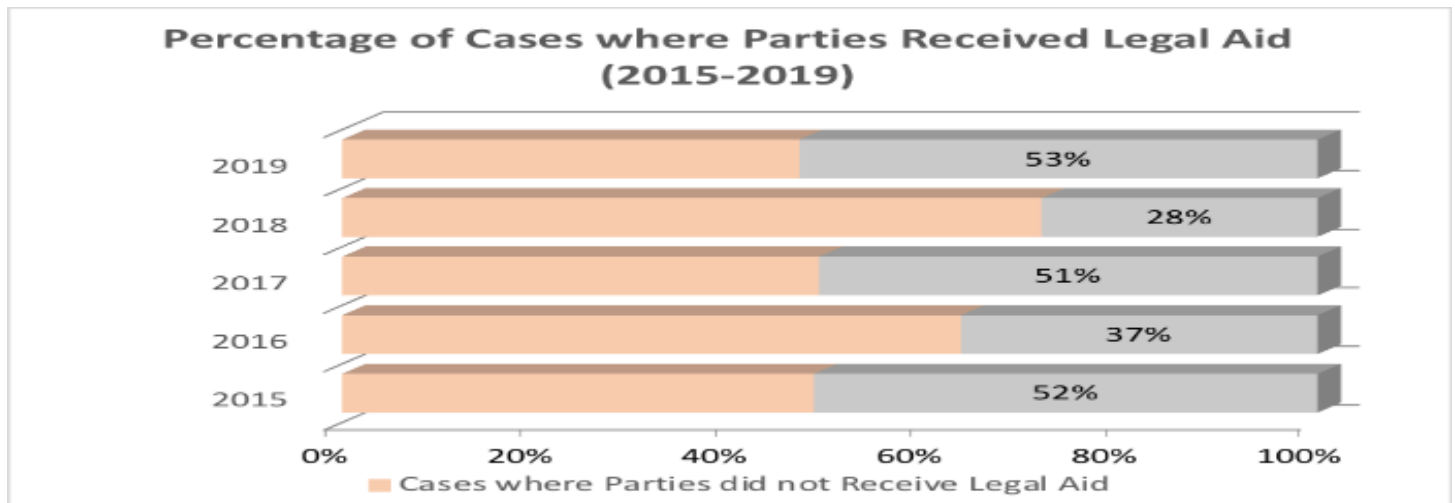


Court	Total Cases Finalised	Total Cases Finalised in Circuit Court(s)
2015	512	
2016	406	2
2017	564	9
2018	494	12
2019	673	18
<b>Total:</b>	<b>2649</b>	<b>41</b>

**Indicator 7: Percentage of Cases Where a Party Receives Legal Aid**

The result against this indicator is obtained by dividing the number of cases where a party receives legal aid by the total number of cases filed.

In 2019, parties in 382 cases of 719 cases filed in the High Court (53%) were assisted free of charge by lawyers from the Office of the Public Solicitor’s and the Office of the Public Trustee. Of the 382 cases indicated, 151 were criminal cases and 76 were civil cases handled by the Public Solicitor’s Office. An additional 155 civil cases were handled by the lawyers from the office of the Public Trustee for probate matters.



	Public Solicitor's Office - Criminal Cases	Public Solicitor's Office - Civil Cases	Public Trustee - Civil Cases	Total cases in which parties assisted with free legal advisory services
2015	56	75	200	331
2016	52	86	62	200
2017	82	108	129	319
2018	53	79	16	148
2019	151	76	155	382

### **Indicator 8: Documented Process for Receiving and Processing a Complaint that is Publicly Available**

The process for lodging a complaint against a judicial officer is outlined in the Judicial and Legal Service Commission Regulations 1982.

The process for lodging a complaint against a court staff member is outlined in General Orders, Public Service Commission Regulations and the Ombudsman's Act 2017.

### **Indicator 9: Percentage of Complaints Received Concerning a Judicial Officer**

**The result against this indicator is obtained by dividing the number of Complaints received concerning a judicial officer by the total number of Cases filed.**

There were no complaints received against judicial officer of the High Court and the Court of Appeal during this reporting period.

### **Indicator 10: Percentage of Complaints Received Concerning a Court Staff Member**

**The result against this indicator is obtained by dividing the number of complaints received concerning a court staff member by the total number of cases filed.**

In 2019, there were two complaints received in relation to court staff members out of 719 cases filed in the High Court representing less than 0.3% of all cases.

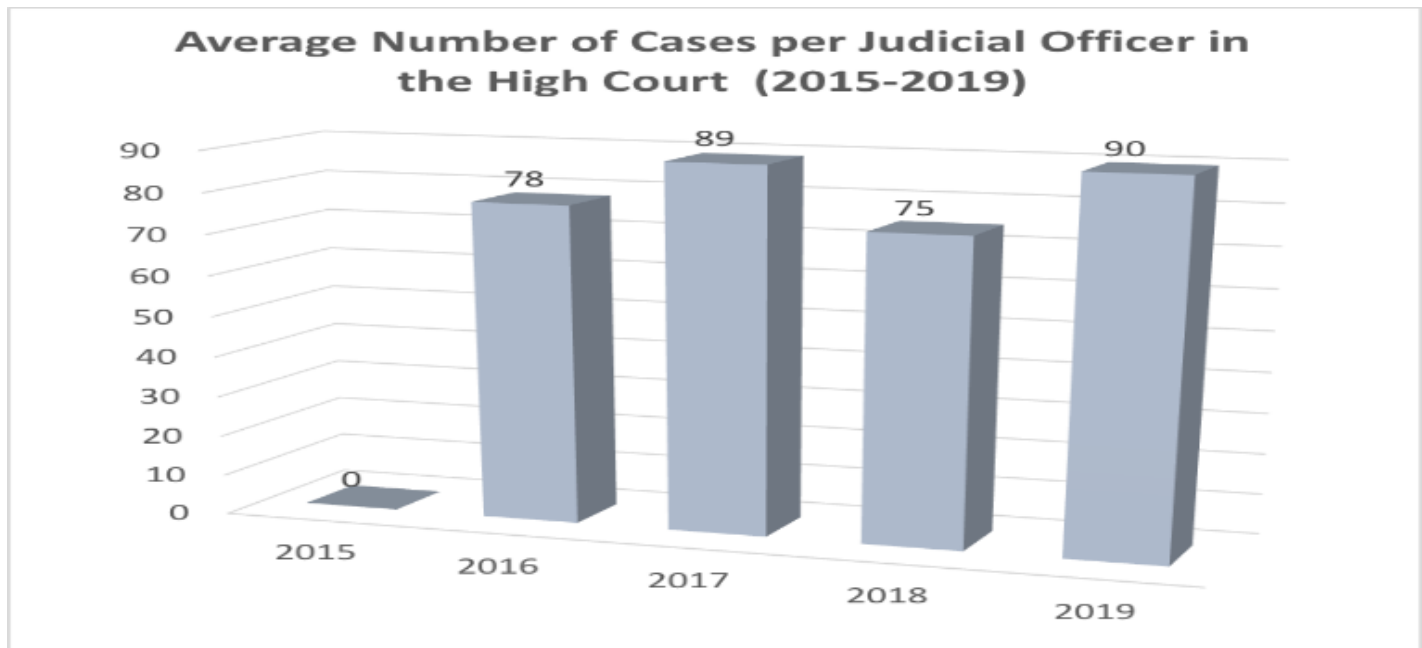
<b>Year</b>	<b>Total Cases Filed</b>	<b>Complaints against COs</b>	<b>Cases where no Complaint made against COs</b>	<b>Cases where Complaint made against COs</b>
<b>2015</b>	641		100.00%	0.00%
<b>2016</b>	547		100.00%	0.00%
<b>2017</b>	624		100.00%	0.00%
<b>2018</b>	523	1	99.81%	0.19%
<b>2019</b>	719	2	99.72%	0.28%
<b>Total:</b>	<b>3054</b>	<b>3</b>	<b>99.90%</b>	<b>0.10%</b>

### Indicator 11: Average Number of Cases Per Judicial Officer

The result against this indicator is obtained by dividing the total number of cases filed by the number of judicial officers.

In 2019, there were 90 cases filed per judicial officer in the High Court representing an increase of cases per judicial officer from the previous four years.

Court	Total Cases Filed	Total JO Numbers	Average Number of Cases per Judicial Officer
2015	641		#DIV/0!
2016	547	7	78
2017	624	7	89
2018	523	7	75
2019	719	8	90
<b>Total:</b>	<b>3054</b>	<b>29</b>	<b>105</b>



### Indicator 12: Average Number of Cases Per Member of Court Staff

The result against this indicator is obtained by dividing the total number of cases filed by the number of court staff.

In 2019, the average number of cases per members of the registry staff was 48. The number of cases per registry staff has decreased from past years. This is because we have increased the number of court staff.

Court	Total Cases Filed	Total CS Numbers
2015	641	
2016	547	9
2017	624	10
2018	523	
2019	719	15
<b>Total:</b>	<b>3054</b>	<b>34</b>

Year	Average Number of Cases per Court Staff
2015	#DIV/0!
2016	61
2017	62
2018	#DIV/0!
2019	48
<b>Total:</b>	<b>#DIV/0!</b>

## 4.4 Local Courts

### 4.4.1 Report from the National Local Court Coordinator

The Local Court is established under the Local Courts Act [Cap. 19], an Act that provides for the establishment of 19 Local Courts, their constitutions, powers and jurisdictions prescribed therein. The Local Courts have jurisdiction to deal with minor criminal offences that are limited to imprisonment term not exceeding six (6) months and fine not exceeding \$200, and civil disputes not more than \$1000 in money claim, any custom disputes



Mr Dayson Boso  
National Local Court  
Coordinator

and customary land disputes limited to as prescribed under the Land and Titles Act [Cap. 133] regardless of the amount in dispute. In 2016 the Family Protection Act was established giving members of the Local Courts powers to issue interim protection orders.

The Chief Justice appoints the Members of the Local Court and in any hearing the sitting panel will be comprised of at least 3 members to preside plus a full time Court Clerk to record proceedings and provide advice in Court on matters of procedure and law.

The operations of the Local Courts are coordinated by the National Local Court Officer/Coordinator, who is responsible for ensuring the efficient and effective running of the courts. The National Local Court Coordinator is supervised by the Chief Justice who is in overall charge of the operations of the Courts.

The Local Courts continue to focus on addressing the backlog of cases, mostly disputes over customary land in all Provinces. Circuit funding revisions, recruiting and filling up vacant positions, improving court circuit efficiency and strong administration support will assist in reducing the backlog in the coming years.



#### 4.4.2 Local Court Case Management

The Local Courts continue to focus on addressing the backlog of cases and in particular in Western and Malaita Provinces.

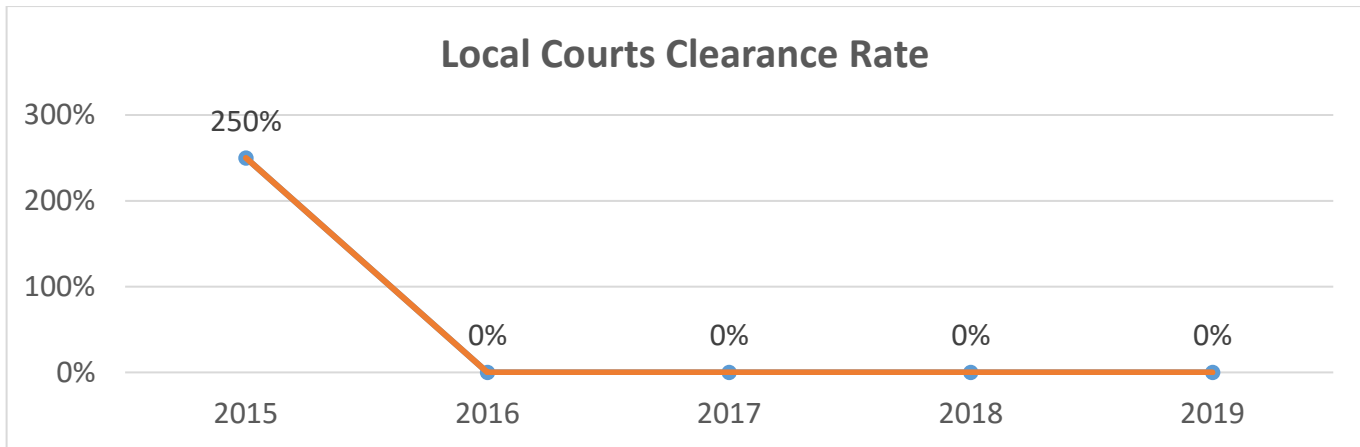
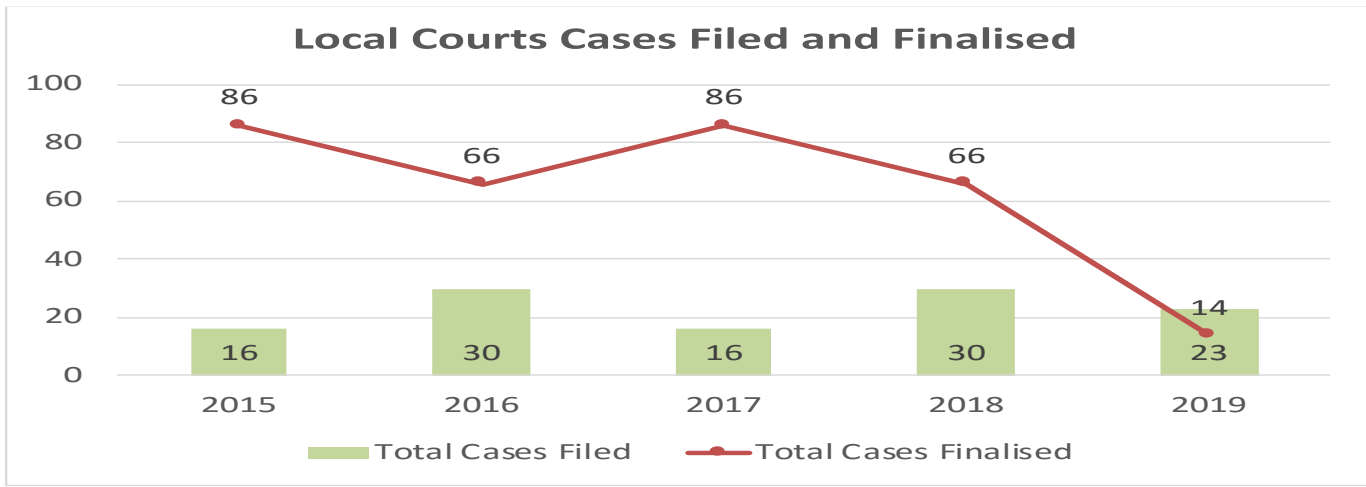
#### Total Cases

##### Cook Island indicator 1: Clearance Rate

The result against this indicator is obtained by dividing all cases finalised in a year by cases filed. The aim is to finalise the same number of cases as are filed in any year to maintain a clearance rate of 100%. If a backlog has developed then a court needs to aim to finalise more cases than are filed each year and therefore achieve a clearance rate of more than 100%.

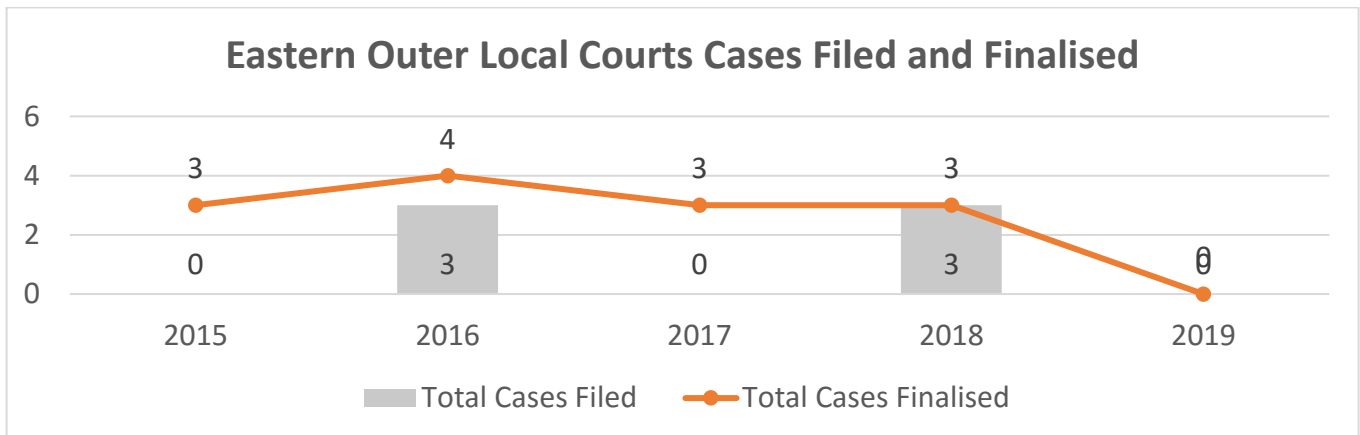
In 2019, 23 cases were filed and 14 cases finalised in the Local Courts giving a clearance rate of 61%. This is significantly lower than the average clearance rate for the last five years of 277%.

The number of cases filed in the Local Courts continues to be quite low given that 80% of the Solomon Islands population of 721,455 (2019 recent census figures) live in rural areas accessed by the Local Courts. Currently the Local Courts are only handling disputes over custom and customary land. The minor criminal, civil and Family Protection Act matters are not being filed with the local courts. Some of the reasons for this are the decline in logging developments, land ownerships dealt with and finalised, strengthening of traditional governance systems that empower chiefs to settle matters informally without going through the court system (Parties compromise)].

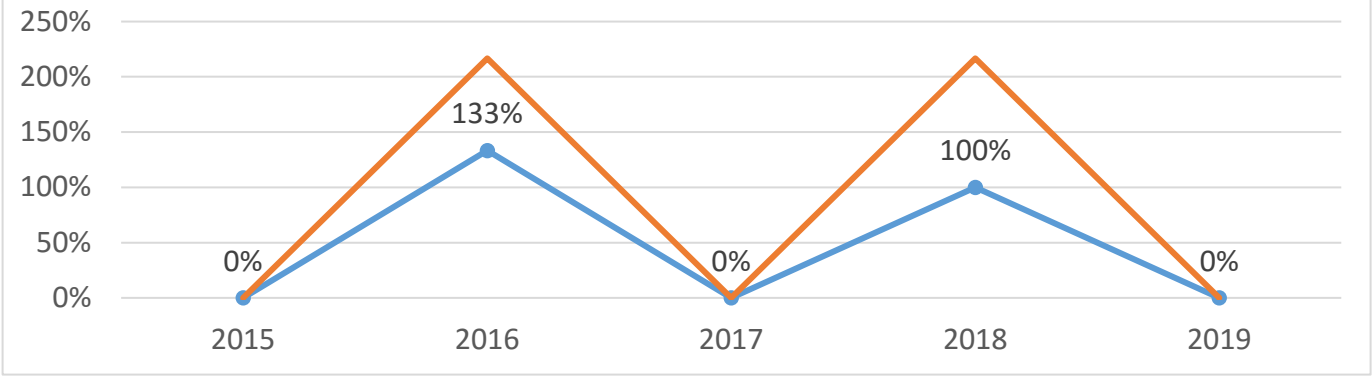


#### Eastern Outer

In the Eastern Outer Local Courts in 2019, 0 cases were filed and 0 cases finalised in the Local Courts. In 2018, 3 cases were filed and 3 cases finalised giving a clearance rate of 100%.



### Eastern Outer Local Courts Clearance Rate

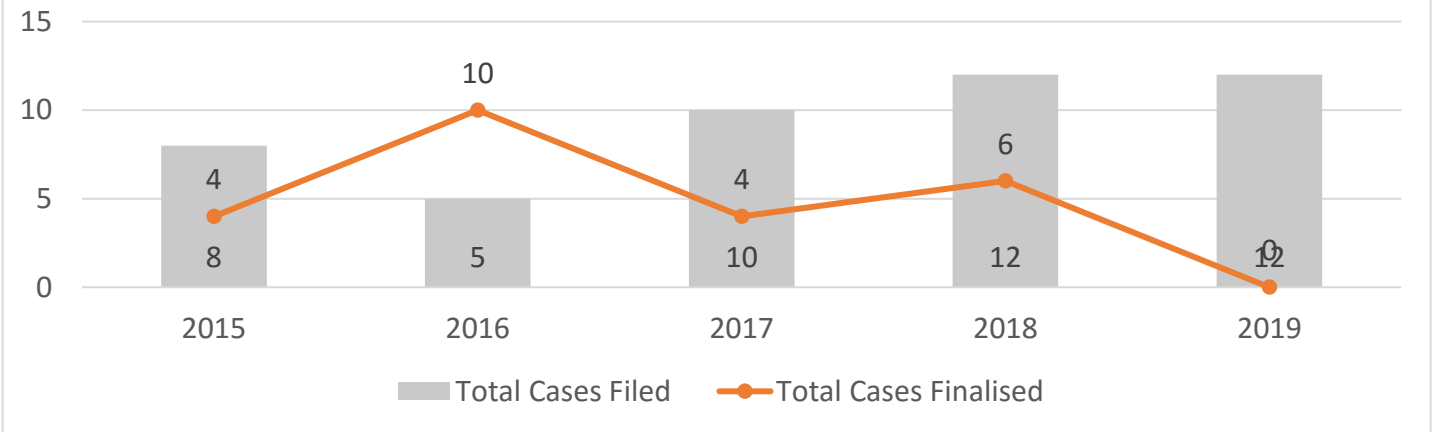


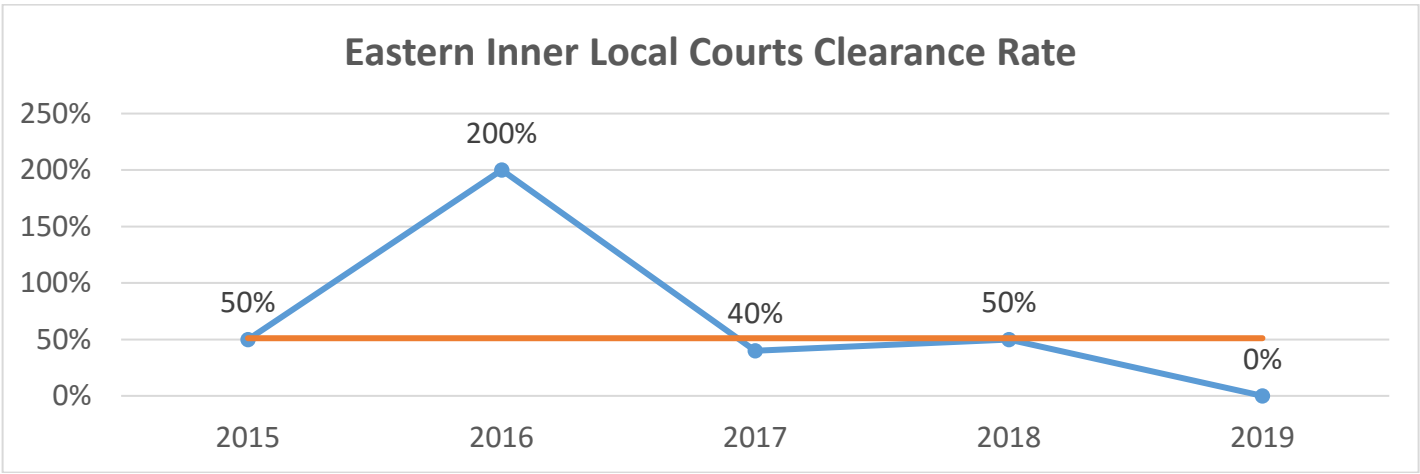
### Eastern Inner

In the Eastern Inner Local Courts in 2019, 12 cases were filed and 0 cases finalised in the Local Court giving a clearance rate of 0%.

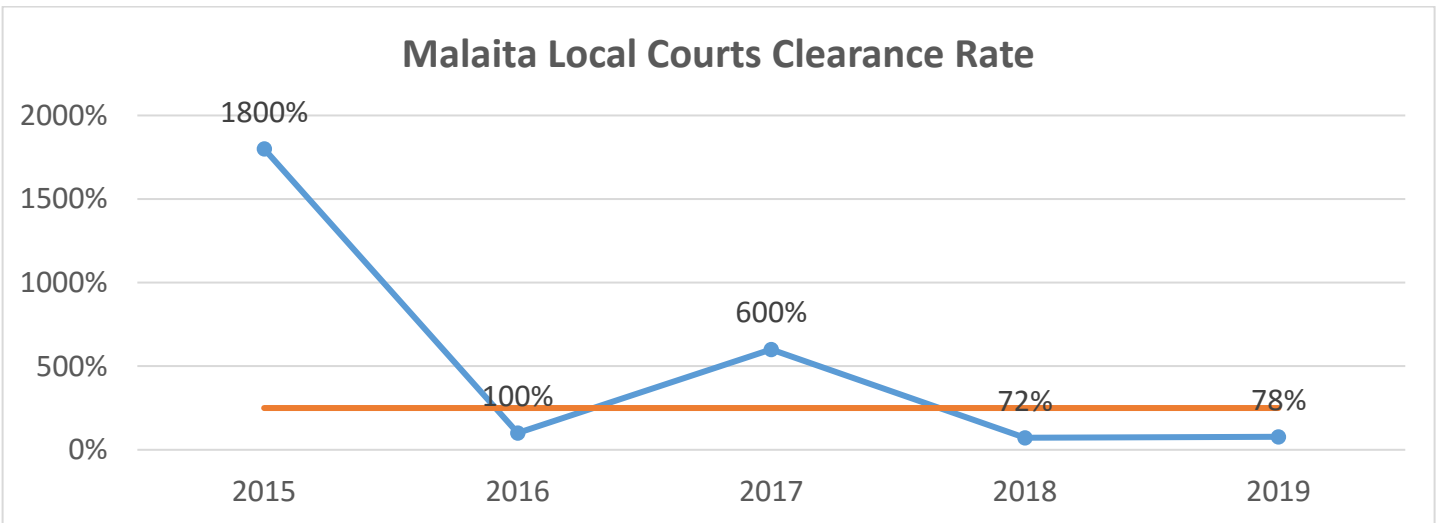
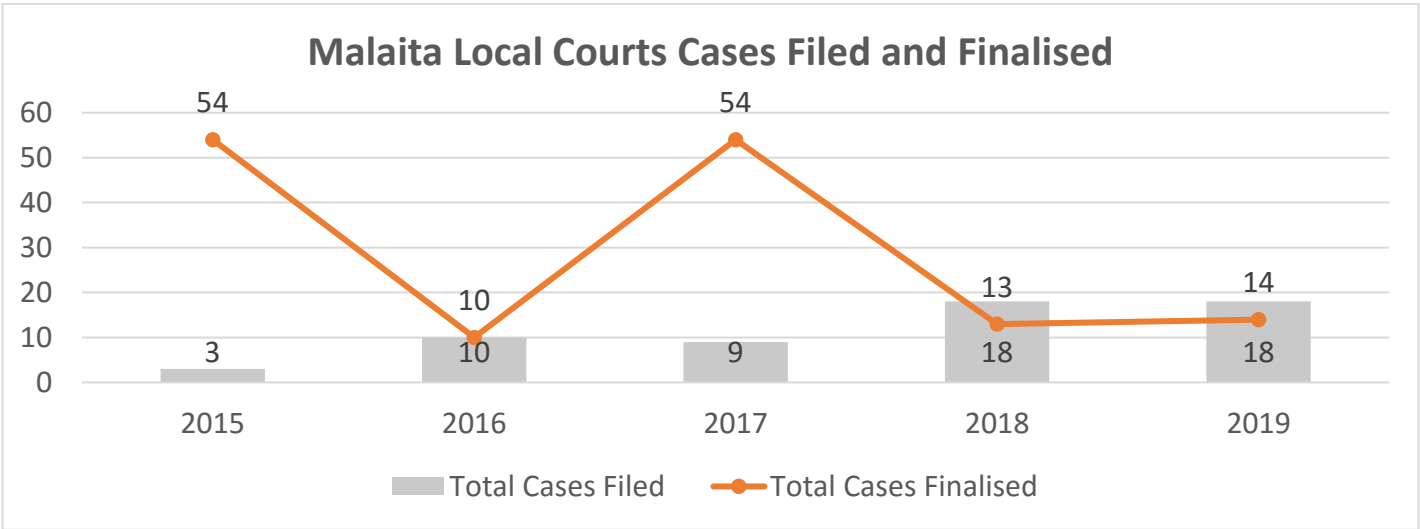
The Eastern Local Court did not sit last year due to bad weather experienced when their circuits were scheduled, as a result circuits were postponed and were deferred to later dates. However, it was further postponed when circuit funds were used up by other Local Courts who could sit and continue to hear cases. Circuit fund allocated each year could not cater for all scheduled circuits to be funded in a year.

### Eastern Inner Local Courts Cases Filed and Finalised





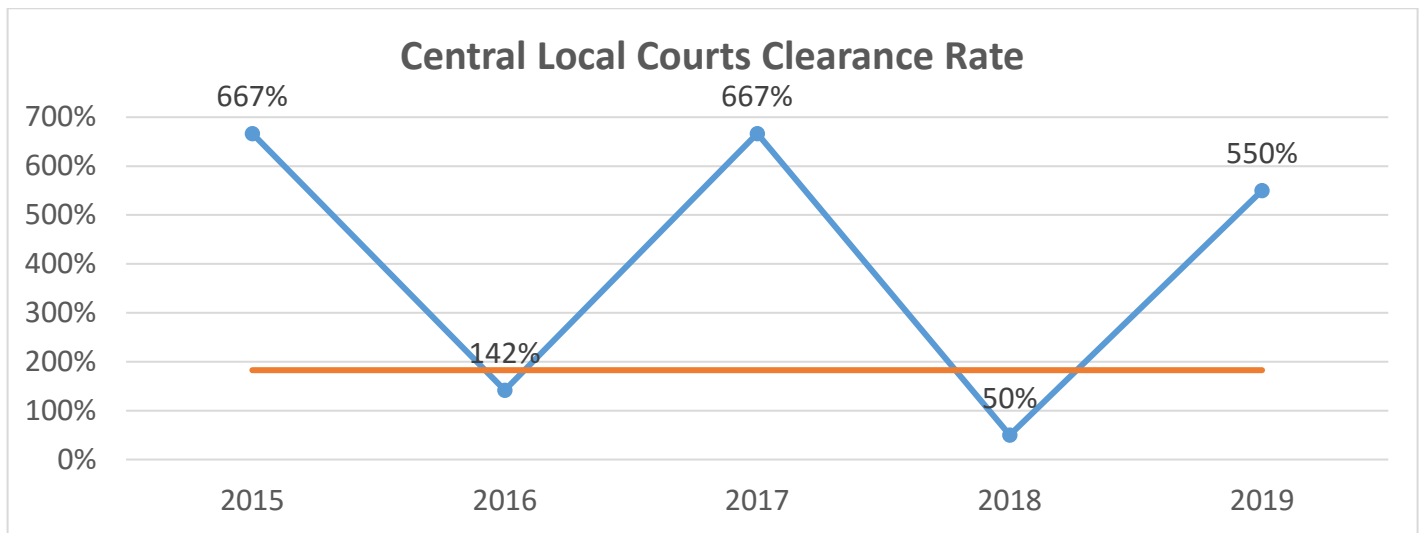
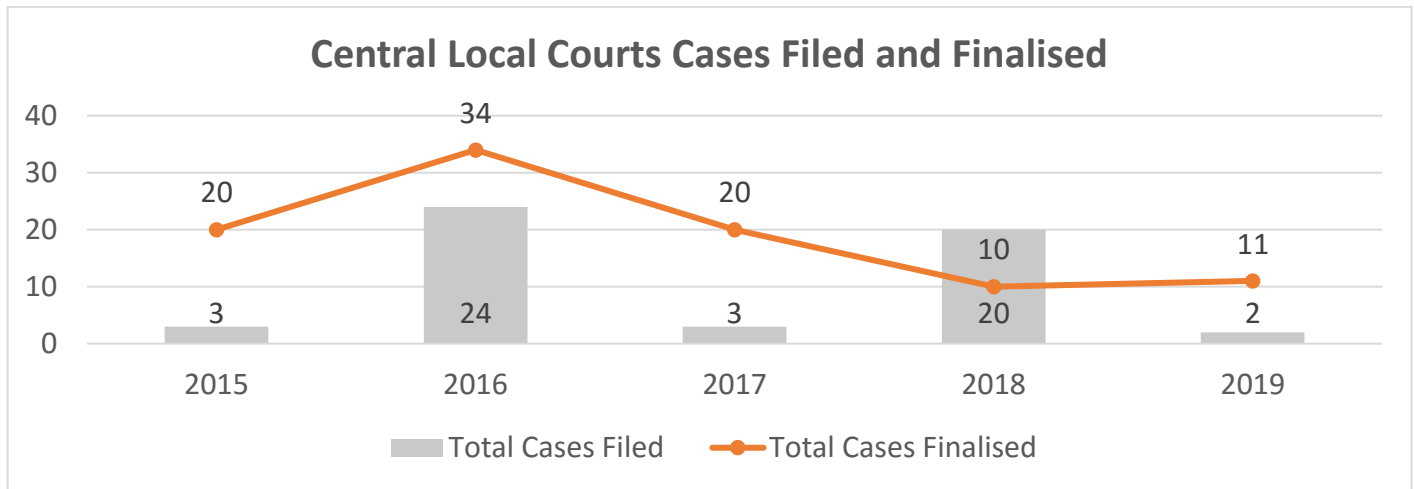
**Malaita**



Insert 2 charts like above with 1 or 2 sentences of narrative to explain what is shown in the charts.



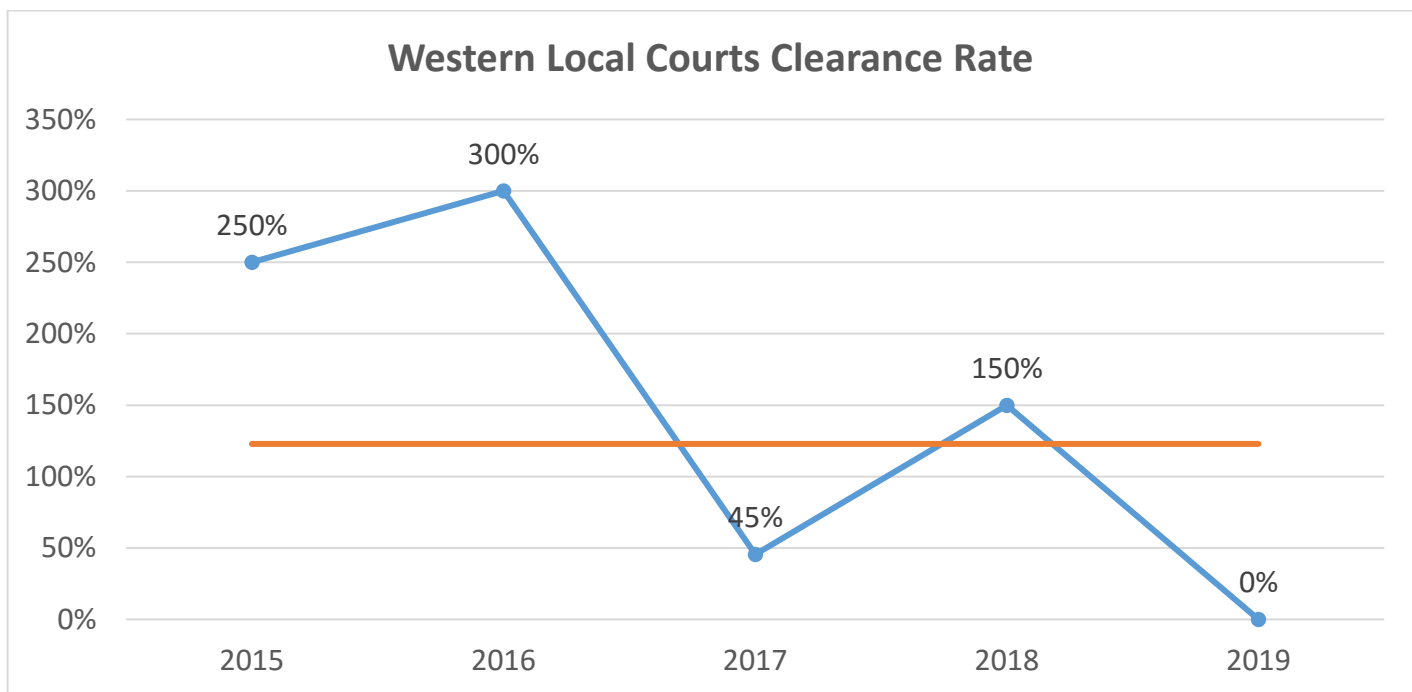
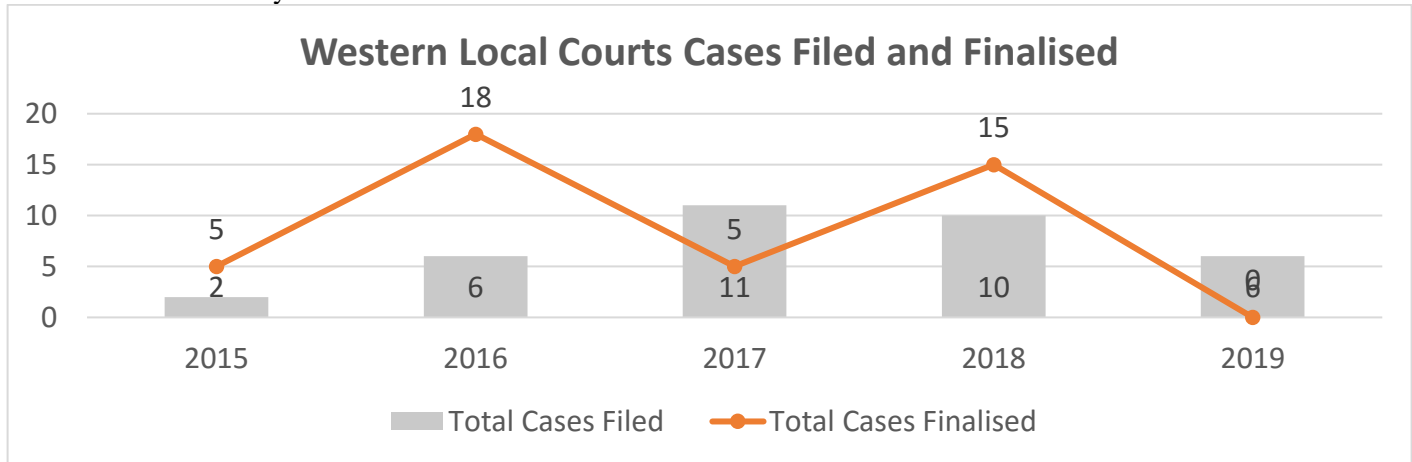
**Central**



Insert 2 charts like above with 1 or 2 sentences of narrative to explain what is shown in the charts.

## Western

### The western Customary Land



Insert 2 charts like above with 1 or 2 sentences of narrative to explain what is shown in the charts.

#### 4.4.3 Local Court Circuits

Over the last five years, 217 circuit courts have been scheduled by the Local Courts and only 56 circuit courts have been conducted or 26% of the scheduled circuits, which is well below the required level. The Local Courts hear all cases on circuit. In 2019, there were no circuit courts conducted for the Eastern Outer and Eastern Inner Local Courts and only one circuit court for Malaita Local Court. The regular holding of circuit courts enables access to justice for clients bringing their cases to the Local Courts. This will be addressed through improved and revised allocation of Court Circuit funding, while addressing the lack of skilled staff in many of the provincial locations.

The following table outlines the scheduled versus actual court circuits conducted from 2015-2019 in each of the five districts.

### Eastern Outer Islands District

Local Court District	Circuits Scheduled	Circuits Undertaken
Eastern Outer 2015	10	1
Eastern Outer 2016	10	2
Eastern Outer 2017	5	1
Eastern Outer 2018	5	1
Eastern Outer 2019	3	0
<b>Total</b>	<b>33</b>	<b>5</b>

### Eastern Inner Island District

Local Court District	Circuits Scheduled	Circuits Undertaken
Eastern Inner 2015	13	4
Eastern Inner 2016	13	2
Eastern Inner 2017	5	1
Eastern Inner 2018	3	1
Eastern Inner 2019	3	0
<b>Total</b>	<b>37</b>	<b>8</b>

### Malaita Local Court District

Local Court District	Circuits Scheduled	Circuits Undertaken
Malaita 2015	13	3
Malaita 2016	13	4
Malaita 2017	7	1
Malaita 2018	5	3
Malaita 2019	5	1
<b>Total</b>	<b>43</b>	<b>12</b>

## Central Local Court District

Local Court District	Circuits Scheduled	Circuits Undertaken
Central 2015	13	3
Central 2016	13	4
Central 2017	9	2
Central 2018	7	5
Central 2019	7	2
<b>Total</b>	<b>49</b>	<b>16</b>

## Western Local Court District

Local Court District	Circuits Scheduled	Circuits Undertaken
Western 2015	18	3
Western 2016	16	4
Western 2017	7	2
Western 2018	7	4
Western 2019	7	2
<b>Total</b>	<b>55</b>	<b>15</b>

### 4.4.4 Family Protection Act and the Local Courts

In October 2019 and March 2020 training on the Family Protection Act cases was conducted for local court lay justices (members) in two districts, Malaita and Guadalcanal. The 2020 Annual Report will present data on Interim Protection Orders issued in the Local Courts for those applicants who were unable to access the Magistrates' Court.

## 4.5 Magistrates' Court Reports



### Magistrates' Court

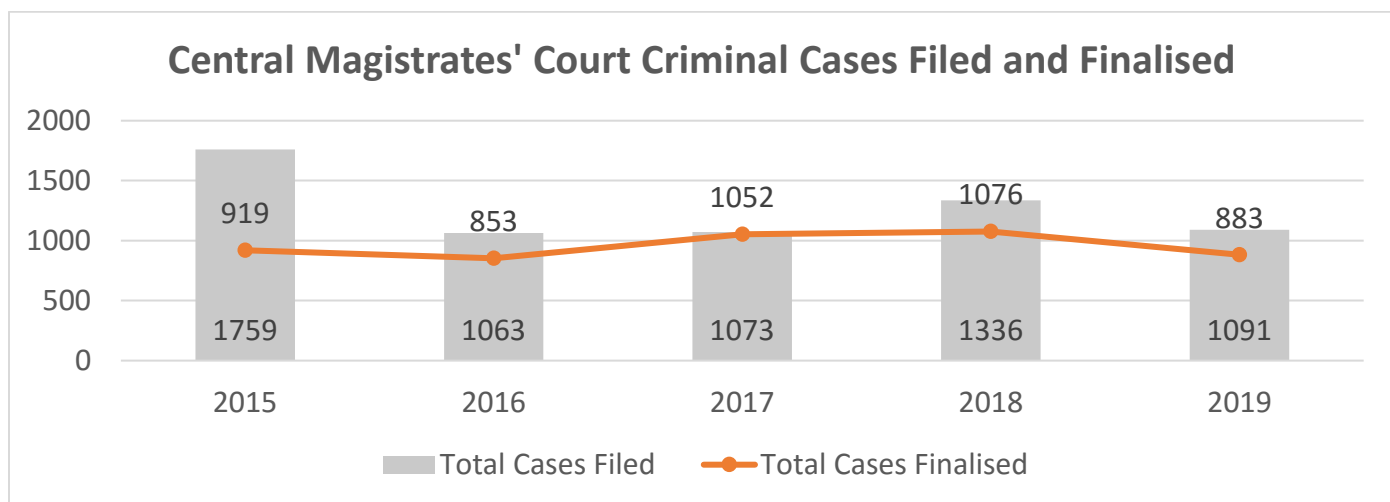
#### Cook Island indicator 1: Clearance Rate

### 4.6 Honiara Central Magistrates' Court

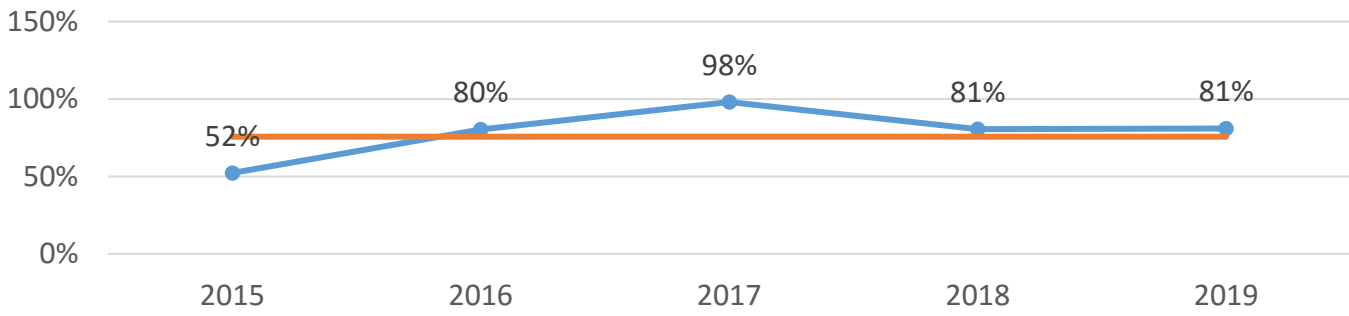
#### DATA REPORT CENTRAL MAGISTRATES' COURT 2015 – 2019

The Central Magistrates' Court deals with cases from Guadalcanal Province, Central Islands Province, Isabel Province and Rennell and Bellona Province as well as from the capital Honiara, which explains why the case numbers in this district are the highest. The Courts' efforts to improve case clearance rates are being hampered by the performance of other agencies such as the case preparation of advocates and delays for police to execute warrants for non-appearance.

#### CRIMINAL CASES



## Central Magistrates Court Criminal Cases Clearance Rate

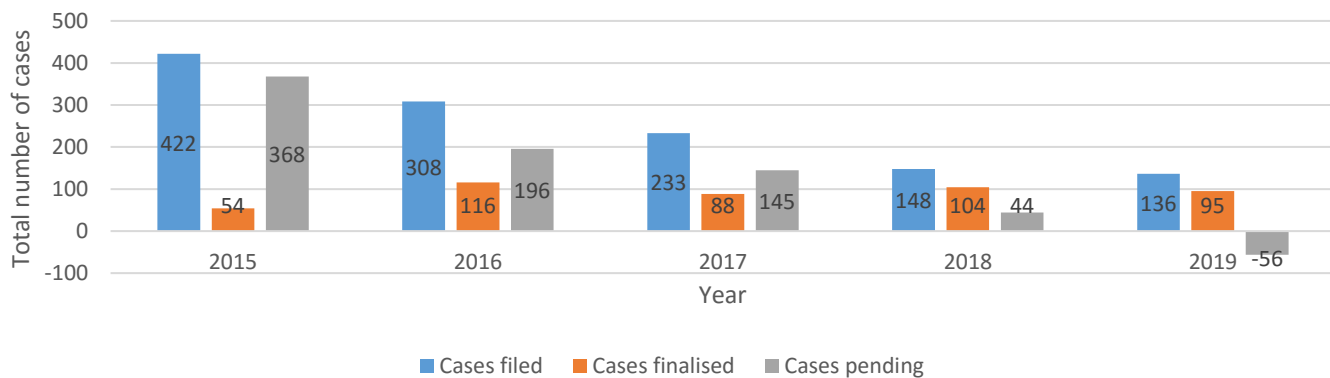


Over the last four years the Central Magistrates' Court has worked to improve its clearance rate in criminal cases achieving an 81% clearance rate in 2018 and 2019.

## CIVIL CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	422	54	368	13%
2016	308	116	192	38%
2017	233	88	145	38%
2018	148	104	44	70%
2019	136	95	41	70%
<b>Total</b>	<b>1247</b>	<b>457</b>	<b>790</b>	<b>37%</b>

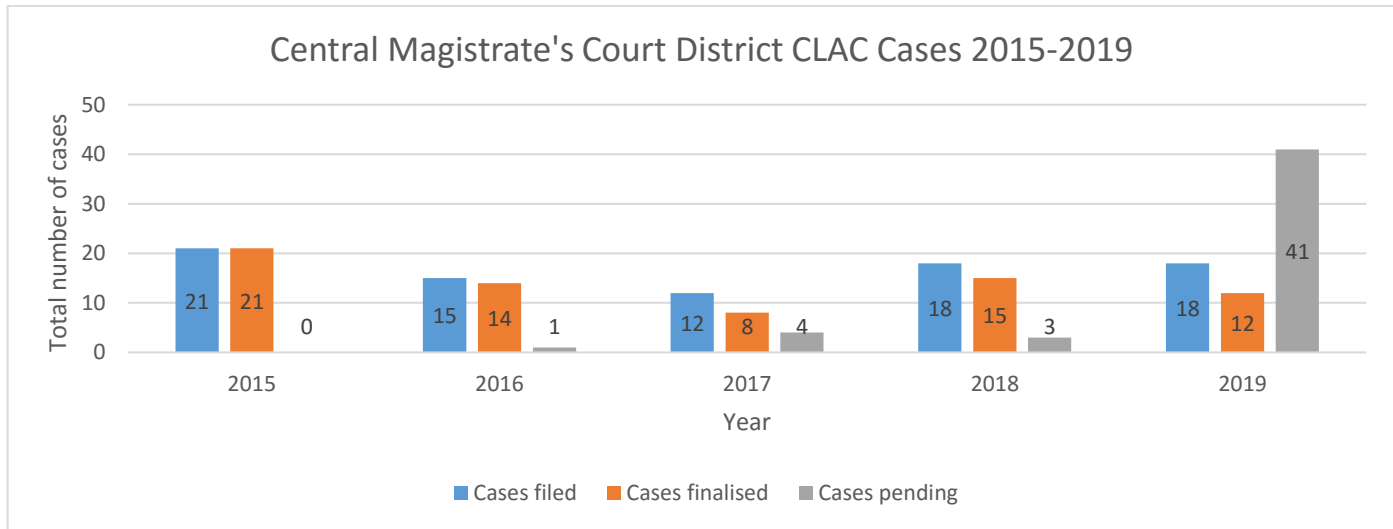
## Central Magistrates' Court District Civil Cases 2015-2019



Over the last two years the Magistrates' Court has worked to improve its clearance rate in civil cases achieving 70% clearance rate in 2018 and 2019 and improvement from the average clearance rate of 37% over the last five years. In an effort to address the low clearance rate for civil matters, the Central Magistrates' Court is intending to nominate a Principal Magistrate to screen claims before filing and to more effectively manage the progress of cases. This practice commenced in 2020.

## CUSTOMARY LAND APPEAL COURT CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	21	21	0	100%
2016	15	14	1	93%
2017	12	8	4	67%
2018	18	15	3	83%
2019	18	12	6	67%
<b>Total</b>	<b>84</b>	<b>70</b>	<b>14</b>	<b>83%</b>



In 2019, the clearance rate was 67% in Customary Land Appeal Court Cases which is below the average clearance rate over the last five years of 83%. The average clearance rate of 83% over the reporting period reveals that the Central Magistrates' Court continues to face challenges with managing CLAC workload. In future years it is likely that specific resources will need to be dedicated to deal with a building backlog of cases.

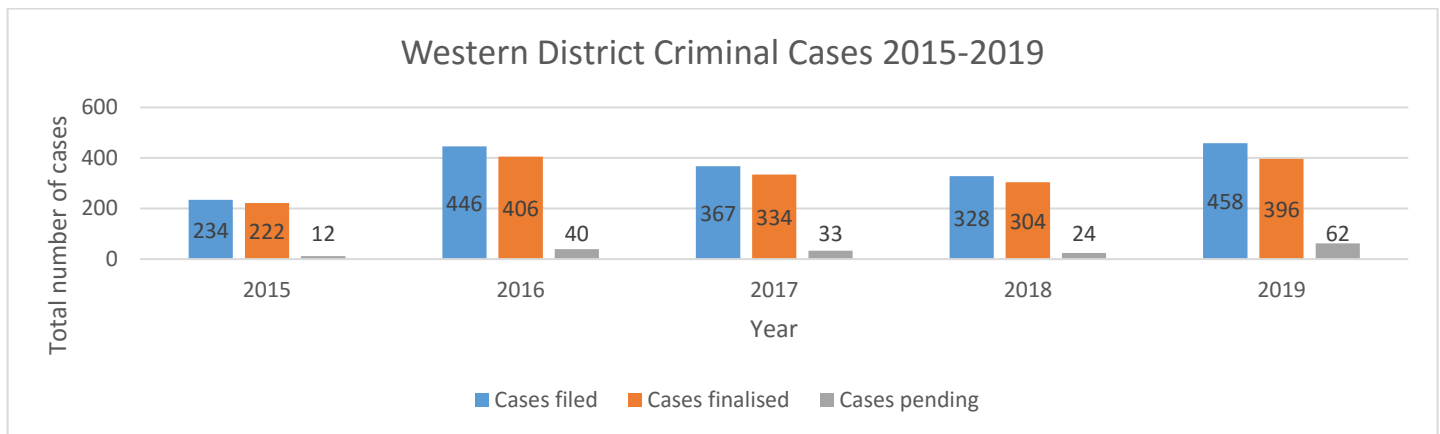
### 4.7 Western District Magistrates' Court



## DATA REPORT FOR WESTERN & CHOISEUL PROVINCE 2015-2019

## CRIMINAL CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	234	222	12	95%
2016	446	406	40	91%
2017	367	334	33	91%
2018	328	304	24	93%
2019	458	396	62	86%
<b>Total</b>	<b>1833</b>	<b>1662</b>	<b>171</b>	<b>91%</b>

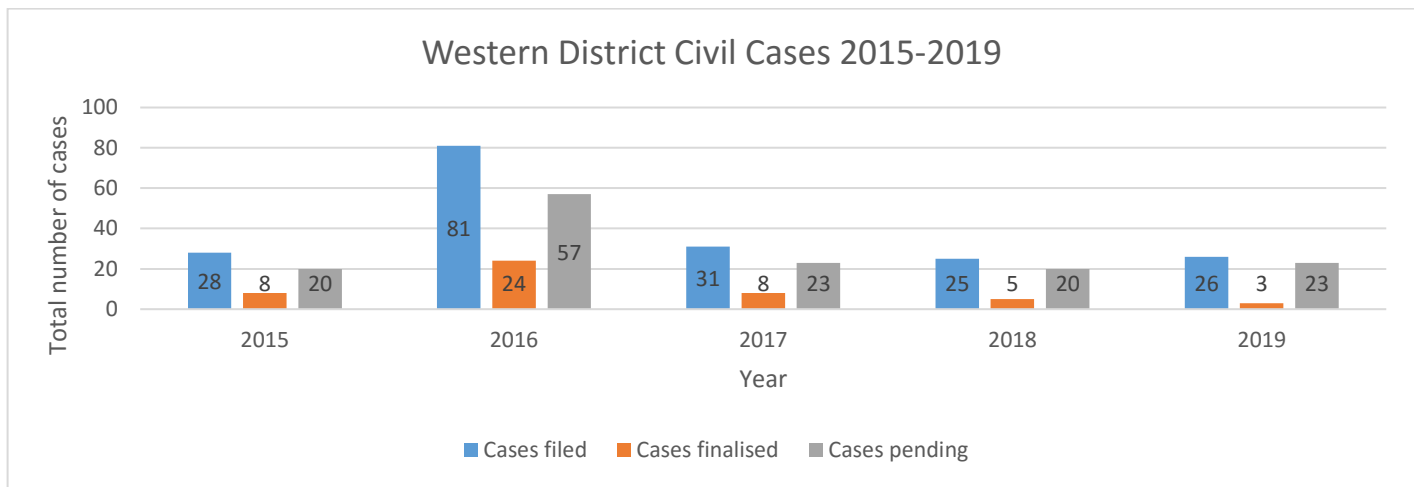


This District of the Magistrates' Court covers two provinces – Western and Choiseul and the high case numbers reflect the size of the population that is served by this court. In 2019, the clearance rate was 86% which is below the average clearance rate over the last five years of 91%. The high average clearance rate of 91% of cases over the 5 year reporting period is commendable – particularly given the fact that there is no permanent court registry or building in the whole of Choiseul Province.

## CIVIL CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	28	8	20	29%
2016	81	24	57	30%
2017	31	8	23	26%
2018	25	5	20	20%
2019	26	3	23	12%
<b>Total</b>	<b>191</b>	<b>48</b>	<b>143</b>	<b>25%</b>

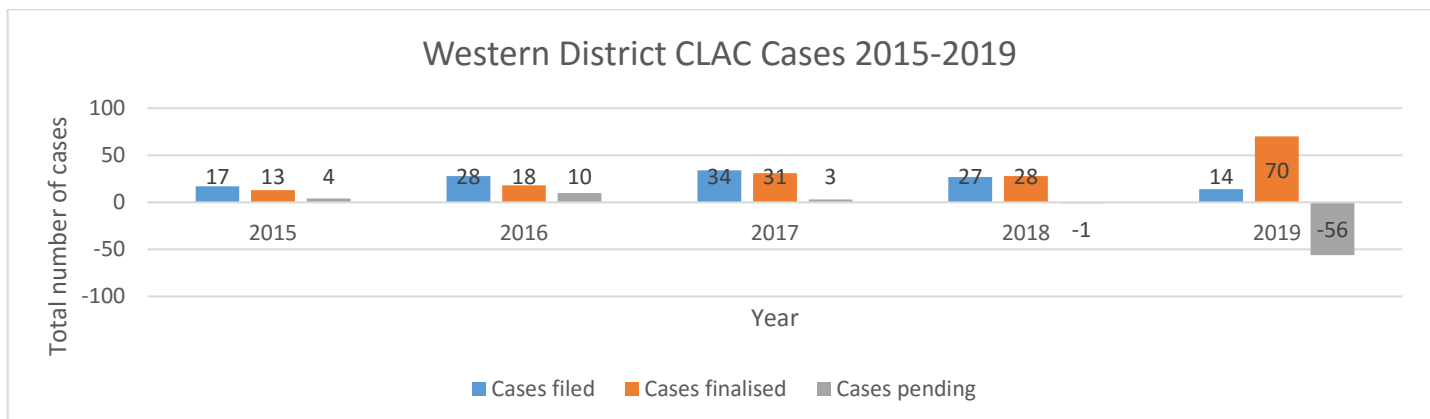




In 2019, the clearance rate was 12% which is below the average clearance rate over the last five years of 25%. Whilst the numbers of civil cases filed in this District have remained fairly consistent, the very low clearance rate is a cause of concern. Factors contributing to this are unclear and require further investigation.

#### CUSTOMARY LAND APPEAL COURT CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	17	13	4	76%
2016	28	18	10	64%
2017	34	31	3	91%
2018	27	28	-1	104%
2019	14	70	-56	500%
<b>Total</b>	<b>120</b>	<b>160</b>	<b>-40</b>	<b>133%</b>



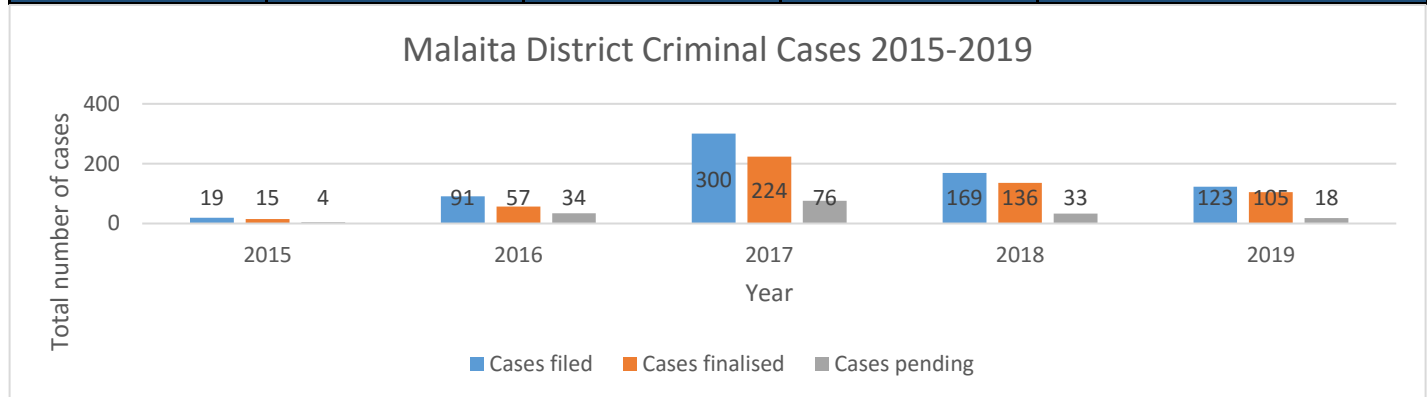
In 2019, the clearance rate was 500% which is above the average clearance rate over the last five years of 133%. Towards the end of the reporting period the Magistrates' Court dedicated specific resources to successfully deal with an aging backlog of unresolved CLAC cases. This effort should ensure that future sittings of the CLAC finalise matters in a timely fashion.

## 4.8 Malaita District Magistrates' Court



### DATA REPORT FOR MALAITA PROVINCE (MALAITA DISTRICT) 2015 – 2019 CRIMINAL CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	19	15	4	79%
2016	91	57	34	63%
2017	300	224	76	75%
2018	169	136	33	80%
2019	123	105	18	85%
<b>Total</b>	<b>702</b>	<b>537</b>	<b>165</b>	<b>76%</b>



In 2019, the clearance rate was 85% which is above the average clearance rate over the last five years of 76%. The criminal case data for Malaita Magistrates' Court reveals ongoing challenges with managing workload during the period of 2015 – 2019 with an average clearance rate of 76% over the reporting period.

### CIVIL CASES

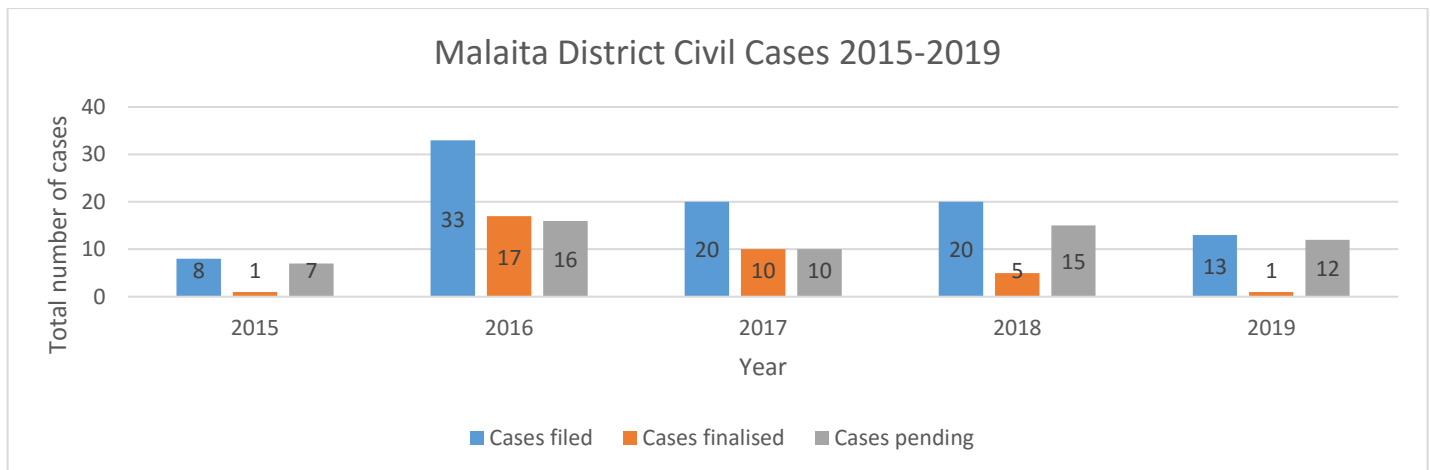
Years	Total case Filed	total case finalised	Total case Pending	Clearance rate
2015	8	1	7	13%
2016	33	17	16	52%
2017	20	10	10	50%
2018	20	5	15	25%
2019	13	1	12	8%
<b>Total</b>	<b>94</b>	<b>34</b>	<b>60</b>	<b>36%</b>

## Civil Cases

In 2019, the clearance rate was 8% which is below the average clearance rate over the last five years of 36%. Compared to the population of Malaita Province the number of civil cases filed is relatively low reflecting the preference for communities to utilise avenues outside of the formal justice system to resolve their disputes. The Magistrates' Court is committed to increasing the understanding of the law amongst communities via outreach and communications activities.

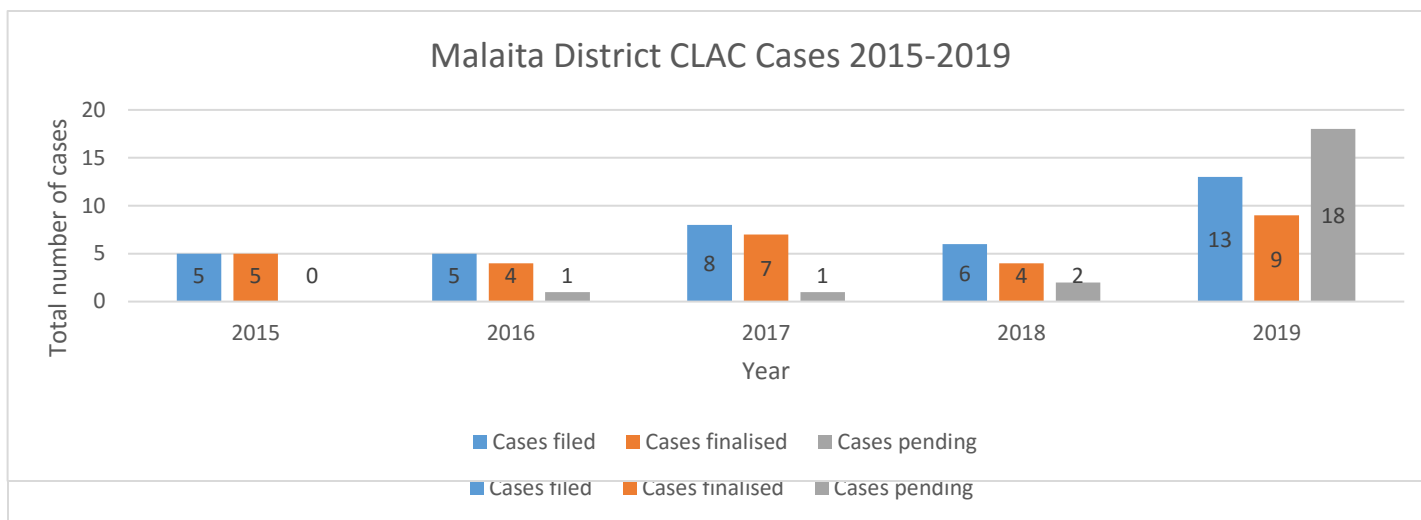
### CIVIL CASES

Years	Total case Filed	total case finalised	Total case Pending	Clearance rate
2015	8	1	7	13%
2016	33	17	16	52%
2017	20	10	10	50%
2018	20	5	15	25%
2019	13	1	12	8%
<b>Total</b>	<b>94</b>	<b>34</b>	<b>60</b>	<b>36%</b>



### CUSTOMARY LAND APPEAL COURT CASES

Years	Total case filed	Total case finalised	Total case pending	Clearance rate
2015	5	5	0	100%
2016	5	4	1	80%
2017	8	7	1	88%
2018	6	4	2	67%
2019	13	9	4	69%
<b>Total</b>	<b>37</b>	<b>29</b>	<b>8</b>	<b>78%</b>



In 2019, the clearance rate was 69% which is below the average clearance rate over the last five years of 78%. The rate of CLAC cases filed in Malaita over the reporting period has remained fairly consistent demonstrating the steady demand for this court's services.

#### 4.9 Eastern Inner District Magistrates' Court



### DATA REPORT FOR MAKIRA PROVINCE (EASTERN INNER DISTRICT) 2015 – 2019

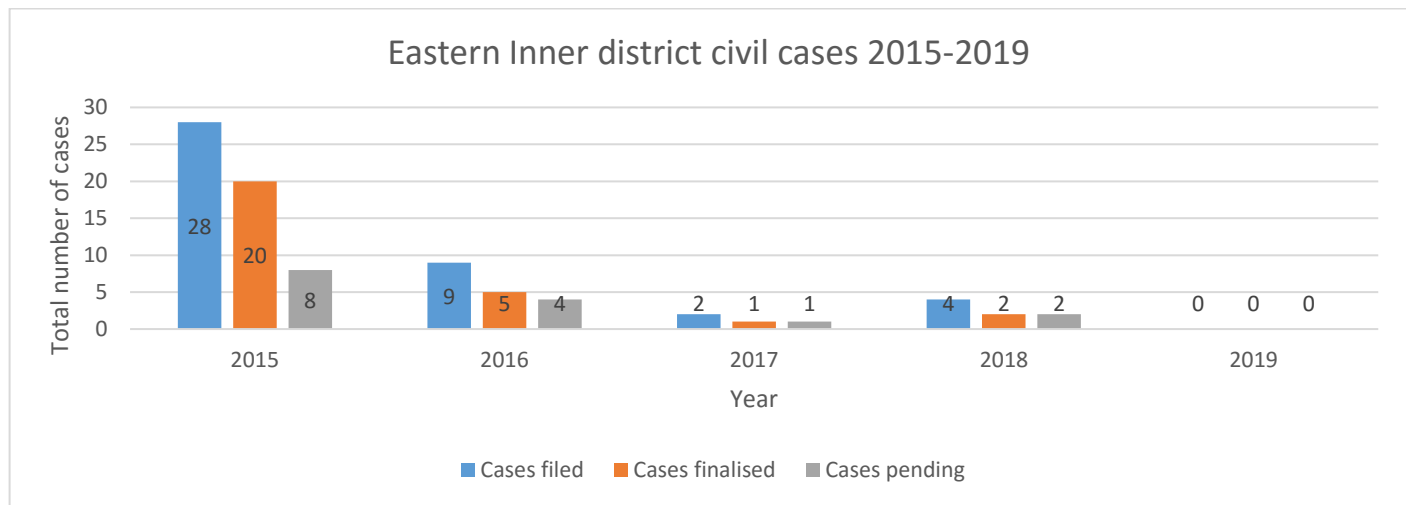
#### CRIMINAL CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	142	125	17	88%
2016	184	164	20	89%
2017	97	72	25	74%
2018	61	45	16	74%
2019	38	24	14	63%
<b>Total</b>	<b>522</b>	<b>430</b>	<b>92</b>	<b>82%</b>

In 2019, the clearance rate was 63% which is below the average clearance rate over the last five years of 82%. The reason for the decrease in criminal cases being filed in the Eastern Inner District is unclear. Analysis of police complaints data would be required to determine if the number of crimes reported to police also decreased over the same period. Anecdotal information suggests that police face challenges in investigating complaints and bringing charges before the court.

## CIVIL CASES

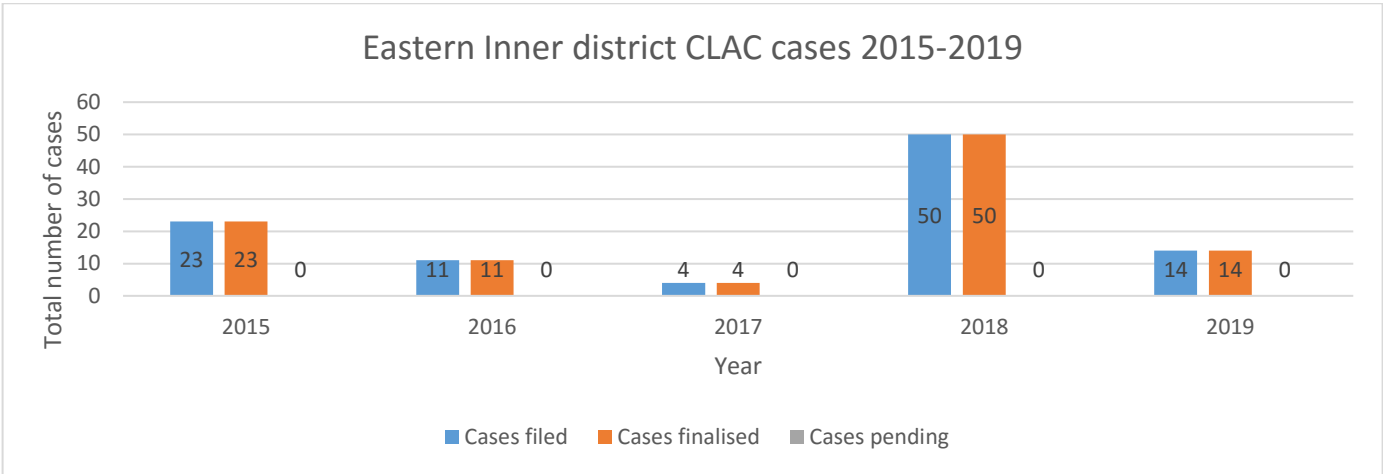
Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	28	20	8	71%
2016	9	5	4	56%
2017	2	1	1	50%
2018	4	2	2	50%
2019	0	0	0	N/A
<b>Total</b>	<b>43</b>	<b>28</b>	<b>15</b>	<b>65%</b>



The trend of decreasing numbers of civil cases filed in Inner Eastern District is reflected in other Magistrates' Court districts. There is likely to be a range of reasons for this trend including limited availability of legal practitioners to provide legal information and support, limited understanding of the formal legal system amongst rural populations and limited jurisdiction of the courts.

## CUSTOMARY LAND APPEAL COURT CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	23	23	0	100%
2016	11	11	0	100%
2017	4	4	0	100%
2018	50	50	0	100%
2019	14	14	0	100%
<b>Total</b>	<b>102</b>	<b>102</b>	<b>0</b>	<b>100%</b>



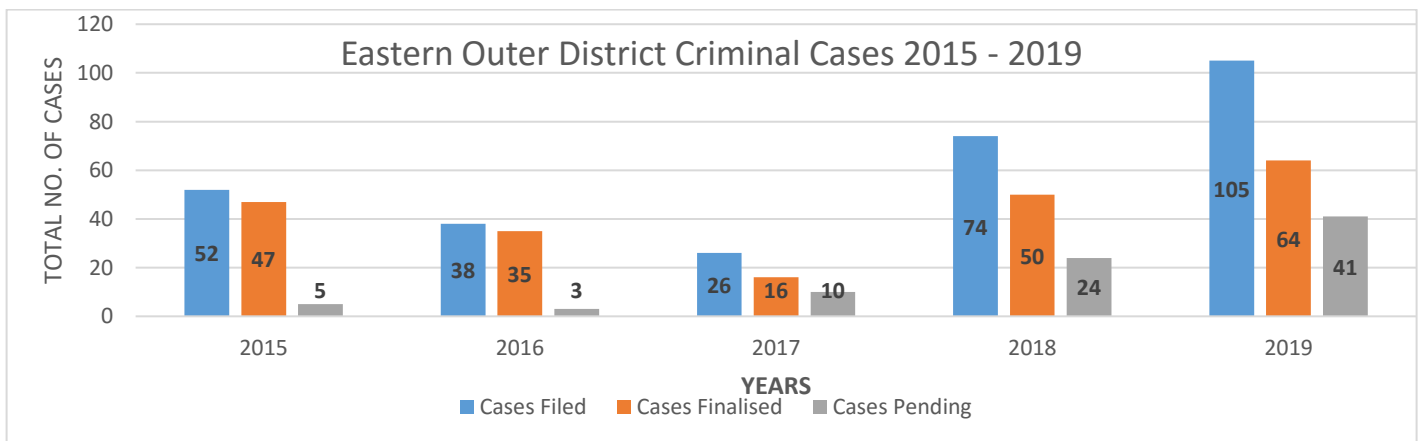
CLAC cases have maintained a consistently high clearance rate of 100% for the last five years demonstrating the efficiency of this arm of the courts system in Makira Province.

#### 4.10 Eastern Outer District Magistrates' Court

### DATA REPORT FOR LATA PROVINCE (EASTERN OUTER DISTRICT) 2015-2019

#### CRIMINAL CASES

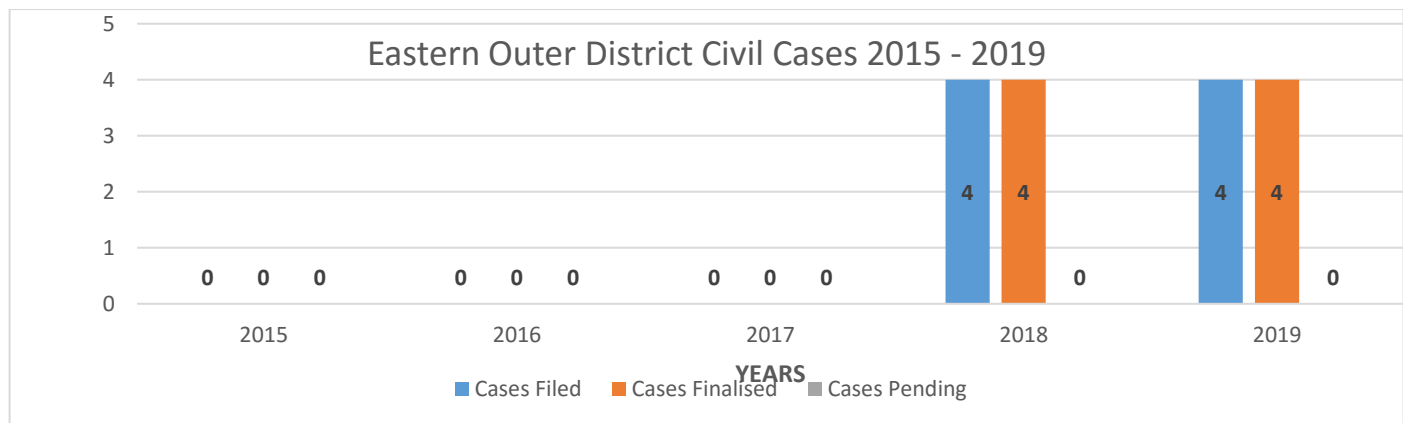
Year	Total cases filed	Total cases finalised	Total cases pending	Clearance Rate
2015	52	47	5	90%
2016	38	35	3	92%
2017	26	16	10	62%
2018	74	50	24	68%
2019	105	64	41	61%
<b>Total</b>	<b>295</b>	<b>212</b>	<b>83</b>	<b>72%</b>



In 2019, the clearance rate was 61% which is below the average clearance rate over the last five years of 72%. During the years 2015 – 2017 there was no Magistrate stationed in Eastern Inner District and cases were filed and determined during irregular court circuits. In 2018 a Principal Magistrate was posted to Lata. The increased availability of the judiciary is likely to have contributed to the increase in cases filed.

## CIVIL CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	0	0	0	N/A
2016	0	0	0	N/A
2017	0	0	0	N/A
2018	4	4	0	100%
2019	4	4	0	100%
<b>Total</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>100%</b>

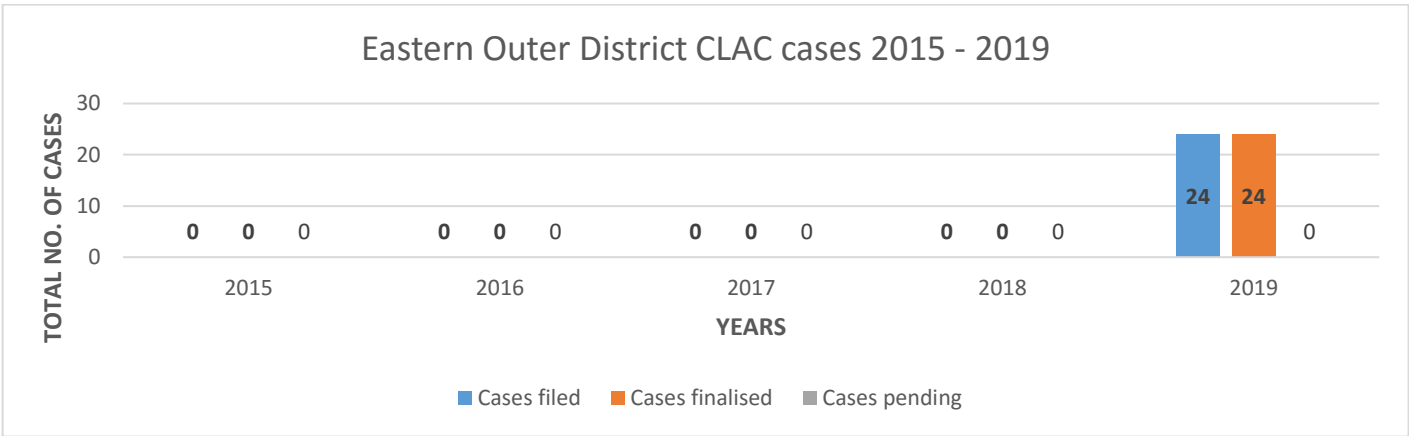


No civil cases were filed during the years 2015 – 2017. This is likely due to the lack of any Magistrate available within the district. With the posting of a Principal Magistrate in 2018, citizens had increased access to civil remedies and began to file cases. In 2018 and 2019, the clearance rate was 100%.

## CUSTOMARY LAND APPEAL COURT CASES

Years	Total cases filed	Total cases finalised	Total cases pending	Clearance rate
2015	0	0	0	N/A
2016	0	0	0	N/A
2017	0	0	0	N/A
2018	0	0	0	N/A
2019	24	24	0	100%
<b>Total</b>	<b>24</b>	<b>24</b>	<b>0</b>	<b>100%</b>

2019 saw the first CLAC sittings held in the district for many years which allowed for the resolution of local disputes.



#### 4.11 Court Circuits



The reports for court circuits were not received in time for publication. The Magistrates’ Court however has been extremely busy during this period in conducting court circuits and reaching out to provincial and regional centres for court hearings. We should be able to put out more details in the report for 2020.



## **6. Appendices**

- i. National Judiciary Governance Structures
- ii. National Judiciary Staffing Structures

## Appendix I: National Judiciary Governance and Management Structures

### *Judicial and Legal Service Commission (JLSC)*

Appointments to the Judiciary are made by the Governor-General based on the recommendations of the JLSC. This commission comprises:

- The Chief Justice, who chairs the Commission; and
- The Attorney General; and
- The Chairman of the Public Service Commission; and
- The President of the Bar Association; and
- Two other members, appointed by the Governor-General acting on the advice of the Prime Minister.

Appointments to the Magistracy are made direct by the JLSC, who also appoint the Registrar of the High Court and, with some exceptions, make other appointments for which a legal qualification is required.

The JLSC exercises disciplinary control over persons holding or acting in such offices vested under the Commission, with the exception of the Attorney General, Judge of the High Court or Court of Appeal, Director of Public Prosecutions and Public Solicitor.

### *National Judiciary Management*

As a national court system, the Chief Justice exercises a level of direct control over all courts. The Chief Justice position is established by Section 78 (1) of the Constitution and is appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission (JLSC).

The Registrar of the High Court is appointed by the JLSC and reports directly to the Chief Justice. The position of Registrar is responsible for the administration of case management in the High Court and Court of Appeal and statutory functions as set out in legislation. The posts of Deputy Registrar and Sheriff report to the Registrar and assist with managing the Registry and Sheriff's Office. The Registrar is Mr Gavin Withers, an expatriate.

The post of Chief Executive Officer (CEO) was established in 2007 when the Support Services Section was created and is appointed by the Public Service Commission. The CEO is responsible for managing support services, including human resources, finance, infrastructure, transcription, interpreting and library, for the whole of the National Judiciary and reports directly to the Chief Justice. The post of Financial Controller (FC) and Human Resource Manager (HRM), who report to the CEO, complete the leadership team within the Support Services Section.

The unified Magistrates' Court, along with Local Courts, operate under the leadership of the Chief Magistrate and Deputy Chief Magistrate, who are responsible for ensuring the efficient, effective running of the Magistrates' Court in Central, Western, Malaita and Eastern Districts.

The Magistrates' Court is part of the National Judiciary as an entity and like the High Court is supported by the Support Services Unit.

The statutory posts of Chief Magistrate and Deputy Chief Magistrate were created in legislation passed in 2007 and are appointed by the Judicial and Legal Service Commission. The Chief Magistrate reports to the Chief Justice.

The Magistrates' Court Administrator has a dual reporting line. Administratively he reports to the CEO on all administrative responsibilities. He reports to the Chief Magistrate on all legal and judicial functions.

#### *Executive Management Team (EMT)*

The operations of the National Judiciary are co-ordinated by an Executive Management Team (EMT) comprising of the Chief Justice, Registrar, Chief Magistrate, Chief Executive Officer, Deputy Registrar, Deputy Chief Magistrate, Financial Controller and Human Resource Manager.

#### *Management Team meeting*

In 2009, an informal forum was established and all managers and supervisors involved in leading staff were invited to attend. The forum meets irregularly and there is generally no set agenda.

This is not a decision-making forum. The Chief Justice attends these meetings and offers the attendees an opportunity to express concerns and issues informally and to work together as a management team to resolve issues collaboratively.

#### *Continuing Judicial Education Council*

The CJEC is a committee tasked with overseeing the ongoing education and training for all judicial officers. In addition, the committee also considers and if appropriate, endorses applications for non-judicial officers to undertake SIG funded scholarships studies.

The Chief Justice is currently the Chairperson of the CJEC and the Registrar is the Secretary. The Chief Magistrate attends the CJEC both as the representative of the Magistracy and also as the nominated Training Officer for the Pacific Judicial Development Program (PJDP) who provide considerable support and funding to Judiciaries in the Pacific.

In 2010, the CJEC mandate was further extended to consider and develop ongoing training programs for all support staff. This requires all staff to lodge a request to the CJEC for approval prior to undertaking any form of study.

### *Justice Sector Consultative Committee (JSCC)*

This is a consultative body for the Justice Sector and is chaired by the Chief Justice and meets monthly.

The JSCC comprises:

- The Chief Justice (Chair);
- The Minister of Justice, represented by the Permanent Secretary, Department of Justice & Legal Affairs;
- The Director of Public Prosecutions;
- The Public Solicitor;
- The Attorney General;
- The President of the Solomon Islands Bar Association;
- The Chief Magistrate;
- Registrar;
- The CEO;
- The Chairman of the Law Reform Commission; and
- The Registrar-General.

Its purpose is to provide a regular forum where the key participants in the justice system can:

- discuss openly current issues of common interest and maintain transparent lines of communications;
- consider, comment and, if agreed, provide common support to specific proposals;
- agree upon shared strategic directions wherever appropriate and possible;
- agree to shared plans of action; &
- Provide expert and considered advice, guidance and direction to its members on current justice and related issues, including aid-related matters.

## Appendix II: National Judiciary Staffing Structure

