



Statement on the Removal and Deportation of Justice David Lambourne.

Following the Statement issued by the UN Special Rapporteur on the Independence of Judges and Lawyers of 26 April 2024, the CMJA, CLA and CLEA (the Associations) are deeply disappointed and concerned with the decision by Maneaba ni Maungatabu (Parliament) to advise the Beretitenti (The President) of Kiribati to remove Justice David Lambourne as a judge of the High Court of Kiribati following the report from the Tribunal issued on 18 April 2024. The Beretitenti has now removed Justice David Lambourne from office as of 26 April 2024.

Previous Statements of 4 April 2024, 3 November 2022, 12 September 2022, 12 August 2022 and 25 May 2022 reveal that the proceedings to which Justice Lambourne was subjected since 2020 lacked due process and natural justice and did not comply with the Commonwealth (Latimer House) Principles, an integral part of the Commonwealth fundamental values and the Basic Principles on the Independence of the Judiciary.

The suspension of Justice Lambourne without pay, the initial tribunal to hear allegations that did not constitute serious misbehaviour, the composition of the tribunal and the consistent lack of timely notification of allegations against him are all evidence that the process was indeed flawed.

Whilst a second tribunal was established by the President on 7 March 2024 after the first tribunal, (without notification to Justice Lambourne or his lawyers) was disbanded in early November 2023, the lack of transparency in the process of the second tribunal, the fact that Justice Lambourne was unable to cross-examine the witnesses who gave evidence to the tribunal and was not permitted to attend any of the hearings except to give his own evidence, demonstrate that due process was not followed.

We urge the President and government of Kiribati to respect the separation of powers and permit Justice Lambourne to remain in Kiribati with his family and not be uprooted after over twenty years of service to the Kiribati people, at the very least until the appeal is heard by the Court of Appeal.

29 April 2024

Commonwealth Magistrates' and Judges' Association (CMJA)

Commonwealth Legal Education Association (CLEA)

Commonwealth Lawyers Association (CLA)

NOTE TO EDITORS:

The **Commonwealth Magistrates' and Judges' Association** is a not-for-profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. www.clea.ac

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. www.comonwealthlawyers.com