



LAWASIA'S GRAVE CONCERN FOR RULE OF LAW IN PAPUA NEW GUINEA

As the Law Association for Asia and the Pacific, LAWASIA expresses its grave concern for the rule of law in Papua New Guinea, following the recent arrest of the Chief Justice, Sir Salamo Inja, on charges of sedition.

It records its concern not only for the manner in which a senior judicial officer was arrested but also for the nature of the charge against him, which would seem to indicate a lack of understanding of the role of the courts and the separation of powers on the part of the executive.

LAWASIA unequivocally emphasises the fundamental importance of the independence of the judiciary as a hallmark of rule of law in any democracy and urges the political actors in Papua New Guinea to be mindful of the universality of this tenet.

The *Beijing Statement of Principles of the Independence of the Judiciary*, a set of principles agreed by the Chief Justices of 32 countries of Asia and the Pacific, including the then Chief Justice of Papua New Guinea, the Hon Sir Arnold Amet, at Article 4 provides that:

The maintenance of the independence of the judiciary is essential to the attainment of its objectives and the proper performance of its functions in a free society, observing rule of law. It is essential that such independence be guaranteed by the State and enshrined in the Constitution or the law.

The arrest and treatment of the Chief Justice constitutes a disturbing threat to judicial independence in the country and violates obligations that have been assumed by Papua New Guinea.

LAWASIA strongly urges the caretaker government of Papua New Guinea to exercise restraint and to adhere to constitutionally mandated procedures should it seek to discipline judicial officers for alleged violation of their oaths.

In this context, LAWASIA further notes Article 157 of the Papua New Guinea Constitution, which states:

INDEPENDENCE OF THE NATIONAL JUDICIAL SYSTEM.

Except to the extent that this Constitution specifically provides otherwise, neither the Minister responsible for the National Justice Administration nor any other person or authority (other than the Parliament through legislation) outside the National Judicial System has any power to give directions to any court, or to a member of any court, within that System in respect of the exercise of judicial powers or functions.

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