



TUVAO

Samoa Law & Justice Sector News



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War Against Drugs Strengthened

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Sector Vision:

Justice for a Safe and Stable Samoa

Sector Mission:

Services to the community to promote provide and protect access to justice for a Safe and Stable Samoa



The Narcotics Laboratory was officially opened on the 31st July 2013; with the keynote address given by Prime Minister Tuilaepa Sailele Malielegaoi. The \$40,000 lab is a joint venture between SROS, the Attorney General's office and the Ministry of Police and Prisons in a bid to provide international quality narcotics testing for the people of Samoa. At present the lab is only equipped to test marijuana and SROS has two authorised analysts that can test the narcotic. Tuilaepa said this project is an example of what Samoa can do when its agencies come together and approach a problem with a 'whole of government' approach.

"The Law and Justice Sector agencies came together and identified a problem with our fight against narcotics," he said. He said the project was implemented by a group that included the Police, Public Works, Health, SROS and led by the office of the Attorney General. "To enforce and successfully prosecute narcotics cases is dependent on a number of things and one of the key components is having a lab to test narcotics confiscated by the police. We acknowledge the role of the SROS here at Nafanua the new home of our narcotics lab. There will be challenges that come with a narcotics lab - thank you for taking up that challenge."

On the day of the opening, SROS CEO Tilafono David Hunter said the benefits of having a local lab are not only reliability but also cheaper testing. He said while SROS is a government body it provides independent testing for other government agencies and is looked at as an independent laboratory.

"So that clears the issue of integrity and bias," he said. "It's really to localise the service and for government and for Samoa to be able to provide this kind of testing service rather than sending the samples overseas."



The CEO said this new laboratory is the first step in the long term plan for the lab. "We are working on long term plans where we are going to equip the lab with the necessary equipment to test harder drugs such as ice."

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Court cases are (scheduled) at a time according to the availability of analysts overseas. "But now we are here we go by the schedule of the cases and also it's cheaper now to test it here, because it really costs the Ministry of Police and Prisons a lot of money to send their samples overseas."



"It required the authorised analyst in a NZ institution to come over and that's all paid for by the Police. As with here, we only charge the Ministry of Police and Prisons the cost of testing the sample."

That procedure was followed until five years ago, when New Zealand testing was replaced with local testing at the Alafua campus of the University of the South Pacific.

Attorney General Aumua Ming Leung Wai said that there was now a new procedure to follow. "This arrangement between the Ministry of Police and Prisons and the University of the South Pacific at Alafua will no longer exist as the construction of the new Narcotics Laboratory at the SROS compound at Nafanua has been completed," he said.



"I thank the University of the South Pacific for the last five years in their contribution to the Law and Justice Sector of Samoa; due to their assistance, Samoa is now able to have a lab of its own. I thank the Government of Australia for its support, as this project is funded with Australian aid via the Law and Justice sector." Taliafono said SROS achieved international accreditation certification in 2011 which means the tests they provide here are internationally recognised.

He said now that the organisation is internationally recognised the intention was to relocate the testing service from the University which is a regional organisation and further localise it by a local research institute or research organisation such as SROS.

So a year ago they approached the AG's office with a project proposal to seek funding. "It took about five weeks to build the laboratory to spec," he said. "We had to partition and build it in such a way that it is very secure." "Now that is built, only authorised analysts are allowed to go in." The CEO said this new laboratory is the first step in the long term plan for the lab. "We are working on long term plans where we are going to equip the lab with the necessary equipment to test harder drugs such as ice," he said, referring to methamphetamine. "We have to ensure that our scientists attached to the lab also undergo further training. "The more you deal with hard drugs, especially ice; [there] is a lot of detailed analysis. So the more we move to hard drugs the more training our scientists will need to undergo."

Picture (top): Honorable Prime Minister delivering the keynote address; (middle): Attorney General delivering his welcoming remarks; (below): invited guests taking turns to view the new Laboratory



New Judge Sworn In

The country's newest judge has been praised for earlier contributions to the reformation of law in Samoa as being "bold, practical and ... liberal." Tafaoimalo Leilani Tuala-Warren was sworn in on Friday, August 23rd, 2013, at Mulinu'u as a new District Court Judge, only the third woman to be appointed to the Courts in Samoa. Her Honour Judge Tafaoimalo joins two others at the District court. She took her oath and signed warrant papers at the Supreme Court in front of dozens of friends, family and colleagues. His Honour Chief Justice Patu Falefatu Sapolu called on the new judge to serve "without fear or favour." His Honour Patu also stressed that normal life means love for family, helping friends, and making decisions so that others will not hate you - but as a Judge, you have to stand by your oath to the Court. "You depend on God to give you strength and guide you along the way. Because all those things that you have in life before you become a Judge will be taken away, and you stand alone." Congratulating Judge Tafaoimalo, the Attorney General Aumua Ming Leung Wai spoke of her dedication to the legal fraternity, most recently as head of the Samoa Law Reform Commission.

Returning from overseas in 2008, Tafaoimalo accepted an appointment with few resources. "She took up the challenge with no staff, no car and no office," said Attorney General Aumua. "She built up the Law Reform Commission from scratch and after two years of perseverance and hard work she had established a commission that was fully staffed and well resourced and equipped that was able to stand on its own, she produced law reform reports to Government and the Legislative Assembly that were bold, practical and, in a sense, liberal, her reports exposed the country to a different way of thinking and at times, stimulated debate about our cultural and Christian beliefs." He also praised her for conducting extensive consultations. "Areas requiring major law reform were taken by Tafaoimalo to our people at the grassroots level in order to hear their views. "Public consultations all around Samoa resulted in the drafting of laws and bills, which had the input of our people such as the New Crimes Act 2013, Lawyers Bill and Village Fono Amendment Bill."

Many turned up to witness the swearing in of Judge Tafaoimalo. Along with the Chief Justice and Attorney General, there were all the justices from the Supreme Court, District Court judges, the President of the Lands and Titles Court together with close friends and relatives. Rev. Elder Peteru Tone led the ceremony while staff from the Ministry of Justice sang hymns before the swearing in. "I, Tafaoimalo Leilani Tuala-Warren, swear by Almighty God, that I will well and truly serve the Independent state of Samoa, in accordance with the Constitution and law, and I will do right in all manner of people, without fear or favour, affections or ill will, so help me God". Tafaoimalo attended Waikato University where she graduated with her law degree and later on a Masters of law degree.

She joined the Office of the Attorney General after her studies before she returned to Waikato University and lectured there for a few years before coming back to Samoa and joined her brothers' law firm of Tuala and Tuala.

Picture (top):new Judge taking her oath before the Chief Justice (picture inserted) in the presence of the Attorney General; (below): new judge with the Attorney General and a representative from the Samoa Law Society





'Normal life means love for family, helping friends, and making decisions so that others will not hate you - but as a Judge, you have to stand by your oath to Court. You depend on God to give you strength and guide you along the way'

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After a few years in private practice, she returned to the public service when she became the head of the Samoa Law Reform Commission in 2008. Vice President of the Samoa Law Society Mareva Betham Annandale spoke on behalf of the Samoa Law Society, to congratulate and offer best wishes on her Honour's appointment to the position of District Court Judge, responsible for spearheading the establishment of a Court dedicated to addressing family matters.

Her honour Judge Tafaoimalo Leilani Tuala-Warren thanked people who have supported her during her long journey. She also acknowledged, "The gentle guidance of his Honour the Chief justice and Senior District Judge Vaai, the assertive style of Justice LesateleRapiVaai, the straight up approach of Justice Nelson and more recently the sharing of ideas from Justice Slicer. "And the women judges, Justice Malosi and Judge Tuatagaloa, you are a true inspiration to women lawyers in Samoa and have opened up this opportunity that I have taken with great pride and humility." Judge Tafaoimalo thanked her many friends and family who were present to witness her being sworn in as a District Court Judge. She also thanked her brothers and their families as well as her husband and children for their support.

Picture: Graduates after the Certificate awarding ceremony.

Soalaupule Graduates Celebrate

There was singing, laughing and celebrating at the Ministry of Justice and Courts Administration on 4 September when the 21 participants in the Soalaupule (Samoan Customary Mediation) Course received their completion certificates at an award ceremony.

Tagalao D.C. Kerslake, President of the Land and Titles Court, presented the certificates together with fellow course instructors Professor Aiono Dr Fanaafi and Associate Professor Selene Mize from the Faculty of Law at the University of Otago.

Associate Professor Mize said that she had been teaching dispute resolution for 25 years and that Samoa is fortunate to have mediation as a part of its culture. This culture of consensus is an alien concept to most of the students she has taught over many years, but not to Samoans. At the conclusion of her address, Associate Professor Mize presented to his Honour Patu Falefatu Sapolu, Chief Justice of the Supreme Court of Samoa, and a book for the Supreme Court library.

In a video address, Professor Mark Henaghan, Dean of the Faculty of Law at the University of Otago, congratulated the graduates.

'You are the most wonderful, warm, friendly people and I know that you've worked hard in this course. You live in the most beautiful place in the world,' he said.





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He emphasised that mediation is a very important way of resolving disputes: it allows parties of a dispute to feel that they have been heard and that they can accept the outcome because they have been involved in reaching that resolution.

'Mediation allows people to work through their differences and come to a result that they can live with,' he said.

Taefu Lemi, Associate Minister of Justice, delivered a fun-filled speech on behalf of the student group. Twenty one (21) members were given certificates, 17 whom were Ministry of Justice employees, including their CEO, plus the PSC CEO, Associate Minister of the Ministry of Justice, Law and Justice Sector Coordinator, a senior Sergeant from the Ministry of Police and a representative from the Office of the Ombudsman.

The Soalaupule course ran from 11 July to 3 September 2013 as a joint initiative of the Ministry of Justice and Courts Administration, the University of Otago (New Zealand) and the Samoa Law and Justice Sector.

The course was aimed at mediators who deal specifically with mediation for the Land and Titles Court. The *Land and Titles Act 1981* stipulates that Samoan mediation (*soalaupule*) of all matters involving customary land and matai titles is mandatory before filing any application for a court order.

The course instructors were Associate Professor Mize, Tagaloa D.C. Kerslake, President of the Land and Titles Court, Professor Aiono Dr Fanaafi, President of Le Iunivesite o le Amosa o Savavau (Inc.) (the Samoan Indigenous University), Rev. Elder Tautiaga Senara, Deputy Chairman of the Congregational Christian Church of Samoa (CCCS), and Rev. Uta Muaulu, Pastor for Fasitoo-Uta, CCCS.

Graduating class members were; Taefu Lemi (MJCA Associate Minister), Masinalupe Tuuu Tusipa Venu (CEO-MJCA), Lavasii Siufaga Tauauvea, (ACEO -MJCA), Papalii John Taimalelagi (ACEO -MJCA), Faagutu Samuelu-Vaalotu (ACEO -MJCA), Alofipo L. Faletolu Lofipo (ACEO -MJCA), Lio Heinrich W. Siemsen (ACEO -MJCA), Tuiloma Lopez Williams (Deputy Registrar -MJCA), Tauiliili Sekuini Auelua (Deputy Registrar -MJCA), Togatalima Laiafi Papalii (Deputy Registrar -MJCA), SauAlaimoana Faalaituie Sara (Deputy Registrar -MJCA), Manuele Fuiono Paulo (Deputy Registrar -MJCA), Galuvao Koki Tiatia (Principal Officer -MJCA), Motunuu Teofilo Mikeale (Principal Officer -MJCA), Florita Esther Schuster (Principal Officer -MJCA), Soara Siamomua (Principal Officer -MJCA), Aise Malaga (Senior Officer -MJCA), Maualaivao Seiuli P. Seiuli (Assistant Ombudsman), Maotaoalii Kaioneta Aliisolia Kitiona (Detective Senior Sergeant -MoPP), Tootooleaava Dr Fanaafi Aiono Le Tagaloa (Coordinator -SLJS), Naea Beth Onesemo-Tuilaeapa (CEO-PSC).

'Mediation is a very important way of resolving disputes: it allows parties of a dispute to feel that they have been heard and that they can accept the outcome because they have been involved in reaching that resolution.'



Picture: Proud graduates showing off their certificates after the ceremony with one of the Course Instructors, Rev Uta Muaulu (E.F.K.S Fasitoo-uta Pastor)



Public Servants celebrate 2013 Public Service Day – Attorney General's Service Rewarded.

'Community Participation Initiative Award was won by the Attorney General who is also the Chair of the Samoa Law and Justice Sector Steering Committee. This was in honor of the initiative which developed the Samoa Law and Justice Sector as well as the Samoa Law Reform Commission'

Government Ministries and Corporations made the 27th of September 2013 very colourful with their different uniforms and banners as they marched from the Ministry of Police premises towards the Government building, led by the Police band.



The march was followed by a special ceremony held in front of the FMFMII Building which was highlighted by the naming of the winners of several Public Service Awards, both individual and group.

The keynote address was delivered by Deputy Prime Minister, Fonotoe Pierre Lauofo congratulating not only the award recipients but also all the Public Servants for the ongoing work and contribution to the Public Service of Samoa.

One of the individual awards – Community Participation Initiative Award, was won by the Attorney General who is also the Chair of the Law and Justice Sector Steering Committee. This was in honor of the initiative which developed the Law and Justice Sector as well as the Samoa Law Reform Commission.

Following the ceremony was an information open day at the TATTE building where all government Ministries and Corporations had the opportunity to publicly showcase the services that they offer.

This saw all the Sector Agencies representatives at their respective booths displaying the services that they offer as part of the Public Service.

Picture (above): Attorney General receiving his award, (below): staff members of the Attorney General's Office with the Attorney General.





Samoa Law and Justice Sector Exhibits Its Services.

'Alone we can do so little, Together we can do so much'-Hellen Keller. This was the Law and Justice Sector's slogan and focus of its inaugural Public Awareness Campaign 2013.

Held at the TuiAtuaTupuaTamaseseEfi Convention Centre on October 09th 2013, it was the first of its kind in Samoa.

This event was an initiative by the Steering Committee and Secretariat of the Sector to further showcase the services that are offered by its agencies and as a Sector. Furthermore, it was also to solicit the feedback from the public on areas which the Sector could improve on.

The programme started with a *Sauniga lotu* led by the Secretary for the Samoa Council of Churches, Rev Maauga Motu who is also an active member of the Sector Steering Committee.

Rev Motu reminded everyone who was present about the meaning of the Samoan proverb 'O le Tele o Sulu e maua ai Figota', a Samoan proverb of which Hellen Keller's saying is the English equivalent. The Hymns were sung by the 'Ola Toe Fuataina Choir' which made the start of the Open day even more spectacular.

The Keynote address was delivered by the Chair of the Steering Committee, the Attorney General Aumua Ming Leung Wai who thanked the public for attending and also spoke about the importance of the day.

Each agency had an information booth where they displayed their services to the public who visited. Relating to the Sectoral Approach, the Open day was not limited to the Law and Justice Sector as there were also booths set up for its stakeholders as well as other Sectors such as the Education and Health Sectors.

The turn out ranged from High School students to our elders who with their presence made the day one to always remember.



Pictures (above): Ola Toefuataina Choir; (below): members of the Public during the opening.



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Running from 9.00am to 2.00pm seemed short because the day was full of fun as everyone enjoyed the comfort of the air conditioned venue with music to accompany them and a candy or two on hand as they went about visiting different booths and asking their questions or filling out the questionnaires which were given out for evaluation purposes. Towards the end of the programme, everyone was entertained as the MC of the day invited each booth to take turns dancing.

*'It is indeed correct that
'Alone, we can do so
little, together we can
do so much'*

Sui Tamaitai o Nu'u, June Ailuai spoke to conclude the day on behalf of the Steering Committee to acknowledge the presence of all the other Sector representatives, the schools and everyone who attended.

The day successfully ended with a lunch provided by the Sector for the booth attendants and everyone who assisted in putting together of the Samoa Law and Justice Sector Open Day 2013. This day spoke for itself that it is indeed correct that 'Alone we can do so little, Together we can do so much'

Picture(right): AGO booth, MWCSO booth, SVSG booth, high school students filling out questionnaires, (below): members of the public having a good time shortly after the opening ceremony, the ushers of the day from different Sector agencies in orange uniform with Sector Coordinator plus MJCA CEO who was the MC of the day.





Samoa Law Reform Commission Seeks Public Views on 'Sex Offenders Register'.

'The call for a sex offenders' register was generated by a decision made by His Honour Justice Nelson to combat sexual reoffending'

In December 2012, interest in a sex offender's register came about as a result of a Supreme Court case where a 45 year old man was convicted and sentenced to 3 years for indecent assault on a 7 year old girl. The same offender was found to have been convicted and sentenced in the same offence in 2009. Justice Nelson who presided in this case stated that:

"It may also be such time for sex offenders in this country to register so that people may know what kind of people are around their children...it is clear that this defendant learnt nothing from the first time and the chance for re-offending is high."

This public statement made by his Honour Justice Nelson has raised discussion amongst members of the public whether such reference is appropriate in the context of Samoa.

The Samoa Law Reform Commission ("Commission") received a reference from the Attorney General to enquire as to whether a sex offenders' register is appropriate for Samoa and whether it can reduce sexual reoffending.

To date, the Commission has completed the first three stages of its law reform process and these are the: Preliminary research, Discussion Paper and Consultations (Stakeholders and Public).

'It may also be such time for sex offenders in this country to register so that people may know what kind of people are around their children'



Picture(above): discussions during public consultations in Savaii, (below): stakeholders' consultations.



'The views/submissions received by the Commission will be used to form recommendations to be submitted to Cabinet for approval'

To seek the views of stakeholders and the public on the reference received, the Commission carried out in three separate weeks from end of July to mid-August 2013 its stakeholder consultations. Public Consultations for both Upolu and Savaii were held in the month of October.

Media Coverage through newspaper advertisement and T. V. Programmes were some of the means that the Commission took to gauge the views of the public.

The views /submissions received by the Commission will be used to form recommendations to be submitted to Cabinet for approval.

The Commission is working towards producing a final report taking into account submissions from the public and stakeholders. This Final Report will be submitted to Cabinet for approval.



Pictures (above): group discussions during consultations at the MWCSD Hall, Upolu, (below) public voicing their questions and views/opinions.



Sign up to receive the Sector's Quarterly Newsletter.

Email fanaafi@samoaljs.ws, call the Secretariat at 27426 or visit us at Level 2, SNPF Building, Apia. The Secretariat invites feedback, content proposals and submissions to this newsletter.

Upcoming Events

Steering Committee Meeting	28 November 2013
Steering Committee Meeting	12 December 2013
Submissions due for next TUVAO edition	19 December 2013
Christmas Day (Public Holiday)	25 December 2013

The Sector's Calendar is subject to change. The Calendar of Events is also available on the Sector's website, <www.samoaljs.ws>.

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