

**VANUATU COURTS**

**COURT OF APPEAL**  
**SUPREME COURT**  
**MAGISTRATES COURT**  
**ISLAND COURT**

2023 – A Reflection

Version 7

## THE YEAR IN REVIEW - ALL

- In 2022, the court was not able to report fully against the international court performance indicators due to the cyber-attack. Despite the aftermath, the court has pulled together all available resources and worked extra hours in re-entering majority of the lost data in the '2022 Data Recovery Project' run in 2023 and am very pleased to announce that as a result am able to report again on the court performance indicators end of 2023.
- 2023 was a very busy year for the Vanuatu Courts in respect to total cases filed. Over 3,400 cases filed across the four jurisdictions, this is the workload on the courts and upon court administrators.
- The Supreme Court in particular saw over 800 cases filed, almost 20% increase on previous years, while the Magistrate Court again saw decrease of more than 5% of cases filed. It is also most pleasing to see the Island Court's filings steadily reflecting its improved accessibility across the country, with over 390 cases filed compared to 329 cases in 2022.
- With respect to the international court performance indicators that we work to, we have seen a satisfactory result with Clearance Rates – three out of the 4 jurisdictions are under 100% due to increase in filing (which means our pending #'s increased). In addition, the significant increase in workload, time to finalise cases across criminal and civil matters, two out of four jurisdictions has reduced, a remarkable achievement.

## CONTINUED

- Pending numbers has always been one of the main key indicators of the courts, our overall numbers have increased.
- 2,949 cases are now pending across the four jurisdictions, with 46% in the Magistrate Court. Of concern is the high Pending to Disposal Ratio (PDR) in the Supreme Court & Island Courts. The lower the PDR the better, and ideally 1.0 for the Supreme Court and 0.5 for the Magistrate Court.
- Court of Appeal doing exceptionally well with PDR of 0.2
- Additional judicial resources may be needed to deal with the growing number of filings and the increased # of pending cases.
- Another key indicator is the Attendance Rate (measures the number of visits/appearances at court to dispose a matter). The target for all courts internationally is to keep this indicator as low as possible. The attendance rates for completed cases in the year 2023 has been consistent to 2022.
- The productivity of our judges and magistrates still remains consistent, despite having less judges & magistrates, again this reflect a solid year, with respect to disposals per judicial officer on average with 116 per Judge and 267 per Magistrate in a year.

## CONTINUED

- The Court of Appeal yet again continues to provide world standards such as timeliness being consistent & clearance rate. Despite more cases being filed, CoA still managed to finalize cases bringing its clearance rate to 119%, of highest quality in service to this country.
- There continues to be a similar percentage of Supreme Court cases being appealed - running at 8%.
- The ongoing commitment that the Supreme Court shows to the criminal workload has ensured the timeliness of cases to be finalized (average is less than 180 days), The attendance rates (approximately 4 attendances), and the relatively low number of pending cases reflects a positive outcome for this work in 2023.
- With Civil cases, attendance rate still high due to completion of many old cases which has direct impact and cost to the parties. Most of our current pending cases are under judicial management and we are working to ensure each case has a future listing date, (another international court indicator).
- The enforcement matters in the Supreme Court has seen attendance rate similar to civil matters and is still high. Preferable to see the rate lower and will be looked at in the first part of the year.
- Reserved Judgments in the Supreme Court now stand at 44 cases and approximately half of these judgments are older than 90 days and will continue to be a focus for Judges in 2024.

## CONTINUED

- From an Island Court perspective, the clearance rate at 98%, is a positive improvement, still more resources needs to be allocated to the Island Court to tackle the continuous increase in registration however, a positive turnaround in registration and finalization of cases in 2023 - reflecting confidence building up in the Island Courts.
- Finally, with respect to the Magistrates Court, as mentioned earlier the Court took on a record where the number of filings are slightly down on previous years and finalization has significantly decreased compared to 2022. A possibility of this decrease is because some of the outer islands still doing manual registration e.g. Malampa, Tafea and others – needs actioning in 2024.
- Over the last years, filing of PI in the Magistrate court has increased substantially.
- Criminal matters in the Magistrate court have decreased in 2023.
- Filing of DV cases are low compared to 2022 but still consistent above 1000 but finalization did not match the incoming workload in 2023.

## CONTINUED

- Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – for example, gender, as well as the criminal charge outcomes and charge orders associated with the cases. The 2023 detailed analysis will appear on the website within the week.
- We have at our disposal more court performance indicators which allow us to assess the operation, impact and efficiency of our case management protocols and ensure greater transparency about the performance of the courts, and insights into case management.
- Our ability to reflect on the performance of the courts at the end of 2023 is a credit to the Chief Registrar and his team, and as I have mentioned in previous years, our ability to present to you, the Government and the Community, our 2023 performance analysis within the month of January is testament to the work of many.

# SUPREME COURT

## Key Messages

- SC filings again were over 800 – with 840 cases filed
- SC finalization were up from 2022 at 757
- Clearance rate less than 100% - at 90%, but overall, the last 8 years at 103% - a solid effort
- Pending increase over 800 at 923, due to high filling in 2023
- PDR is 1.2 – which is slightly above the target of 1.0 for any Supreme Court
- There are still approximately 24% of cases older than 2021 that should be assessed
- Timeliness for completing Criminal cases continues to be consistent – now at 193 days versus 198 last year – and Civil cases also consistent from 484 days to 493 days – a good result

## Overall

- Pending still manageable amongst the judges and 24% of cases are older than 3 years – needs actioning
- Judicial output (productivity) – as calculated by disposals/full time Judicial Officer – remains consistent compared to previous years, despite less Judge in 2023 – good performance by the Judges
- Overall number of cases without a future listing has increase from previous years:
  - Only 45% of all pending cases have a future date (benchmark is 80%)
  - Over 55% are under ‘case management’ without a future listing.
- Attendance rates (which impact and cost to the community) are being monitored carefully. Some variance between case types – but overall similar to 2022

# MAGISTRATES COURT

## Key Messages

- MC filings were slightly down in 2023 from 2294 to 2160 - a decrease of 6 %
- MC finalizations were significantly down compared to 2022 from 2270 to 1833 – a decrease of 19 %.
- Clearance Rate was under 100%, at 85% in 2023 – the overall average for the last 8 years is at 100%
- Pending increased significantly from 918 in 2022 to 1357, thus adding over 400 cases to Pending #s
- PDR significantly increase to 0.7
- There are still approximately 28% of cases older than 2 years that should be assessed.
- Timeliness for completing Criminal cases – reduced from 172 days in 2022 to 145 days in 2023

## Overall

- Pending case numbers (open cases) increased significantly due to the Clearance Rate less than 100% at 85%.
- MC has a Pending to Disposal Ratio (PDR) of 0.7 which equates less than a year worth of outstanding cases. (Target is 0.5)
- Judicial output has remain consistent at 262 cases per Magistrate per year, despite one less Magistrate in 2023 – a good performance
- Overall number of cases without a future listing has increase from previous years:
  - Only 25% of all pending cases have a future date (benchmark is 80%)
  - Approximately 50% are under ‘case management’ and
  - 25% of without a future date
- 13 cases under Reserved Judgment

# ISLAND COURT

## Key Messages

- IC filings – increased over 20% in 2023, from 329 to 395 cases filed, compared to 2022
- IC disposals significantly increase from 238 cases to 388 a great increase of over 60% of 2022.
- Clearance rate just under 100% - at 98% - an increase, from 72% in 2022
- Pending slightly decrease from 701 to 652 cases – a decrease of 7% - still too high
- PDR at 1.1 - still too high
- There are now approximately 61% of cases older than 2 years equating to 398 cases that should be assessed

## Overall

- The continued increase in filing is a positive sign for the usage/patronage of the Court.
- A good finalization of cases this year has resulted in the Pending workload decreasing, gradually building back the confidence for the community to the Island Court
- Overall # of cases with a future listing is 33%
  - 57 % of cases are under case management and
  - 10% with no future date

# SUMMARY AGAINST MAJOR COURT PERFORMANCE INDICATORS

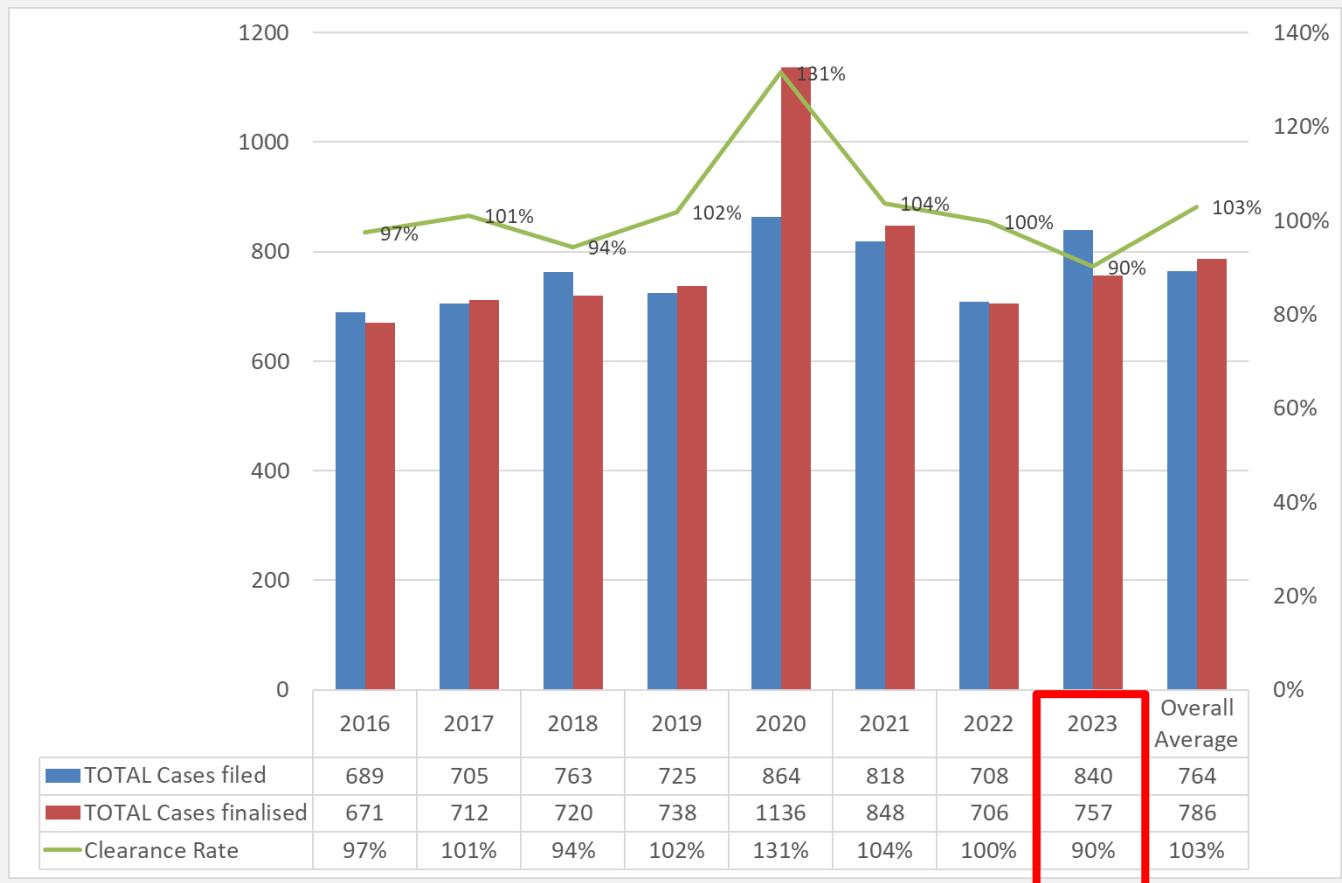
Court Indicator	Supreme Court	Magistrates Court	Island Court	Court of Appeal
Filing #s	Significantly up on 2022	Slightly down on previous years	Slightly up on 2022	Slightly up on 2022
Disposal #s	Slightly up on 2022	Significantly down on 2022	Significantly up on 2022	Significantly up on 2022
Clearance Rate	90%	85%	98%	119%
Pending #s	Slight increase on 2022	Significant increase on 2022	Minimal change still too high	Under control
PDR	Increased slightly to 1.2	Significant increase to 0.7	Still too high at 1.1	Excellent at 0.2
Pending age/tail	24% older than 3 years	28% older than 2 years	61% older than 2 years	Under control
Pending stages	Only 45% with future listing	Only 25 % with future listing	Only 33 % with future listing	Under control
Timeliness	Consistent	Reducing	Reducing	Consistent
Attendance Rate	Some variances between case types – overall similar to 2022	Some variances between case types – overall similar to 2022	Not applicable	Not applicable
Productivity	Consistent to previous years	Consistent to previous years	Not applicable	Not applicable
Reserved Judgments	Still some outstanding Judgments	Under control	Not applicable	Under control

# INDEX

1. Case workload	Page 12
2. Pending volumes	Page 31
3. Clearance rates	Page 44
4. Productivity	Page 46
5. Timeliness	Page 48
6. Court of Appeal	Page 51
7. Criminal case outcomes	Page 55
8. Criminal charge outcomes & orders	Page 59
9. Attendance rates	Page 62
10. Party details	Page 66

# I. CASE WORKLOAD

# SUPREME COURT TOTAL WORKLOAD



Cases being filed in 2023 again over 800 cases reflecting a very high workload. Clearance rate 90% less than the targeted 100% - but finalization were up on 2022.

The overall average for the last 8 years is 103% - solid performance over a long period.

Ref: SCTV

# SUPREME COURT CRIMINAL WORKLOAD

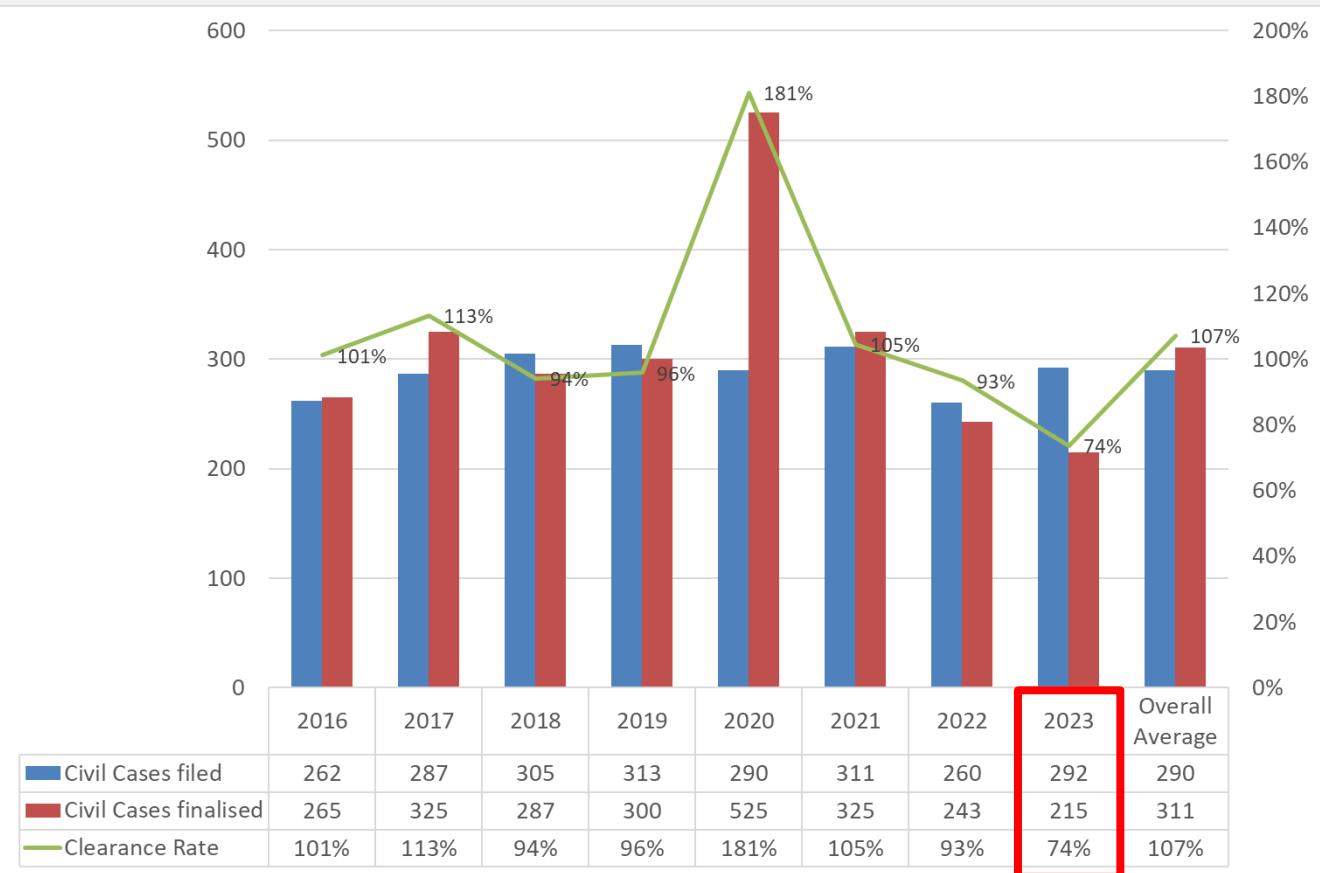


With Criminal cases being filed by the OPP #'s it has been consistently over 200 cases in past 4 years, compared to 2022, 246 is well over 206 – almost 20 % increase. Clearance rate for the year is around the same as in 2022, 93 %, below the target of 100%.

The overall average for the last 8 years is 99% - still solid.

Ref: SCCW

# SUPREME COURT CIVIL WORKLOAD

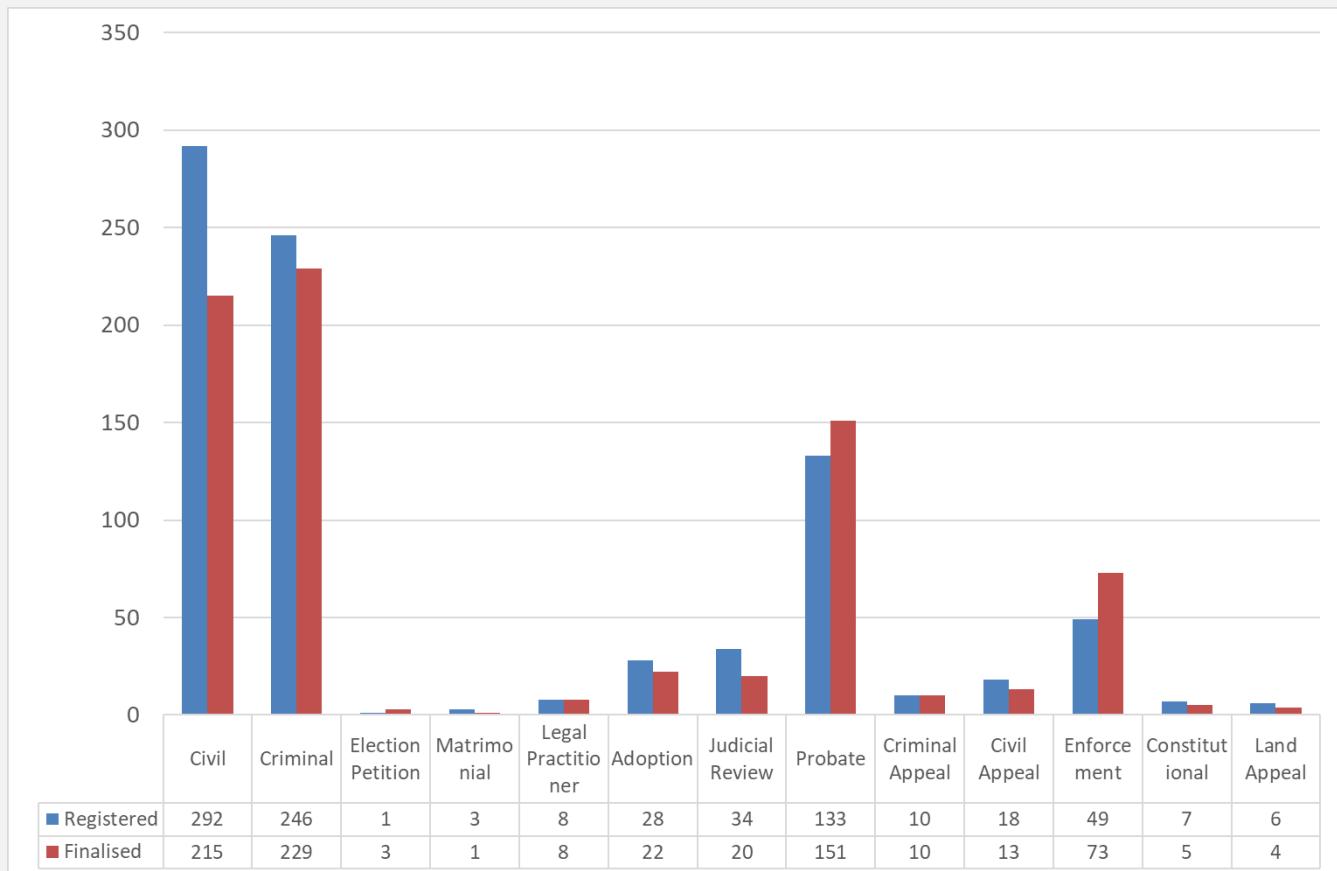


Civil cases being filed has increased from 260 in 2022 to 292 in 2023, however Clearance Rate is well below target rate 100% to 74% in 2023 as finalizations have dropped – thus Civil Pending #s grew by almost 80 cases.

The overall average for the last 8 years is 107%.

Ref: SCCiW

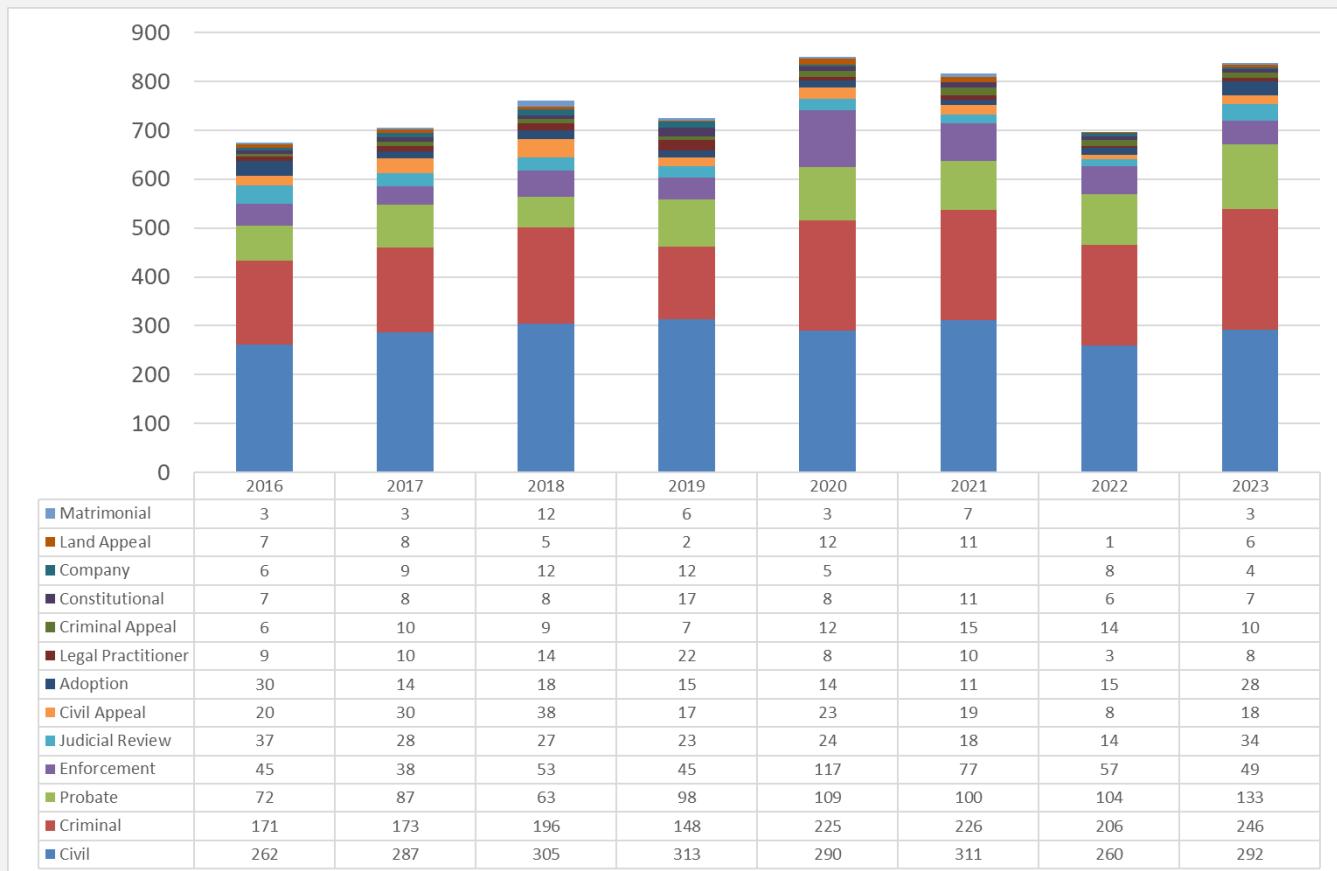
# SUPREME COURT ALL CASE WORKLOAD



Civil and criminal workload accounts for approximately 2/3rds of the Supreme Court filings and both failed to finalize as many as registered. Also seen a high number of Probate matters.

Ref: SSCAllW

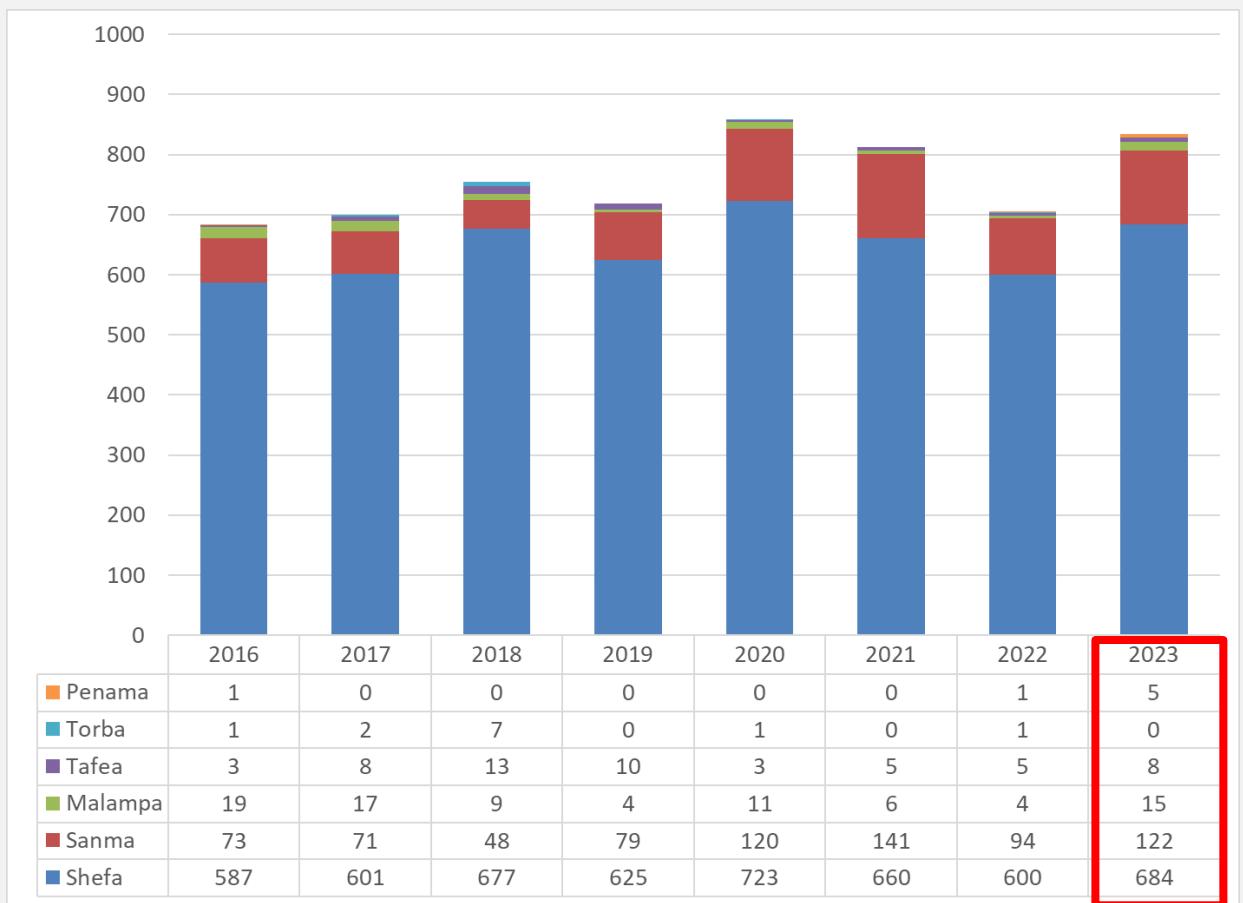
# SUPREME COURT WORKLOAD TRENDS



A mix of a few increase in criminal , adoption, judicial review and probate matters over the years and civil matters has been stable.

Ref: SCTrendW

# SUPREME COURT LOCATION WORKLOAD



Case filings emanating from 2 main provinces has seen an increase while the other provinces still showing very low number over the years.

Ref: SCLocationW

# MAGISTRATES COURT TOTAL WORKLOAD

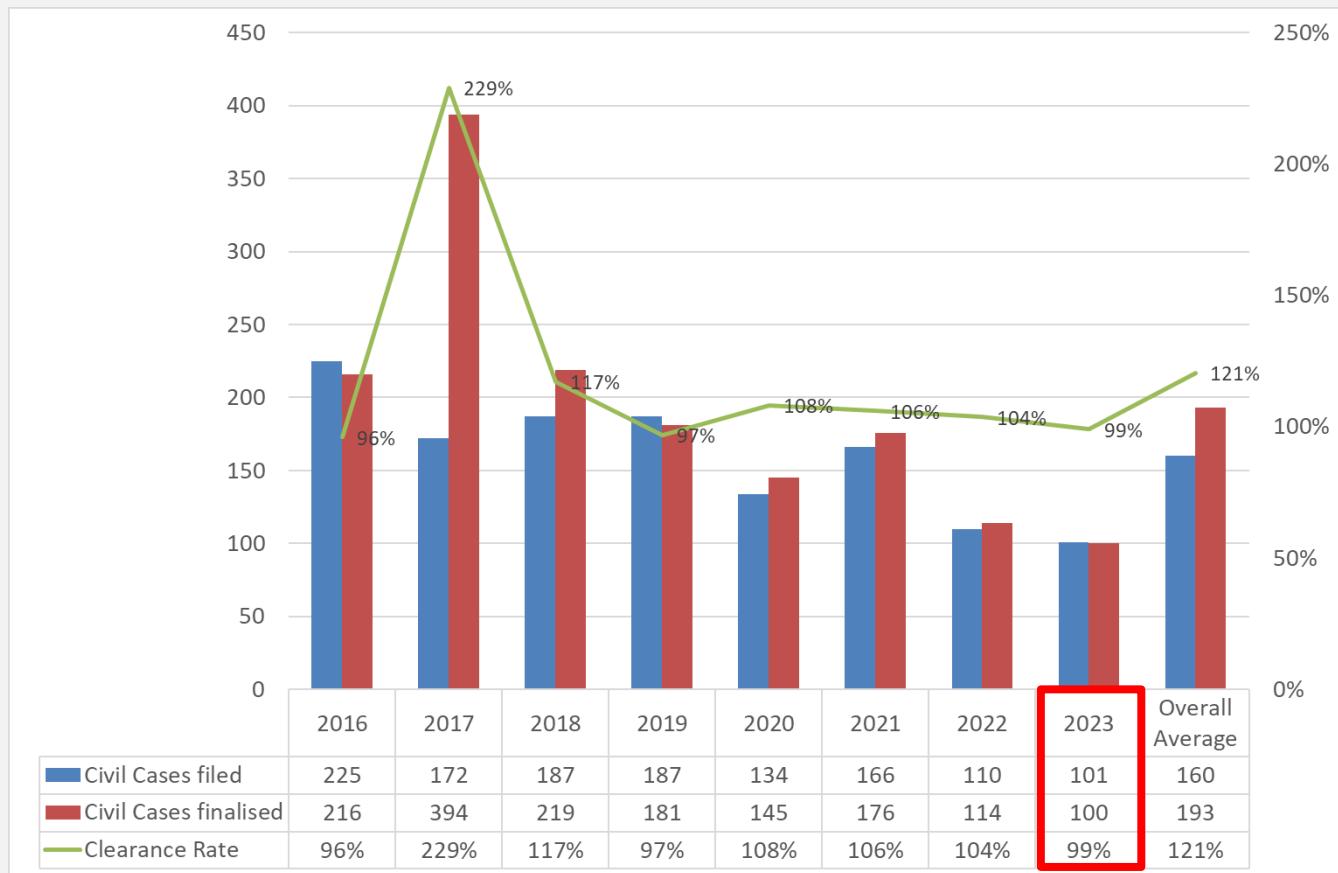


Cases filed were significantly down in 2023 and finalizations were significantly down compared to previous years, and this means unable to reach a Clearance Rate of 100%, at 85% in 2023 – adding over 400 cases to Pending #s.

The overall average for the last 8 years is 100%

Ref: MCTW

# MAGISTRATES COURT CIVIL WORKLOAD

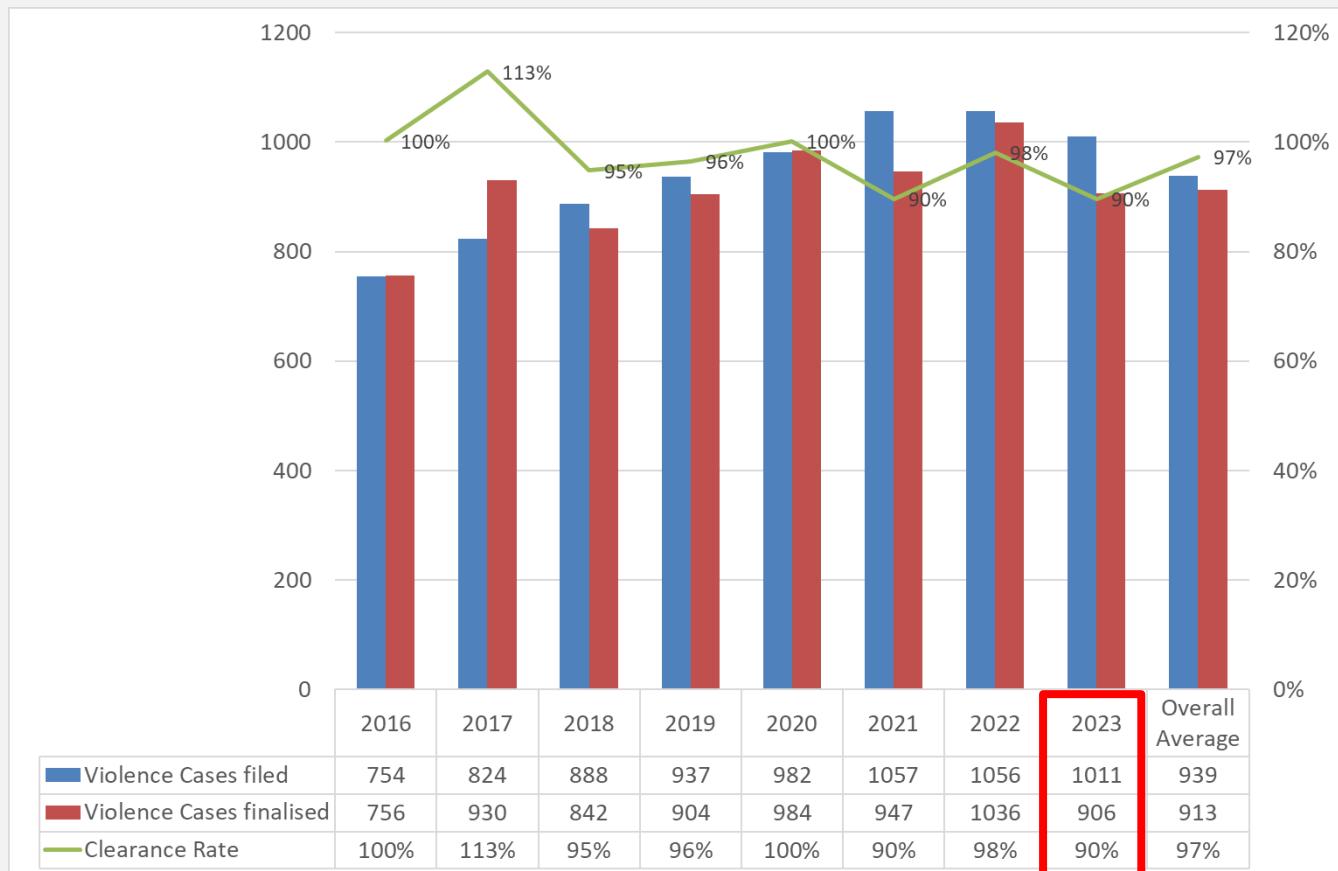


Civil filings & finalizations were slightly down from 2022, lowest seen over the past years.

The overall average for the last 8 years is 121% - a solid performance, meaning civil pending #s have dropped.

Ref: MCCiW

# MAGISTRATES COURT DV WORKLOAD



Protection orders (non-criminal) filings are slightly low but still consistent above 1000 in the last 3 years but finalizations did not match the incoming work in 2023 – which warrants investigation.

The overall average for the last 8 years is 97%.

Ref: MCDVW

# MAGISTRATES COURT PI WORKLOAD

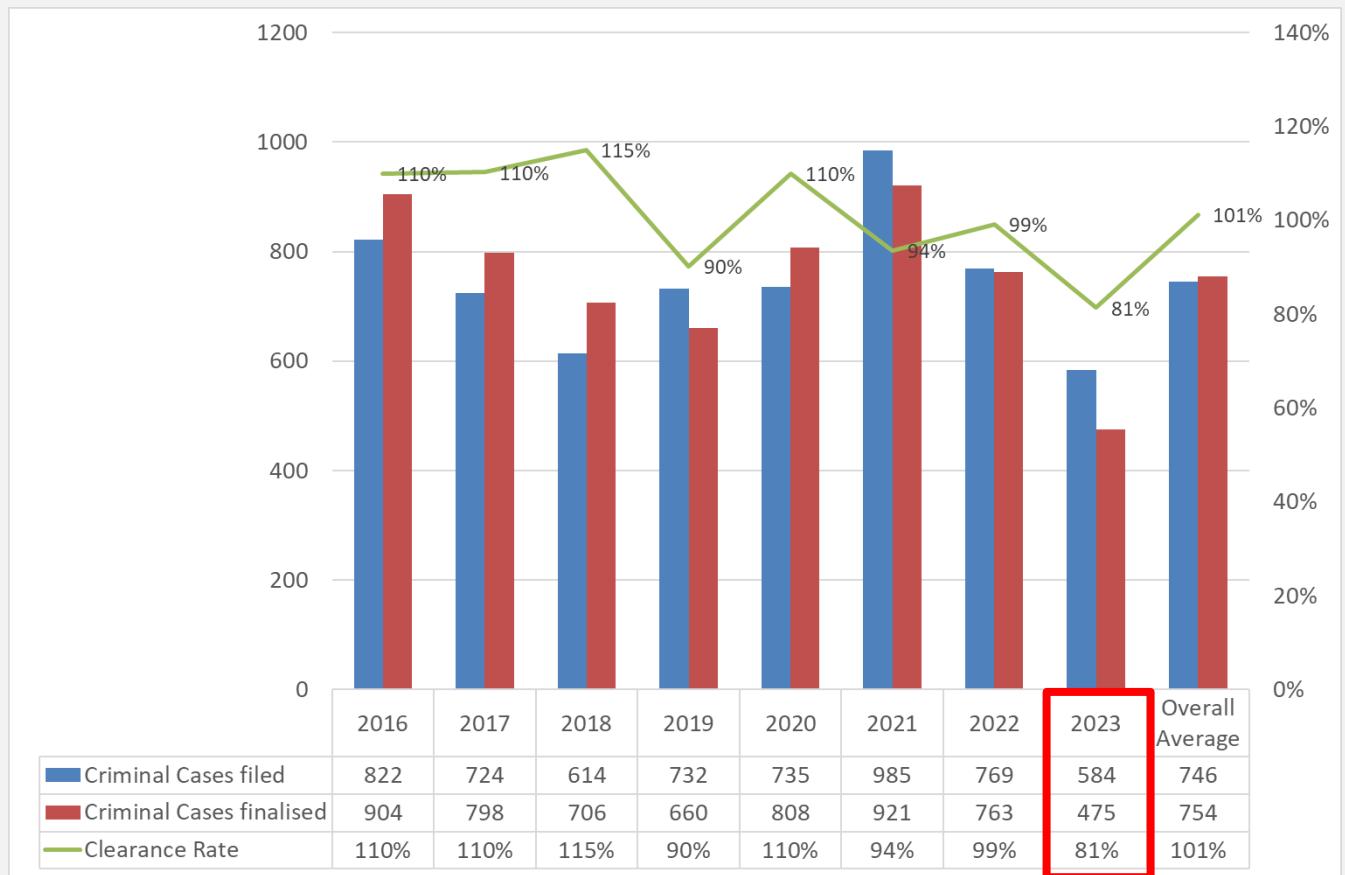


PI matters filed by the OPP were the highest for many years. Finalizations remained similar to 2022 and Clearance was a low 73% in 2023, with almost 100 cases added to Pending #s. Average clearance rate over the last 8 years is 94%.

This workload is thus expected to flow on to the Supreme Court in the coming year.

Ref: MCPIW

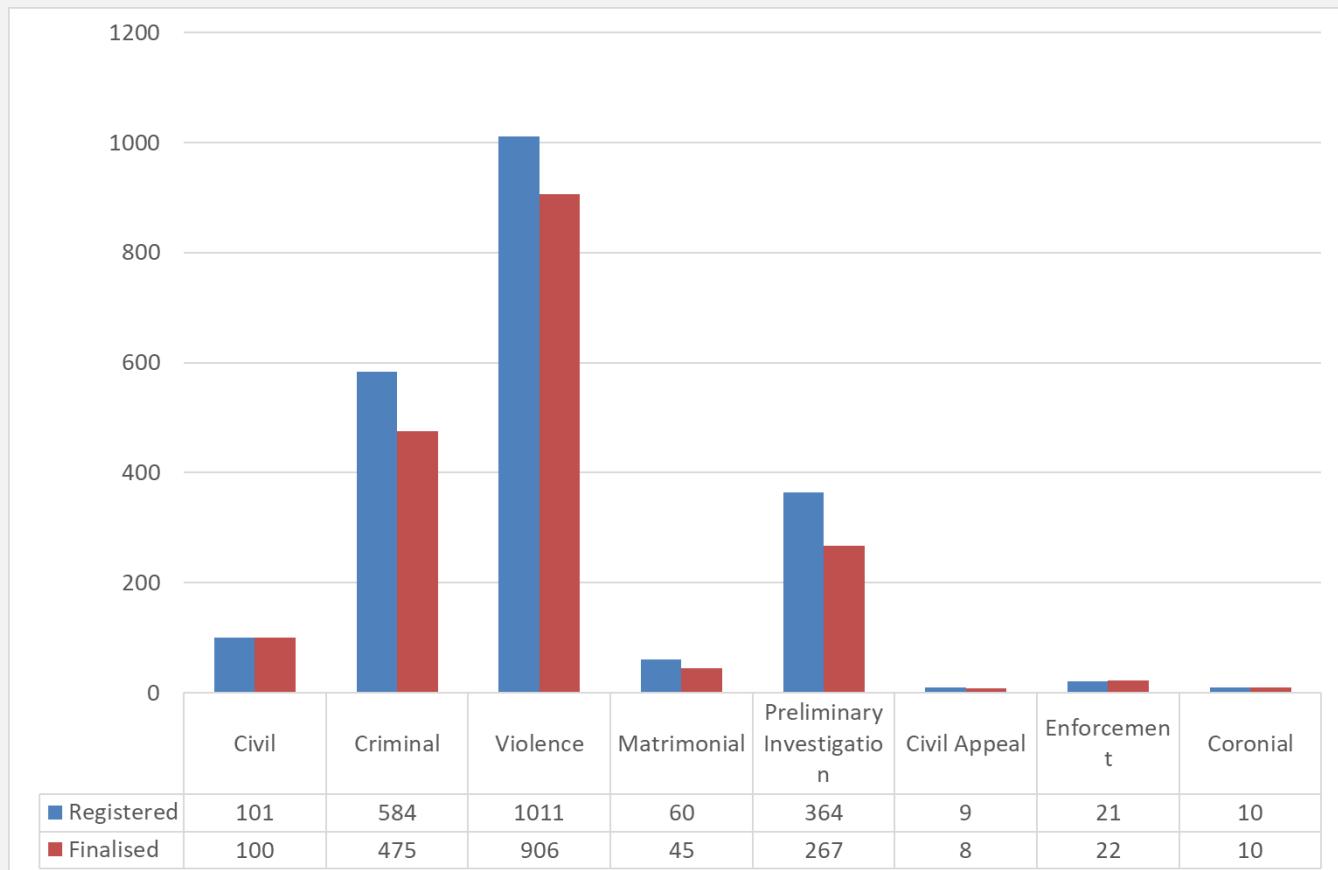
# MAGISTRATES COURT CRIMINAL WORKLOAD



The filings emanating from VPF/SPD has decreased significantly compared to previous years, the lowest seen for criminal matters. Like fillings, the lowest finalizations #s seen. Clearance Rate dropped to 81%, with Pending #'s increasing by over 100 .The overall average for the last 8 years is 101% - still solid.

Ref: MCCW

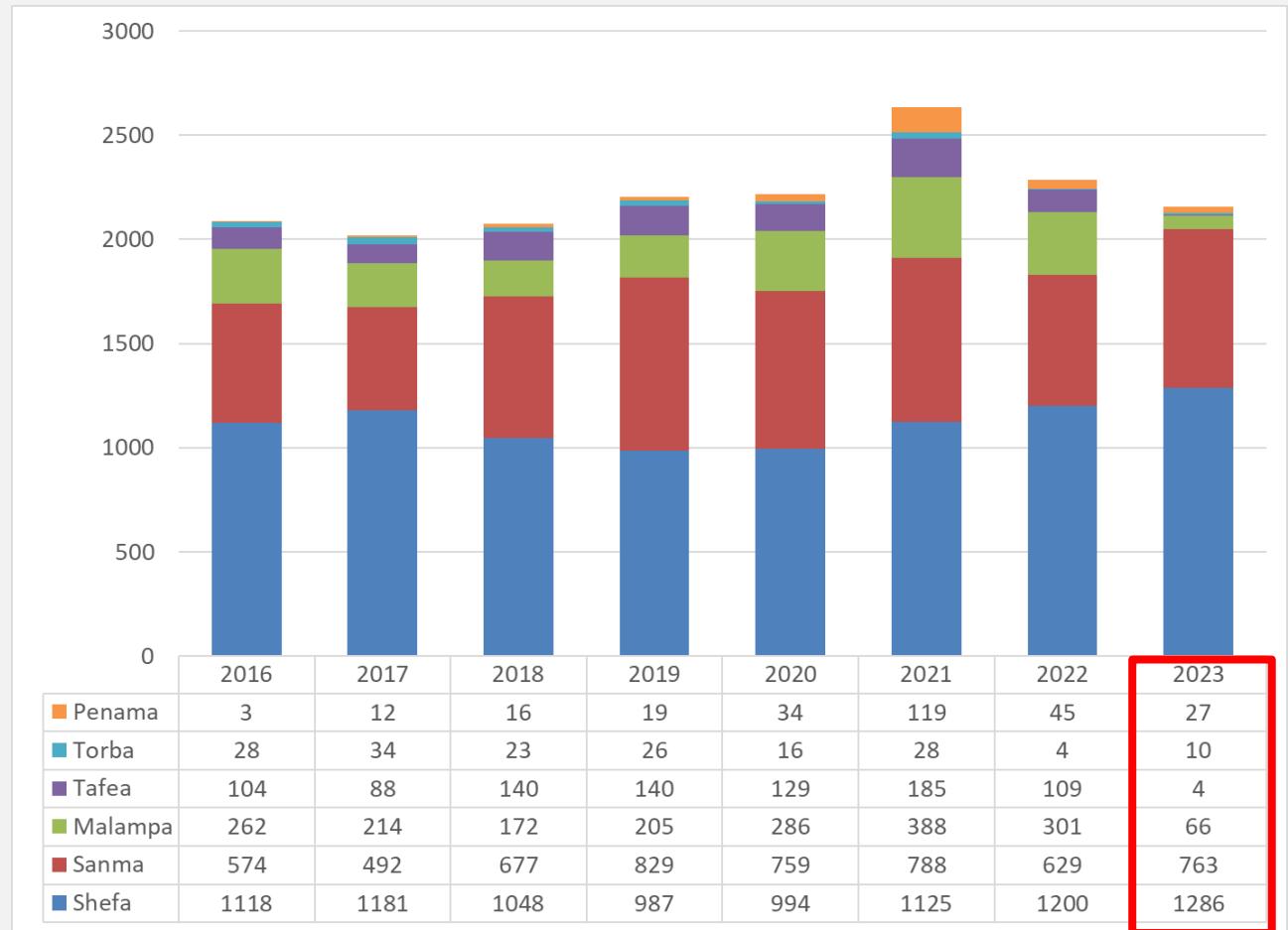
# MAGISTRATES COURT ALL CASE WORKLOAD



Violence (protection orders), Criminal and Preliminary Investigation matters continue to be the biggest case filing types in the MC.

Ref: MCAIIW

# MAGISTRATES COURT LOCATION WORKLOAD



Rate of filings for Sanma and Shefa still the highest workload compared to other provinces over the 8 years. For other provinces e.g. Malampa & Tafea showing very low number compared to past years - a factor could be due to manual registration

Manual registration #s - 323 cases for Malekula & 129 cases for Tanna in 2023

Ref: MCLocationW

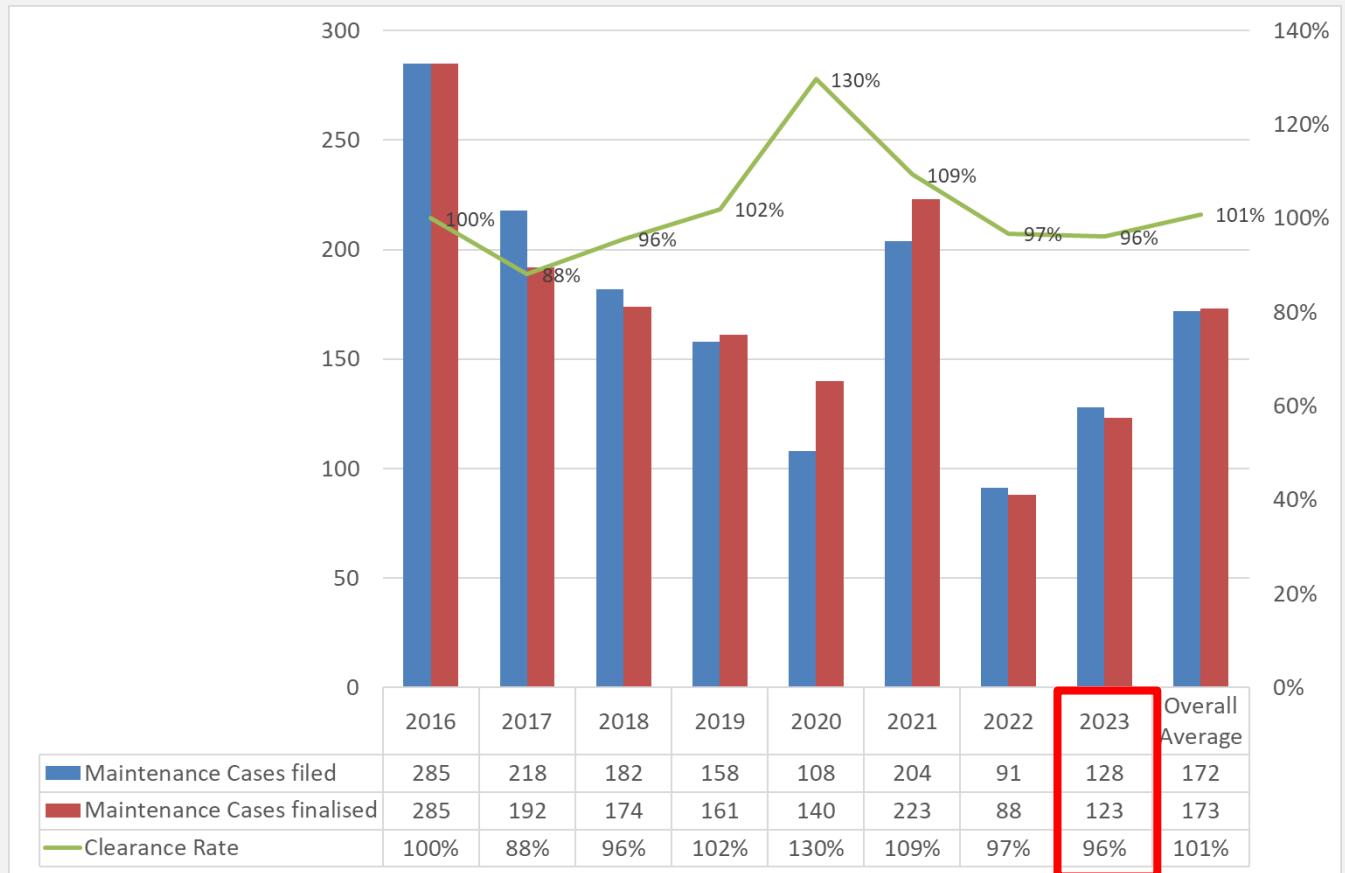
# ISLAND COURT TOTAL WORKLOAD



Cases filed has increased by over 20 % in 2023, and finalizations were also up from previous years. Clearance rate at 98% just under the 100% target - a solid year considering the increasing filings.

Ref: ICTW

# ISLAND COURT MAINTENANCE WORKLOAD



Maintenance matters has increased 40% compared to 2022. Clearance Rate was close to 100% at 96% - a solid effort considering the increased fillings. Overall, Clearance rates have an average of 101% over the last 8 years.

Ref: ICMW

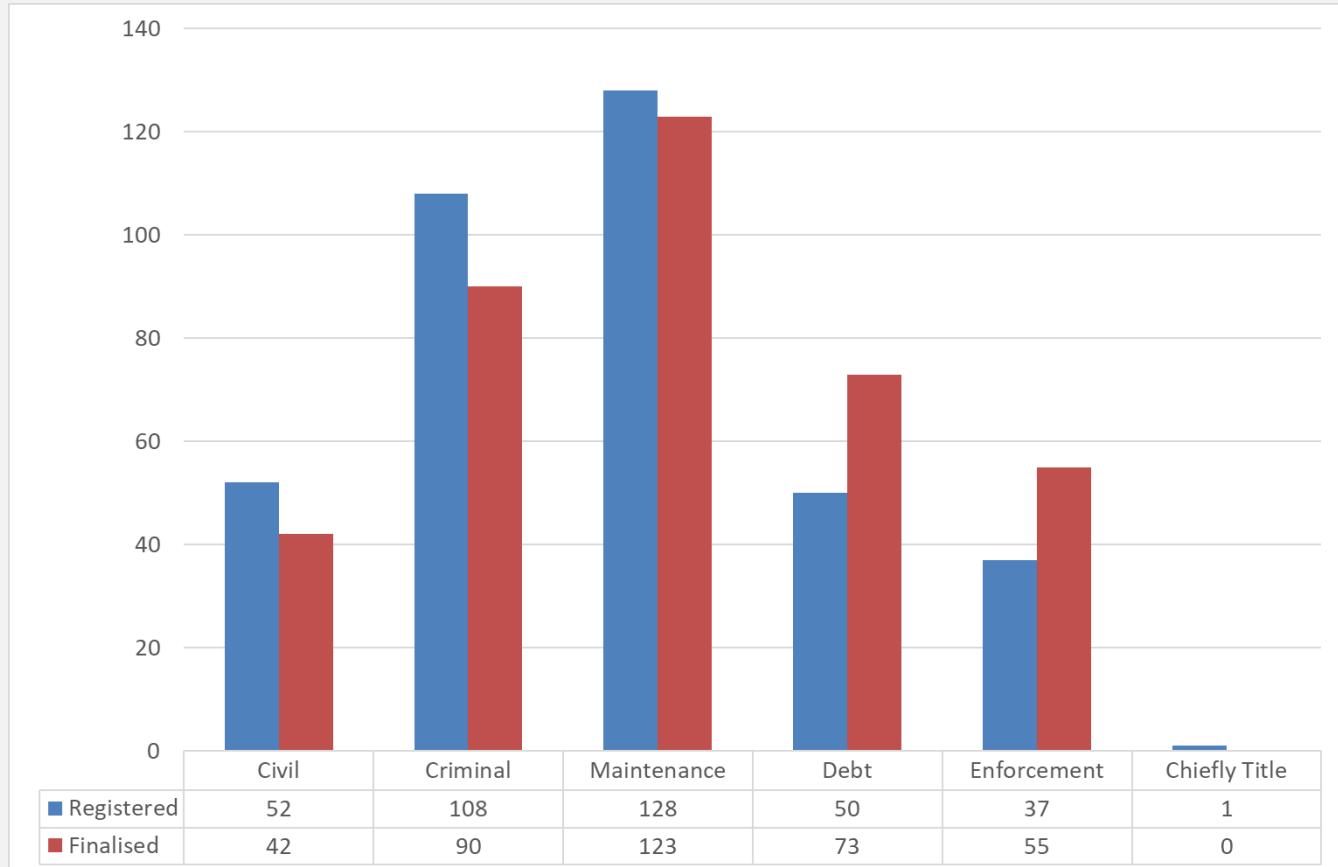
# ISLAND COURT CRIMINAL WORKLOAD



Criminal cases filling and finalization has increase over 100% compared to previous years – an improvement for criminal matters, but still unable to get a 100% Clearance rate, at 83% considering the increase large in filling. Average clearance rate is 92%.

Ref: ICCW

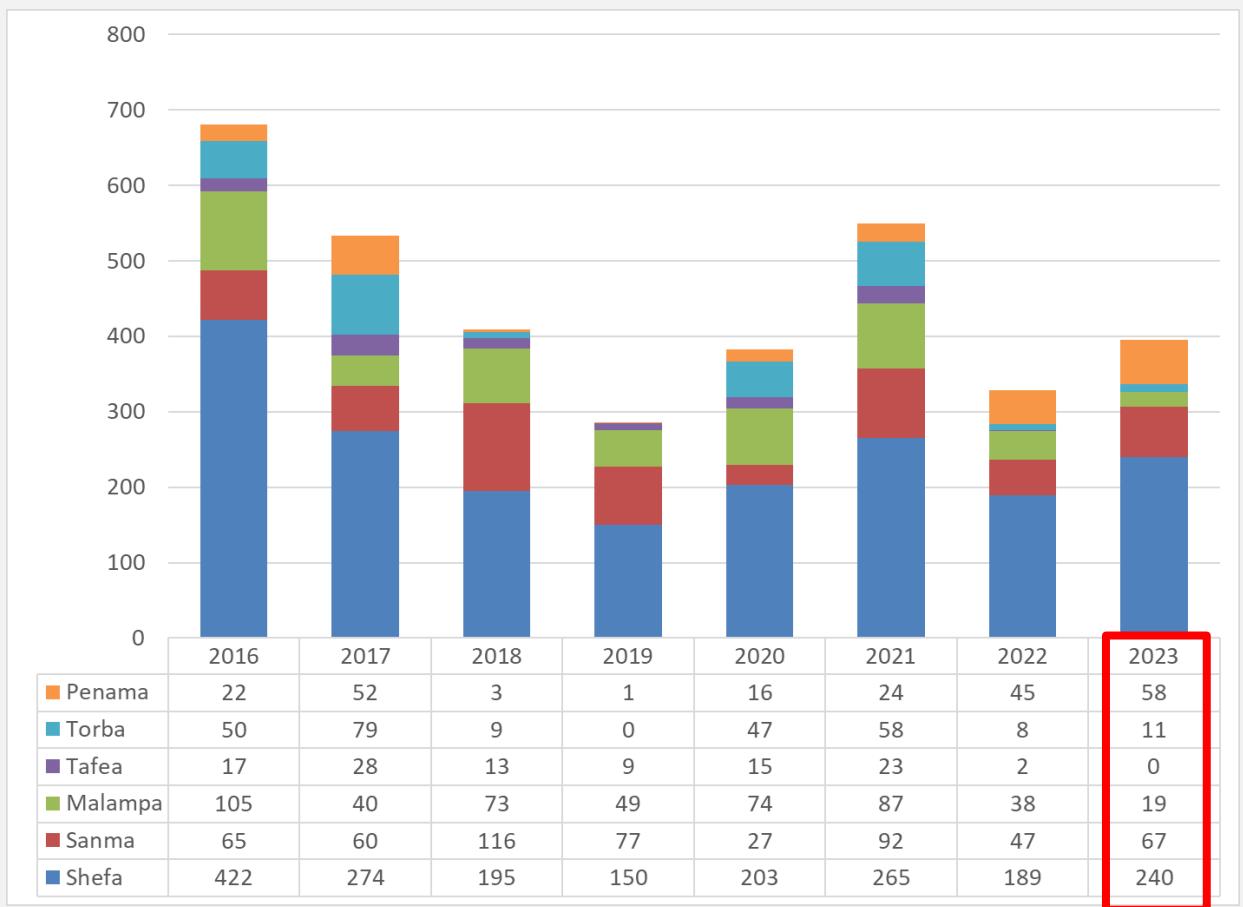
# ISLAND COURT CASE WORKLOAD



Maintenance and Criminal matters are the biggest caseload on the Island Court.

Ref: ICAllW

# ISLAND COURT LOCATION WORKLOAD



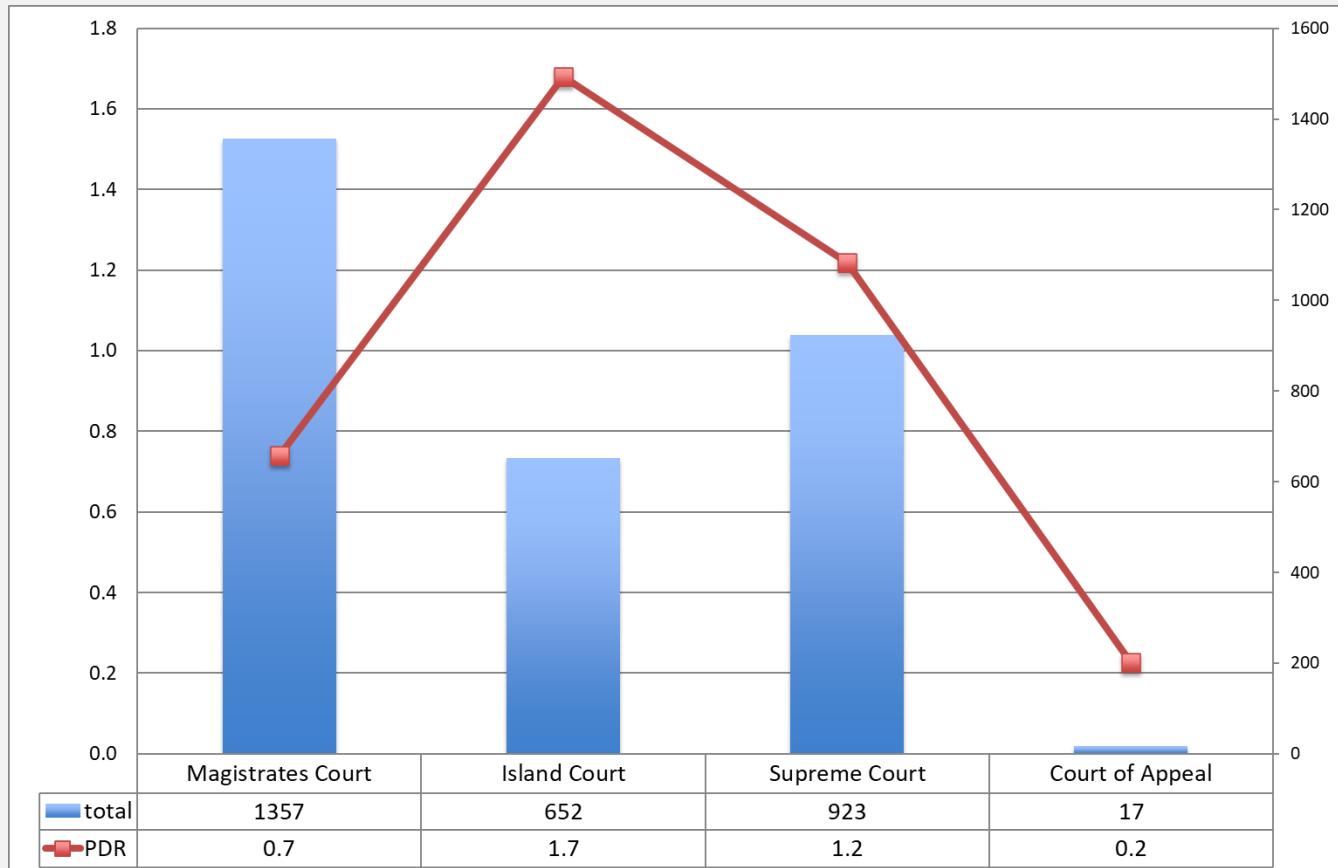
In 2023, most provinces have seen an increase in cases being filed, e.g. Shefa & Sanma, whereas seen a decrease for the other provinces compare to 2022 e.g. Tafea & Malampa province – a factor could be due to manual registration.

Manual registration #s - 27 cases for Malekula & 38 cases for Tanna in 2023

Ref: ICLocationW

## **2. PENDING CASES**

# PENDING CASES BY COURT

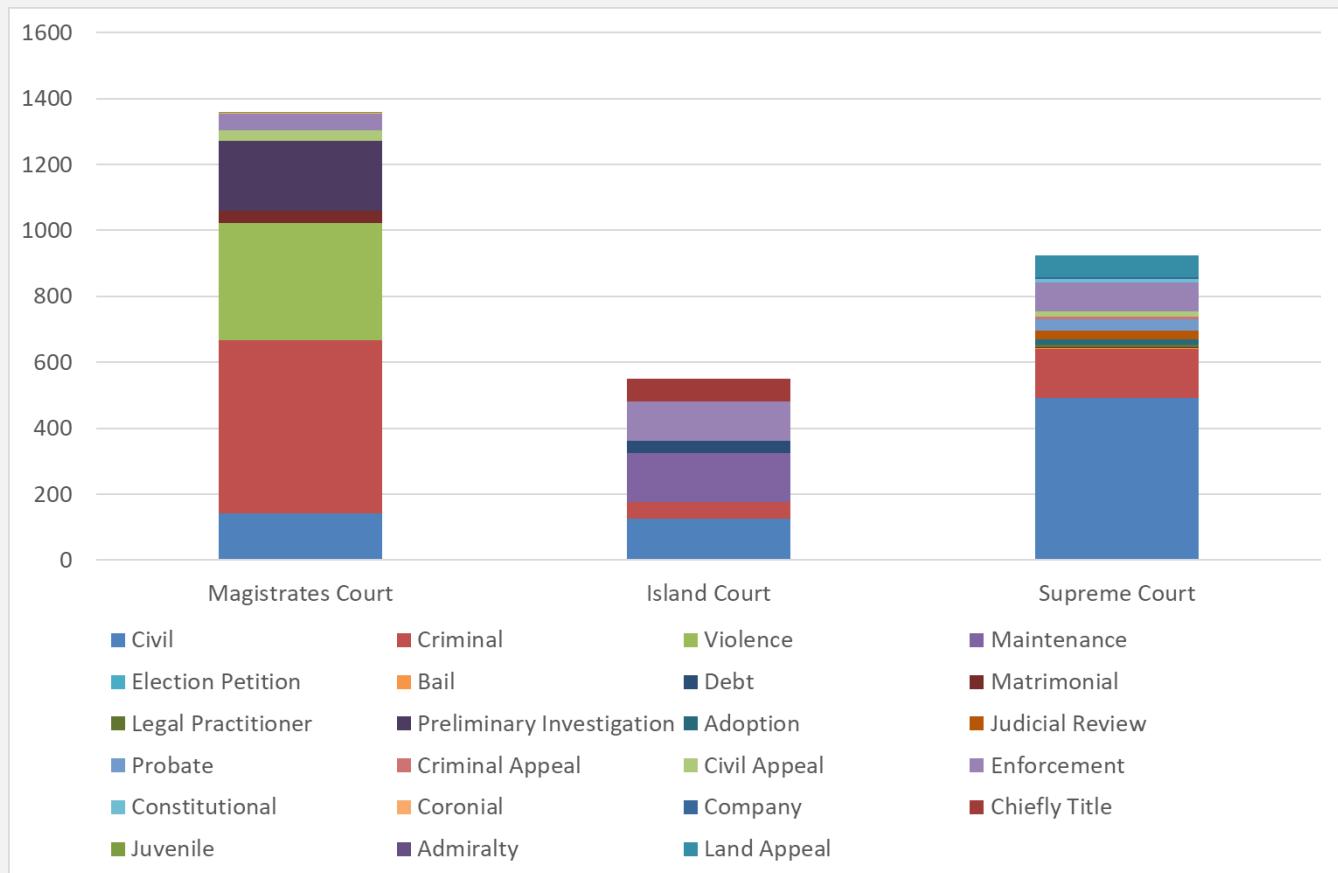


2,949 cases are now pending across the four jurisdictions, with 46% in the Magistrate Court. Of concern is the high Pending to Disposal Ratio (PDR) in the Supreme Court, Magistrates Court & Island Courts. The lower the PDR, the better - and ideally under 1.0 for the Supreme Court and 0.5 for the Magistrate Court.

Court of Appeal doing exceptionally well with PDR of 0.2

Ref: AllPending

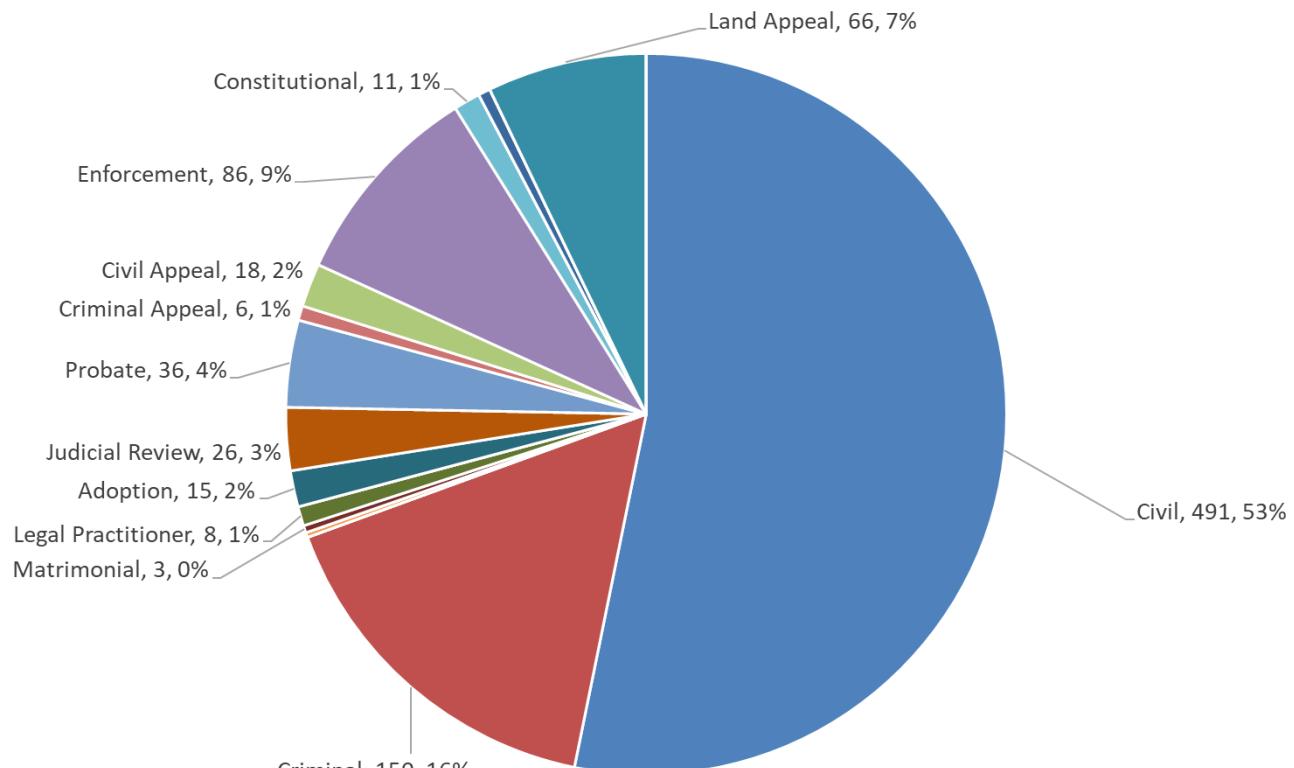
# PENDING BY COURT BY CASE TYPE



Each court has its own mix of case type pending ratios as shown in detail in the following charts.

Ref:AllPendingCase

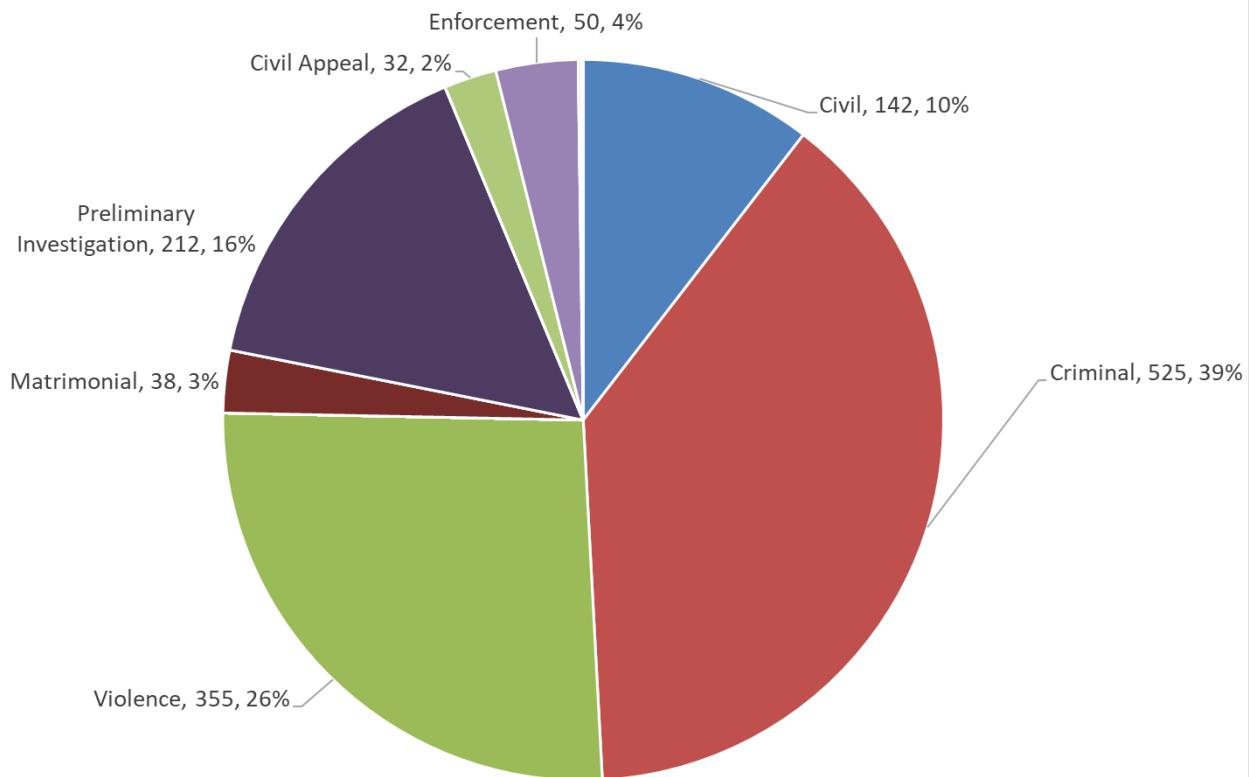
## PENDING SUPREME COURT BY CASE TYPE



Clearly shows the significant % that Civil cases make-up the largest % of the Supreme Court pending workload, Criminal being the second largest % .

Ref: SCPending

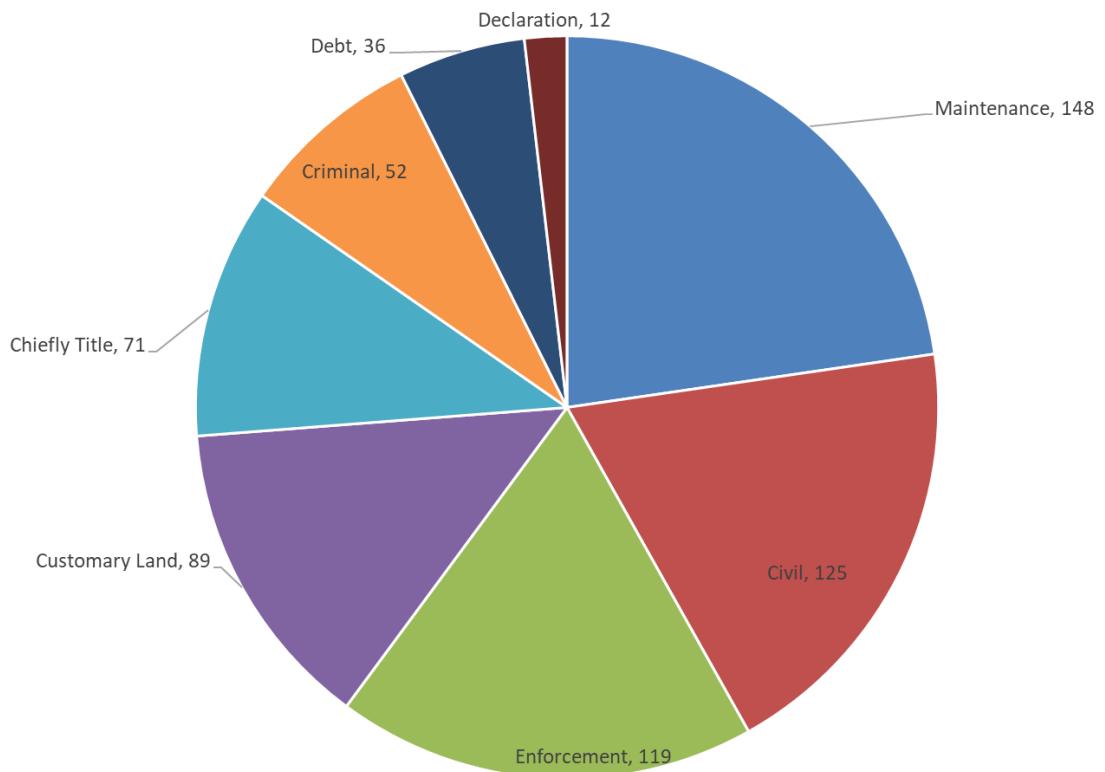
## PENDING MAGISTRATES COURT BY CASE TYPE



Criminal cases make up the largest component of MC Pending workload, followed by Violence (Domestic protection orders).

Ref: MCPending

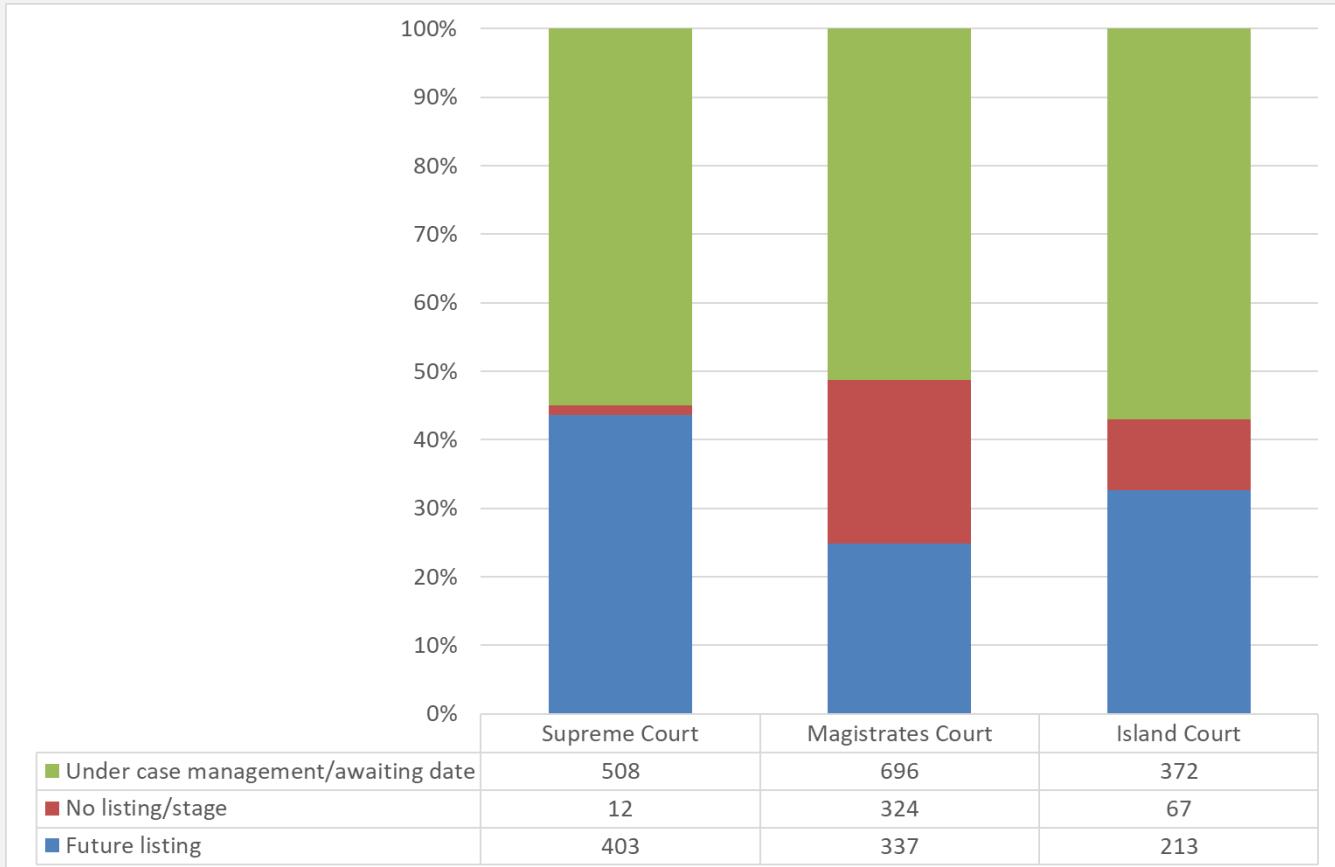
## PENDING ISLAND COURT BY CASE TYPE



The overall # of pending cases in the Island Court are evenly spread across the major case types of the Court.

Ref: ICPending

## PENDING BY COURT BY LISTED OR NOT LISTED



Cases with a future listing (shaded blue) should typically be approximately 80% of the pending case load. Each court has a significant challenge to address the high % of cases without future listings, e.g., especially the Magistrates Court. The impact on the parties cannot be under-estimated by this low % of listed matters i.e. not aware of what may be happening next.

Ref:AllPendingListed

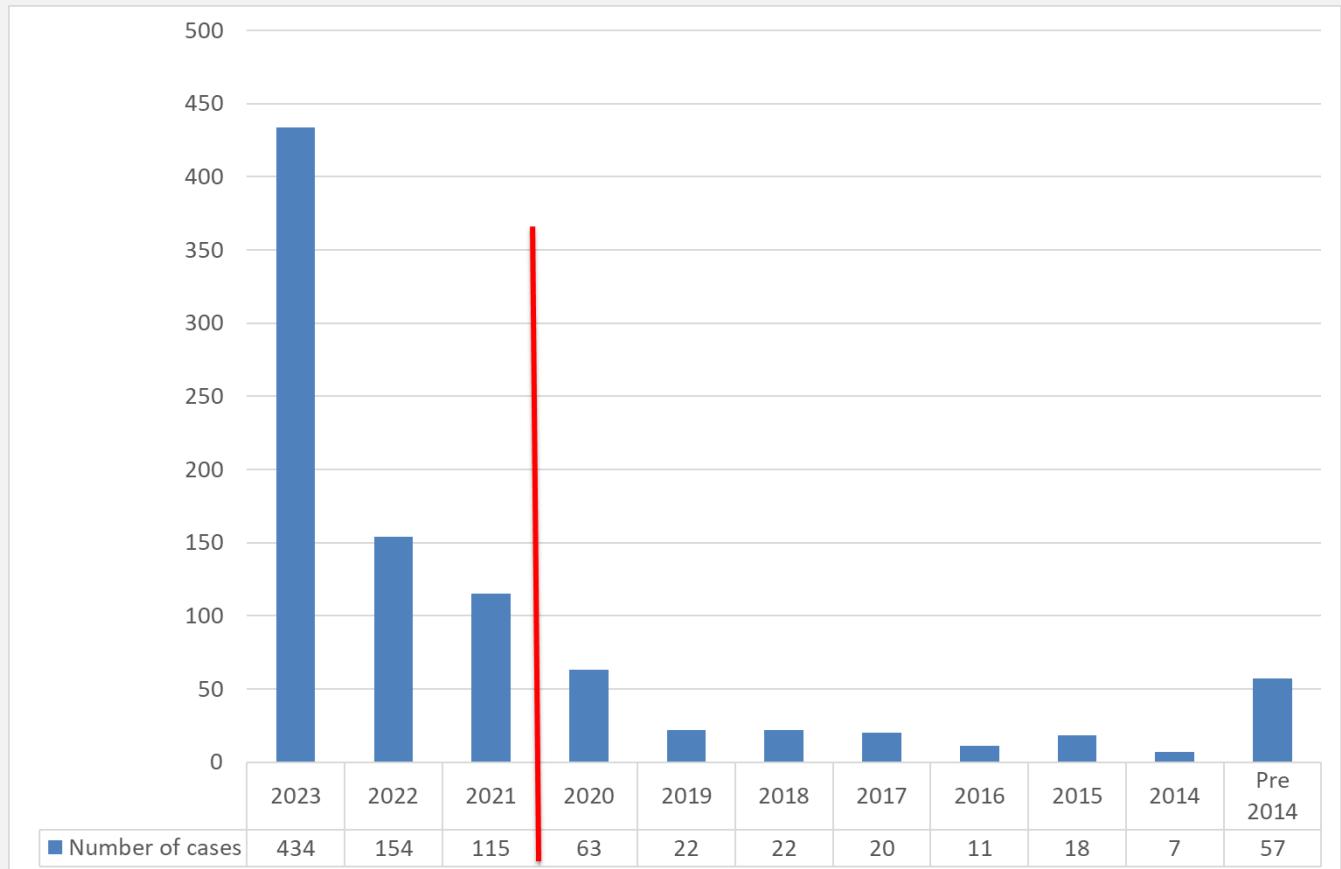
# PENDING TREND SUPREME COURT



Trend clearly shows a slight decrease in pending cases for Enforcement & Probate cases, however an increase in pending cases for Civil and Criminal matters, due to low clearance rate in 2023.

Ref: SCPendingYear

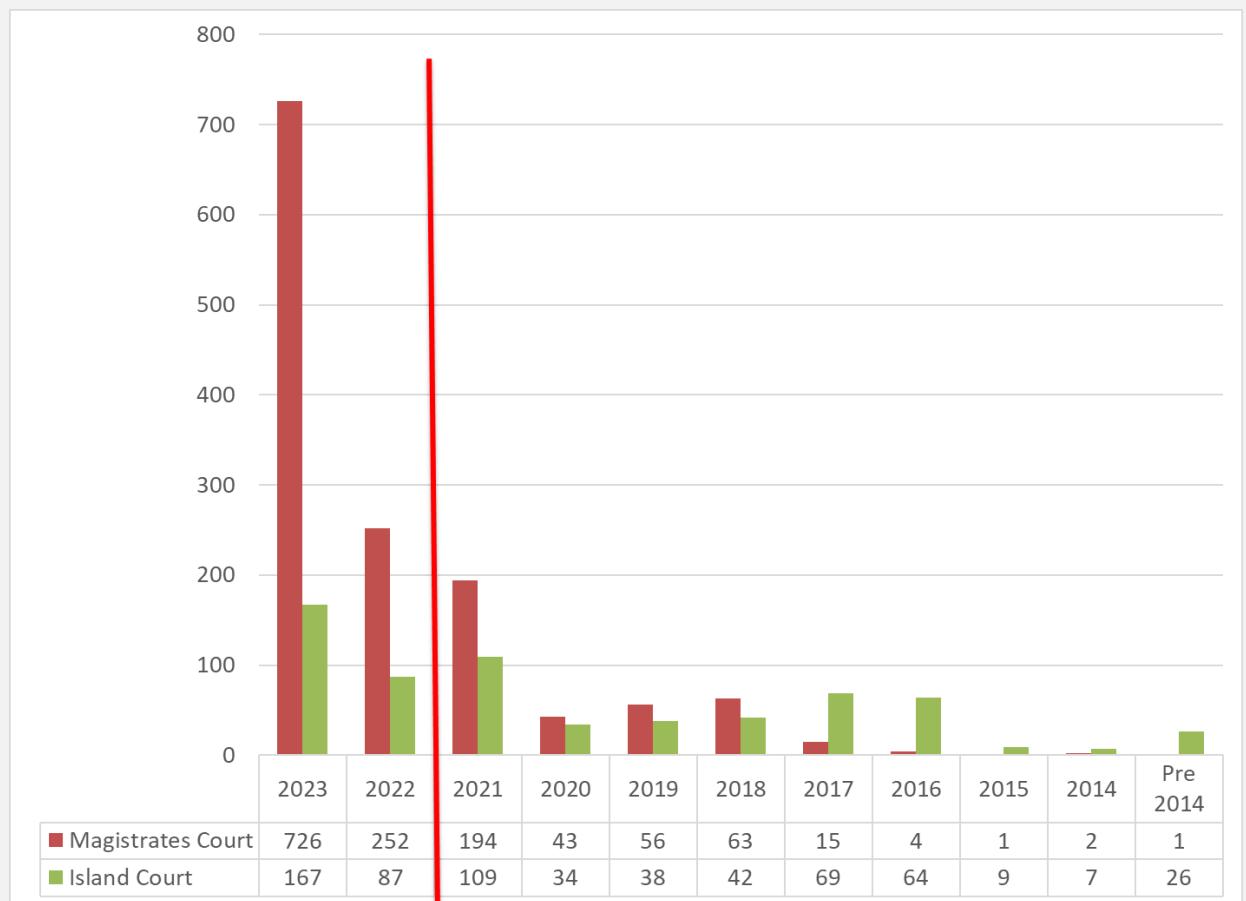
## PENDING AGE SUPREME COURT



Approximately 24% of cases are older than 3 years (2020 and earlier), equating to 220 cases. Further work on addressing these specific old cases needs to be undertaken.

Ref: SCPendingAge

## PENDING AGE MAGISTRATES & ISLAND COURTS

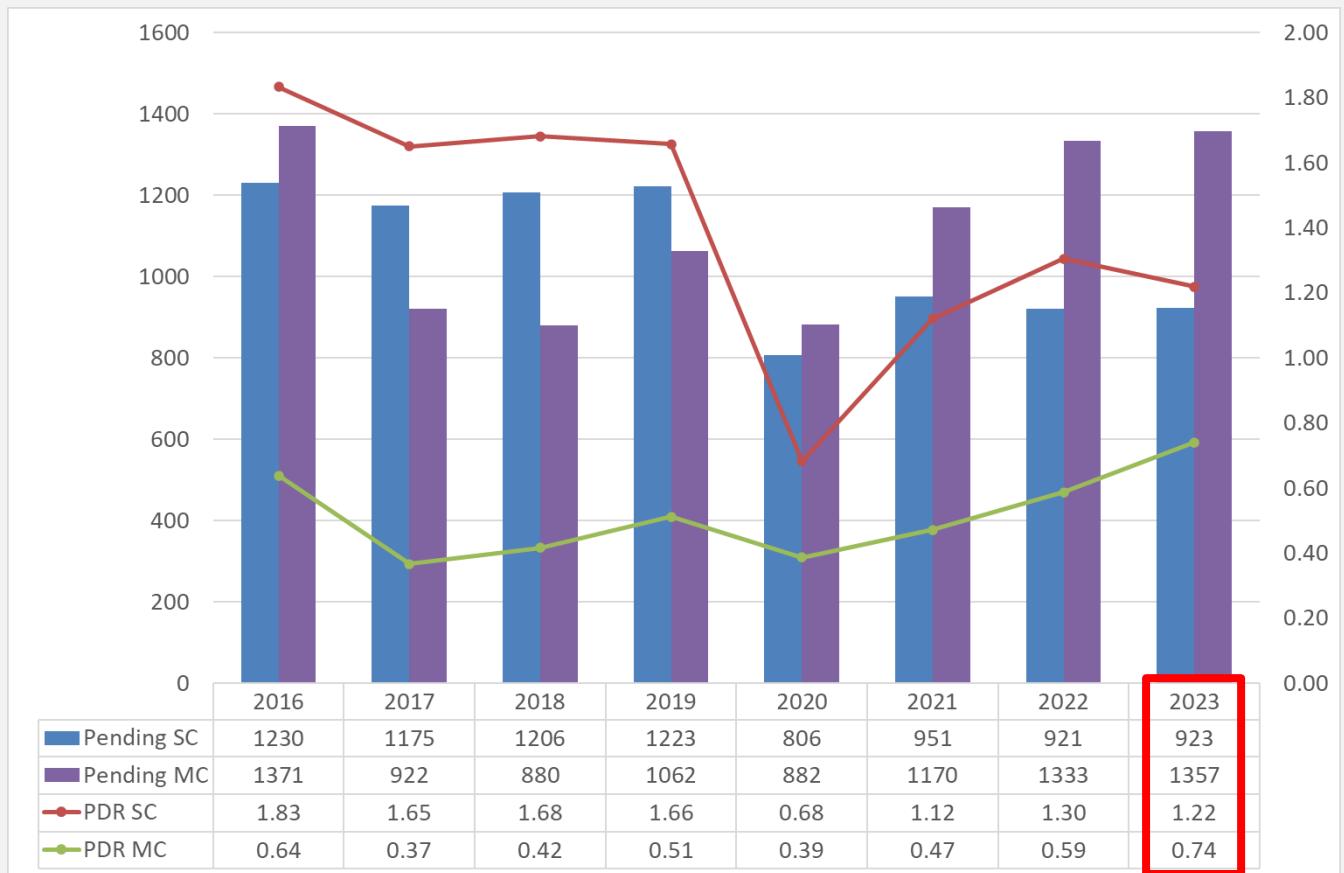


Approximately 61% of cases are older than 2 years (2021 and earlier) for Island Court, reallocation of resources need to be reconsidered to support IC to deal with these cases which equate to 398 cases.

28% of cases are older than 2 years for MC, work equating to 379.

Ref:AllPendingAge

# PENDING TRENDS AND PDR

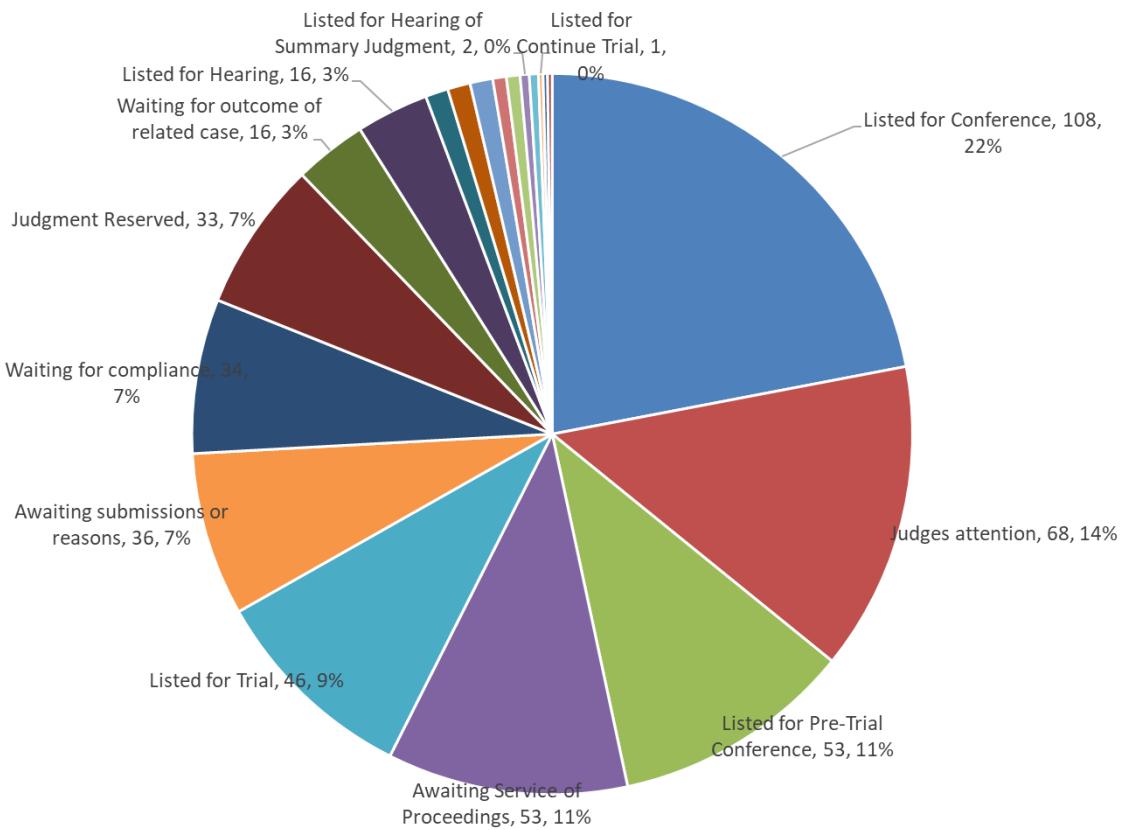


The lower the PDR (Pending to Disposal Ratio) – the better. Supreme Court has a high PDR approximately 1.22 which equates to more than a year worth of outstanding cases. (Target is typically 1 or less for a superior court)

Magistrate Court has a PDR of 0.74 which equates to more than half a year's work. (target is typically .5 or less for a lower court)

Ref: SCMPendingPDR

# PENDING STAGE SUPREME COURT CIVIL

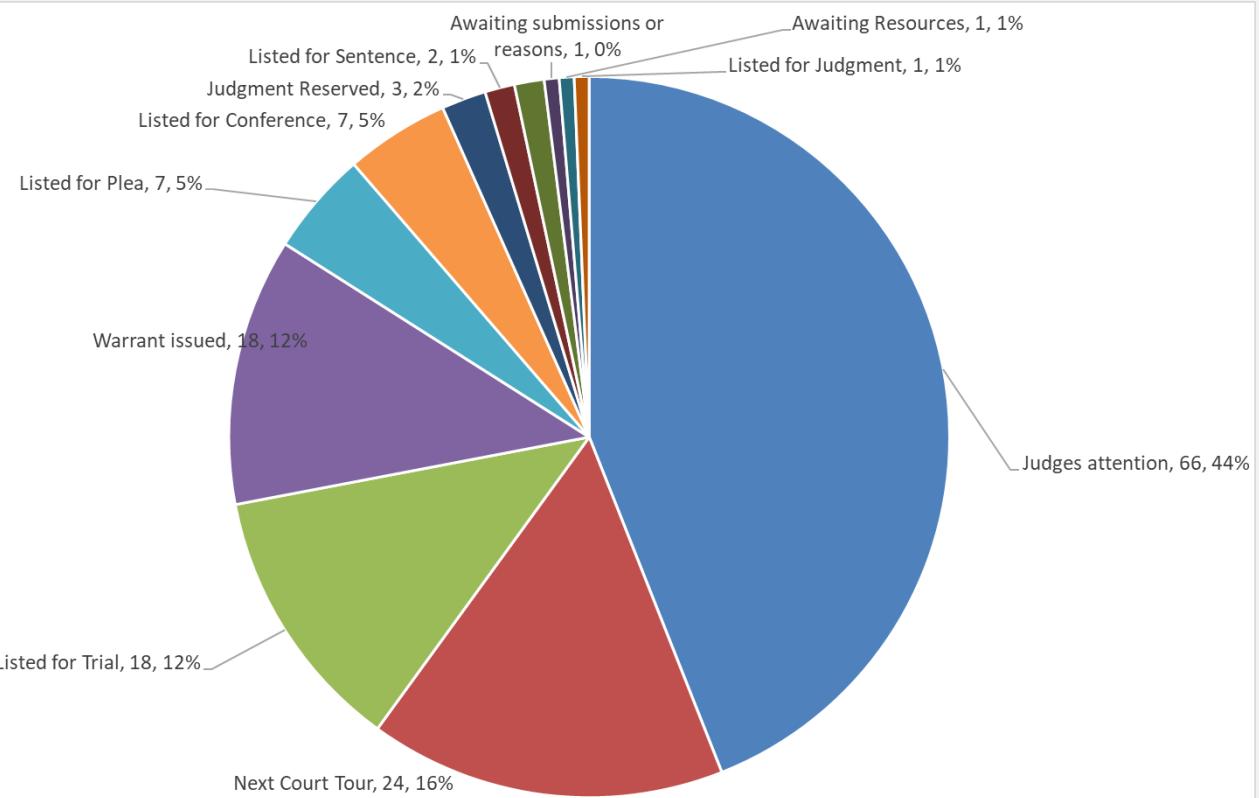


About 45% of the overall pending caseload is listed/ready for trial/hearing (benchmark is 80%).

Emphasis needed to ensure cases can be listed and prepared quickly for trial.

Ref: SCPendingCi

# PENDING STAGE SUPREME COURT CRIMINAL

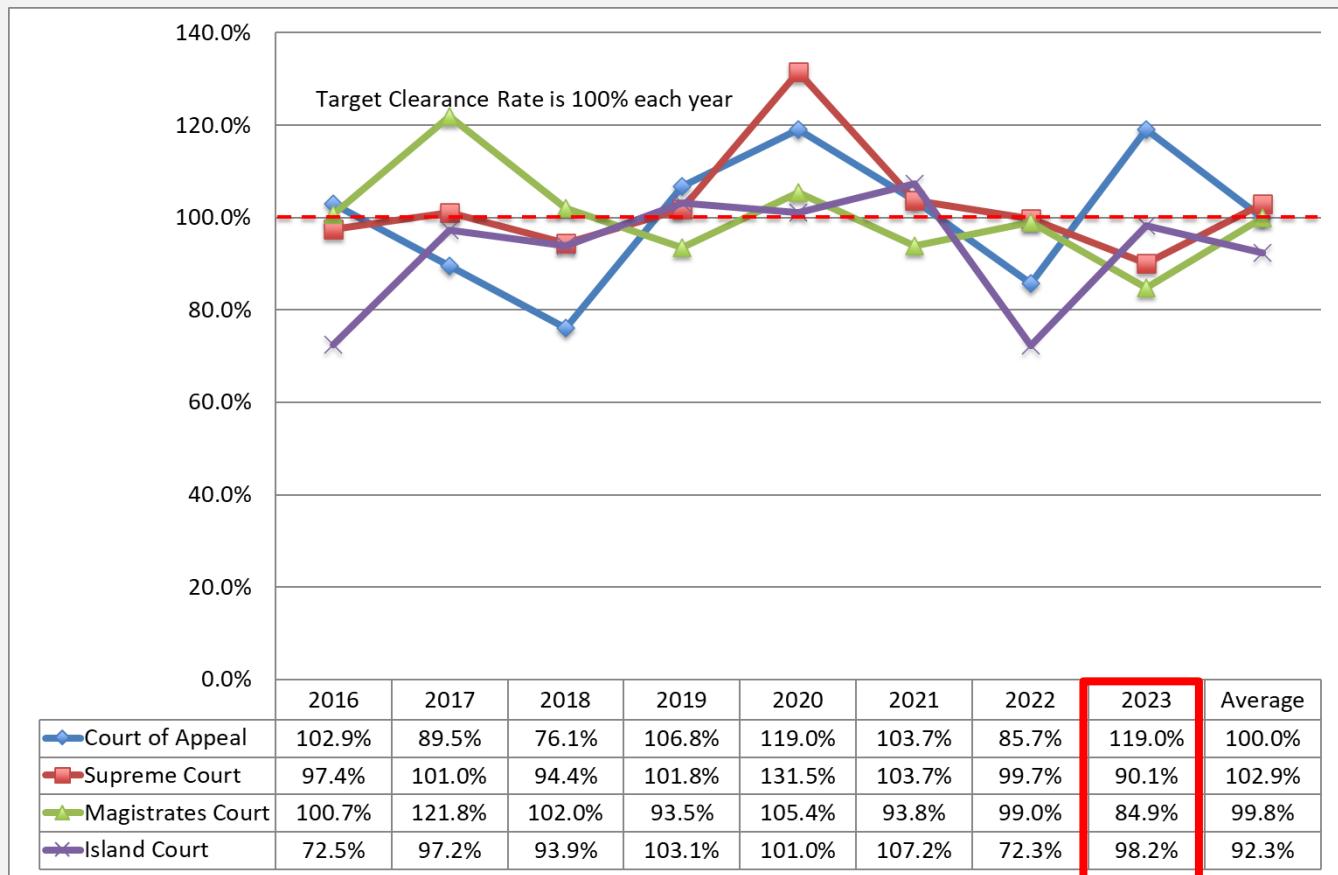


Only 24% of criminal pending matters are listed and almost 76% of the criminal pending matters are not listed. (44% with Judges attention, 12% warrant issued, 20% with awaiting resources/submission & next court tour – needs investigation.

Ref: SCPendingC

### 3. CLEARANCE RATES

# CLEARANCE RATE TRENDS



Clearance Rate are under 100% for all courts except for Court of Appeal at 119.0%, in 2023.

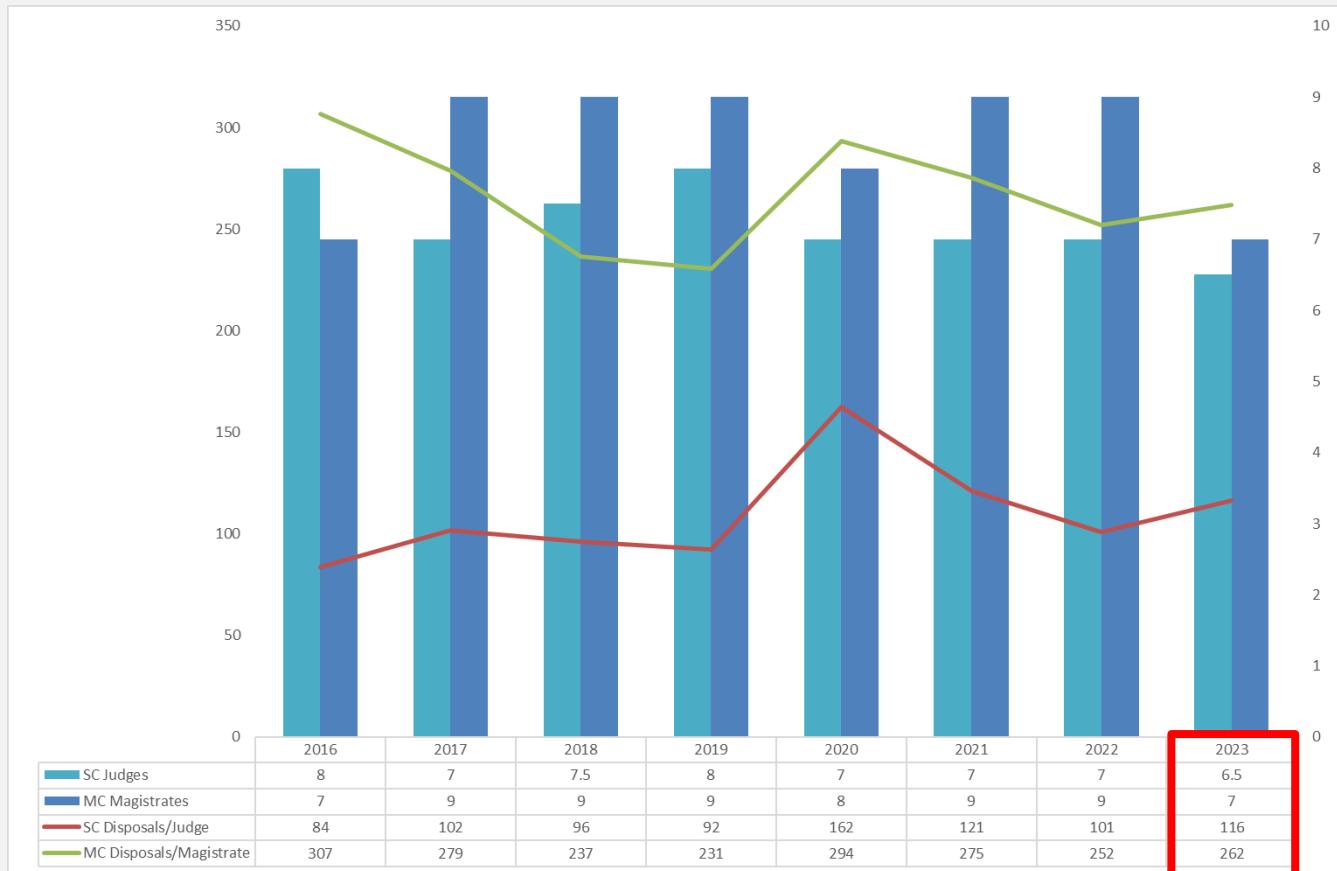
Both the Court of Appeal and Supreme Court have been able to achieve an average Clearance Rate of just over 100% over the last 8 years – Magistrate Court at 100%. If less than 100% - a court's pending workload naturally increases.

A very solid performance over the years.

Ref: AllCRate

## 4. JUDICIAL PRODUCTIVITY

# DISPOSAL RATES PER JUDGE & MAGISTRATE

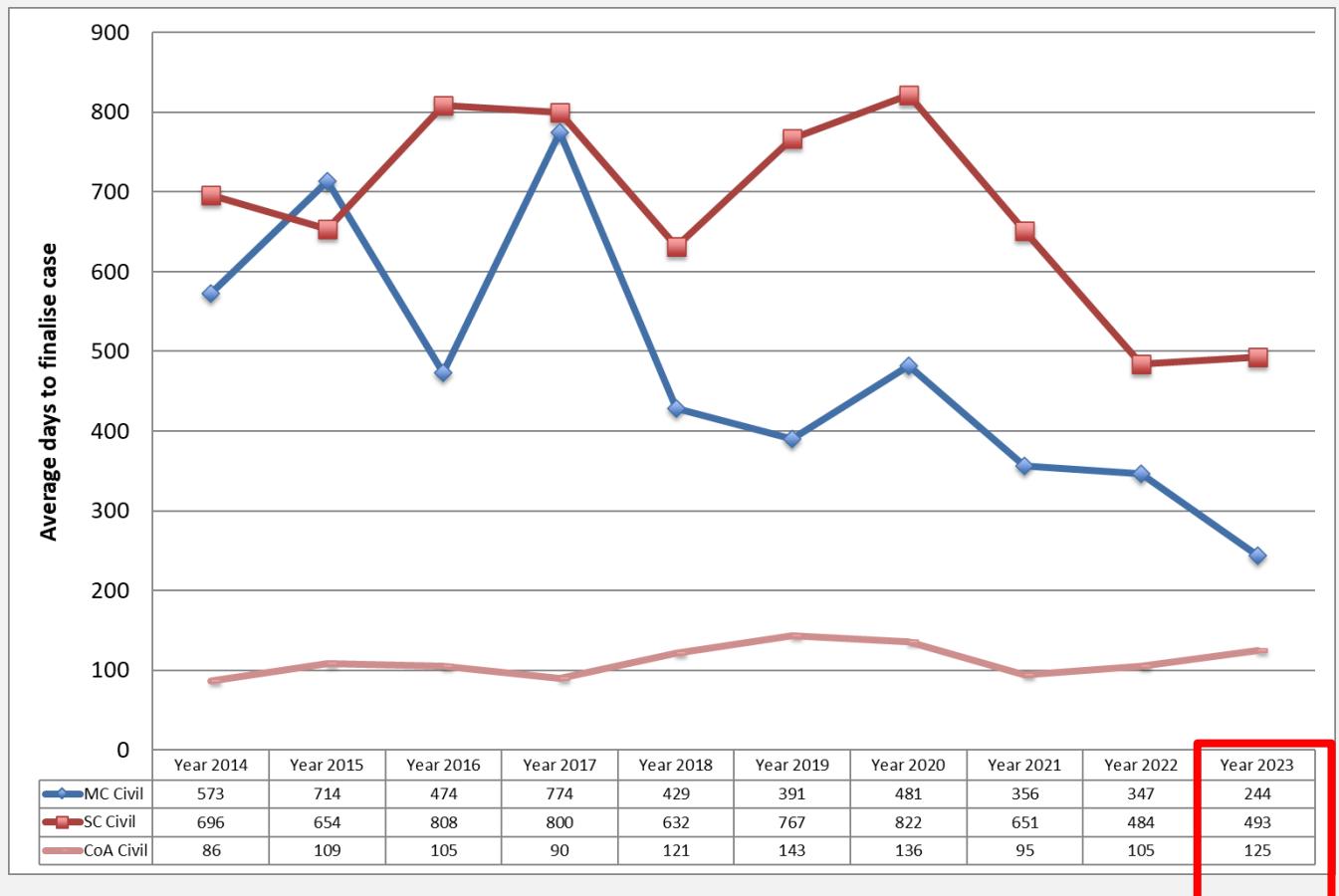


Despite less Judges and Magistrates in 2023 compared to previous years and other factors including case complexity, case mix and attendance rates, tracking this indicator is vital. The productivity of the both Judges and Magistrates remains consistent.

Ref: SCMCProductivity

## 5. TIMELINESS

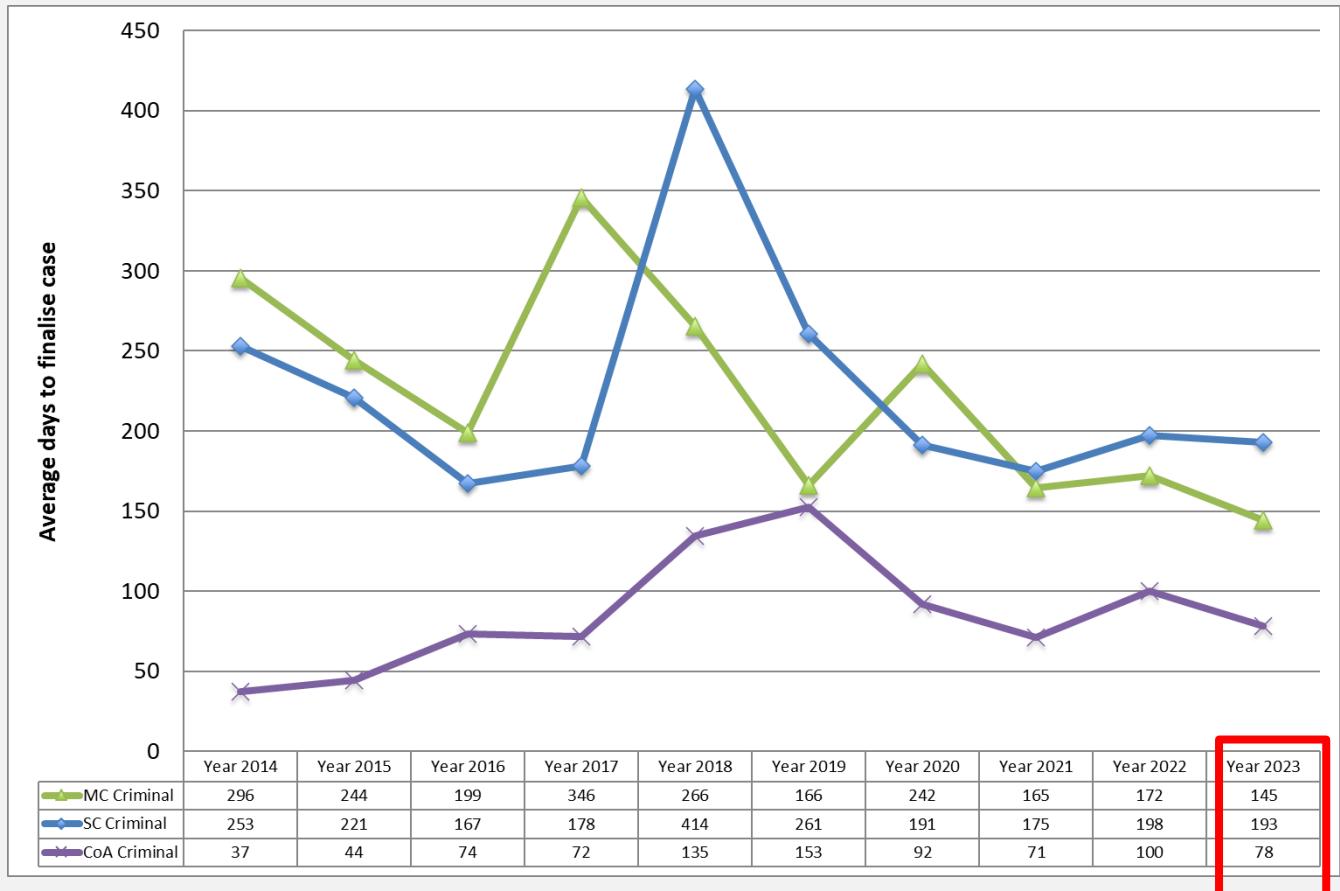
# TIMELINESS DISPOSED CIVIL CASES



Compared to 2022 the days to dispose of Civil cases in Magistrate court is good, Supreme Court is the same and Court of Appeal remains consistent

Ref:AllTimeCi

## TIMELINESS DISPOSED CRIMINAL CASES

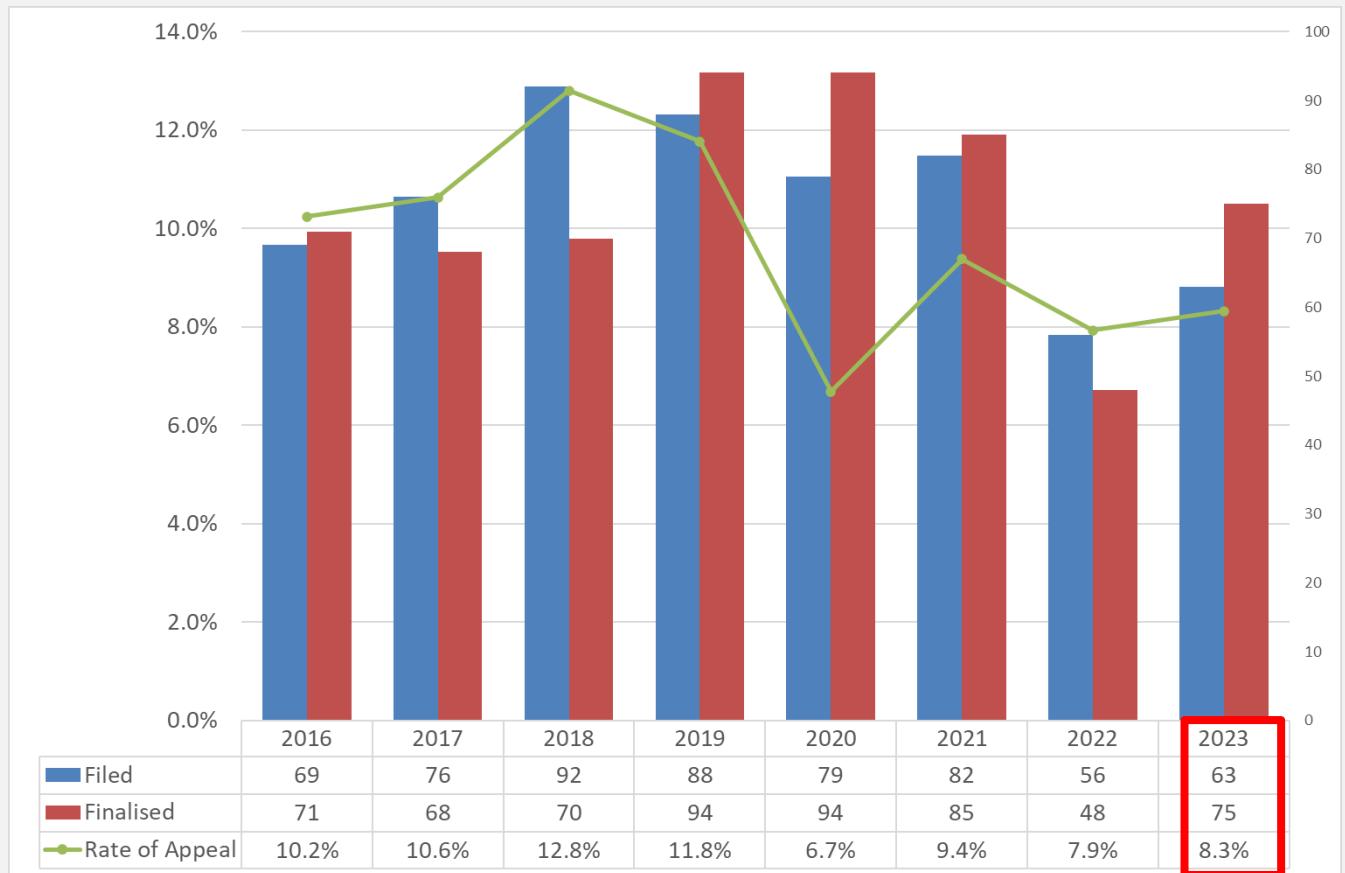


Criminal cases average days to dispose is the same compared to last year and very solid and reflects the commitment to dealing with criminal matters in a timely manner for the country.

Ref:AllTimeC

## 6. COURT OF APPEAL

# COURT OF APPEAL WORKLOAD TRENDS



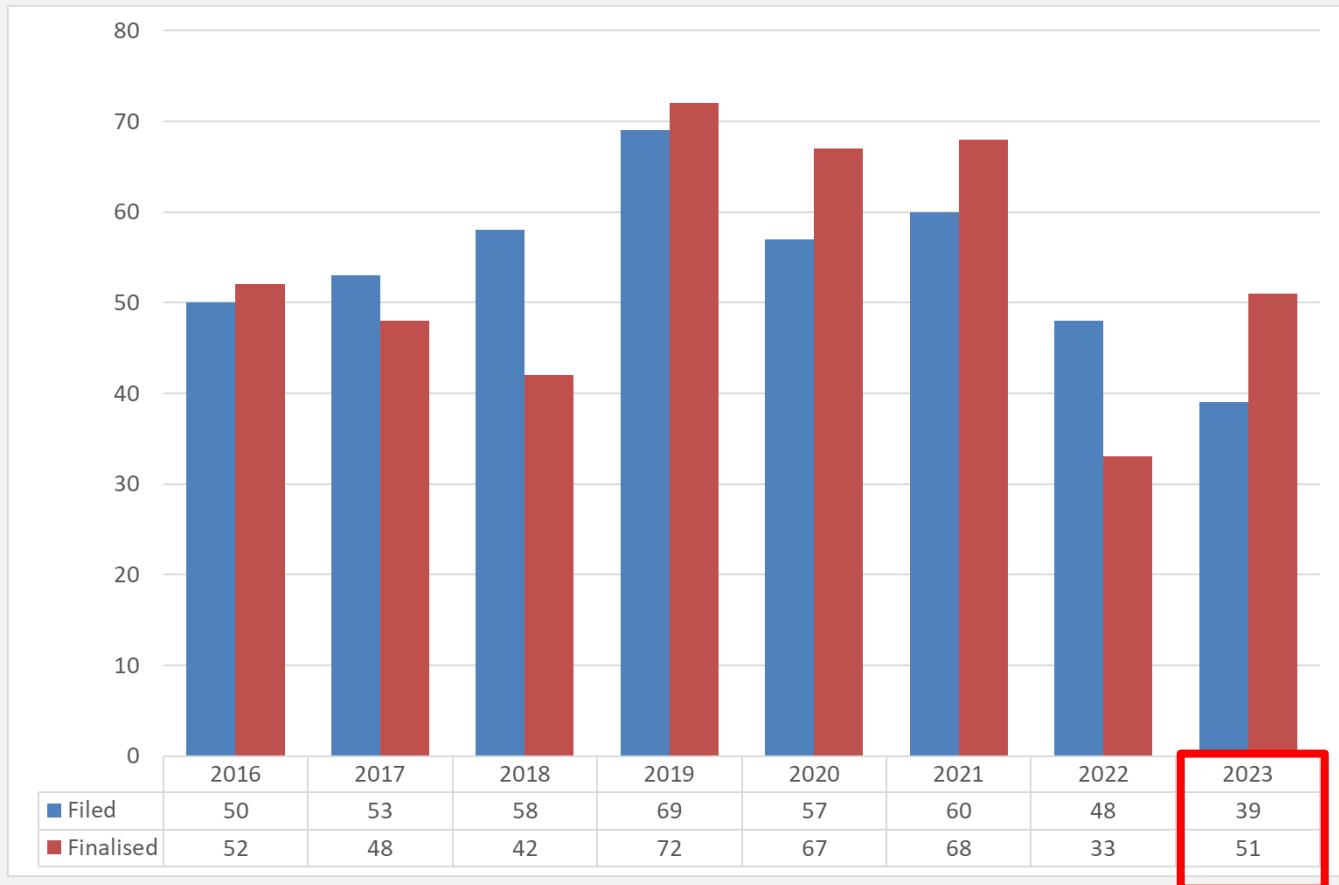
CoA filing has been very similar to the previous 3 years . Finalized cases has increase by 56% in 2023 compared to 2022 , however on average remains the same over the past years.

Of note is the decreasing % of 1<sup>st</sup> instance matters finalized that are appealed ( compare to 2016 to 2018) now running approximately 8.3% of first instance matters finalized.

Ref: CoAWTrend

# COURT OF APPEAL

## CIVIL

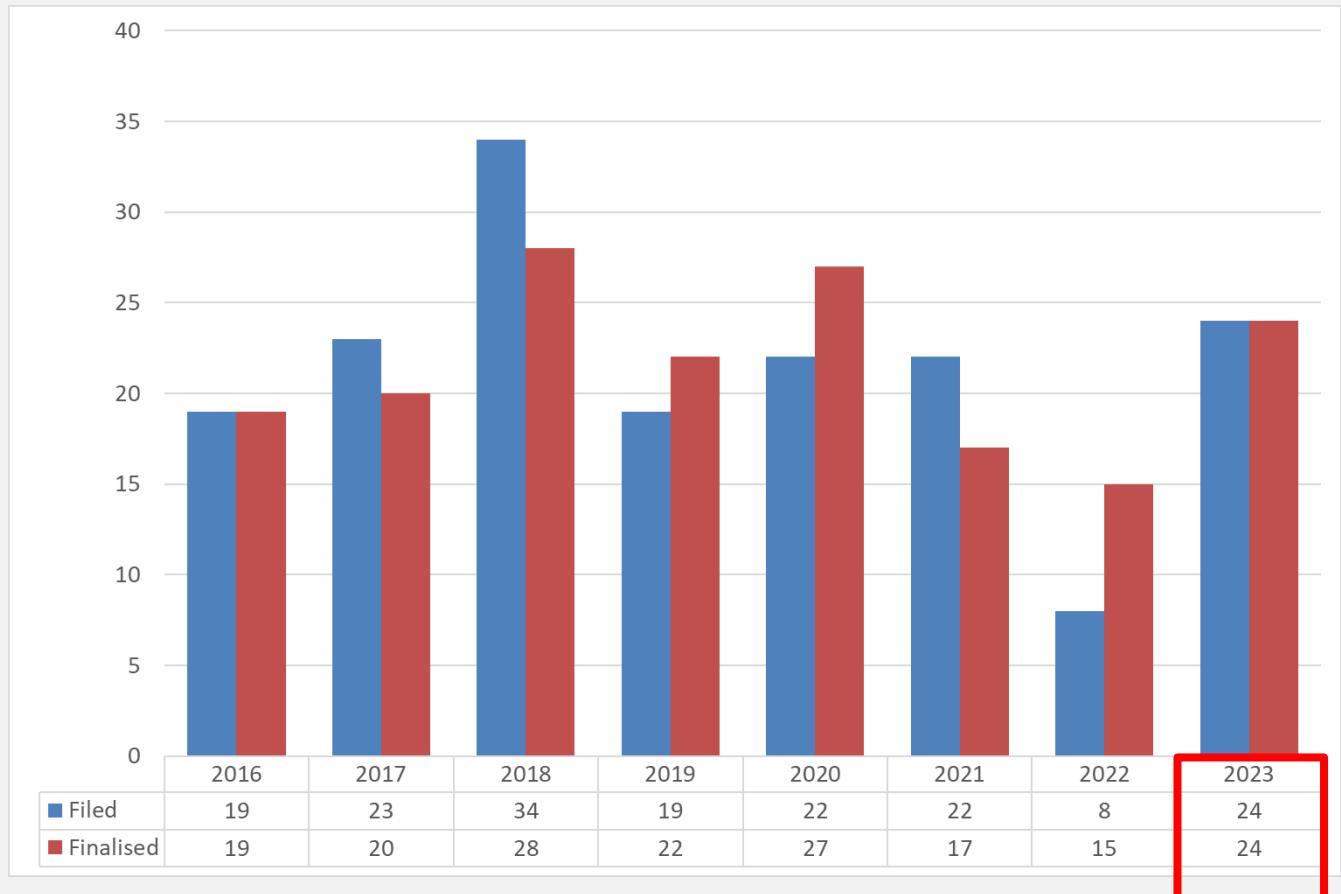


Civil Appeals workload in 2023 have dropped over the last 2 years.

Ref: CoAWTrendCi

# COURT OF APPEAL

## CRIMINAL

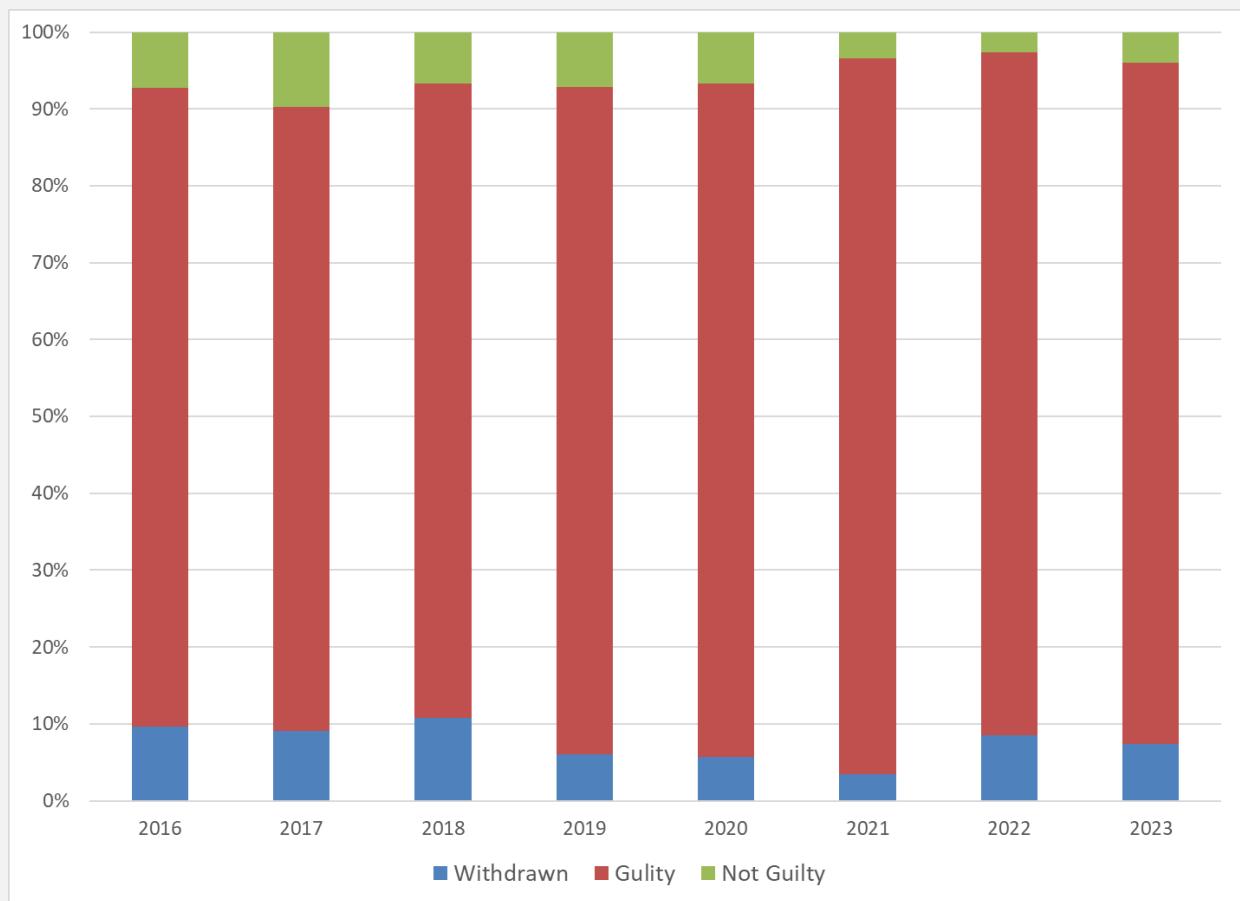


Criminal CoA workload in 2023 returns to levels seen prior to 2022.

Ref: CoAWTrendC

## 7. CRIMINAL CASE OUTCOMES

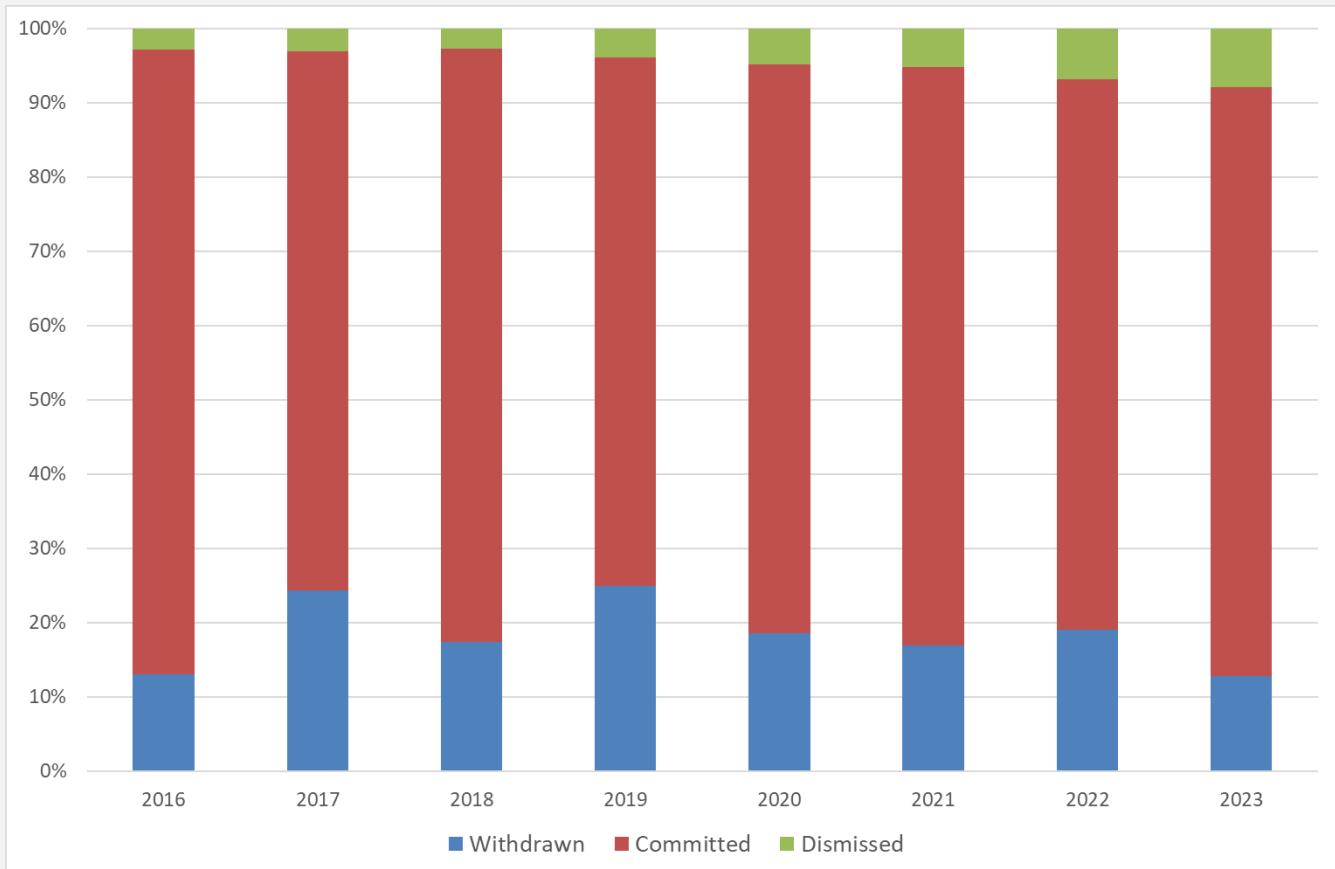
# SUPREME COURT CRIMINAL CASE OUTCOMES



In SC Criminal matters remains consistent and still over 90% of cases filed received an order more found guilty as outcome - # being Withdrawn and Not Guilty slightly increased. Reflects positive prosecution from the OPP

Ref: SCOutcomesC

## MAGISTRATES COURT PI CASE OUTCOMES

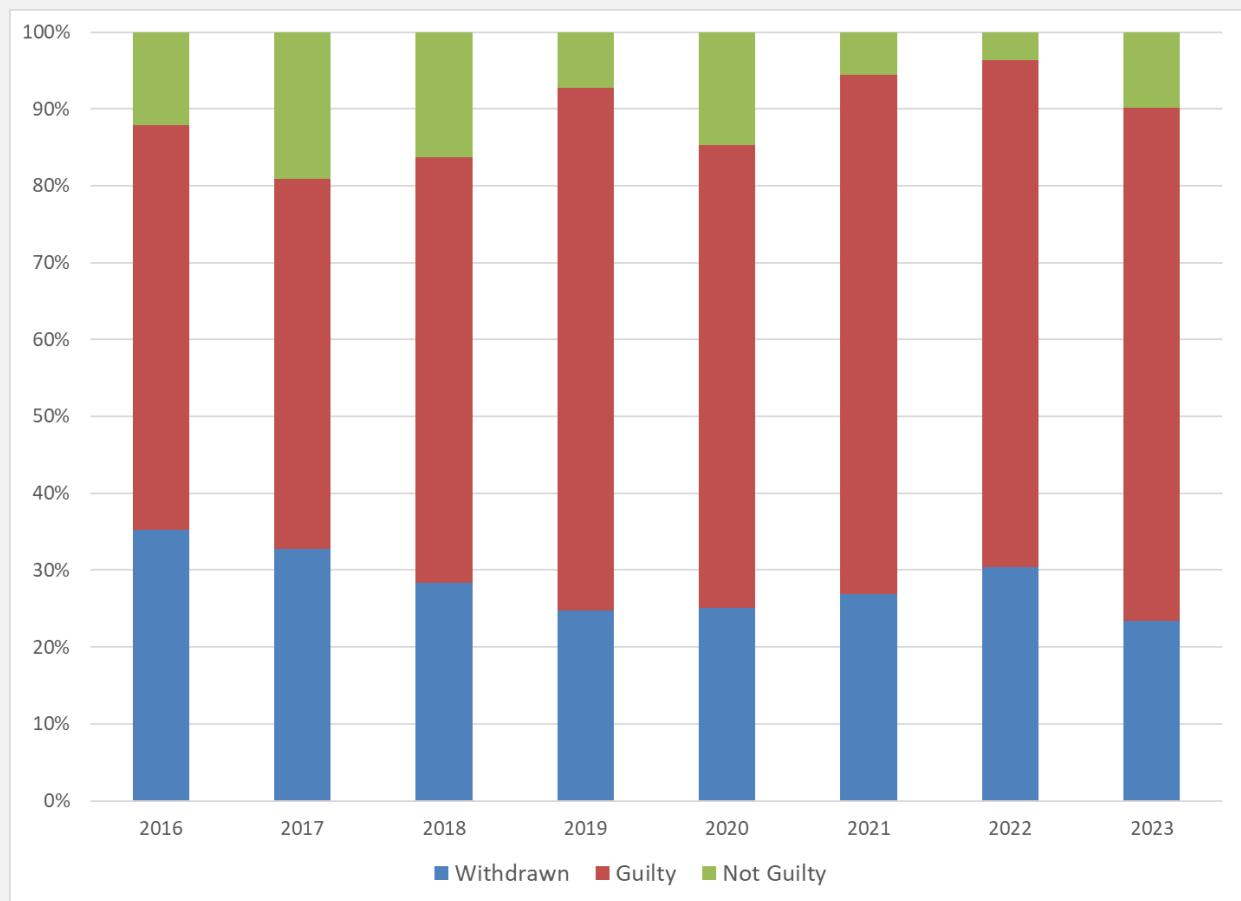


In PI matters, approximately 8% dismissed and 12% withdrawn, and the remaining 80% committed. This is a reflection of the quality of the cases presented by the OPP.

#Withdrawn continues to drop.

Ref: MCOutcomesPI

# MAGISTRATES COURT CRIMINAL CASE OUTCOMES

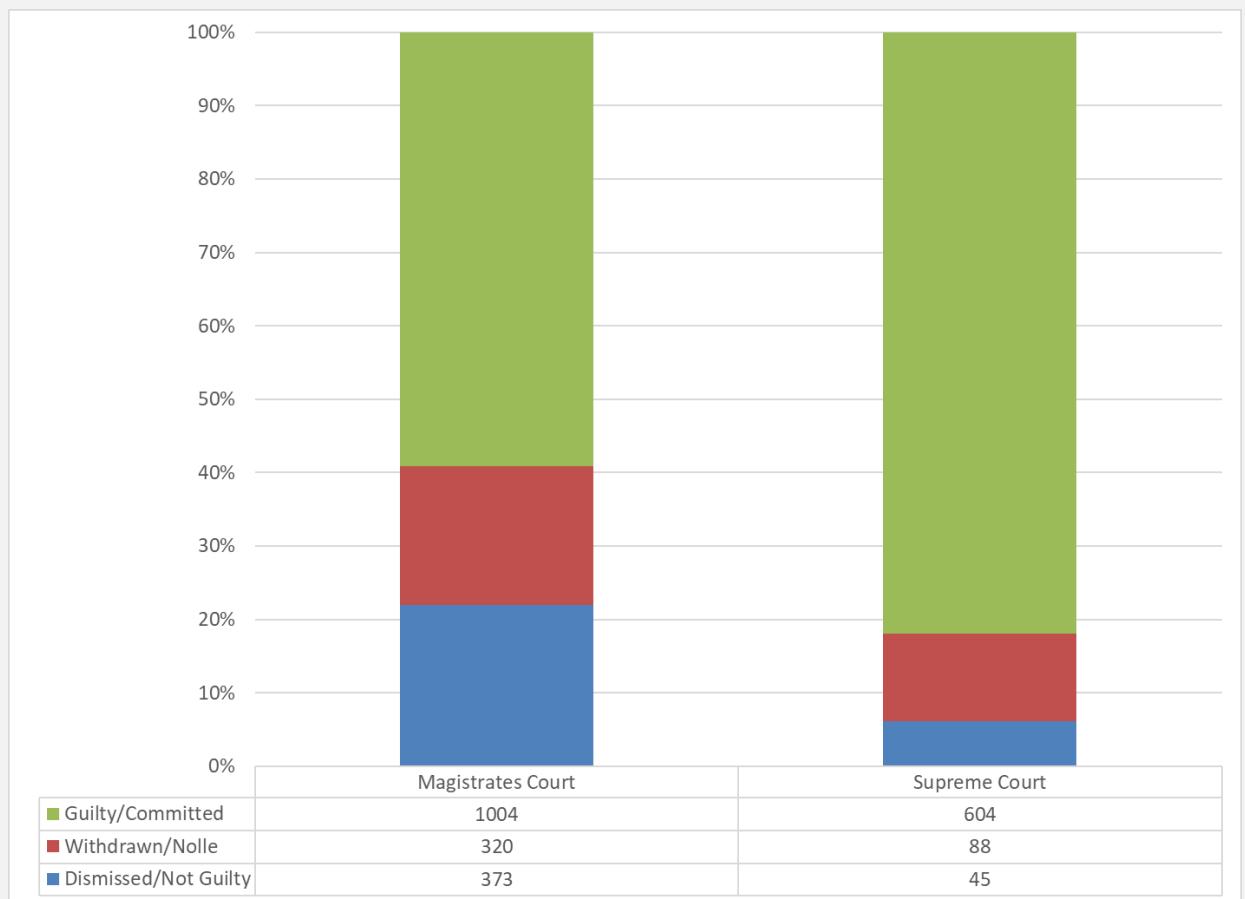


In MC Criminal matters approximately 22% cases are withdrawn while approximately 5% not guilty (an increase) and the remaining 73% guilty. Overtime the red has increased – a positive shift for the cases presented by VPF Prosecution.

Ref: MCOOutcomesC

## **8. CRIMINAL CHARGE OUTCOMES AND ORDERS**

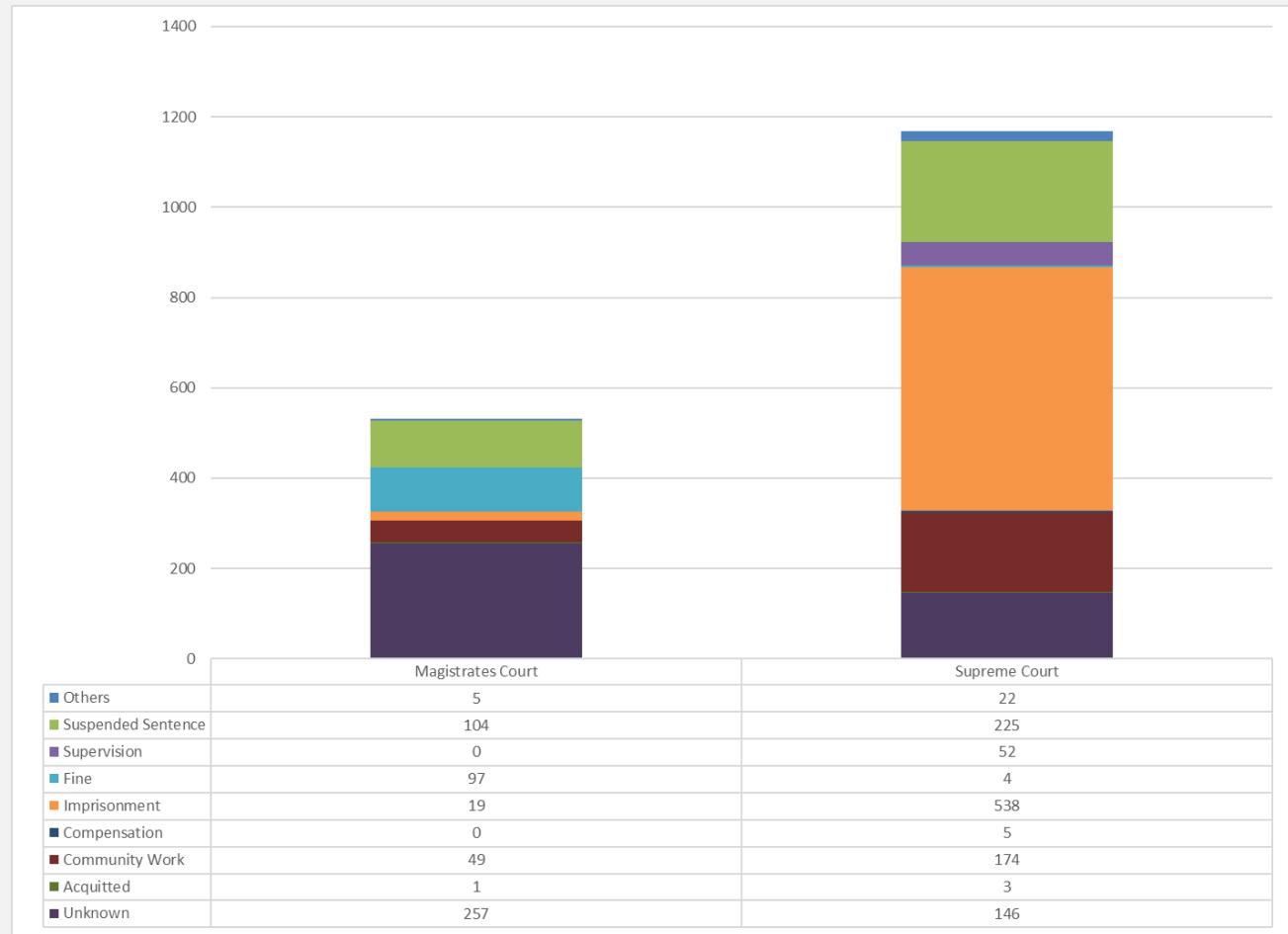
# CHARGE OUTCOMES



Provides an insight into the results of individual charges as brought before the respective courts during 2023. Analysis of each court reflect outcome of charges in each court. Reflects the high degree of probability of OPP when presenting cases to the SC, there will be a finding of guilt.

Ref: COutcome

# CHARGE ORDERS



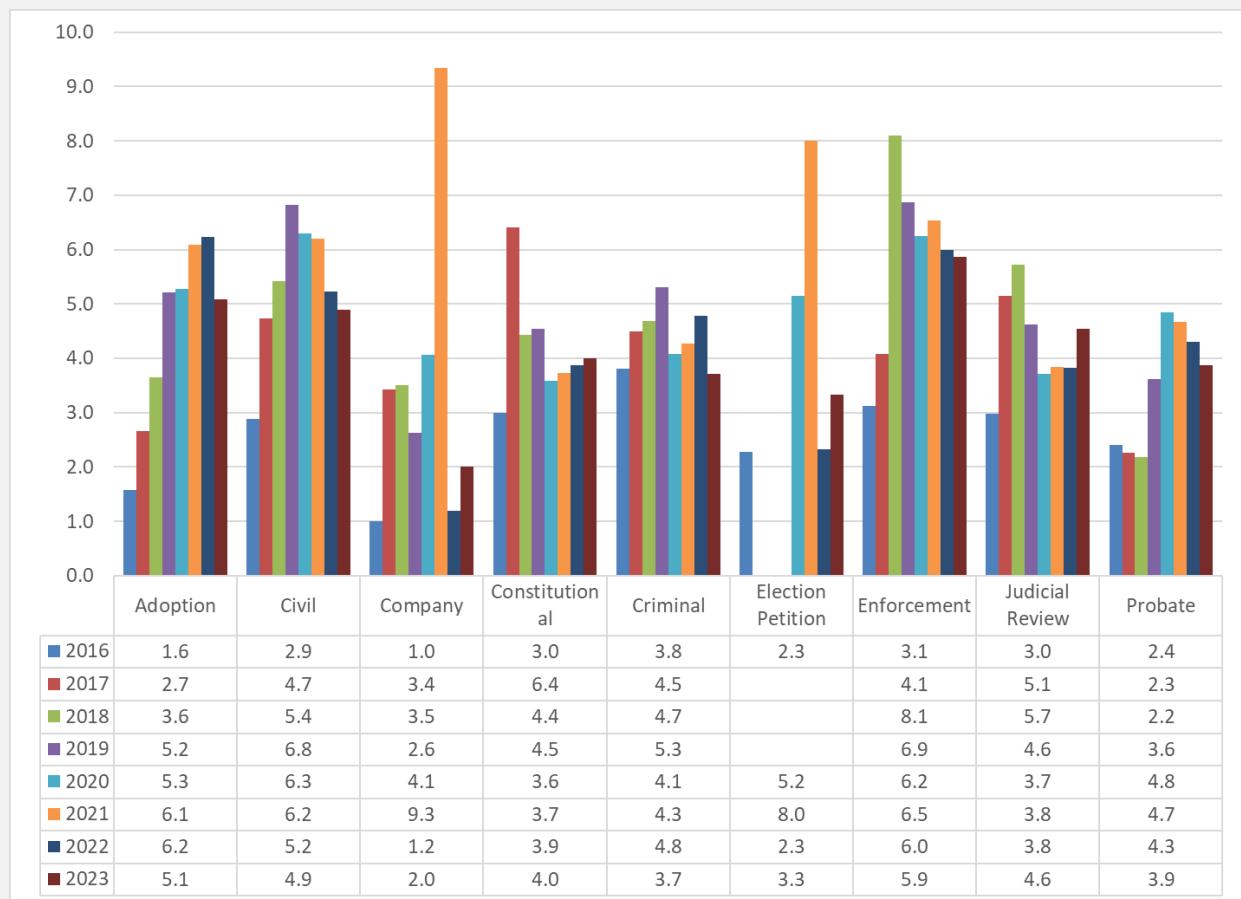
As more entries are being made of the specific orders made by the court e.g., in Magistrate Court suspended sentence & fines – there is still a high # of orders that have no entries (unknown) – Data entry practice needs to regulated in 2024.

Ref:COrder

## 9. ATTENDANCE RATES

Attendance rates, as measured by the number of visits/appearances at court to dispose a matter is now being tracked.

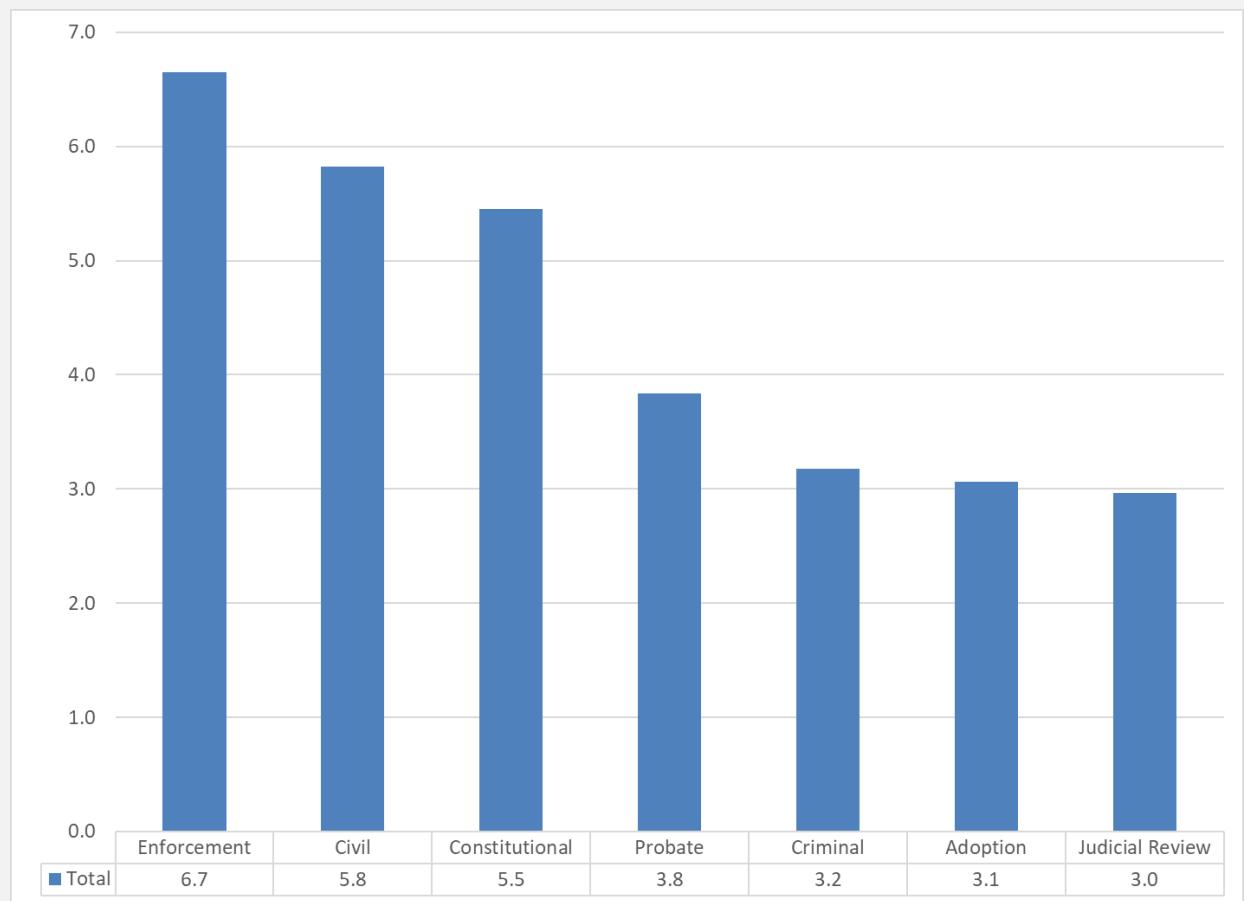
# SUPREME COURT COMPLETED ATTENDANCE RATES



While attendance rates by case type remain largely consistent over the years, of concern is the higher number of attendances for Enforcement, Adoption and Civil, which has direct impact on inconvenience and costs to parties. This is to be reviewed.

Ref: SCAttendanceC

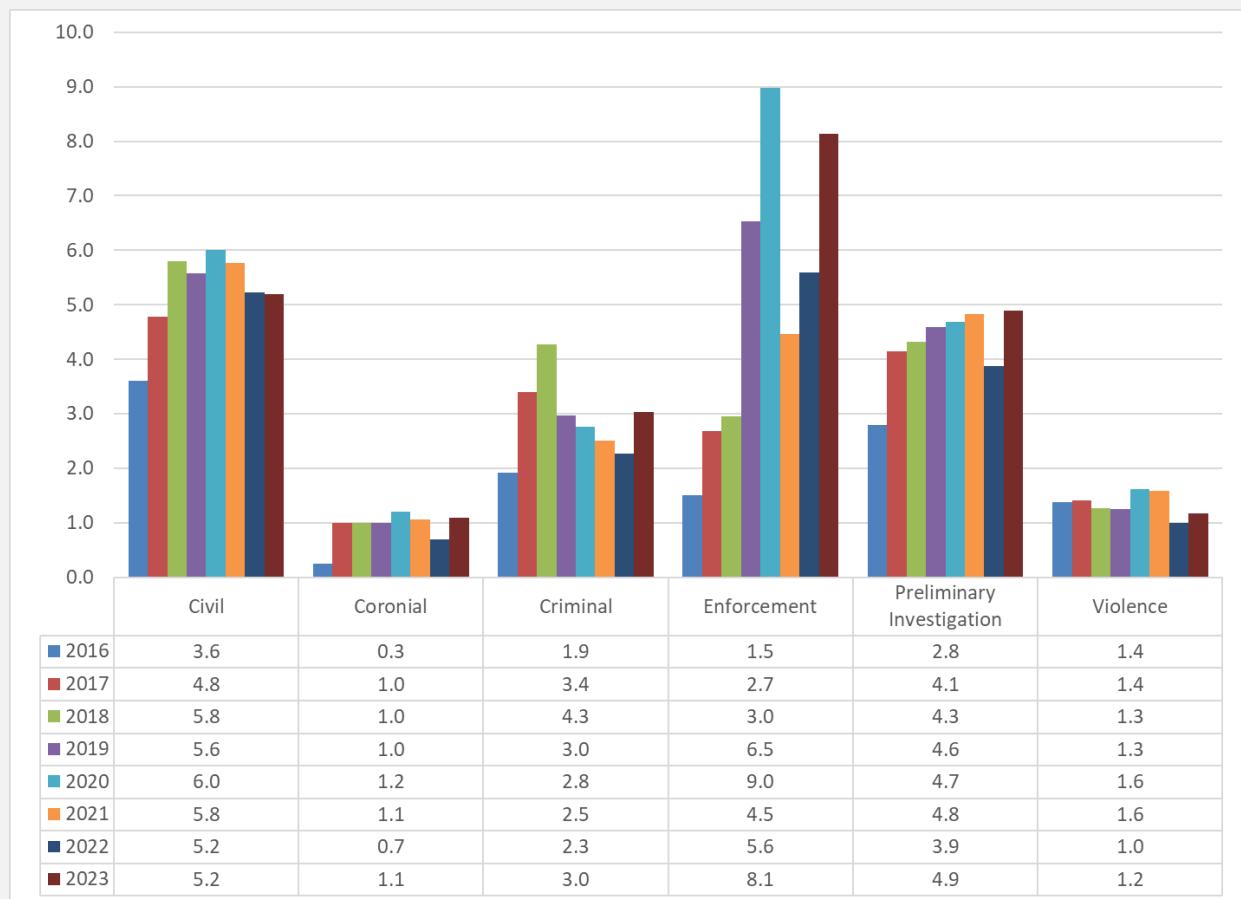
## SUPREME COURT PENDING CASES ATTENDANCE RATES



For the currently open/pending cases, again, the high attendances enforcement and civil matters - will be investigated.

Ref: SCAttendanceO

# MAGISTRATE COURT COMPLETED ATTENDANCE RATES

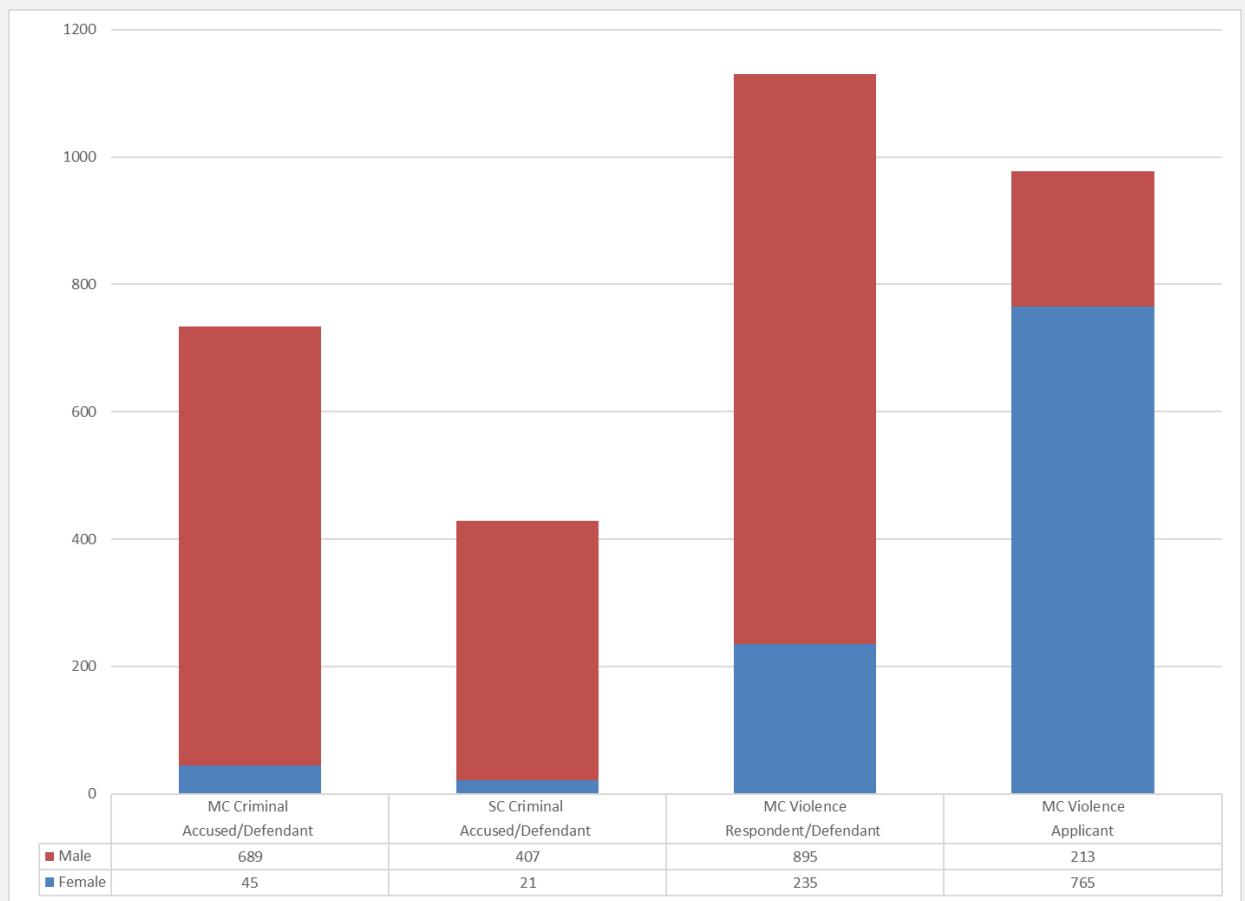


Largely consistent over the years for the main case types, Criminal, PI and Violence (protection orders) – the attendance rates are generally in-line with good practice for Magistrate Court.

Ref: MCAttendanceC

## 10. PARTY DETAILS

# GENDER ANALYSIS



For Criminal cases in Supreme and Magistrate Court, and Violence (protection matters) – filed in 2023, analysis by gender can now be undertaken for key roles such as the accused/defendant and applicant (violence matters).

Ref: SCMC Gender