



# *ANNUAL REPORT*

*BY*

*THE JUDGES*



*1992*

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**Report by the Judges to the Head of State**

**For the Year ended 31 December 1992**

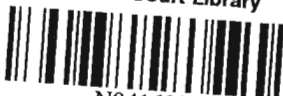
**For Presentation to the National Parliament on the Work**

**of the Supreme Court and the National Court,**

**Pursuant to the Constitution, Section 187 and**

**The National Court Act (Ch. No. 38) Section 9**

**National Court Library**



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**JUDGES OF THE SUPREME COURT OF  
PAPUA NEW GUINEA  
AND THE NATIONAL COURT OF JUSTICE  
DURING 1992**

**The Honourable Sir Buri William Kidu,  
Chief Justice of Papua New Guinea**

**The Honourable Sir Mari Kapi, CBE  
Deputy Chief Justice of Papua New Guinea**

**The Honourable Arnold Karibone Amet, CBE**

**The Honourable Robert Kynnersley Woods, CBE**

**The Honourable Kubulan Los, CBE**

**The Honourable Timothy Alexander Hinchliffe**

**The Honourable Tomorum Konilio**

**The Honourable Maurice James Sheehan**

**The Honourable John Rodney Brown**

**The Honourable Gibuma Gibbs Salika**

**The Honourable Moses John Jeffrey Jalina**

**The Honourable Teresa Anne Doherty**

**The Honourable Warwick John Andrew, C.B.E.**

**The Honourable Laurence Michael Newell, ISO, LL.B; F.Inst. L.Ex (Acting)**

**The Honourable Bernard Berekia Sakora (Acting)**

**The Honourable Martin Loi (Acting)**

**The Honourable Ranu Ron Kidu (Acting)**

## Senior Court Officials

<i>Registrar</i>	:	Mr Laurence Newell, ISO, LL.B., F.Inst. L. Ex (Acting Judge from December 1991 to June 1992) Mr Lohia Raka, LL.B. (Acting Registrar from December 1991 to June 1992)
<i>Deputy Registrar (Supreme Court)</i>	:	Mr Norbert Bunbun Kubak, LL.B.
<i>Deputy Registrar (National Court)</i>	:	Mr Lohia Raka, LL.B.
<i>Assistant Registrars:</i>		
<i>(Rabaul)</i>	:	Ms June Micka, LL.B.
<i>(Lae)</i>	:	Ms Aplina Gapi, LL.B.
<i>(Mt Hagen)</i>	:	Mr Mark Pupaka, LL.B.
<i>(Goroka)</i>	:	Mr Noso Tenige, LL.B.
<i>(National Capital District)</i>	:	Mr Ian Augerea, LL.B.
<i>(Madang)</i>	:	Mr Michael Ruarri, LL.B.
<i>Secretary of the National Judicial Staff Service</i>	:	Mr Colin Murray
<i>Assistant Secretaries -</i>		
<i>(Finance)</i>	:	Mr Geno Gapi
<i>(Personnel)</i>	:	Mr Robin Guria
<i>(Library Services)</i>	:	Mr Tom Dangiaba
<i>(Secretarial &amp; Transcription)</i>	:	Mrs Jean Linz
<i>And Chief Secretary</i>		
<i>Legal Officer</i>	:	Mr Sinclair Gora, LL.B.
<i>Chief Associate/ Research Officer</i>	:	Kisokau Powaseu, LL.B.
<i>O.I.C. Registry</i>	:	Mrs Marie Miria
<i>Budgets Officer</i>	:	Mr Humphrey John
<i>Chief Interpreter</i>	:	Mr Kagi Boma (Acting)
<i>Chief Sheriff's Officer</i>	:	Mr Glen Jerry (Acting)
<i>Chief Driver</i>	:	Mr Korohi Morea

## **1. INTRODUCTION**

We present to the National Parliament our Report for the year ending 31st December, 1992.

1992 was the second year that all courts operated under the one budget and all staff employed under the one administrative structure. And we express our satisfaction of the very satisfactory way the Judiciary and its support staff functioned during the year. As in any organisation there are always some problems and we mention these in the body of the Report.

The general restructure of the Judicial System did not advance to any significant degree in 1992 owing to lack of political initiative. We are hopeful that 1993 will see progress in this area.

The Budget for the year was K12.8 million. This was K 1 Million less than our estimates. It was promised by the government that the money was to be allocated during the year but this was not done.

## **2. JUDGES**

The Honourable Laurence Michael Newell's acting appointment as a Judge from 2 December 1991 for six months was extended to one month up to 30 June 1992.

The Honourable Bernard Berekia Sakora was appointed an acting Judge for 6 months from February and then another 6 months from August.

Principal Magistrates Martin Loi and Ranu Ron Kidu were appointed Acting Judges from October 1992 to 28th February, 1993.

## **3. REGIONALISATION OF THE NATIONAL COURT**

In February 1992 Justice W. J. Andrew was posted to Madang as Resident Justice for Madang, East Sepik and West Sepik Provinces. And Justice Bernard Sakora was posted to Goroka to replace him as Resident Justice for Eastern Highlands and Simbu Provinces.

Justice Timothy Hinchliffe was transferred from Waigani to Lae as Resident Justice for Morobe Province and Justice Teresa Doherty went to Rabaul from Lae to be one of the two Justices based at Rabaul for the Islands Region.

So during 1992 the National Court situation in the Provinces was as follows:

- [a] Mt. Hagen [ Western Highlands and Enga ] : Woods, J
- [b] Lae [ Morobe ] : Hinchliffe , J
- [c] Rabaul [ Islands Region ] : Jalina , J and Doherty , J
- [d] Goroka [ Eastern Highlands and Simbu ] : Sakora , J
- [e] Madang [ Madang, East Sepik and West Sepik ] : Andrew , J

It is our intention to post a Judge to Wewak and another to Mt. Hagen in 1993 to further enhance the provision of the services of the National Court to more of our people in the Provinces. But this depends on the completion of the extension to the Mt. Hagen Court House and the completion of the first stage of the National Court Building at Wewak.

#### **4. REPORTS FROM REGIONAL JUDGES**

##### **4.1 National Court, Mt Hagen**

1992 was the fourth year of the National Court being permanently based in Mount Hagen and it is almost as if it had always been here. Having a full National Court Registry over the past couple of years has really helped to improve the efficiency and to handle the demands of the legal profession in the Western Highlands and Enga Provinces. However whilst the legal profession has made full use of the National Court and the Registry the State Services have still not been able to give the support required.

In the fast growing civil area it was only towards the end of the year with the creation of the Office of Solicitor-General by the National Government that the State was seen to be taking a slightly more serious interest in matters involving the State. However it still needs more staff in the Solicitor-General's Office before one can be sure that the State's interests are going to be properly looked after. As far as the private lawyers are concerned the Civil area has been growing faster than one Judge can handle. This has required very careful overlisting of cases to ensure that maximum use is being made of Judge and Court time. We still have to rely heavily on the opportunity of an extra Judge circuiting for the Enga circuit who can stay over in Hagen and assist by enabling two National Courts to sit at the same time.

In the Criminal area the Court had started to build up a backlog of remandees and cases waiting to be heard by the end of the year. This was mainly caused by the serious staffing problems in the Public Prosecutor's Office and Public Solicitor's Office. There was still only one Public Solicitor officer at the end of the year, but just at the end a second officer for the Public Prosecutor. But this is still an impossible situation with courts running continuously. The waste of time was so bad that it was calculated that overall in the year a quarter of the National Court sitting time was spent waiting for criminal cases to be brought on. For a quarter of the available

sitting days the Court was not sitting because criminal cases were not ready or not organised on time. Some of this wasted time was also because of delays in the police in helping get the cases and witnesses ready.

There appeared in some serious cases to be a tendency also for accused to deliberately delay their cases being brought on so that the relatives and clans could settle murders or suchlike by compensation or by threatening witnesses and then witnesses would not come to court and the criminal sanctions would be avoided.

The Election Petitions that are a normal consequence of National Elections took up some of the Court time towards the end of the year but luckily this did not become too serious a demand on time.

The circuits to Enga became a real problem. There is no suitable public accommodation facilities like a Hotel for Judges or lawyers in the Province and the criminal lawyers have had to put up with appalling and even dangerous conditions to service the court on circuit. This however came to a head at the December circuit so that circuit had to be aborted. It appears that there will not be any regular circuits to Enga Province until some suitable secure accommodation is available for the Court and the lawyers. This is a sad indictment on the efficiency of the Province.

The Court buildings in Mount Hagen are quite inadequate for the demands of the Local and District and National Court in such a busy area and there are plans for extensions. They have not yet been started however it is becoming more and more pressing that they are done.

## 4.2 New Guinea Islands Region

### (A) Criminal Cases

With the elimination of Criminal list backlogs throughout the New Guinea Islands Region during 1991, the 1992 list (including Bougainville) was at a manageable level. The total number of cases per month (on average) in each of the four provinces where the two resident judges sit are as follows:

Rabaul (including Kokopo and Bougainville)	- 100
Kimbe (including Bialla)	- 30
Kavieng (including Namatani)	- 30
Manus	- 20

Apart from a very short circuit to Buka in June 1991 by Ellis, J. and in November 1991 by Jalina, J. no sittings were held in Buka during 1992 due to renewed attacks by the BRA in areas close to the Buka Township.

In an attempt to further reduce the Rabaul list (both civil and criminal) it is proposed to have one of the two (2) resident Judges remain in Rabaul for three (3) consecutive months whilst the other Judge goes out on circuit to the other centres and vice versa. It is anticipated that such an arrangement would enable the Judge to list cases for trial in advance and thus enhance the early disposition of cases as lawyers would be expected to be prepared in advance.

Of the criminal cases heard in the Islands Region during 1992 robbery has the highest percentage. It is disturbing to note that there is a greater incidence of serious assault such as rape, wounding and actual killing (in the Sonoma case a male and female student were killed by a single shot) in the course of the robberies. It appeared from the evidence in those cases that the assaults and/or killing were not necessary to effect the robbery. Perpetrators of the crime of rape, wounding and even killing after having committed a robbery appeared to lack compassion towards their victims particularly female victims. This trend was a continuation from previous years and something drastic needs to be done to eliminate or otherwise reduce this.

### Bail

There have been a high incidence of accused persons who were granted bail by the District Court not appearing before the National Court. In most cases bail was granted on the day of committal without any stringent conditions such as large amount in cash or reporting conditions. This has resulted in accused persons having a "casual" attitude towards the appearance in the National Court as they would not have much money to lose if they failed to appear. Again something needs to be done about this.

### Persons Imprisoned By Village, Local and District Courts

Prison visits have revealed that a large number of persons have been imprisoned by either Village Courts or District Courts or Local Courts for failure to comply with its order without being brought to the particular Court to explain why he/she has failed to comply with such orders. Some of these cases involved failure to comply with orders for payment of a lot of maintenance or compensation for adultery. The worst of these have been cases in Kimbe where periods of imprisonment for default were imposed at the same time as the order for compensation. The Magistrate in these cases appeared to have treated a civil case as if it were a criminal case and enforced payment of the order as if it was a fine.

As the majority of these persons were ignorant of their legal rights they could not lodge appeals during the period allowed by the relevant statute.



There have been cases where such persons were brought in at the request of the visiting judge and granted an extension of time to appeal where an appeal was appropriate but in most cases the Public Solicitor has not given legal aid.

Where persons have been found to have been imprisoned in excess of the jurisdiction such persons have been discharged in the exercise of the Court's inherent powers under Section 42(b) of the Constitution. It would appear that Village Court, Local Court and District Court Magistrates need an Orientation or Refresher Course regarding their powers and functions to ensure that this does not continue.

### **Section 552 Applications**

Although there have been a number of accused persons in the Rabaul list who have been in custody for more than four (4) months (some have even been in custody for more than one (1) year) there has hardly been any s.552 (Criminal Code) applications made during the last two years that Jalina, J. has been sitting in Rabaul.

### **Lawyers**

One of the major problems affecting the early disposition of cases is the failure of lawyers to appear on time. Although numerous threats have been made to cite lawyers for contempt, due to the cumbersome procedures involved in the prosecution for this offence as well as the long time it takes the Registrar to gather evidence and then actually prosecuting the offender, it has lost its effectiveness. For example, in 1991 a Welfare Officer alleged through a letter that there was something "fishy" between the Judge and the Respondent/Cross-Applicant in a custody matter after an order was made in favour of the Cross-Applicant after the Applicant failed to appear in spite of numerous notices given by her lawyer. The letter was referred to the Assistant Registrar but nothing has been done to date.

Unless actions other than contempt are taken against Lawyers who continually turn up late for cases, lawyers can frustrate the effort of the Court to bring justice to the people and even do so with impunity.

In spite of what has just been said about lawyers, Rabaul-based judges are fortunate to have had both three prosecutors and three defender in the local office of the Public Prosecutor and the Public Solicitor (another two lawyers have just joined each of these offices) which have contributed to the cases in the Islands Region being at a manageable level. Both the quantity and the quality of these lawyers was a major factor in the decrease of caseloads which was achieved and are continuing.

(B) Civil Cases

With accused persons in Criminal cases having a Constitutional right to be brought to trial within a reasonable time thus requiring their cases to be given priority, it has been difficult to allocate a substantial amount of time to civil cases. Unfortunately, as has been stated in the 1991 Annual Report, civil list call-overs and the directions which were made at such call-overs did not serve to hear as many civil matters as the judges would have liked. This has partly been due to defence lawyers in most of the matters particularly personal injury cases and cases against the State being in Port Moresby.

Some of the civil cases are several years old with nothing further being done to have them brought to trial. Unless something is done quickly towards making the plaintiff decide whether or not he wishes to proceed with the case, many civil cases would languish in the lists thus giving an impression that the National Court was not functioning effectively. Perhaps consideration should be given towards having these cases struck out.

4.3. National Court, Lae

The National Court decentralisation to Morobe continued to be well accepted in the Community. The policy of trying to hold National Court in outstations was maintained but due to heavy case load in Lae to a lesser extent than was hoped, circuits were held in Bulolo/Wau and Menyamya. Those were well received by community leaders and Government Secretaries' visits to schools were made.

There was a change of resident Judge in 1992 with transfer of Hinchliffe, J. to Lae from Port Moresby.

The major part of the cases handled in Lae was criminal as in 1991/92 with robbery the highest percentage. It is disturbing to note that there is a greater incident of serious assault (and in 3 cases killing) in the course of the robberies. The impression formed by the evidence is that these assaults and/or killings are not necessary to effect the robbery. Other major crimes were homicide and rape. The trend continued - as in previous years - with more killings arising out of the domestic scene and from domestic violence than from other causes. Rape, and rape in the course of other crimes, was still high. Perpetrators of the crime of rape showed an almost "casual" attitude to their victims.

Civil Cases - As before the majority of civil cases were commercial. This contrasts with other provinces. There were fewer claims for, e.g. a road accident injury. Not all cases filed came to full hearing.

Prison visits and inspection of police cells were carried out. It is of great concern to note that despite earlier visits, reports and complaints people were still held at the Lae Police cells without charge for varying periods of time. Explanations, such as "he has been charged but gave you a different name" were found to be incorrect when checked. There is a problem with Police receiving warrants from Courts to enable them to take detainees to CIS Buimo; this has been taken up with Magistrates. The most recent visit (January 1993) showed an improvement.

A major problem being experienced at Lae is the non appearance of persons granted bail in the District Court. Bail is given by the District Court on the last day of committal, after bail is paid approximately 70% of persons charged with robbery and rape do not appear. Many Bench Warrants are not executed, this is particularly so if the person comes from a remote part of the province.

This matter has been discussed and recommendations will be made.

Morobe does not have a high rate of imprisonment from Village Courts and few complaints are received.

#### 4.4 **National Court, Madang**

In January 1992 the National Court became permanently based in Madang with the appointment of a resident Judge and the establishment of a new court house. The resident Judge has been responsible for the Madang sittings as well as for the East and West Sepik Provinces and sittings have been conducted throughout the year in Madang and in the Sepik on an alternate month basis.

The establishment of the Court in Madang has meant greater public access to the Court and greater efficiency in the disposal of cases, particularly criminal cases, such that by the end of the year all long outstanding cases had been completed and the periods between arrest and trial had been reduced to satisfactory levels. There was excellent co-operation and hard work in Madang throughout the year by the Public Prosecutor's office, the Public Solicitor and the Police and Corrective Institutions and the staff of the National Court. The Probation service has also been most efficient and hard working in Madang, Wewak and Vanimo and this has enabled a greater number of persons to be placed on probation and the establishment of this office has been an important success providing an alternative sentencing process and in rehabilitation.

There has been a large increase in the number of criminal cases in the East Sepik being committed for trial to the National Court and there appears a large increase in violent crime such as armed robbery. This is

particularly so on the Maprik highway, Maprik and the densely populated areas such as Yangoru. The National Court managed to just keep up with the volume of cases being dealt with but this has left little time to deal with civil matters. The construction of a new Court House in Wewak has commenced and this will assist the situation as there have been insufficient courts for both the National and District Courts. But the increasing number of cases and the fact that both East and West Sepik Provinces are dealt with together means that there is a sufficient work load for the National Court to be based permanently in Wewak.

## 5. STATISTICS

Appendices "A", "B" and "C" are records of matters dealt with in the Supreme Court and the National Court during 1992.

## 6. FINANCE, STAFF

### Support Services

Support services to all levels of the Judiciary is provided by the National Judicial Staff Service, a statutory body established by the National Judicial Staff Service Act 1987 (as amended).

### 6.1 Finances

#### 1. Budget

The Judiciary received a one line budget allocation.

	<u>1991</u>	<u>1992</u>
Original Appropriation	10,253,300	12,000,000
Revised Appropriation	10,259,300	12,830,000
Expenditure	8,912,339	12,308,865
Surplus	1,346,961 =====	521,135 =====

#### 2. Capital Works.

Two capital works projects were commenced late in 1992 and were completed in early 1993.

One was a new court house at Kwikila costing K128,731.00.

The other was a temporary building on the front lawn area of the Supreme Court House costing K154,461.00. This was built to ease the acute shortage of office and court room space in the National Capital District. It is a stop gap measure pending building of the Waigani Courts of Justice complex.

Both these buildings were designed and built by private architects and builders. Approval for the construction was through the Works and Supply Tenders Board.

The planning was also commenced late in the year of new court houses for Daru, Goroka and Kainantu. These are all being designed by a private national architectural firm. This was resorted to as the Department of Works lacks the resources necessary to provide the service which the Judiciary has a right to expect from them. The fact that the commencement of the design of the Waigani Courts of Justice complex has been delayed underlines this. Work on urgently needed court house facilities will continue to be delayed if reliance for these services is placed on the Department of Works with its present lack of resources.

### 3. Works, Supply and Tenders Board

The failure of this body to perform its statutory functions coupled with its exceeding of its authority and acting inconsistently with its Act resulted in the funding of K108,000 for an urgently needed extension of the Supreme Court House being extinguished at the 31.12.1992.

The Judiciary wishes to bring its concern to the attention of the Parliament that this body, by its failures and shortcomings is preventing urgently needed court facilities being built.

Prices given on the basis of a thirty day acceptance period are void by the time the Board has deliberated on them. Submissions become futile exercises and considerable money is wasted as a result of the Board's failure to perform its statutory duty.

## 6.2 Staffing and Court House

As required under the National Goals and Directive Principles the Judiciary has continued the process of improving its services to provinces and districts by increasing staff at these court houses, and opening or reopening smaller court houses. The constricting factor is office space.

New court houses are required in most Provinces of the country. Court houses in these areas are either non existence, or a small room in a police station or district office. Neither of these arrangements is desirable if people are to see the Judiciary not only as impartial and neutral but also as the guardian of peoples constitutional rights.

Funding of circuit court houses is therefore vital if 'law' as opposed to 'order' is to be accessible to all our people. There is a need for these court houses throughout the country. The break down by province is set out below:

B1

PROVINCE	CIRCUIT COURT HOUSES
Western	Morehead Balimo  Ningeram Nomad Lake Murray  Ok Sapmin Telefomin
Gulf	Malalaua Ihu Baimuru Kikori Waho
Milne Bay	Salamo Bolubolu Esa'ala  Losuia Rabaraba
Southern Highlands	Erave  Kagua Pangia  Koromba Komo Kopiago Magarima
Enga	Maramuni Kompiam Laiagam Pialla Kandep Wapenamanda

B2

<b>PROVINCE</b>	<b>CIRCUIT COURT HOUSES</b>
Western Highlands	Tomba Tambul  Baiyer Kup
Central	Magarida Kupiano/Moreguina  Sogeri Tapini Bereina
Oro	Kokoda Tufi Wanigela
West New Britain	Hoskins Gasimata  Kandrian Pomio
East New Britain	Bainings  Duke of Yorks
Madang	Karkar Manam Saidor Bogia
East Sepik	Angoram Ambunti Dreikiker  Pague Yangoru Wassera Amboin

B3

PROVINCE	CIRCUIT COURT HOUSES
West Sepik	Green River Bewani Amanab  May River Yangkok Lumi Nuku Sissano
Simbu	Chuave Kerowagi Gumine - Nomane Gembogl
Eastern Highlands	Asaro Ramu  Bena Henganofi Lufa
Morobe	Mumeng  Kabwung Siassi Sialum  Wau Wontoat Aseke Menyama



6.3 The staffing figures for 1992 are listed below:

Staffing of Courts Houses  
(excluding the Supreme Court House)

	REGISTRY	ADMINISTRATION	LIBRARY	TOTAL
1. Port Moresby	8	17	-	25
2. Boroko	10	17	-	27
3. Traffic 4 Mile	6	3	-	9
4. Central Province	8	10	-	18
5. Kerema	3	3	-	6
6. Daru	2	2		4
7. Kiunga	1	1		2
8. Tabubil	1	2		3
9. Alotau	3	3		6
10. Popondetta	3	8		11
11. Mt Hagen	6	16	1	23
12. Milne Bay	2	2		4
13. Kundiawa	4	14		18
14. Goroka	2	15	1	18
15. Kainantu	2	4		6
16. Mendi	8	20		28
17. Wabag	5	4		9
18. Lae	11	25	1	37
19. Madang	5	7	1	13
20. Wewak	8	8		16
21. Vanimo	3	9		12
22. Kimbe	5	12		17
23. Rabaul	6	18	1	25
24. Kavieng	4	7		11
25. Lorengau	2	3		5
<b>TOTAL</b>	<b>118</b>	<b>230</b>	<b>5</b>	<b>353</b>

\* includes watchmen

**Summary:**

a)	Fourteen Judges' Personal & Domestic Staff	62
	Chief Magistrates Office Staff	24
	Supreme Court House	91
	Administration of NJSS	25
b)	Provincial and District Court Houses	<u>353</u>
	Grand Total	<u>555</u>
		=====

The law governing the management of the Supreme & National Courts including its assets and funds.

During 1992, there has again been failures by Executive Agencies and now the Auditor-General to understand the law governing the management of the Supreme Court, the National Court and the support service the National Judicial Staff Service.

This has resulted in public servants interfering in matters which are not their business and the audit officers of the Auditor-General making judgments not based on law.

Regrettably it may become necessary for a reference to be made by the Chief Justice to the Supreme Court to rule what the law is in this area.

**7. 1993 BUDGET**

In 1992 when the Chief Justice submitted the Budget for the Courts for 1993 to the Prime Minister pursuant to Section 210 of the Constitution our estimate were not agreed to both by the Prime Minister and the Minister for Finance. As the Chief Justice did not agree to the alterations made by the Government the matter was referred to the Speaker to be tabled before Parliament as required by Section 210 of the Constitution.

Parliament did not debate the matter as the Minister for Finance dealt with it administratively and the K3.1 million taken off the Judiciary's Estimates was restored.

**8. GENERAL COURT ADMINISTRATION**

During 1992 the Chief Justice commenced a project in Waigani on Case-Flow Management in Criminal matters. The project will be extended to Civil matters in 1993. After assessing reports from the Judges in charge of the project (Deputy Chief Justice and Justice Amet) case-flow management will be applied nation-wide.

**9. ELECTION PETITIONS**

After the 1992 General Elections 62 Election Petitions were filed in the National Court and at the end of December 1992 28 petitions were still outstanding. Quite a lot of Petitions were struck out through Pre-Trial hearings, an initiative the Chief Justice put in place as part of a plan for the Court to be active in Court cases as soon as they are filed in Court.

## 10. PRISONS

### Prison Conditions -

Judges visiting various prisons in the country have raised strong concern at the deteriorating condition of prisons.

There is serious overcrowding in some prisons, particularly in these 2 regions, e.g. there were up to 67 persons occupying a building designed for 25 at Kerevat during one visit. No maintenance work has been carried out on some of the prisons for many, many years. Cell block No. 1 at Kavieng has water pouring through the roof each time it rains and prisoners are obliged to shift their blankets to avoid being wet. There was no water supplied to Kavieng CIS between 9 am and 4 pm (at the time of inspection this has now improved).

Lakiemata and Madang CIS has no separate facilities for juveniles and they serve sentence with adult offenders, some of them long term prisoners who are considered to be "hardcore" criminals. Similarly at Lakiemata and Kavieng there are no separate facilities during the day separating convicted and unconvicted offenders. The offenders awaiting trial are kept in a separate part of the block during the night but can easily communicate with convicted prisoners.

This situation offends against the Constitution which clearly states that juveniles are to be kept separate from adults and unconvicted and convicted offenders must be kept separate.

Cooking for prisoners is done outdoors at Kerevat, Madang, Lakiemata and at Kavieng. The eating facilities are limited, walls are broken and have not been repaired. Cooking of food in the open air can lead to flies and dirt coming into contact with the food.

Most Prison Officers complained of shortage of blankets and other facilities. There were no sharrifs or grass knives available at Buimo CIS until some were donated.

Conditions of female prisoners, especially at Kavieng where each prisoner has separate cells are better than male accommodation but this is also because there are far fewer female prisoners, e.g. of the total 468 prisoners in Kerevat during a visit, 6 only were female.

The remand centre at Buimo was constructed to hold about 40 persons and now holds an excess of 80. Many remandees have to be accommodated with convicted prisoners and it was observed on some visits that people awaiting trial were sharing accommodation with people who had already been convicted for the same crime. The remand centre itself has one toilet to accommodate over 80 people per day and this is just not practical.

In contrast the conditions in some prisons in the Highlands region - especially at Baisu, have improved. Juveniles are kept apart and there are rehabilitation and training schemes e.g. rug making, welding, brick making, vegetable and chicken projects.

It is clear that no funds have been expended on actual building maintenance for quite a few years. Capital funds have been used in some prisons in the Islands and Mamose Region to build fences but little, or none, has been expended to maintain or extend the actual living accommodation of prisoners. If this situation is allowed to continue with the present degree of overcrowding and poor facilities it will lead to a possibility of allegations of inhuman treatment of prisoners.

\*\*\*\*\*

1992

**SUPREME COURT APPEALS, REFERENCES, REVIEWS  
APPLICATIONS AND MOTIONS**

	1986 PEN DING 31.12. 91	1987 PEND ING 31.12. 91	1988 PEND ING 31.12. 91	1989 PEND ING 31.12. 91	1990 PEND ING 31.12. 91	1991 PEND ING 31.12. 91	TOTAL PENDI NG 31.12. 91	TOTAL REG'D	DEALT WITH IN 1992	DIS- CNT IN 1992	WITHD RAWN IN 1992	PEND ING AT 31.12. 92
APPEAL S REG'D IN 1992								171	3	10	1	157
CIVIL APPEAL S								120	1	3	1	115
CRIM. APPEAL S								51	2	7	-	42
REFERE NCES								10	2	-	1	7
REVIEW S								14	4	-	-	10
APPLIC ATIONS								2	1	-	-	1
MOTION S								2	1	-	-	1
OTHER YEARS' APPEAL S	3	1	14	52	65	140	275		62	7	4	202
OTHER YEARS' REFERE NCES	2	1	2	1	5	2	13		NIL	NIL	NIL	13
OTHER YEARS' REVIEW S	2	4	6	5	5	5	27		NIL	1	NIL	26
OTHER YEARS' APPLIC ATIONS	-	-	-	-	2	NIL	2		-	-	-	2
OTHER YEAR'S MOTION S	-	-	-	-	-	-	-		-	-	-	-

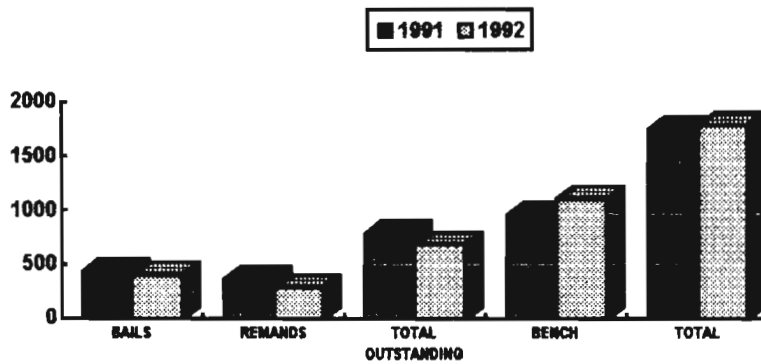
1. NATIONAL COURT CIVIL STATISTICS FOR 1992		WAIGANI LAE MT. HAGEN MADANG RABAUL GOROKA			
ITEM	TOTAL REGISTERED IN 1992	DEALT WITH IN 1992	DISCONTINUED IN 1992	DEFAULT JUDGEMENT	PENDING IN 1992
Appellate Jurisdiction	289	74	3	-	212
Probate Jurisdiction	18	11			7
Overseas judgements and orders					
Writ of Summons	982	23	22	107	830
Originating Summons	328	105	22		201
Miscellaneous Proceedings	282	76	37		169
Matrimonial Causes	27	3	1		23
Lawyers Admissions	41	38			3
Admiralty	5	5			
Caveat & Warrant Book	1				1
Writ of Execution	100	35	10		55
INSTRUMENTS		Registered	Renewed	Discharged	
(a) Bill of Sales		5796	244	2112	
(b) Stock Mortgage		42	-	-	

NOTE: FIGURES SHOWN IN ABOVE TABLE RELATE ONLY TO MATTERS REGISTERED AND DEALT WITH BY THE NATIONAL COURT IN ITS CIVIL AND APPELLATE JURISDICTION IN 1992. STATISTICS FOR CRIMINAL MATTERS REGISTERED AND DEALT WITH IN 1992 APPEAR IN A DIFFERENT TABLE.

NATIONAL COURT CRIMINAL STATISTICS

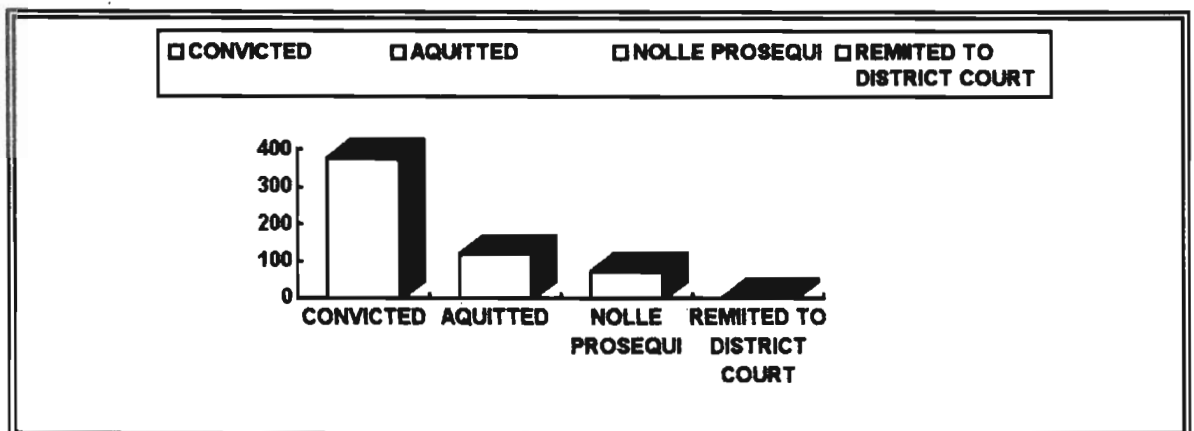
COMPARISON TABLE AND CHARTS 1991 AND 1992

	BAILS	REMANDS	TOTAL OUTSTANDING	BENCH WARRANTS	TOTAL
1991	427	357	784	956	1740
1992	398	284	682	1097	1779
DIFFERENCE	-29	-73	-102	+141	+39



SUMMARY OF MATTERS DEALT WITH IN 1992

INDICTED	CONVICTED	AQUITTED	NOLLE PROSEQUI	REMITTED TO DISTRICT COURT
567	376	118	72	1



NEW MATTERS FILED IN 1992 : 1,480

NOTE: National Court Criminal Statistics do not indicate where a person is charged with one offence and finally sentenced to an offence with a lesser penalty - it is hoped to correct this in the 1993 Statistics. So for instance a person charged with Wilful Murder may be sentenced for Manslaughter.

Also where a person has pleaded guilty to the offence, there may be a lesser penalty for the offence.

The greater majority of National Court Criminal convictions are where a person has pleaded guilty, the number of matters going to trial is a small part of the total figure of persons convicted.



