

Prosecuting graft cases ‘difficult’

By VIVIANNE YALIM

JUST as the terrain of this country is rugged, so too is it difficult of handling graft cases in Papua New Guinea, says Public Prosecutor Helen Roalakona.

Presenting how to prosecute allegations of corruption during the “PNG Continuing Legal Education Programme” on Tuesday, Roalakona said every lawyer needs

evidence to prosecute a case and if there is no evidence, they don’t have to prosecute.

“We want to make sure that cases that comes to our courts are cases that we can secure conviction which are in the public’s interest,” she said.

“Evidence is subject to the element of an offence and in order for us to prove that case, we must have evidence that establishes

each and every element of the offence.”

The prosecution has a very high standard of proving their cases beyond reasonable doubt when it comes to fraud and corruption cases and all other criminal offences.

Roalakona said lack of evidences was the reason why there were not enough money laundering cases.

In the last couple of years, there have been about six cases prosecuted under money laundering.

Most times when witnesses are asked to come forward to give evidence, they are reluctant.

“But, at the end of the day, justice needs to be served,” Roalakona said.

Within the Office of the Public Prosecutors, there is a Serious

Corruption and Dishonesty (Scad) unit established in 2015 where they have about four lawyers and about 81 cases that they attended to, specifically for the Waigani National Court.

Roalakona said corruption was not defined as a specific offence but there are offences that are corruption-related or uses the word corruption like public official corruption.

Fighting corruption demands competent lawyers, says Law Society

THE challenges confronting Papua New Guinea due to corruption and financial crimes to access to justice and maintaining public confidence requires a legal profession that is competent, ethical and informed.

Law Society of Papua New Guinea president Hubert Namani said the law did not stand still and neither could lawyers.



Hubert Namani

“The regulatory environment is changing rapidly today; technology is changing the way we practice; our obligations to our clients are evolving and the expectations are wider than you think,” he said at the PNG Continuing Legal Education programme on Tuesday in Port Moresby.

Namani told the lawyers that a law degree got them to the bar and set them on the path but it did not mean their learning or development was complete.

“The day we stop learning as lawyers is the day we begin falling behind as lawyers,” he said.

“This is why continuing education is not simply about accumulating hours of being satisfied with an impression, it is about professional excellence, protecting our clients, maintaining the standards of our profession, and ultimately about protecting public confidence in the administration of justice.”

This is the fourth year of the programme, organised by the Commonwealth Lawyers Association and the PNG Law Society, funded by PNG’s Centre for Judicial Excellence and supported by the Australian government and the Queensland Bar Association.

Leahy Lewin Lowing Sullivan (LLLS) Lawyers special counsel David Denniston said five years ago when the Commonwealth Lawyers was established in PNG, they have asked Chief Justice Sir Gibbs Salika about how they could assist the country’s law and justice system.

“He (Sir Gibbs) said legal education because most people miss out and so we worked with the Law Society,” he said.

Denniston said there were more than two female Papua New Guinean speakers and presenters and more were yet to come as the programme continued in the years ahead.

“I don’t think many of us appreciate this because legal events in the past, most of the speakers come from Australia or elsewhere and we simply don’t need them even though they’ve got a role to play but they are not essential to developing our legal education,” he said.

“This is the only legal conference in the country that is streamed online because the provinces get nothing so value watching online.”

Denniston also noted that law was a growing profession and its quality affected the quality of economic outcomes and justice.

“The judiciary has been strengthened and diversified and the Chief Justice has made requirements to improve standards at the Legal Training Institute,” he said.

Compulsory legal education was set to be introduced by the Law Society.

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