

VANUATU COURTS

COURT OF APPEAL
SUPREME COURT
MAGISTRATES COURT
ISLAND COURT

2024 – A Reflection

Version 5

THE YEAR IN REVIEW - ALL

- 2024 was a very busy year for the Vanuatu Courts in respect to total cases filed. Over 3,700 cases filed across the four jurisdictions, reflecting the workload on the courts/judiciary and the court administrators.
- The Supreme Court saw over 800 cases filed, almost 5% increase on previous years, and the Magistrates Court saw an increase of 7% of cases filed. The Island Court's filings slightly decreased by almost 5% across the country, with 388 cases filed compared to 407 cases in 2023.
- With respect to the international court performance indicators that we work to, we have seen a satisfactory result with Clearance Rates – but two out of the four jurisdictions were under 100% which means their pending #s increased. In addition, the time to finalise cases across criminal, one out of four jurisdictions have reduced, and for civil matters all four jurisdictions have increased, which needs improvement.

CONTINUED

- Pending numbers has always been one of the key indicators of the courts, our overall numbers have increased.
- 3,113 cases are now pending across the four jurisdictions, with 45% in the Magistrate Court. Of concern is the higher Pending to Disposal Ratio (PDR) in the Supreme Court, Magistrates Court and the Island Court. The lower the PDR the better, and ideally 1.0 or lower for the Supreme Court and 0.5 or lower for the Magistrates Court and Island Court.
- The Court of Appeal is doing exceptionally well with a PDR of 0.3
- As of November 2024, the court is pleased to announce that additional judicial resources have been appointed, 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 2024 has been consistent to 2023.
- The productivity of our judges and magistrates remains consistent with 2023, again this reflects a solid year, with respect to disposals per judicial officer on average with 117 per Judge and 263 per Magistrate in a year.

CONTINUED

- The Court of Appeal again continues to provide a world standard of performance such as timeliness & clearance rate. Despite more cases being filed, CoA still managed to finalize cases bringing its clearance rate to 102% of highest quality in service to this country.
- There continues to be a similar percentage of Supreme Court cases being appealed - approximately 9%.
- 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 197 days), The attendance rates is steady at 4.
- With Civil cases, the attendance rate remains around 5.5 due to the number of adjournments such as lack of compliance, 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 higher than civil matters and is still high (8.3) – and is a concern.
- Reserved Judgments in the Supreme Court now stand at 48 cases and approximately most of these judgments are older than 90 days and will continue to be a focus for Judges in 2025.

CONTINUED

- Island Court perspective in 2024, the clearance rate is steady at 101%, still more resources need to be allocated to the Island Court to tackle pending cases.
- Finally, with respect to the Magistrates Court, as mentioned earlier the Court took on a record where the number of filings has slightly increased over the past 2 years and finalizations have also increased compared to 2023.
- Over the last few years, filing of PI in the Magistrates Court has been steady and finalization increased substantially by 34%.
- Criminal matters in the Magistrates Court decreased in 2024.
- Filing of DV cases has increased to 1,228 for 2024 compared to 1,038 in 2023 – the highest we have seen in 7 years and finalization consistent above 1000, but no match for the incoming workload in 2024.

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 2024 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 2024 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 2024 performance analysis within the month of January is testament to the work of many.

SUPREME COURT

Key Messages

- SC filings increased – with 879 cases filed
- SC finalizations were up from 2023 at 821
- Clearance rate less than 100% - at 93%, but overall, the last 7 years at 102% - a solid effort
- Pending increased to just over 1000, due to the Clearance Rate at less than 100%
- PDR is 1.2 – which is slightly above the target of 1.0 for any Supreme Court
- There are still approximately 25% of cases older than 2022 that should be assessed
- Timeliness for completing Criminal cases continues to be consistent – now at 197 days versus 193 days last year – and Civil cases increased from 493 days to 630 days – an increase of 21% - this typically is due to finalizing old cases

Overall

- Pending still manageable amongst the judges but the 25% of cases older than 3 years – needs actioning
- Judicial output (productivity) – as calculated by disposals/full time Judicial Officer – a slight increase from previous years – but still a great performance by the Judges
- Overall number of cases without a future listing has increased from previous years:
 - Only 41% of all pending cases have a future date (benchmark is 80%), this could be better.
 - Over 46% are under ‘case management’ without a future listing – an improvement compared to 2023 which was sitting at 55%.
- Attendance rates (which impact and cost to the community) are being monitored carefully. Some variances between case types – but overall has been maintained at 5 since 2022.

MAGISTRATES COURT

Key Messages

- MC filings were up in 2024 from 2,227 to 2,383 – an increase of 7%
- MC finalizations were slightly up compared to 2023 from 2,039 to 2,105 – an increase of 3%.
- Clearance Rate was under 100%, at 88% in 2024 – the overall average for the last 7 years is at 97%
- Pending slightly increased from 1,357 in 2023 to 1,394, thus adding over 30 cases to Pending #s – Because of old cases being closed off from earlier years, 2023 or earlier as part of the Data back capture project.
- PDR is maintained at 0.7, slightly higher than the target of .5 or lower.
- There are still approximately 24% of cases older than 2 years that should be assessed.
- Timeliness for completing Criminal cases – a significant increase from 145 days in 2023 to 246 days in 2024, a concern.

Overall

- Pending case numbers (open cases) increased due to the Clearance Rate less than 100% at 88%.
- 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 remained consistent at 298 cases per Magistrate per year despite down by two magistrates – a good performance
- Overall number of cases without a future listing has increased from previous years:
 - Only 18 % of all pending cases have a future date (benchmark is 80%)
 - Approximately 52% are under 'case management' and
 - 29 % of without a future date
 - 14 cases under Reserved Judgment

ISLAND COURT

Key Messages

- IC filings – slight decrease by 5% in 2024, from 407 to 388 cases filed, compared to 2023
- IC disposals decreased from 420 cases to 390 a decrease by 7% compared to 2023.
- Clearance rate is above 100% - maintained around 101% compared to 2023
- Pending slightly increase from 652 to 695 cases – by 7%
- PDR at 1.8 - very high, a concern
- There are now approximately 62% of cases older than 2 years equating to 433 cases that should be assessed

Overall

- The decrease in filing is a concern that needs improvement in 2025
- The low finalization of cases this year has resulted in the Pending workload increasing
- Overall # of cases with a future listing is 30%
 - 41 % of cases are under case management and
 - 29 % with no future date

SUMMARY AGAINST MAJOR COURT PERFORMANCE INDICATORS

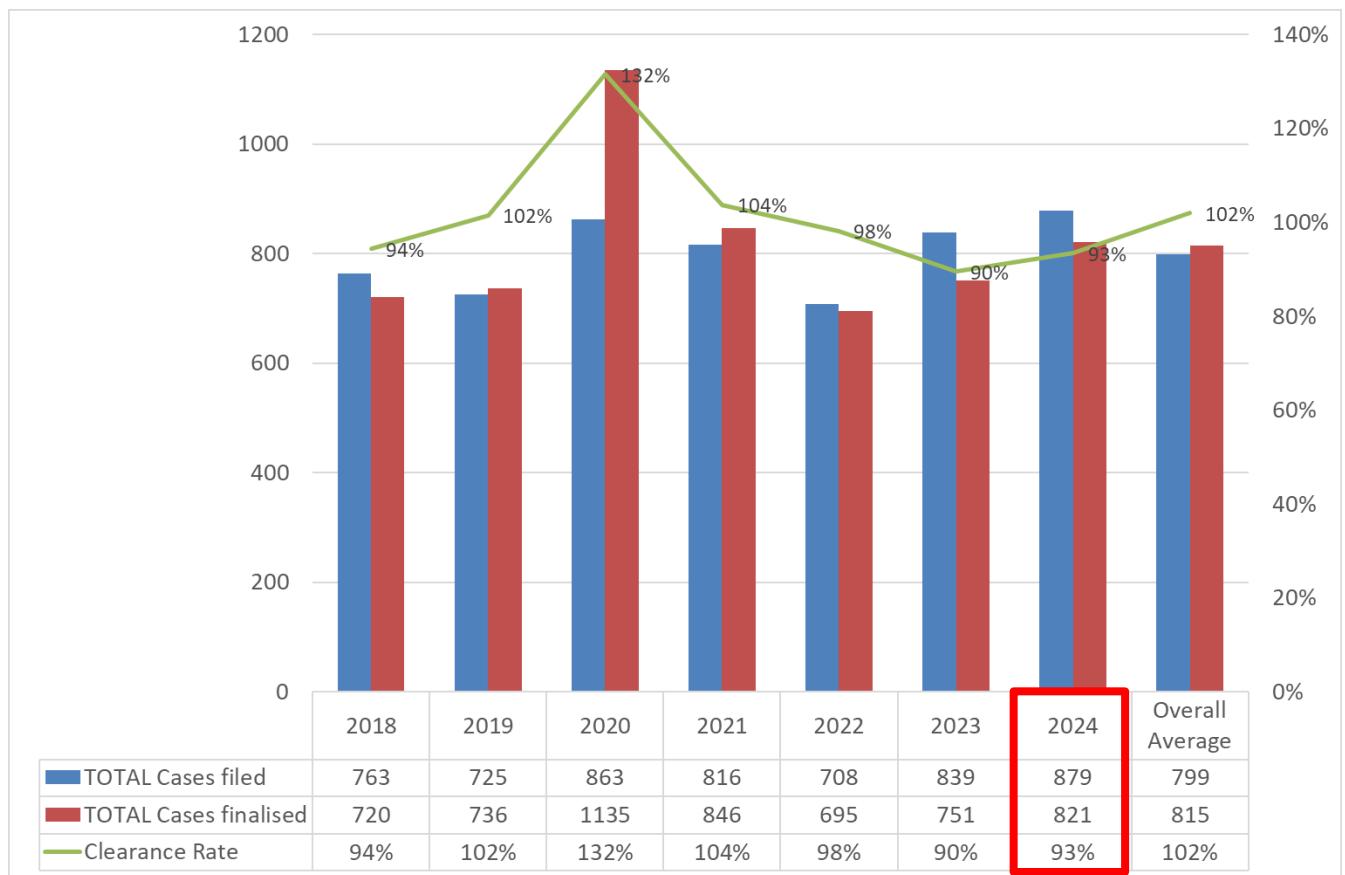
Court Indicator	Supreme Court	Magistrates Court	Island Court	Court of Appeal
Filing #s	Significantly up on 2023	Slightly up on previous years	Slightly decrease on 2023	Slightly up on 2023
Disposal #s	Slightly up on 2023	Slightly up on 2023	Slightly decrease on 2023	Slightly up on 2023
Clearance Rate	93%	88%	101%	102%
Pending #s	Slight increase on 2023	Slight increase on 2023	Minimal change still too high	Under control
PDR	Remains steady at 1.2	maintain at 0.7	Still too high at 1.8	Excellent at 0.3
Pending age/tail	25% older than 3 years	24% older than 2 years	62% older than 2 years	Under control
Pending stages	Only 41% with future listing	Only 18% with future listing	Only 30% with future listing	Under control
Timeliness	Consistent	Increase	Increase	Consistent
Attendance Rate	Some variances between case types – overall similar to 2023	Some variances between case types – overall similar to 2023	Not applicable	Not applicable
Productivity	Consistent to previous year	Consistent to previous year	Not applicable	Not applicable
Reserved Judgments	Still some outstanding Judgments	Still some outstanding Judgments	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 56
8. Criminal charge outcomes & orders	Page 60
9. Attendance rates	Page 63
10. Party details	Page 67

I. CASE WORKLOAD

SUPREME COURT TOTAL WORKLOAD



Cases being filed in 2024 again over 800 cases – the highest workload since 2018. Clearance rate 93% less than the targeted 100% - but finalization were up compared to 2023.

The overall average for the last 7 years is 102% - still a solid performance over a long period.

Ref: SCTW

SUPREME COURT CRIMINAL WORKLOAD

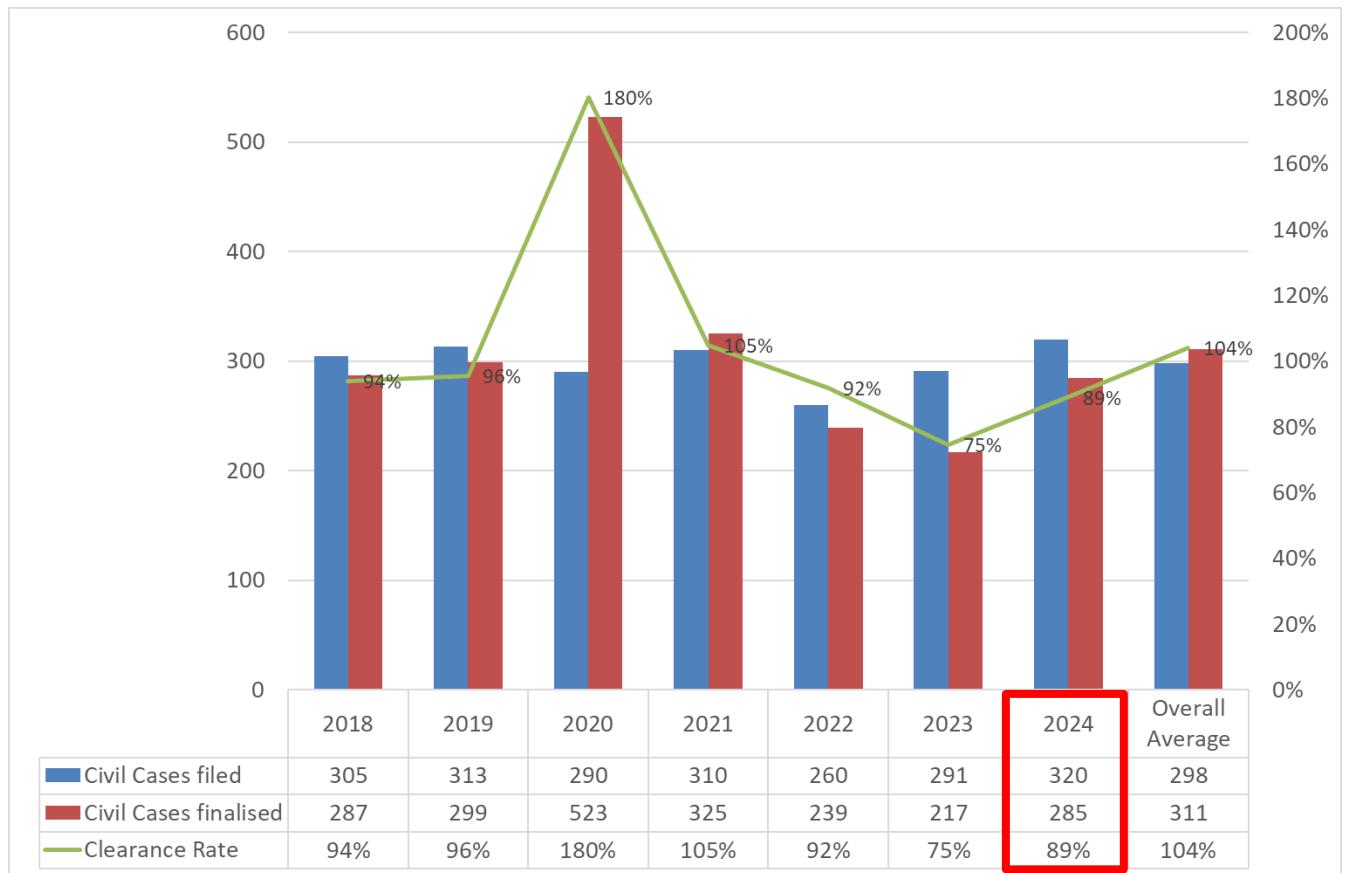


With Criminal cases being filed by the OPP #'s it has slightly decrease compared to previous year, from 246 down to 237 – almost 4 % decrease. Clearance rate for the year has increase to 101 %, sitting on target of 100%.

The overall average for the last 7 years is 98% - still solid.

Ref: SCCW

SUPREME COURT CIVIL WORKLOAD

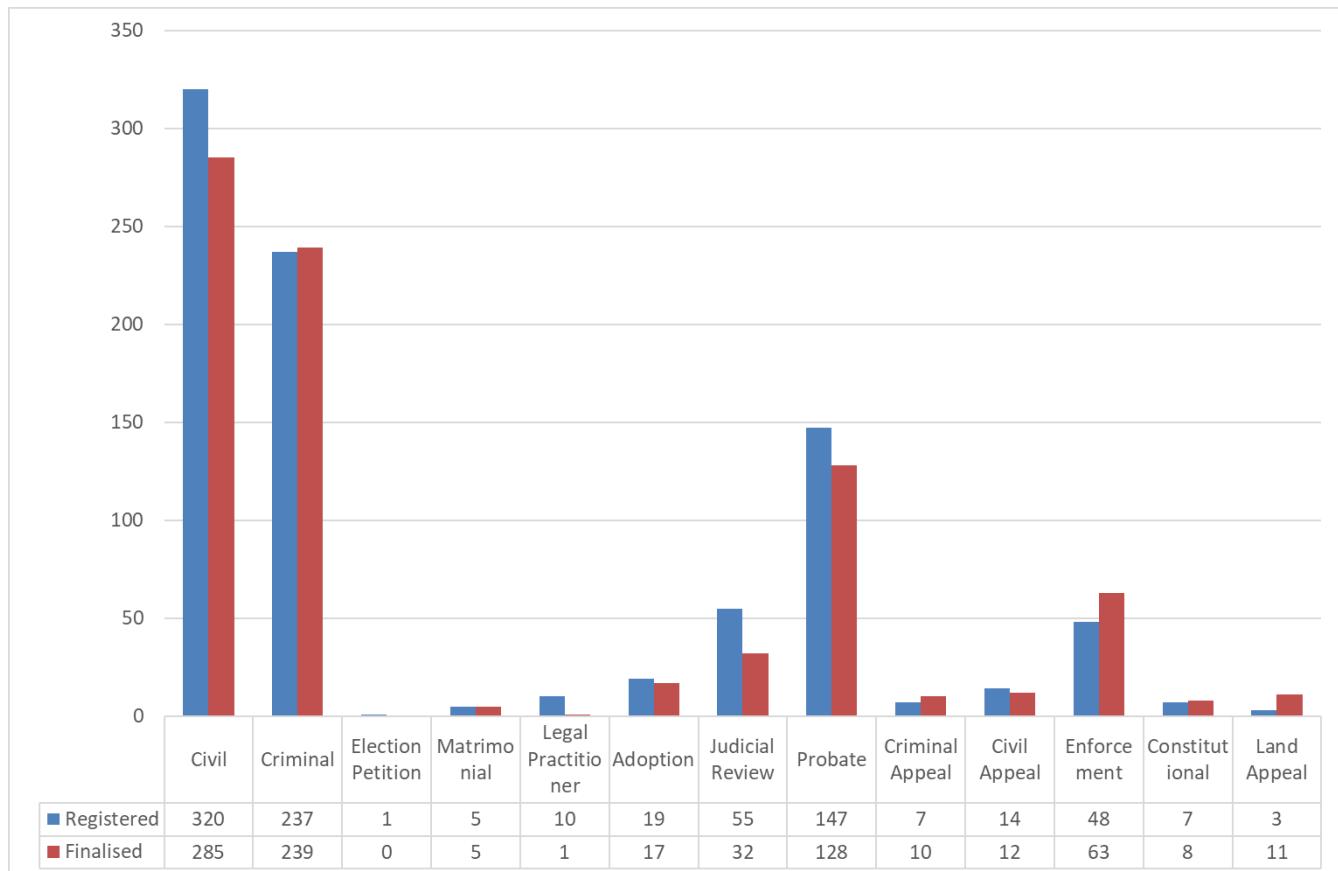


Civil cases being filed has increased from 291 in 2023 to 320 in 2024 – almost 10% increase, however Clearance Rate is well below target rate 100 % to 89 % in 2024. Finalizations has increase – thus Civil Pending #s grew by almost 40 cases.

The overall average for the last 7 years is 104%.

Ref: SCCiW

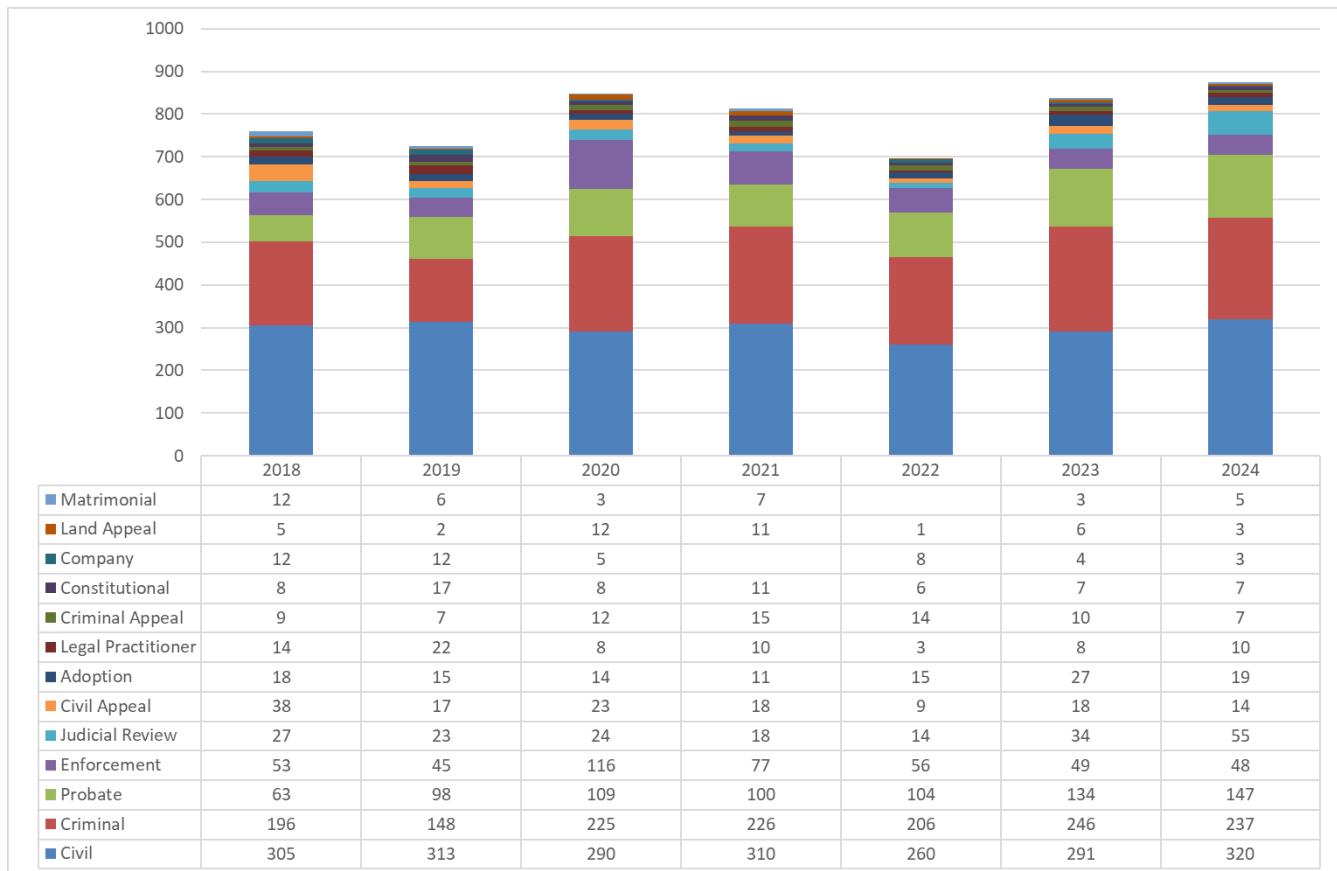
SUPREME COURT ALL CASE WORKLOAD



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

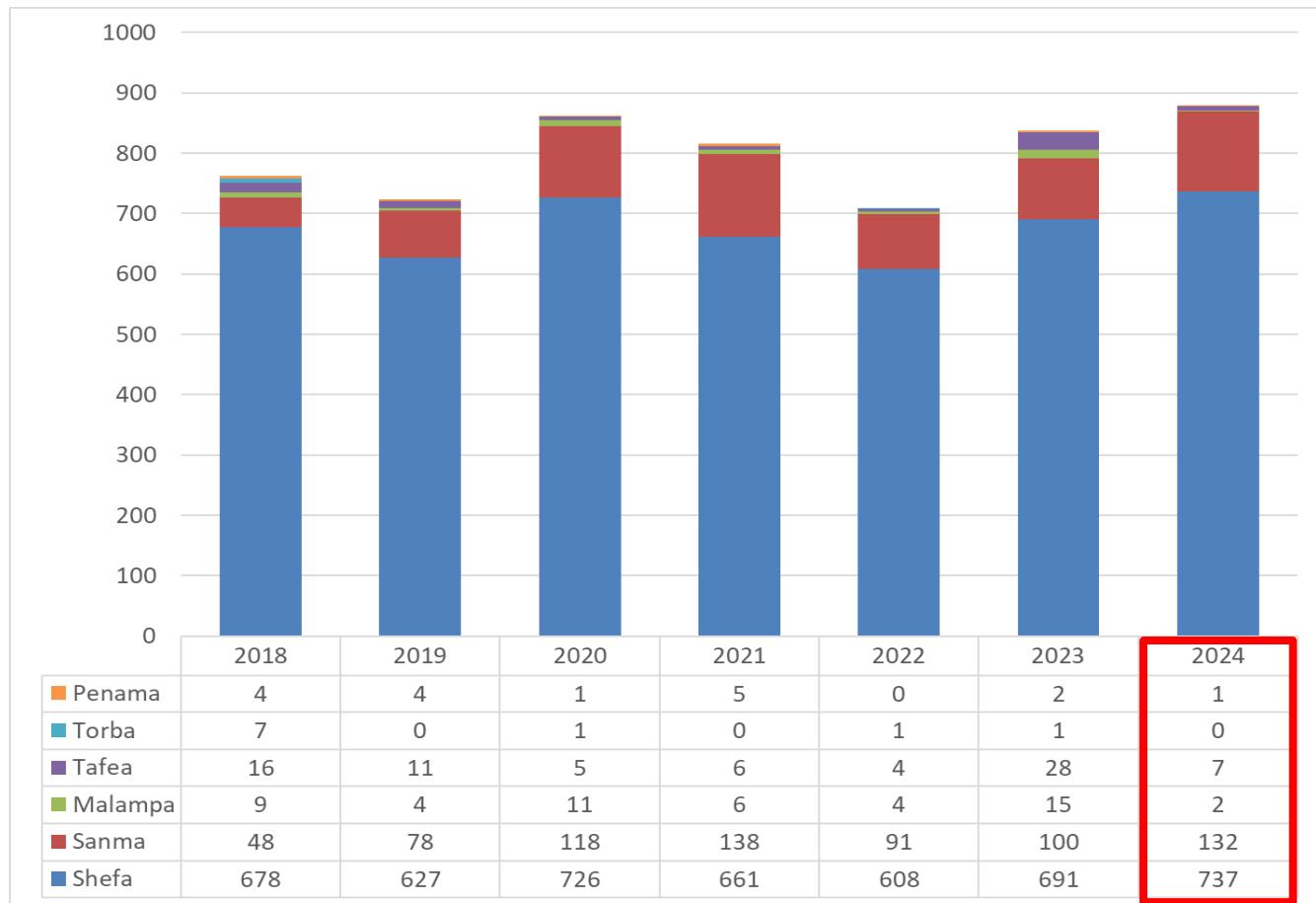
SUPREME COURT WORKLOAD TRENDS



A mix of a few increases in civil, probate, and judicial review matters over the years while criminal and adoption matters has decrease compared to 2023.

Ref: SCTrendW

SUPREME COURT LOCATION WORKLOAD



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

Ref: SCLocationW

MAGISTRATES COURT TOTAL WORKLOAD

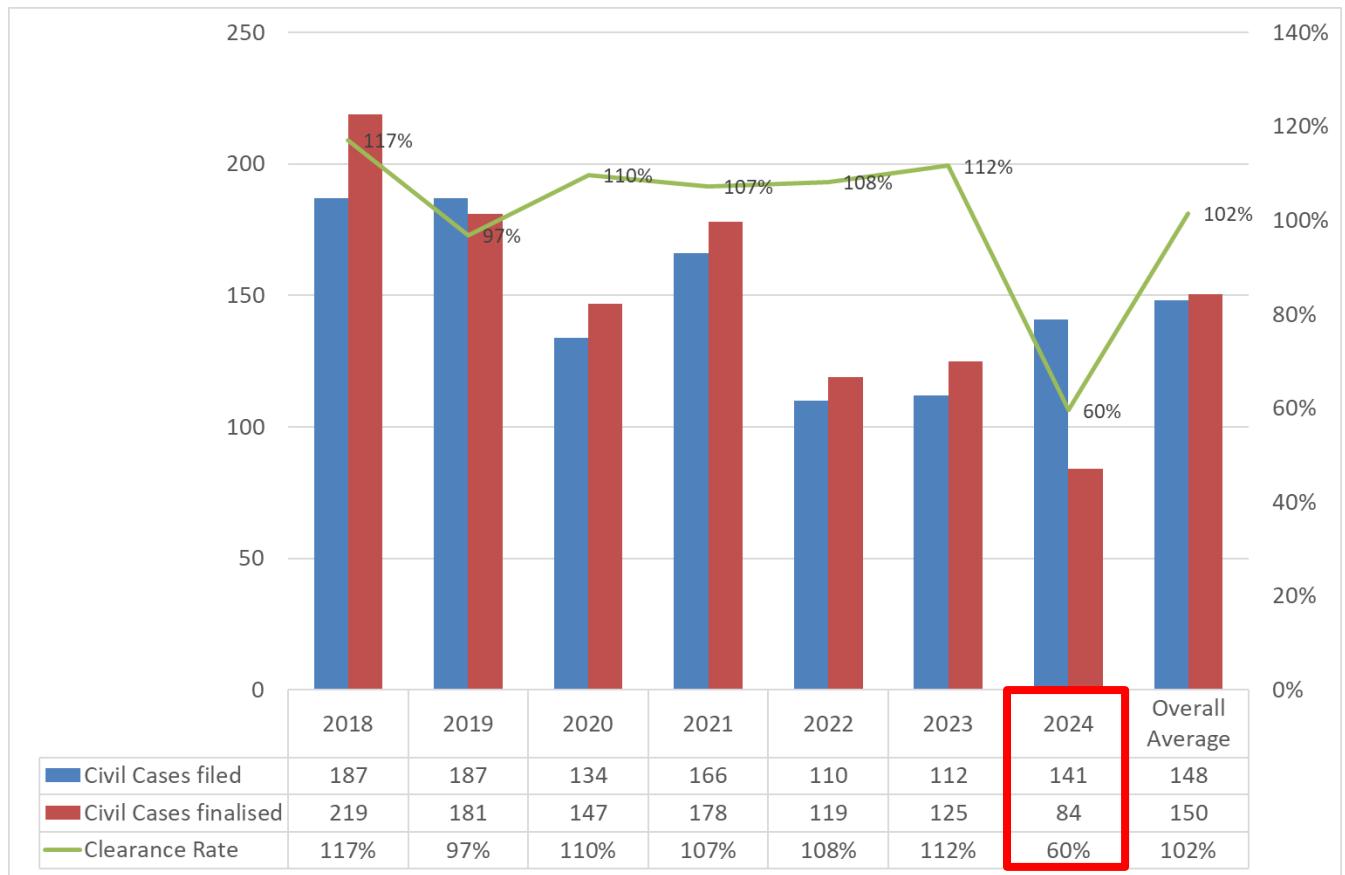


Cases filed and finalized were significantly up in 2024 compared to previous year, however still unable to reach a Clearance Rate of 100%, at 88% in 2024 – adding over 30 cases to Pending #s.

The overall average for the last 7 years is 97%

Ref: MCTW

MAGISTRATES COURT CIVIL WORKLOAD

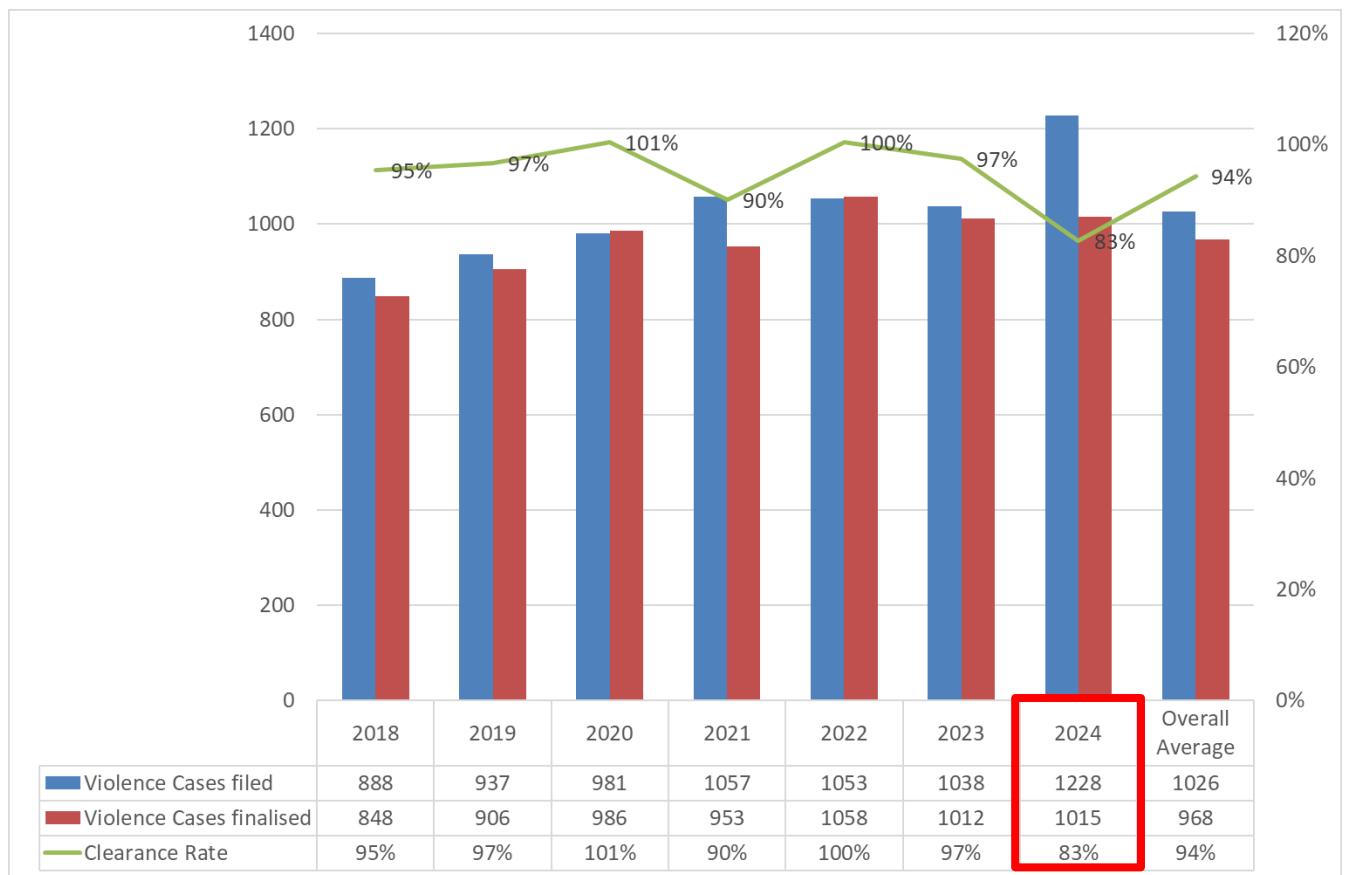


Civil filings increased by 26% and finalization has significantly dropped by 33%, the lowest seen over the past years. Thus, Pending went up considerably

The overall average for the last 7 years is 102% - a solid performance.

Ref: MCCiW

MAGISTRATES COURT DV WORKLOAD

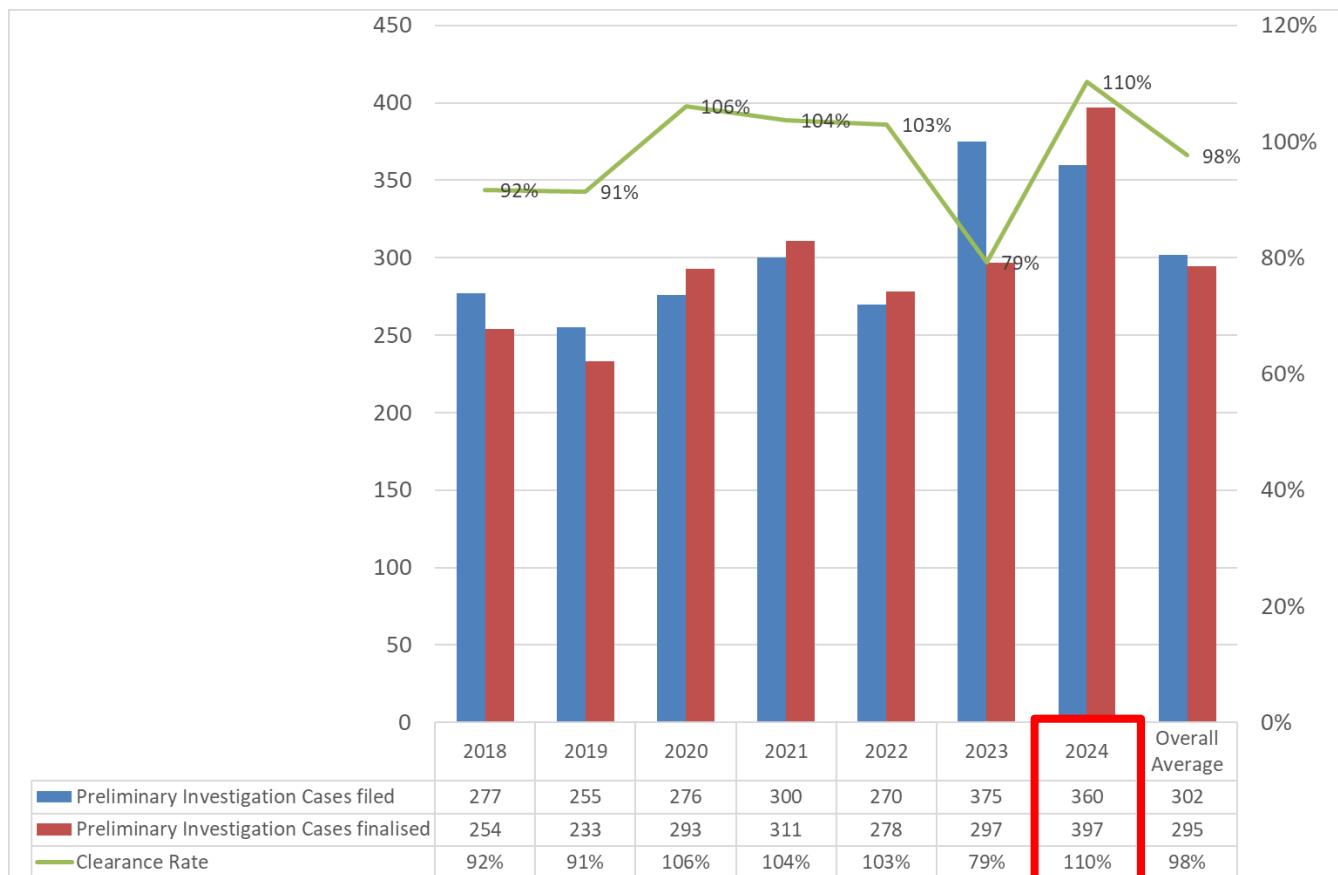


Protection orders (non-criminal) fillings is significantly up, the highest number in the last 7 years however, finalizations did not match the incoming work in 2024 – which warrants investigation.

The overall average clearance rate for the last 7 years is 94%.

Ref: MCDVW

MAGISTRATES COURT PI WORKLOAD

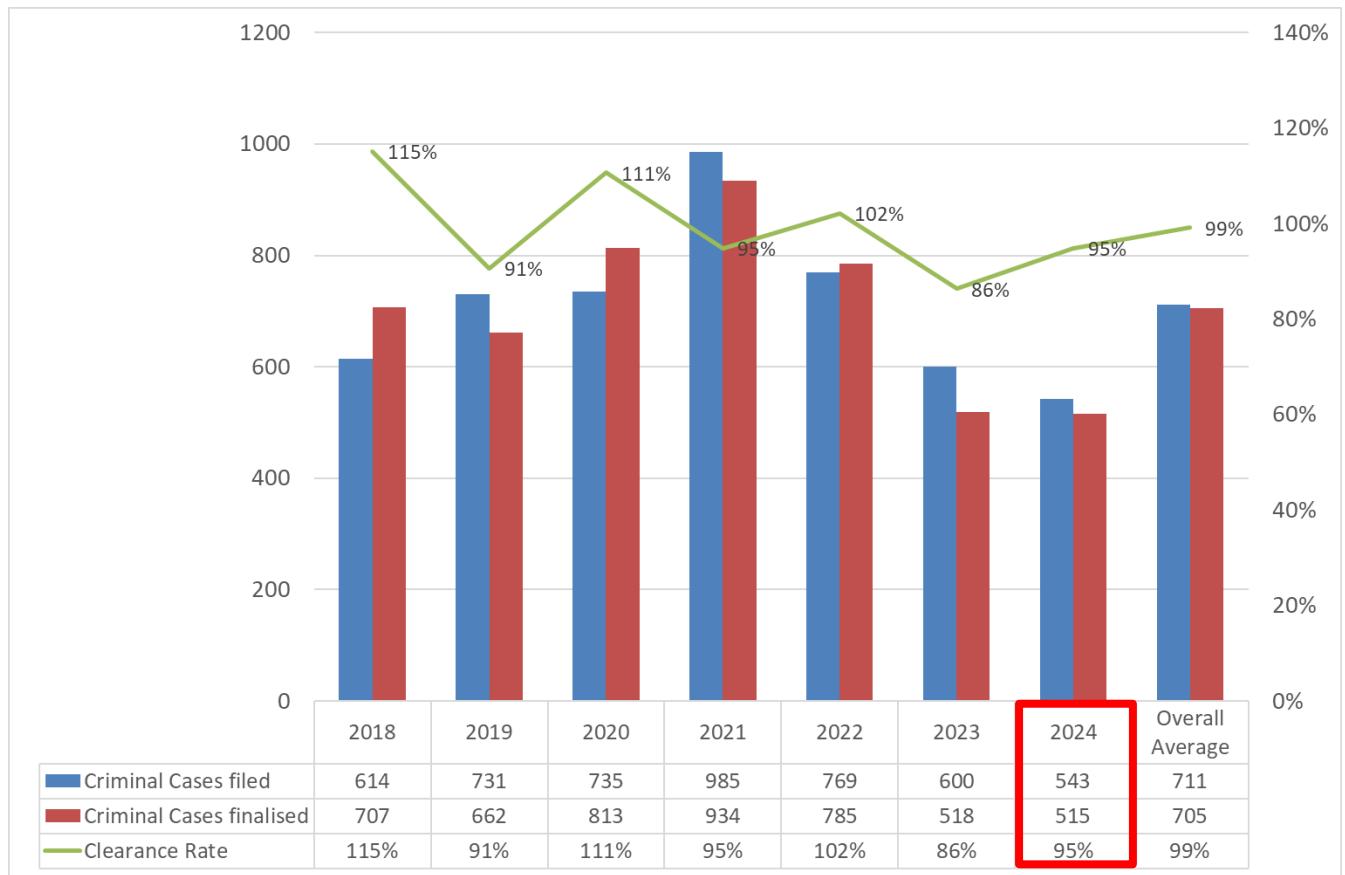


PI matters filed by the OPP dropped but still remain around 300 cases. Finalizations is significantly higher by 34% compared to 2023 and Clearance high at 110% in 2024. Average clearance rate over the last 7 years is 98%.

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

Ref: MCPIW

MAGISTRATES COURT CRIMINAL WORKLOAD

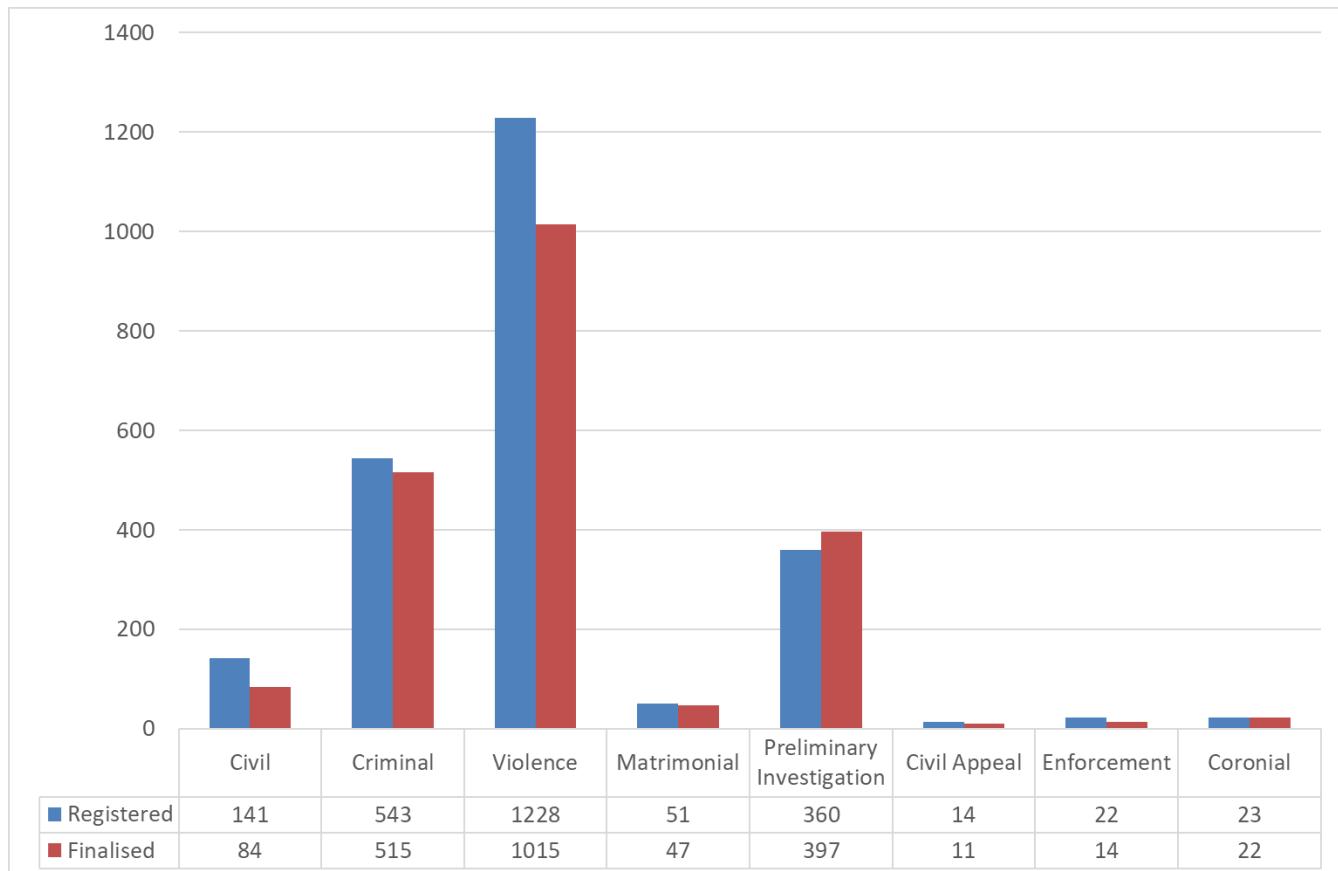


The filings emanating from VPF/SPD has decreased significantly compared to previous years, the lowest seen for criminal matters. Like fillings, the lowest finalizations #s seen. Clearance Rate increase to 95%.

The overall average for the last 7 years is 99% - still solid.

Ref: MCCW

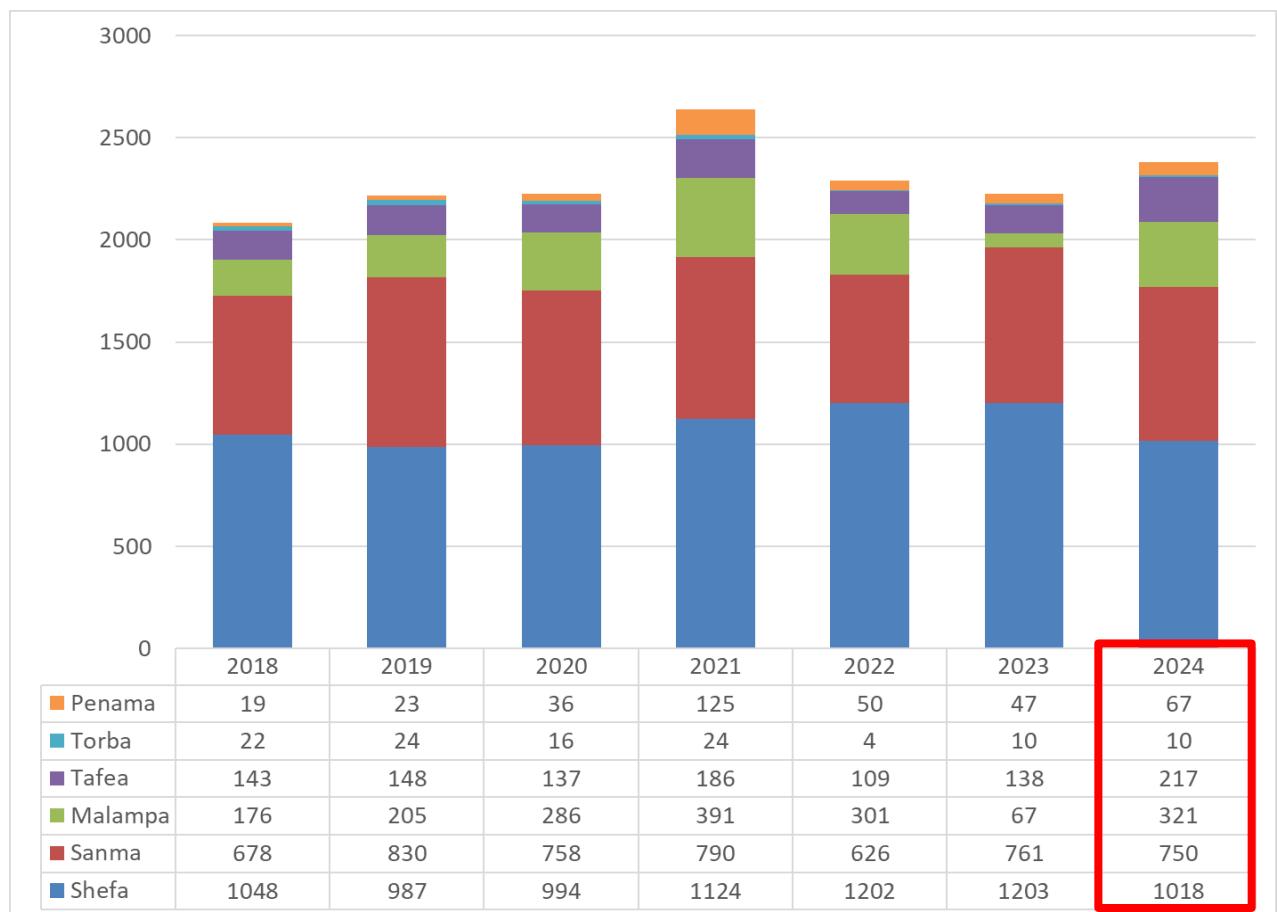
MAGISTRATES COURT ALL CASE WORKLOAD



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

Ref: MCAIIW

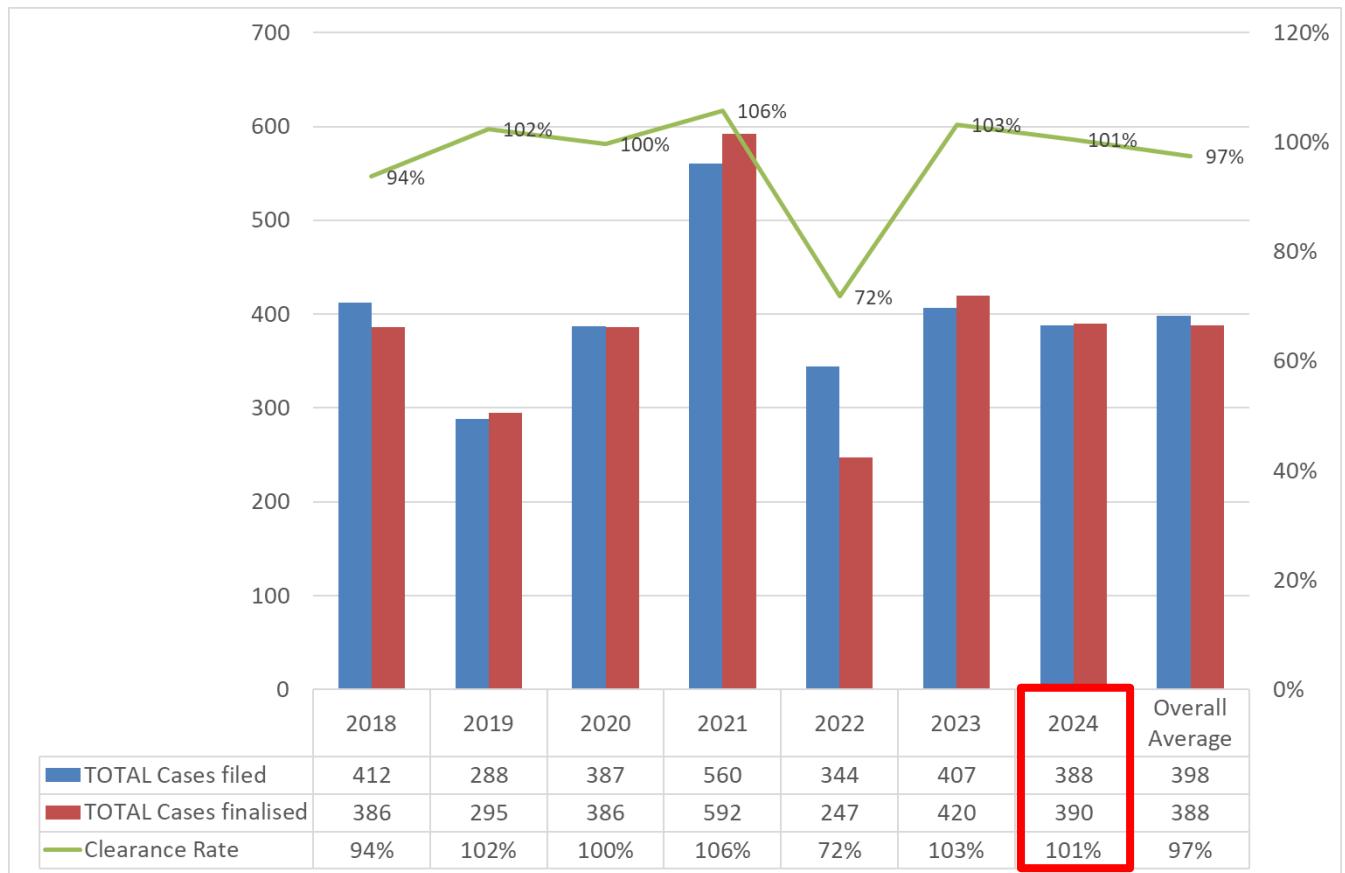
MAGISTRATES COURT LOCATION WORKLOAD



Rate of filings for Sanma and Shefa still the highest workload compared to other provinces over the 7 years. For other provinces e.g., Malampa & Tafea now showing very higher numbers compared to the previous year.

Ref: MCLocationW

ISLAND COURT TOTAL WORKLOAD



Cases filed has decreased by 5% in 2024, and finalizations were also down from the previous year by 7%. Clearance rate at 101% on 100% target - a solid year.

Ref:ICTW

ISLAND COURT MAINTENANCE WORKLOAD

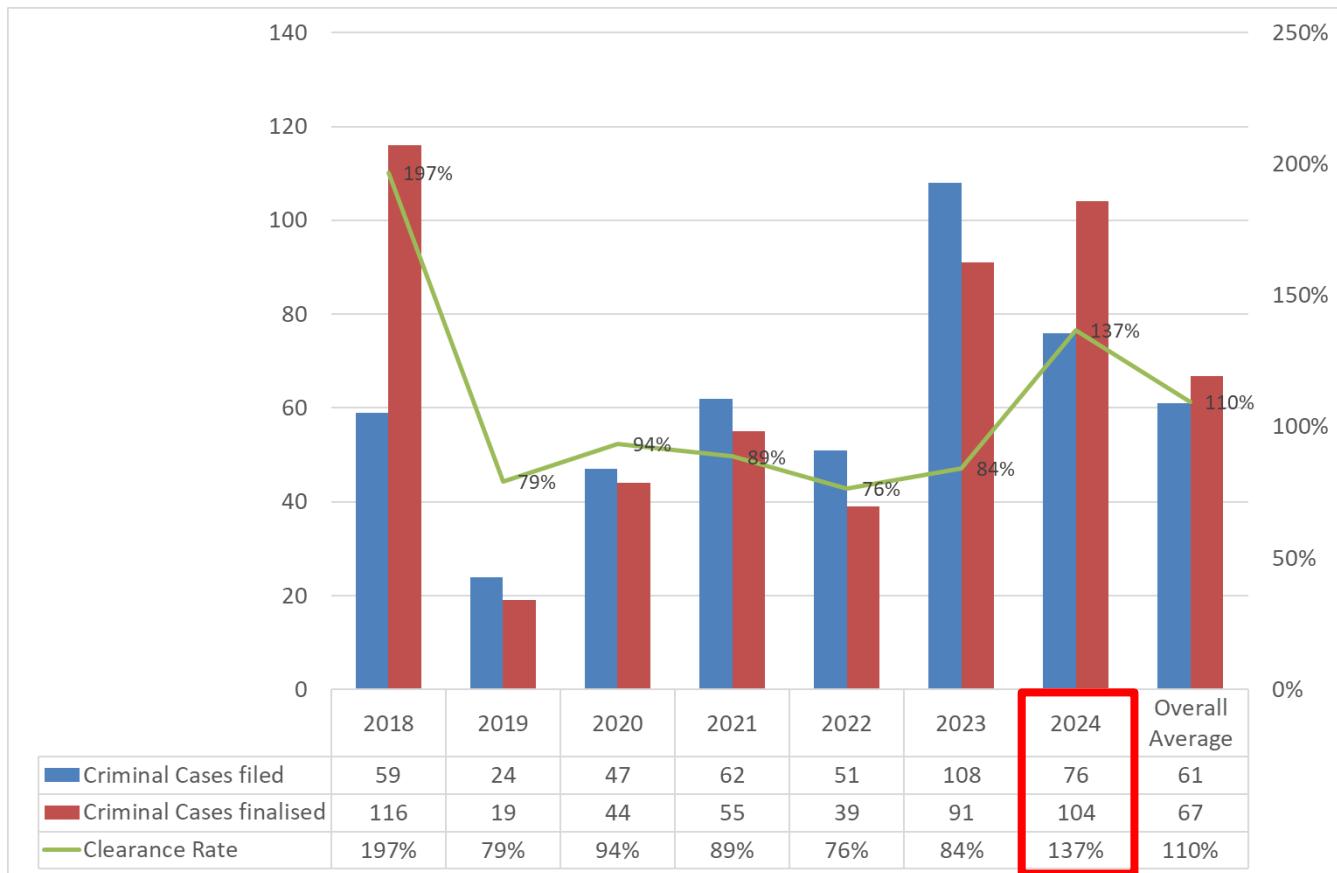


Maintenance matters has decreased by 14% compared to 2023. Clearance Rate was significantly high due to high finalization at 130% - a solid effort.

Overall, Clearance rates have an average of 107% over the last 7 years.

Ref: ICMW

ISLAND COURT CRIMINAL WORKLOAD

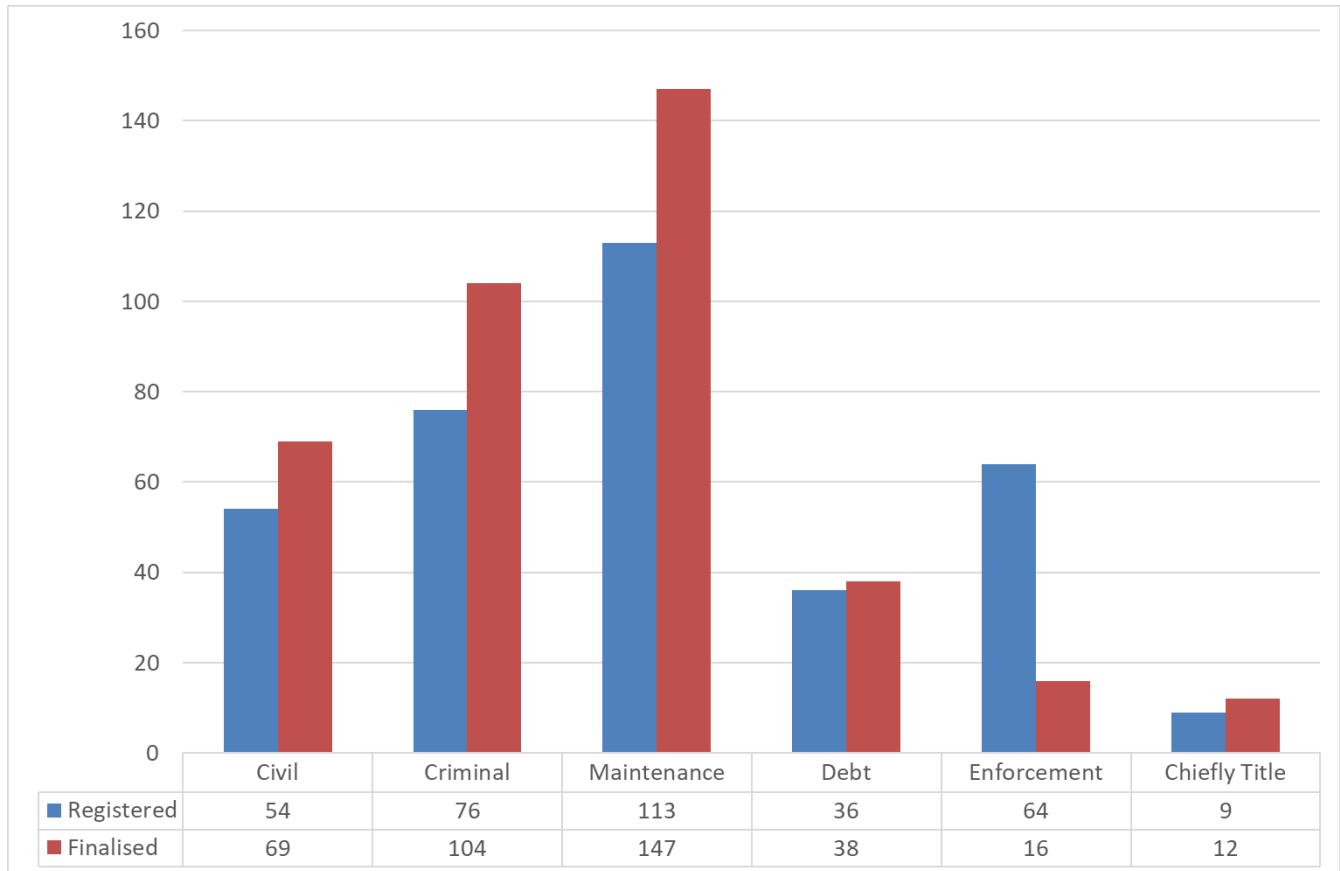


Criminal cases filling has dropped by 30% while finalization has increased by 14% causing Clearance rate over 100% compared to previous years – a significant improvement.

Overall, Average clearance rate is 110%.

Ref: ICCW

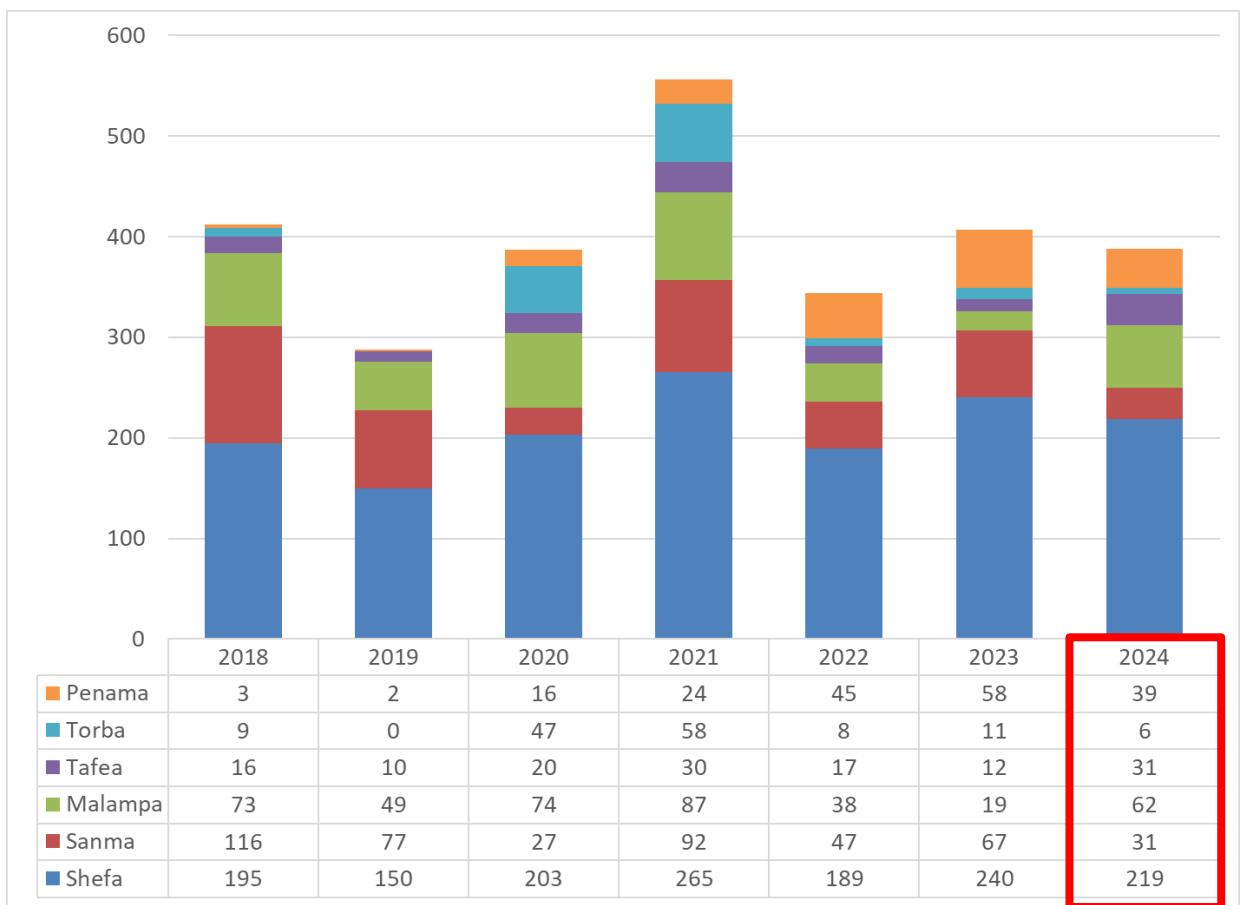
ISLAND COURT CASE WORKLOAD



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

Ref: ICAllW

ISLAND COURT LOCATION WORKLOAD

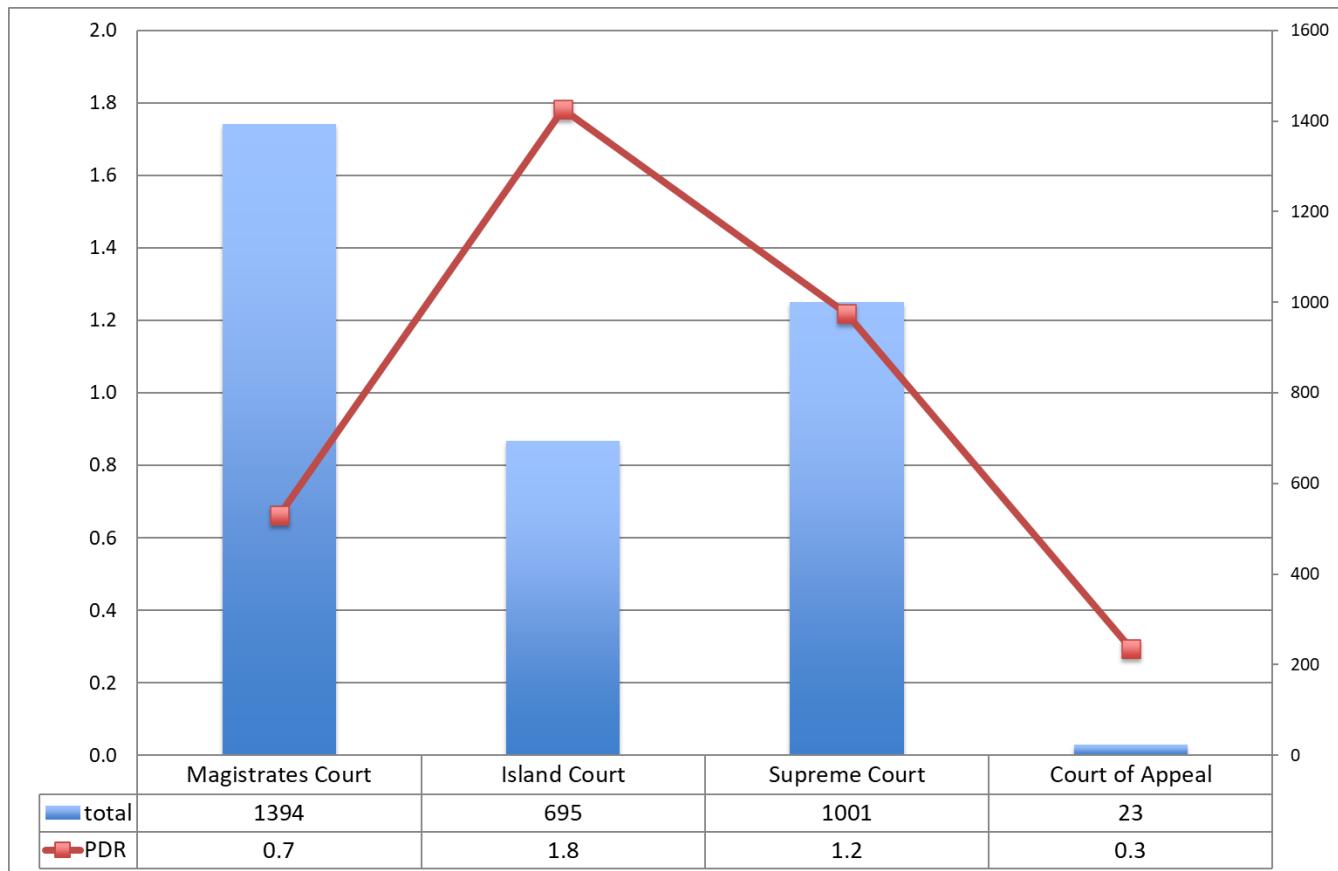


In 2024, 3/6 provinces have seen an increase in cases being filed, e.g. Shefa, Malampa & Tafea, whereas seen a decrease for the other provinces compare to 2023 i.e Sanma, Penama & Torba province.

Ref: ICLocationW

2. PENDING CASES

PENDING CASES BY COURT

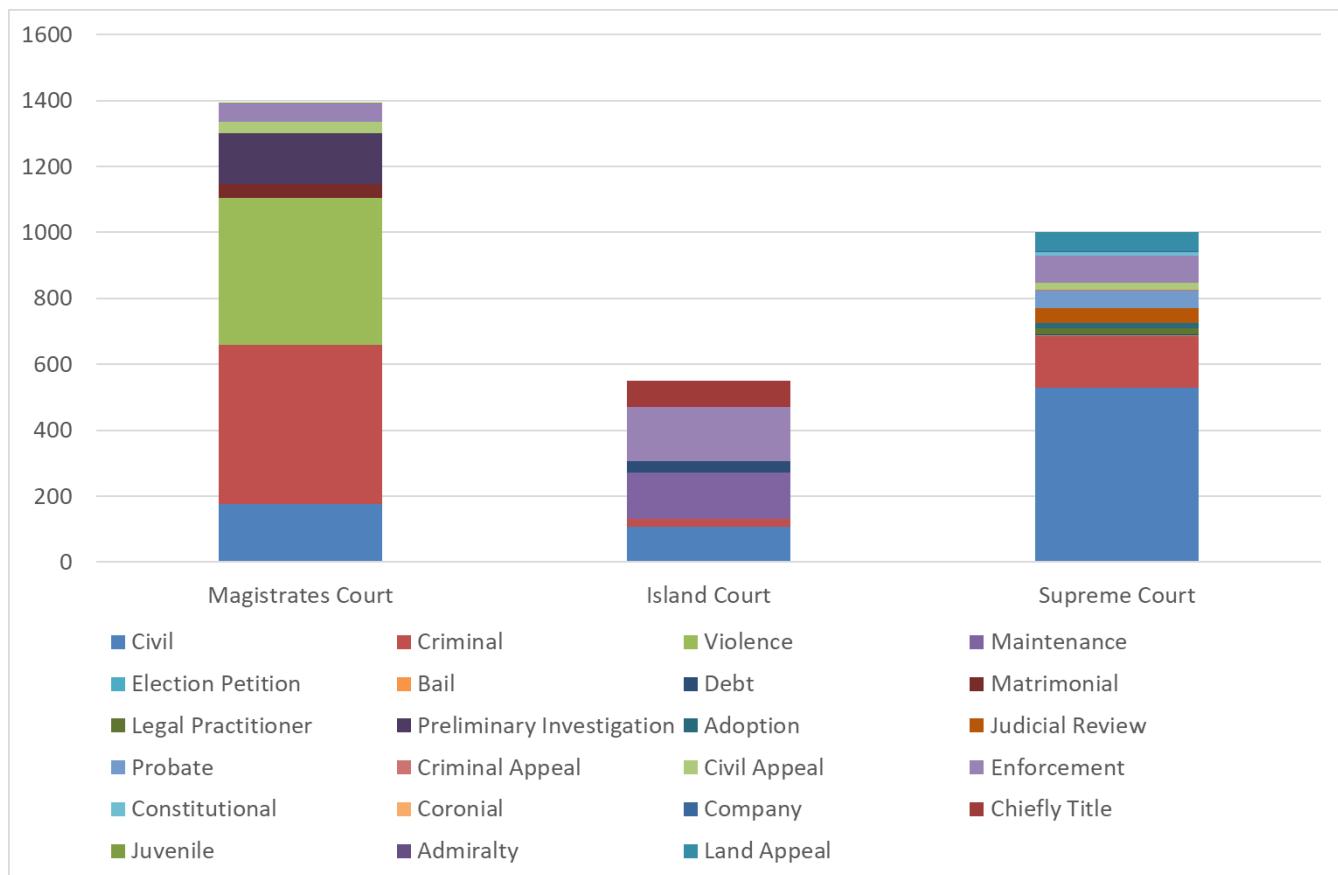


3,113 cases are now pending across the four jurisdictions, with 45% in the Magistrate Court. Of concern is the high Pending to Disposal Ratio (PDR) in the Supreme Court, Magistrates Court & Island Courts. The lower the PDR, the better - and ideally under 1.0 for the Supreme Court and 0.5 for the Magistrate Court.

Court of Appeal doing exceptionally well with PDR of 0.3

Ref: AllPending

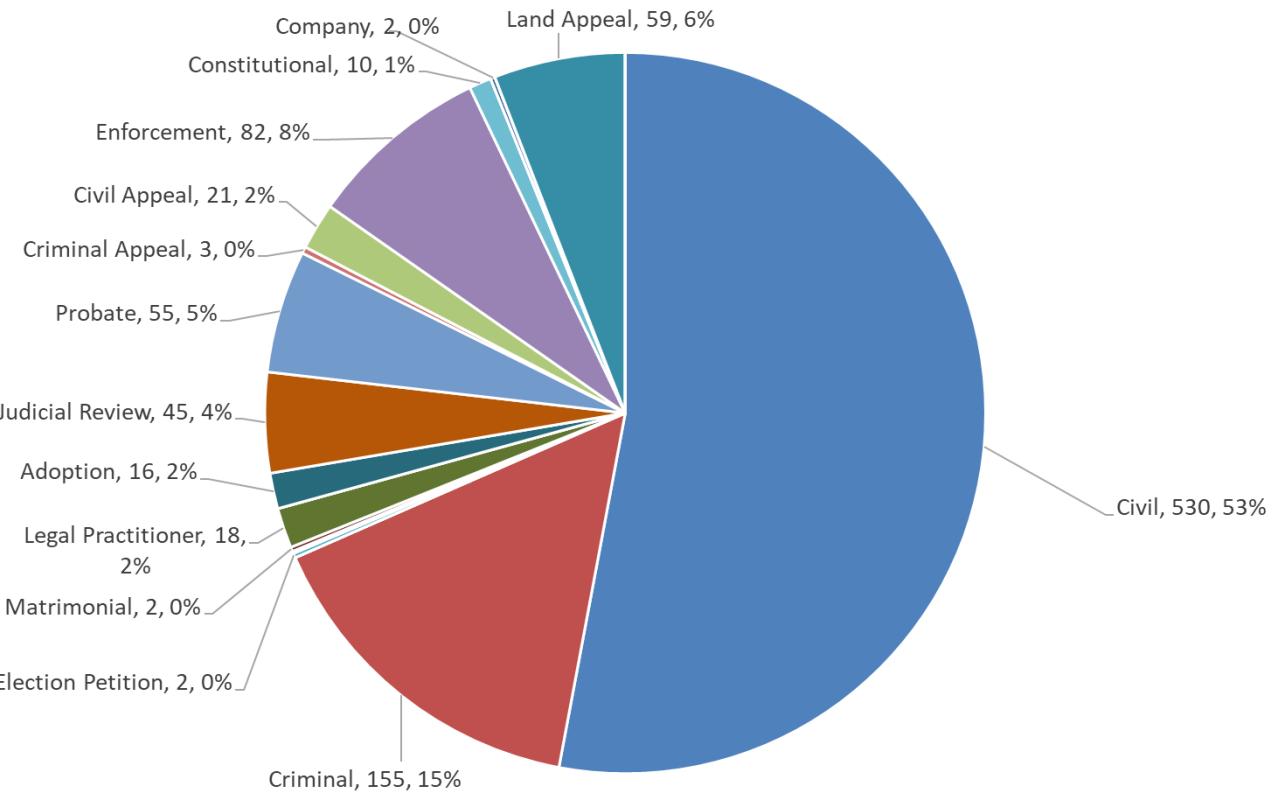
PENDING BY COURT BY CASE TYPE



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

Ref:AllPendingCase

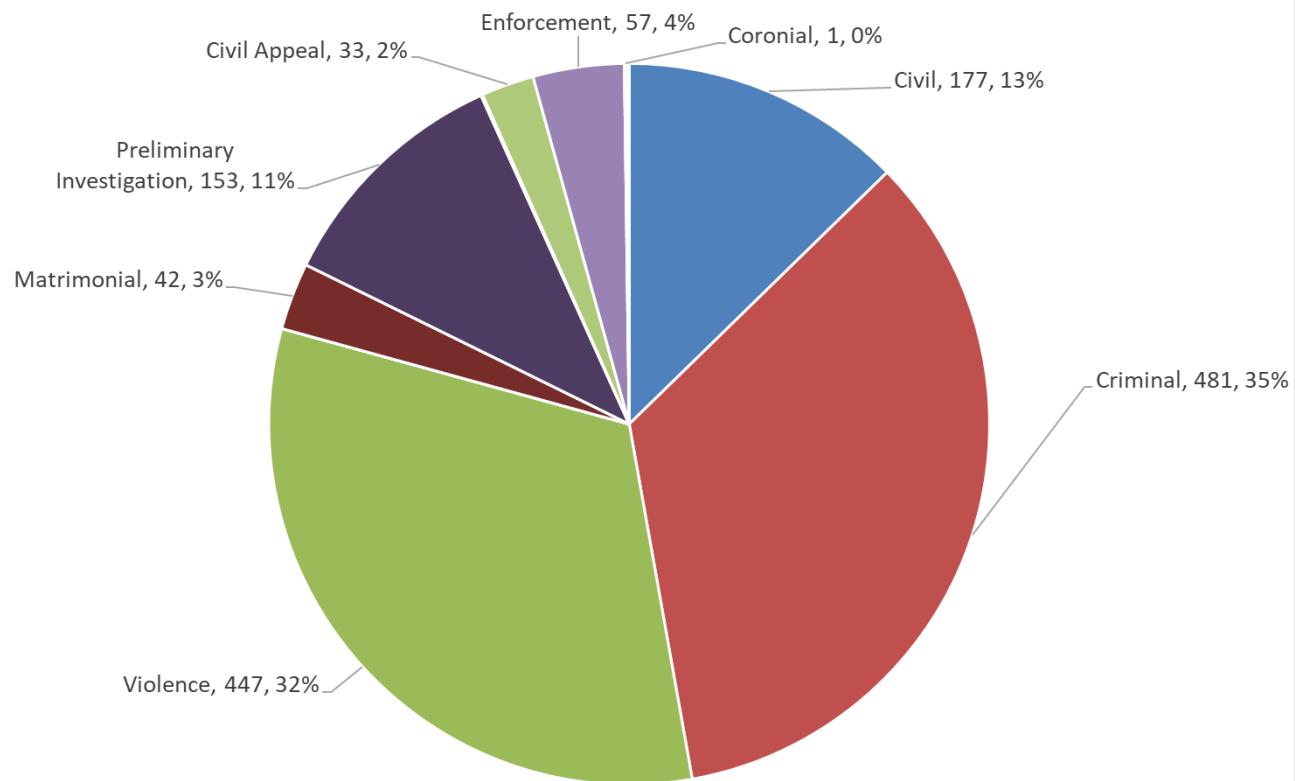
PENDING SUPREME COURT BY CASE TYPE



Clearly shows more than 50% are Civil cases that make-up the largest % of the Supreme Court pending workload, Criminal being the second largest % .

Ref: SCPending

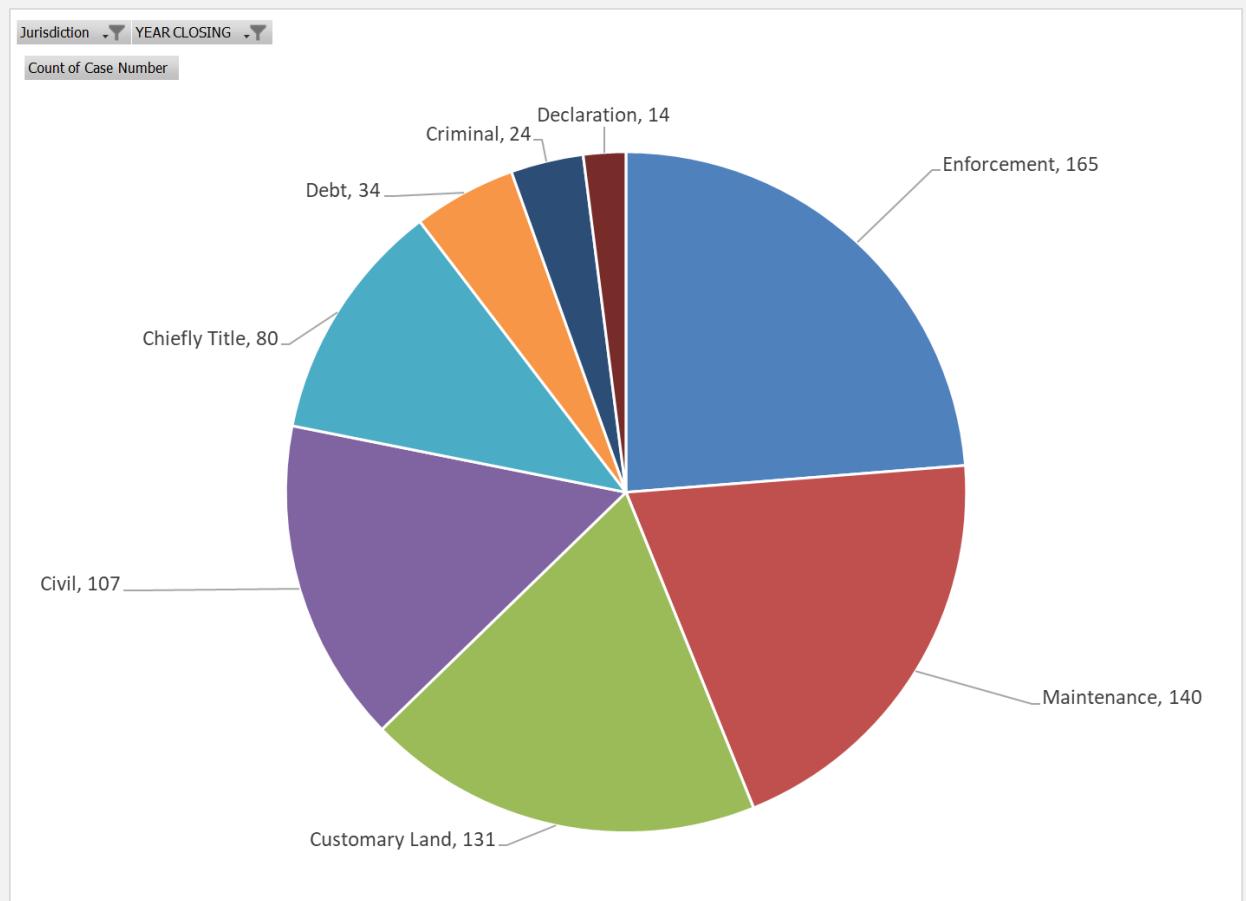
PENDING MAGISTRATES COURT BY CASE TYPE



Criminal cases make up 35% of MC Pending workload, followed by Violence % (Domestic protection orders).

Ref: MCPending

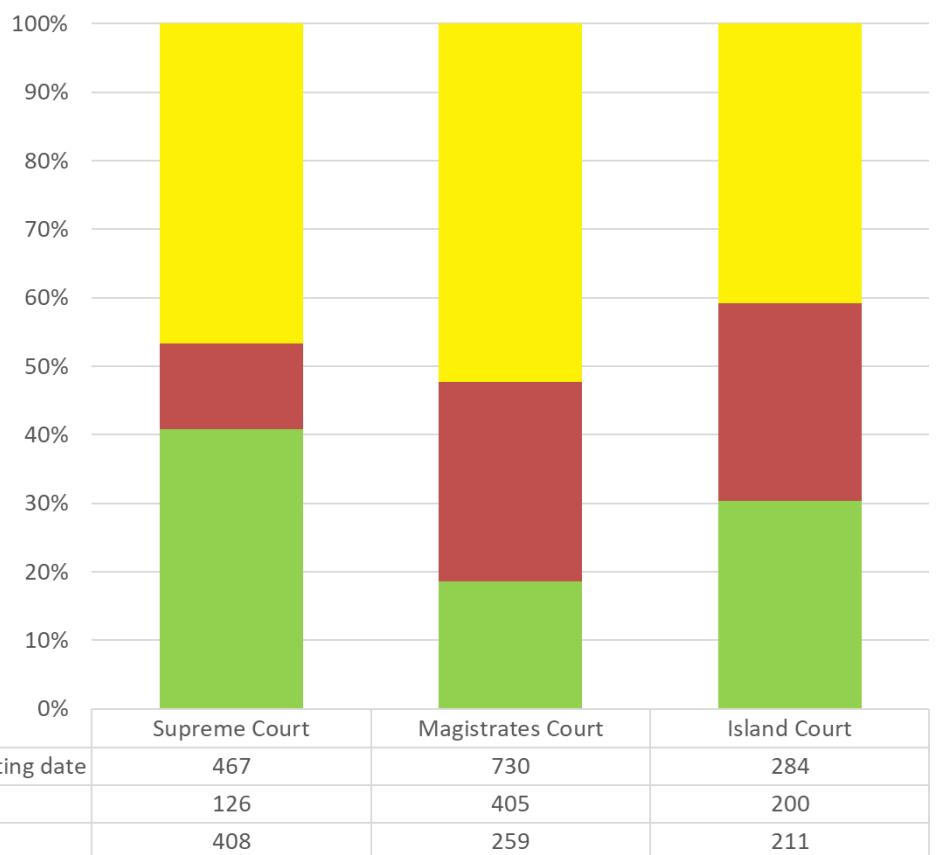
PENDING ISLAND COURT BY CASE TYPE



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

Ref: ICPending

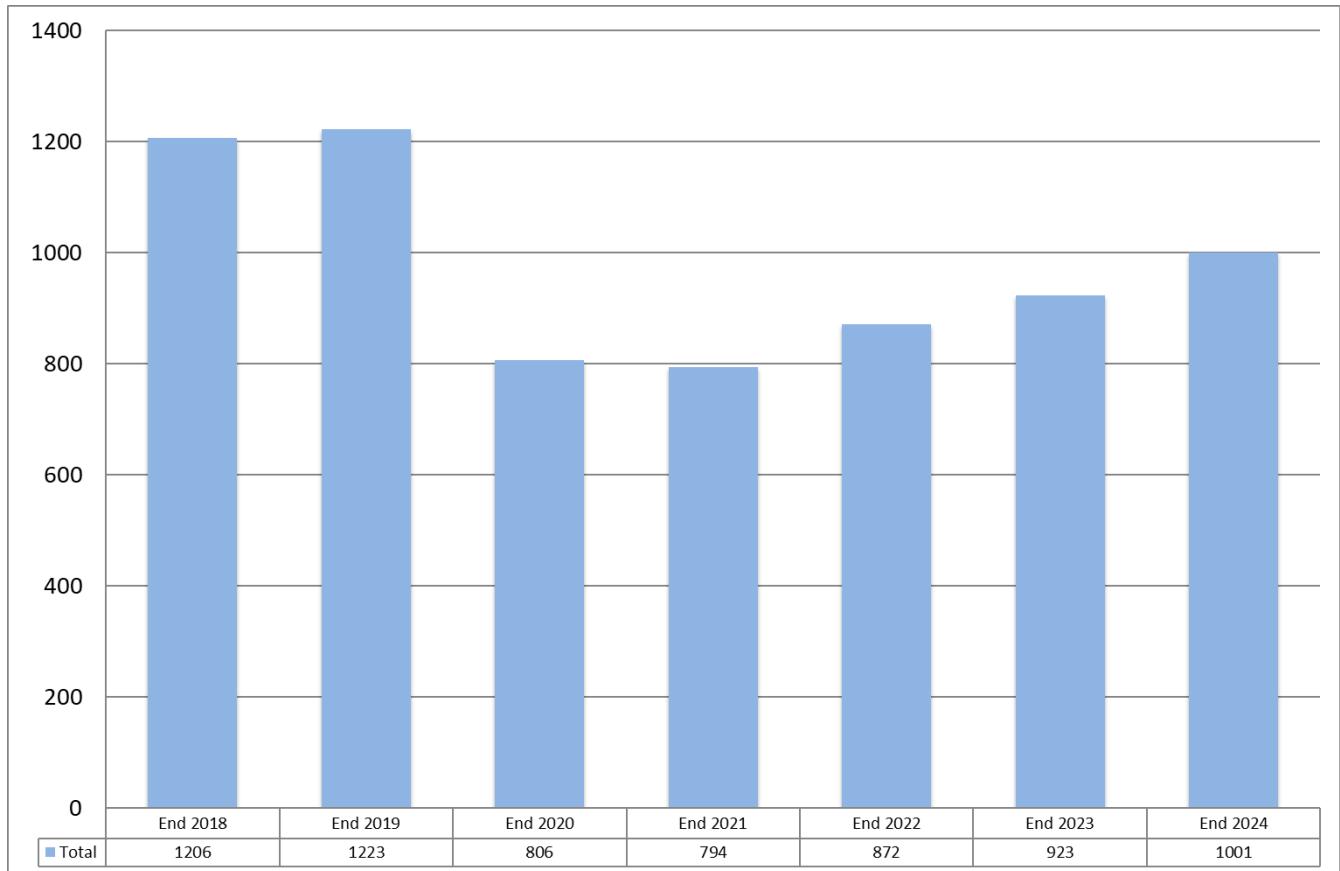
PENDING BY COURT BY LISTED OR NOT LISTED



Cases with a future listing (shaded green) 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

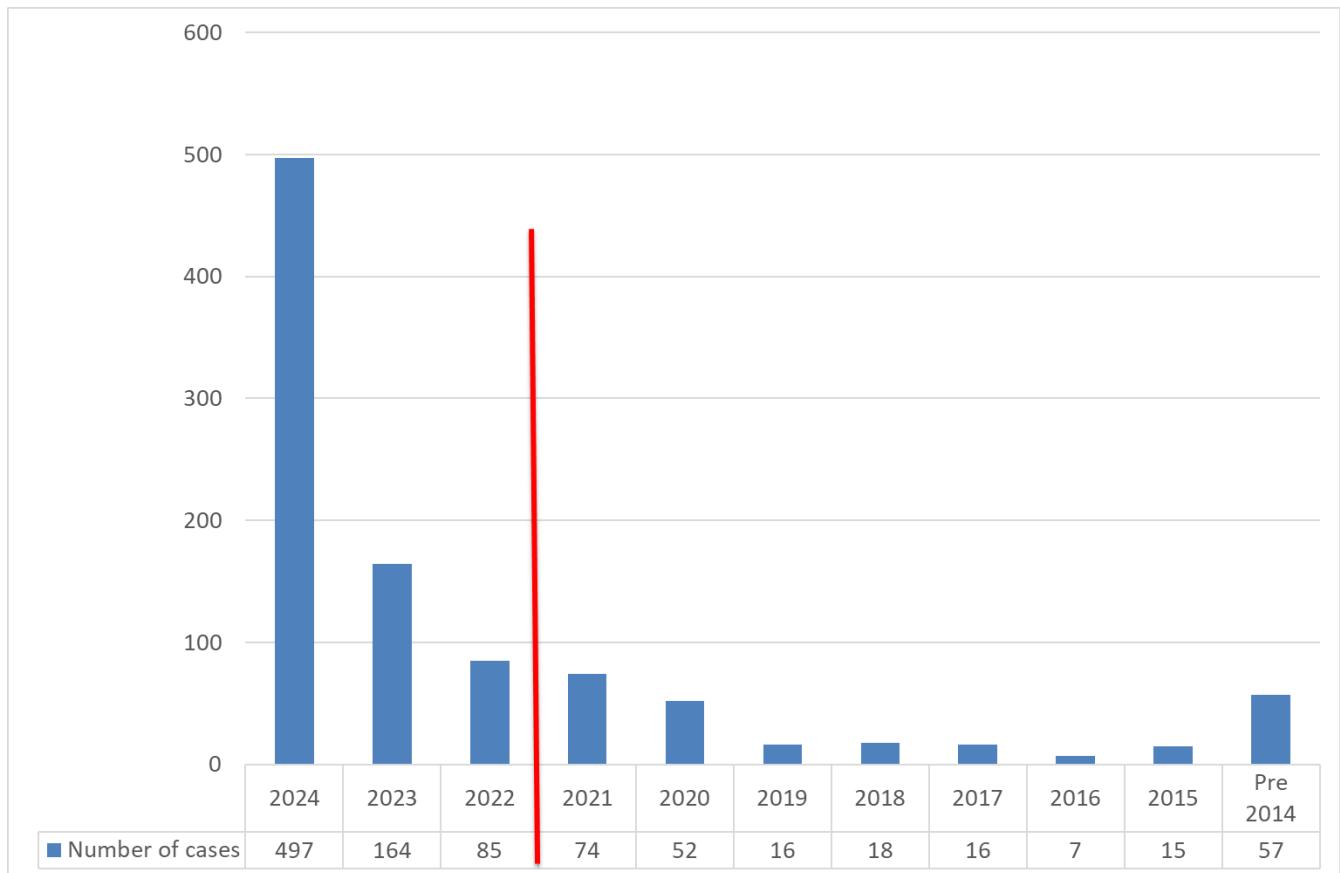
PENDING TREND SUPREME COURT



Trend clearly shows an increase in pending cases, due to low clearance rate in 2024.

Ref: SCPendingYear

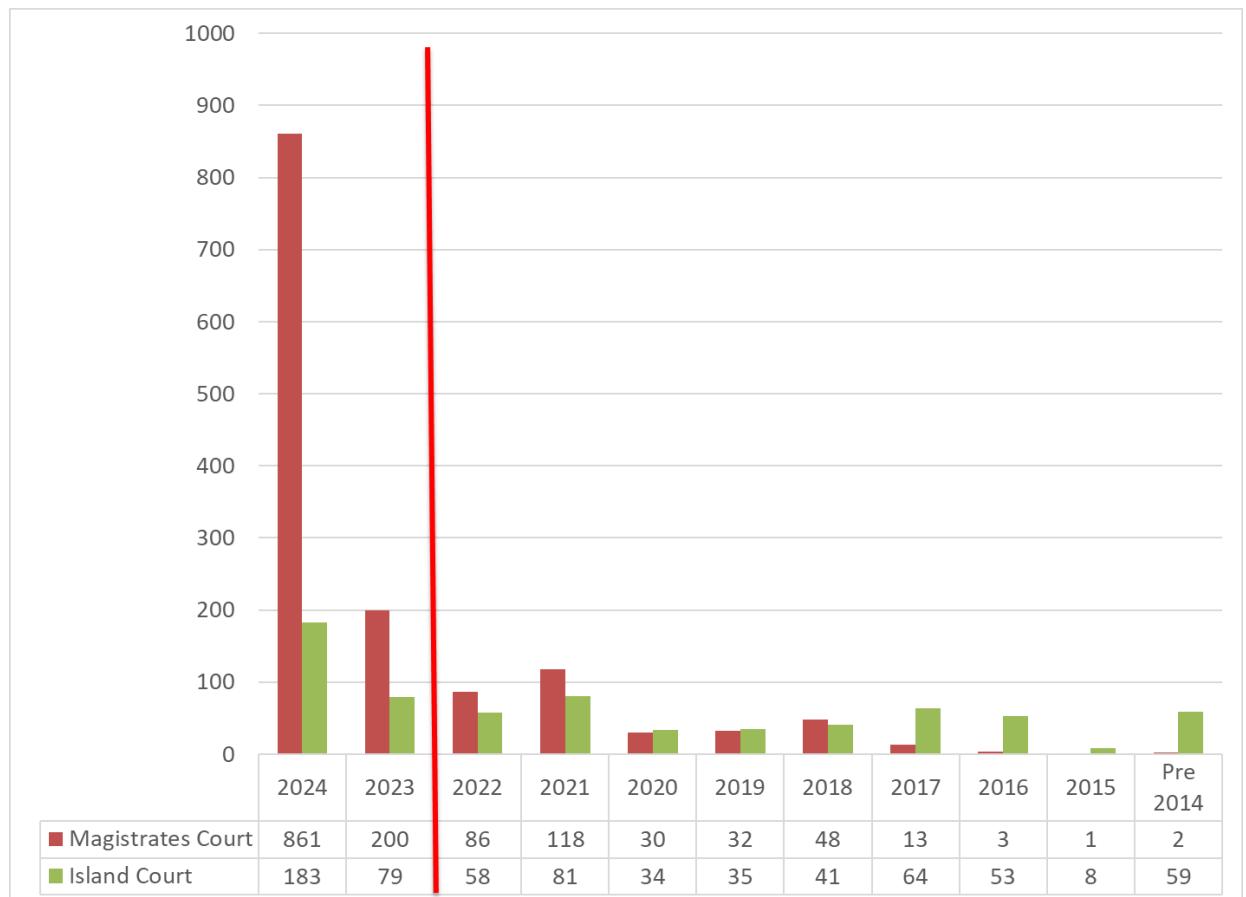
PENDING AGE SUPREME COURT



Approximately 25% of cases are older than 3 years (2021 and earlier), equating to 255 cases. Further work on addressing these specific old cases needs to be undertaken.

Ref: SCPendingAge

PENDING AGE MAGISTRATES & ISLAND COURTS



Approximately 62% of cases are older than 2 years (2022 and earlier) for Island Court, reallocation of resources need to be reconsidered to support IC to deal with these cases which equate to 433 cases.

24% of cases are older than 2 years for MC, work equating to 333 cases.

Ref:AllPendingAge

PENDING TRENDS AND PDR

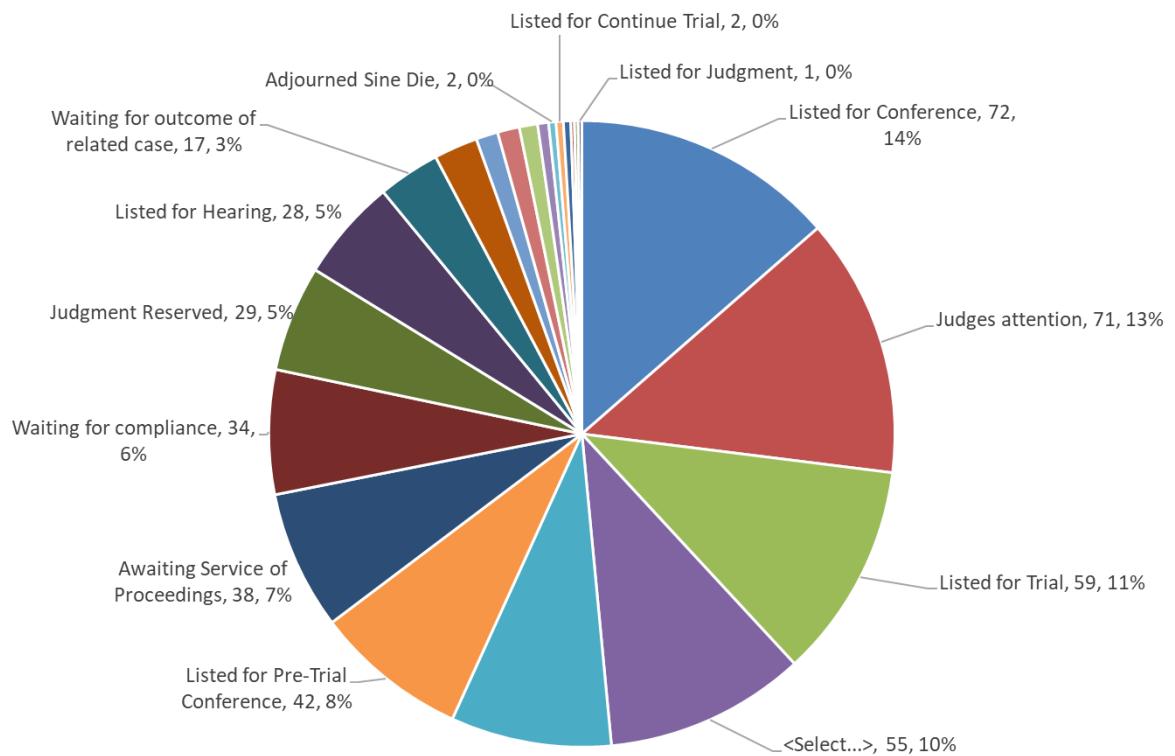


The lower the PDR (Pending to Disposal Ratio) – the better. Supreme Court remains high, PDR approximately 1.22 which equates to more than a year worth of outstanding cases. (Target is typically 1 or less for a superior court)

Magistrate Court has a PDR of 0.66 which equates to more than half a year's work. (target is typically .5 or less for a lower court)

Ref: SCMCPendingPDR

PENDING STAGE SUPREME COURT CIVIL

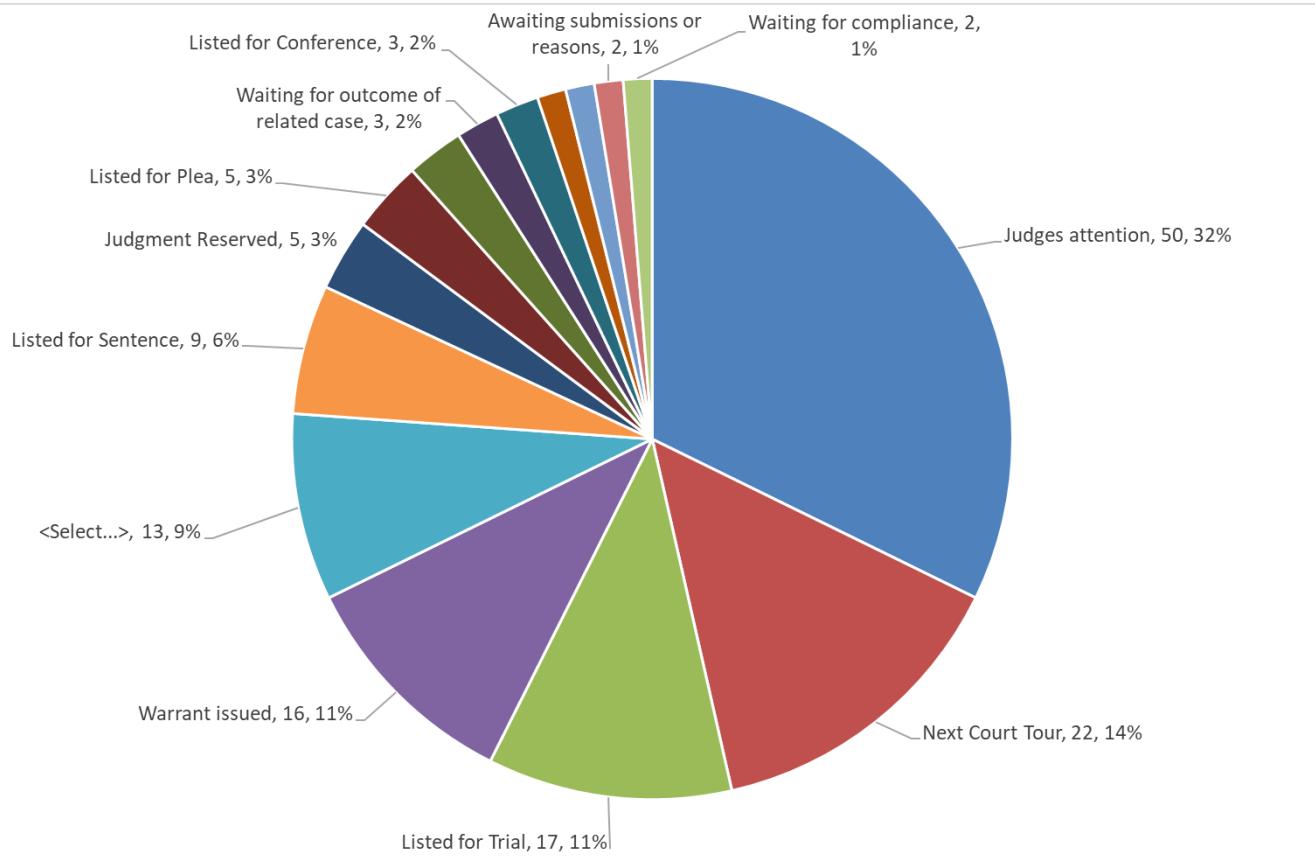


About 56% of the overall pending caseload is listed/ready for trial/hearing (benchmark is 80%).

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

Ref: SCPendingCi

PENDING STAGE SUPREME COURT CRIMINAL

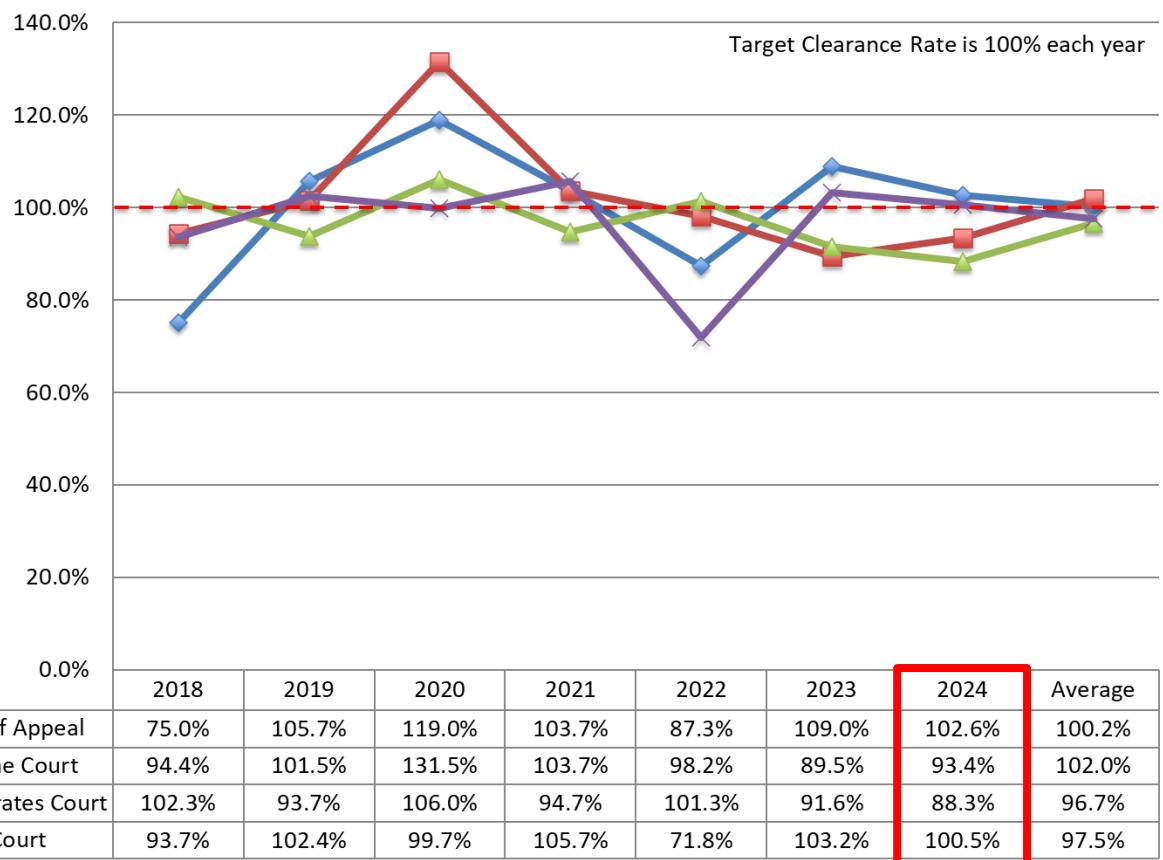


Only 27% of criminal pending matters are listed and almost 73% of the criminal pending matters are not listed (32% with Judges attention, 11% warrant issued, 18% with awaiting resources/submission & next court tour – needs investigation.

Ref: SCPendingCr

3. CLEARANCE RATES

CLEARANCE RATE TRENDS



Clearance Rate 2/4 jurisdictions are sitting at 100% with Court of Appeal at 102.0%, in 2024.

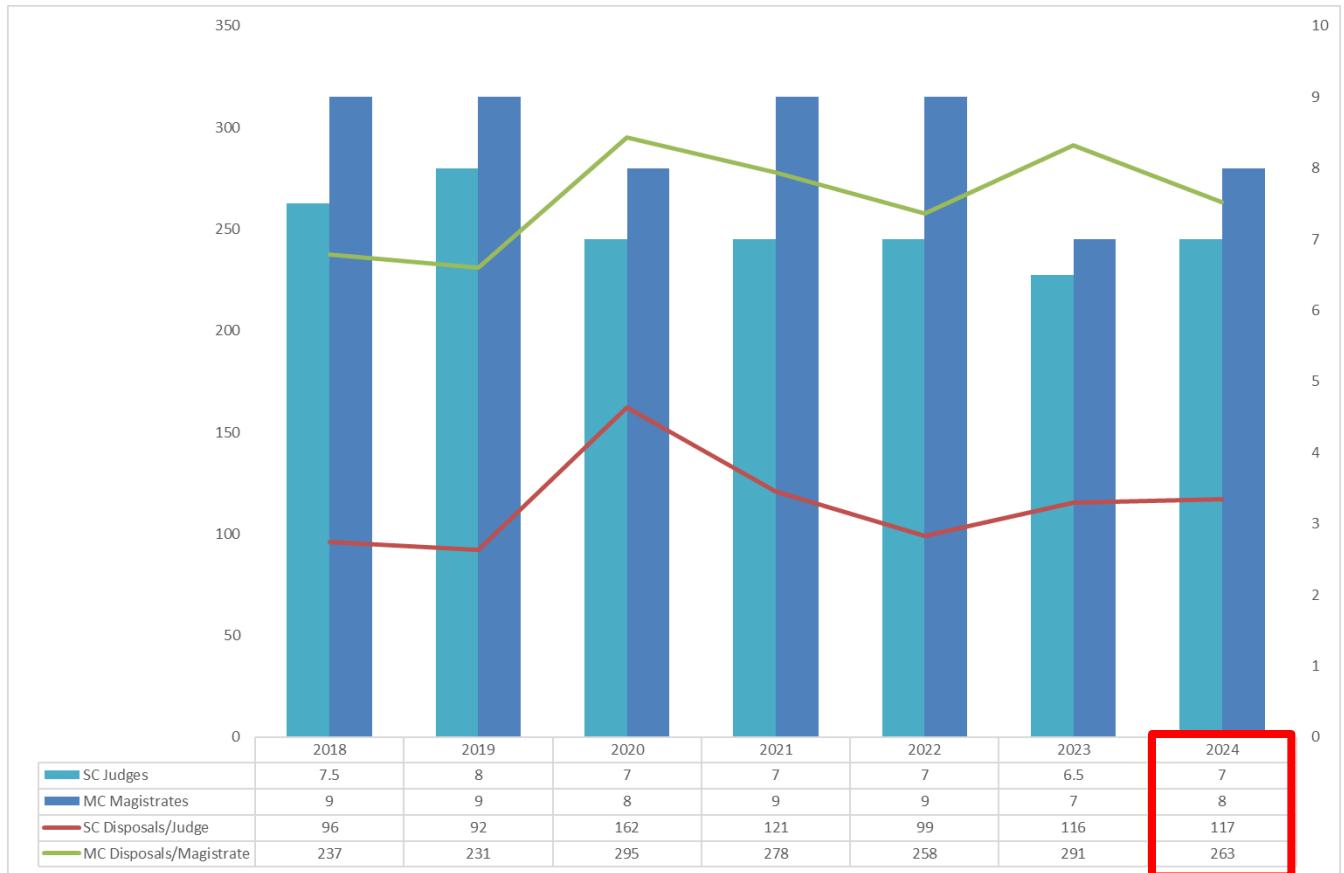
Both the Court of Appeal and Island Court have been able to achieve an average Clearance Rate of just over 100% over the last 7 years. If less than 100% - a court's pending workload naturally increases.

A steady performance over the years.

Ref: AllCRate

4. JUDICIAL PRODUCTIVITY

DISPOSAL RATES PER JUDGE & MAGISTRATE

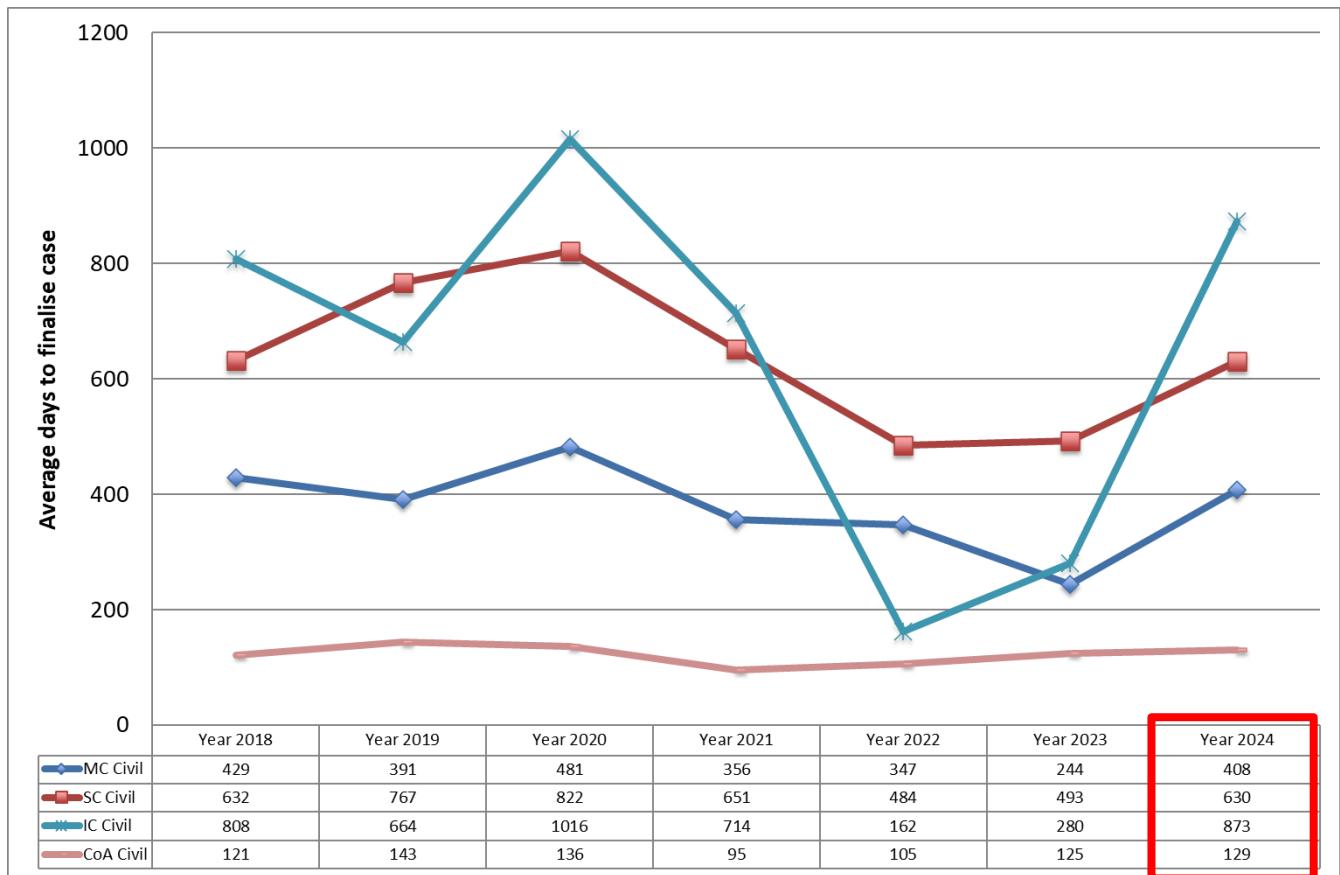


Consistent productivity for both SC & MC. And the fact the MC has been consistent since 2018 is very good.

Ref: SCMCProductivity

5. TIMELINESS

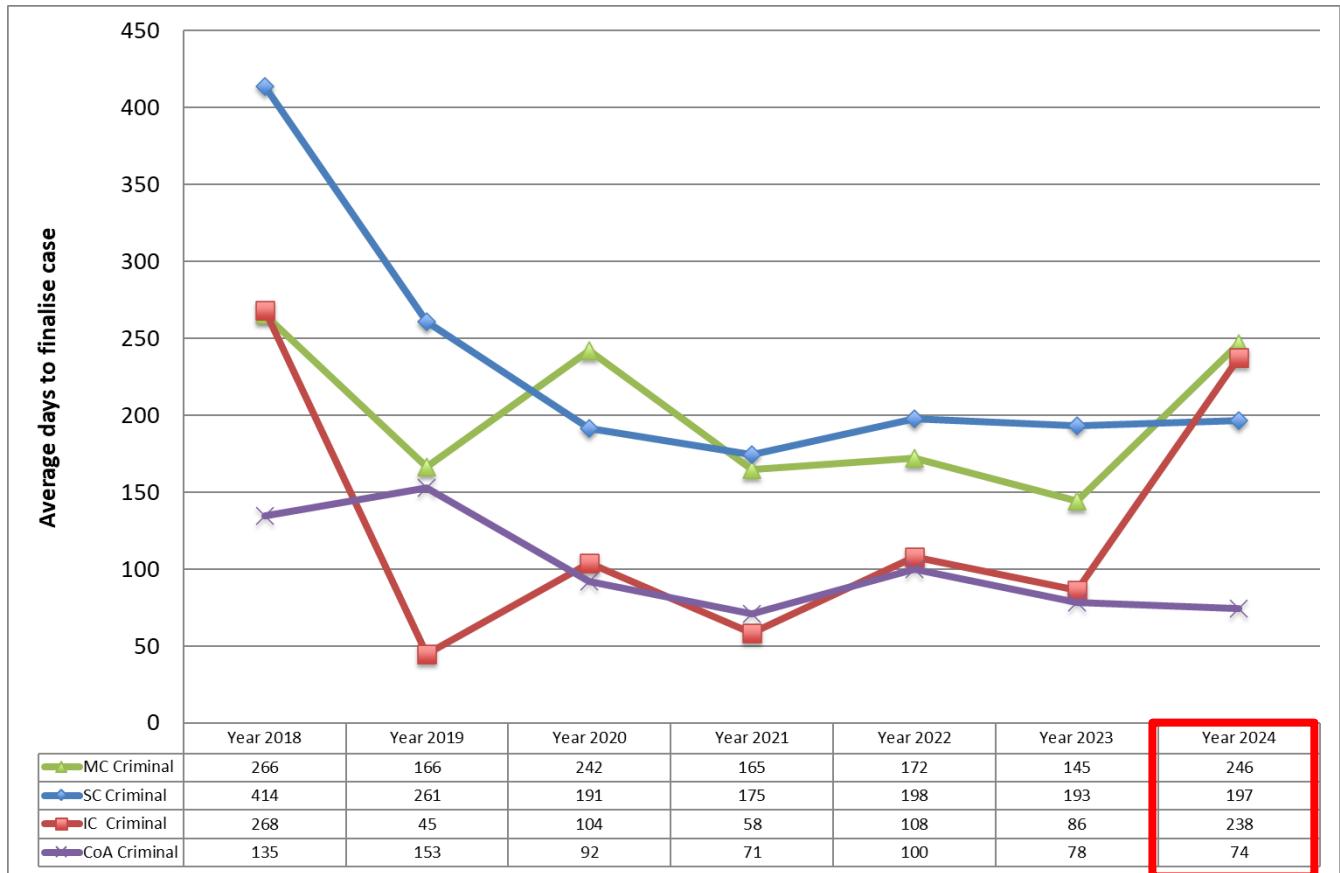
TIMELINESS DISPOSED CIVIL CASES



Compared to 2023 the days to dispose of Civil cases 3/4 courts have significantly increased, while Court of Appeal remains consistent.

Ref:AllTimeCi

TIMELINESS DISPOSED CRIMINAL CASES



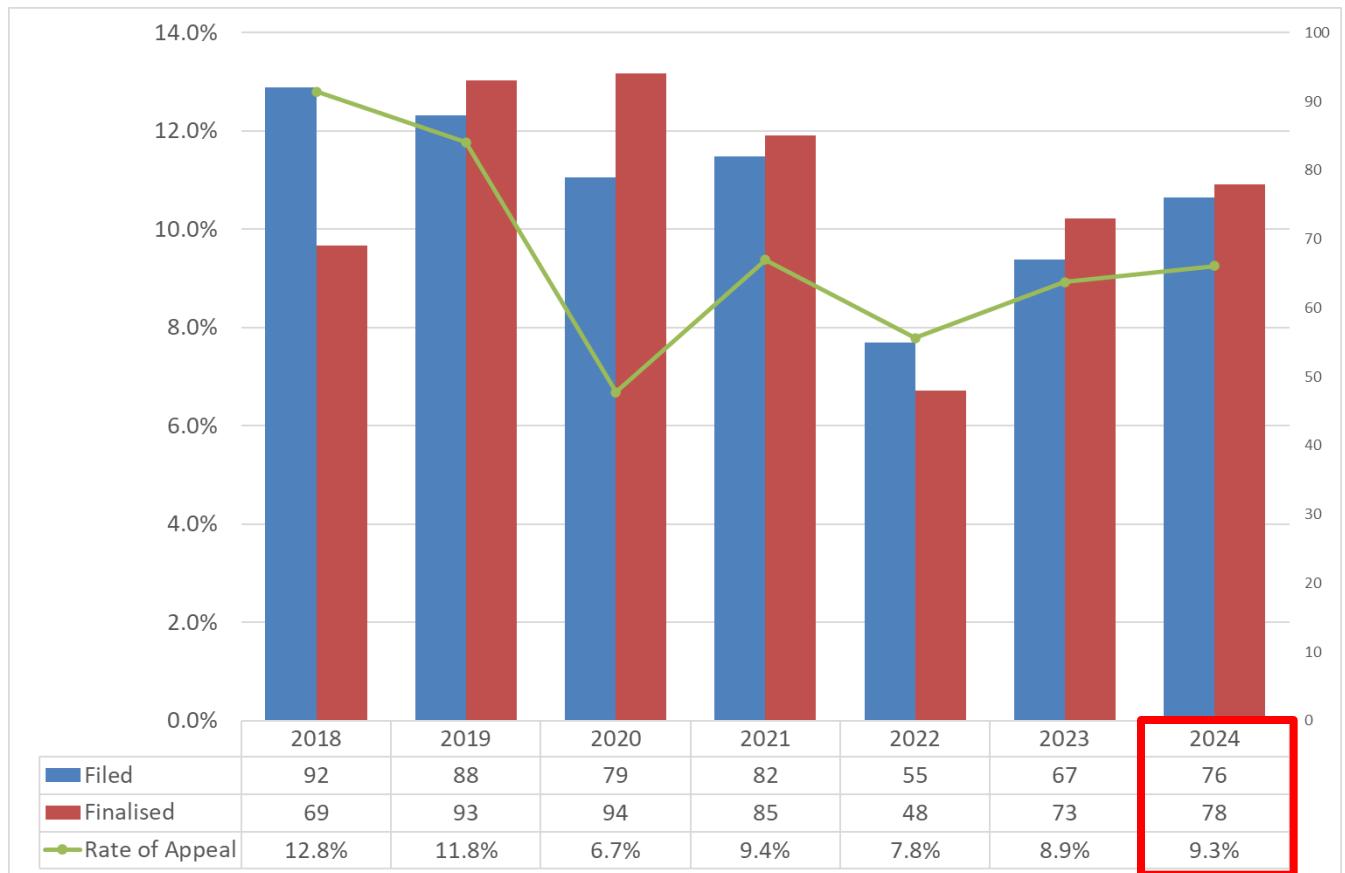
Criminal cases average days to dispose is the same for Supreme Court and the Court of Appeal compared to last year whereas seen a high increase in the Magistrate and Island court.

IC closing off old cases that were open in 2021

Ref:AllTimeC

6. COURT OF APPEAL

COURT OF APPEAL WORKLOAD TRENDS



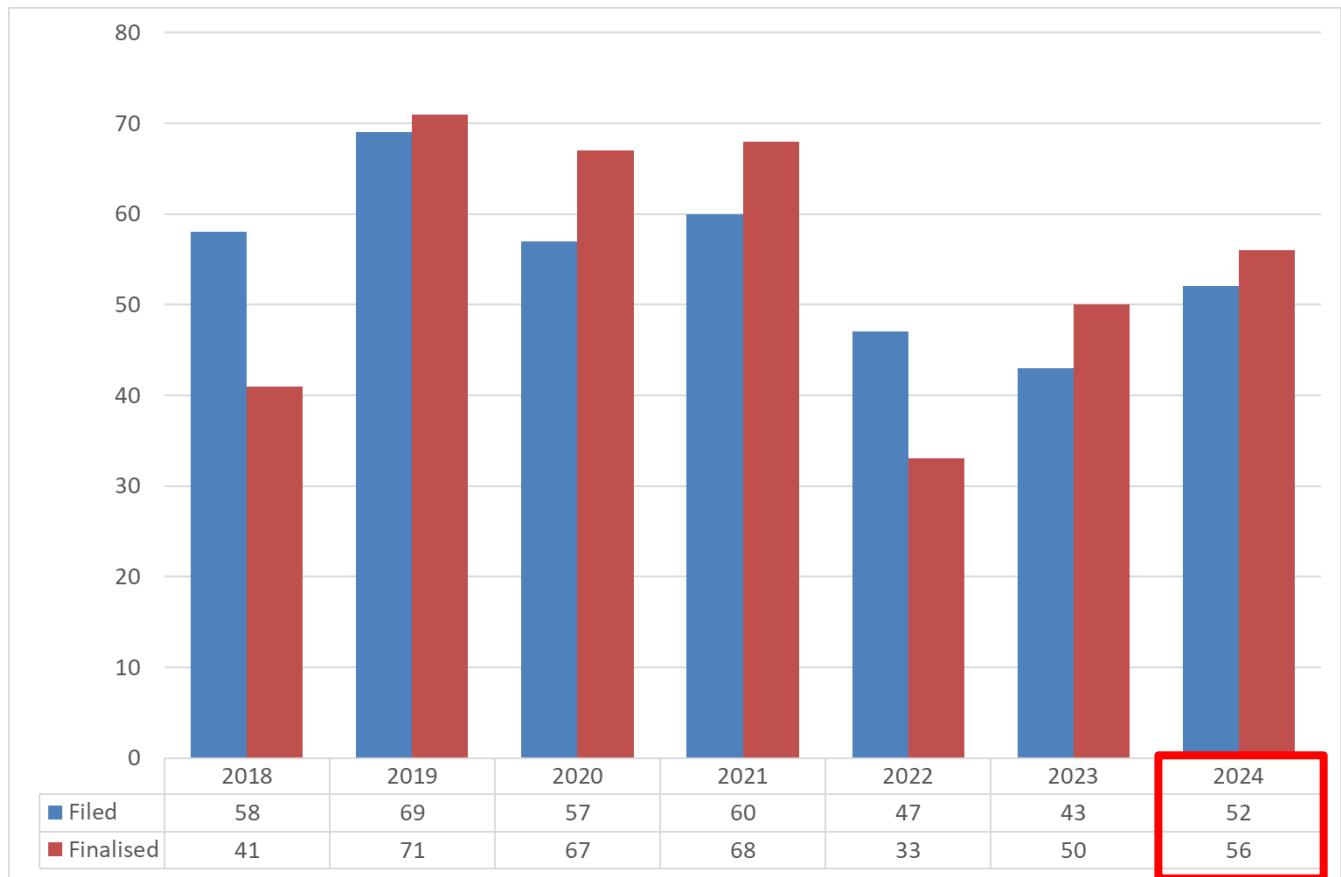
CoA filing has been consistent to the previous 3 years. Finalized cases has increased by 7% in 2024 compared to 2023.

Of note is the decreasing % of 1st instance matters finalized that are appealed (compare to 2018) now running approximately 9.3% of first instance matters finalized.

Ref: CoAWTrend

COURT OF APPEAL

CIVIL

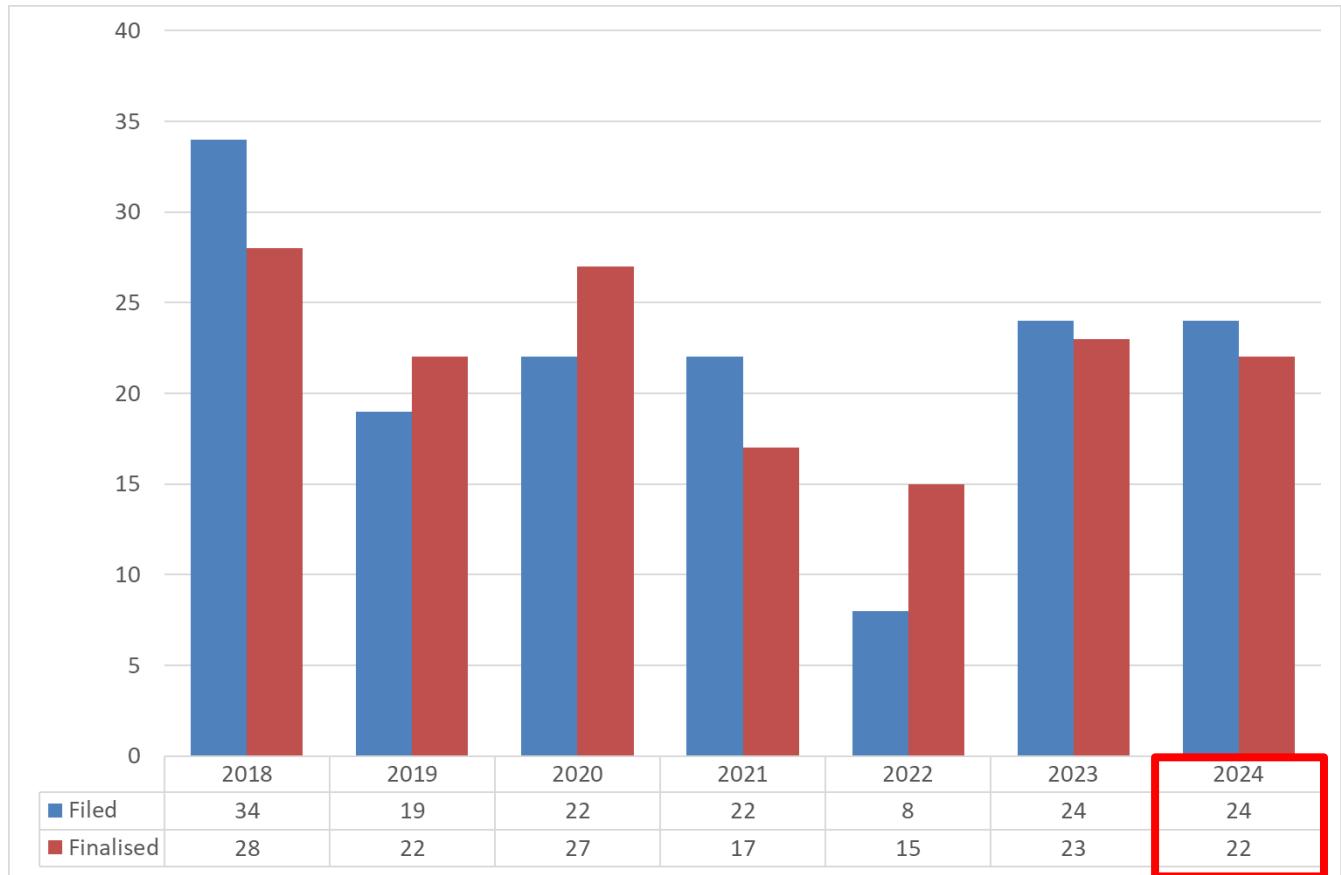


Civil Appeals workload in 2024 has slightly increased over the last 3 years.

Ref: CoAWTrendCi

COURT OF APPEAL

CRIMINAL

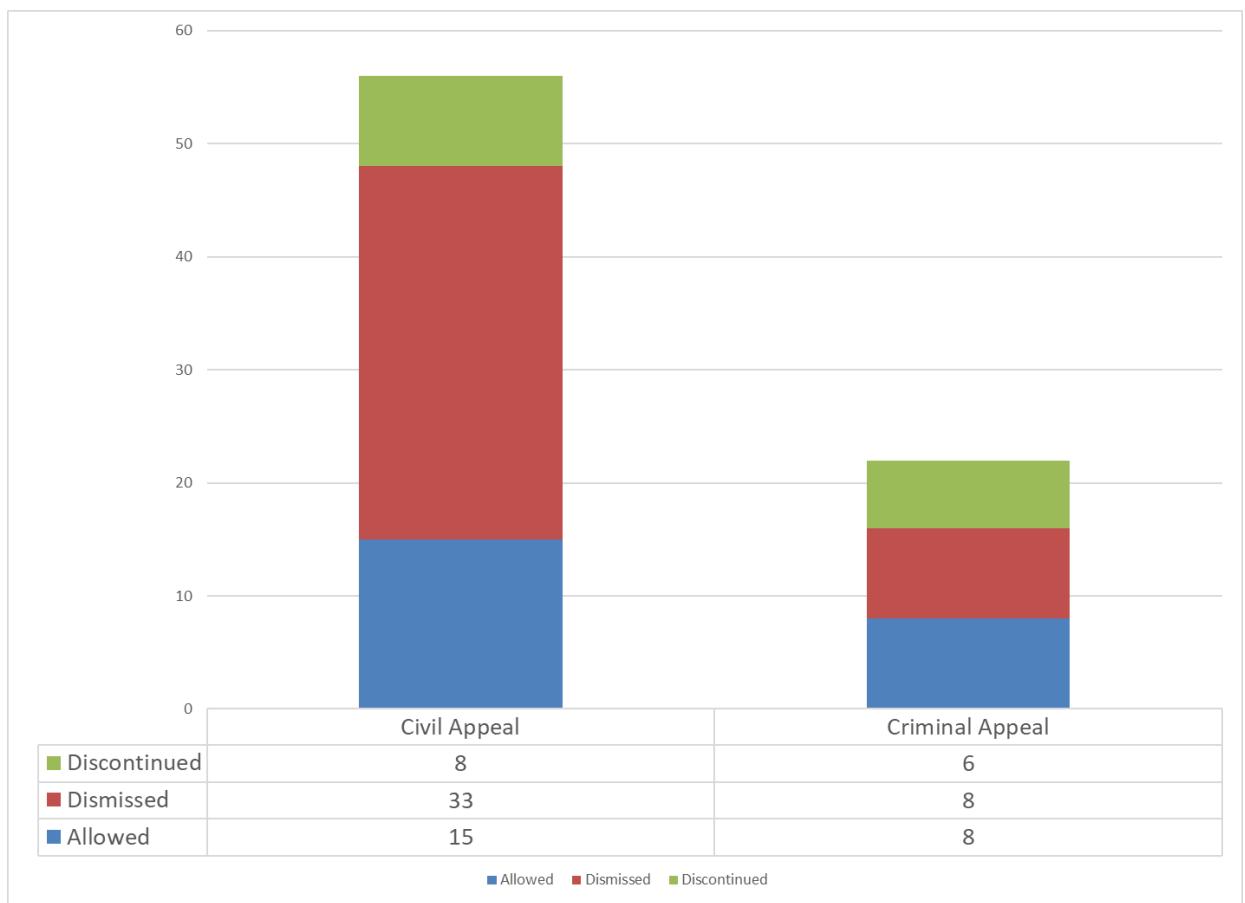


Criminal CoA workload in 2024 remain consistent to 2023.

Ref: CoAWTrendC

COURT OF APPEAL

OUTCOMES

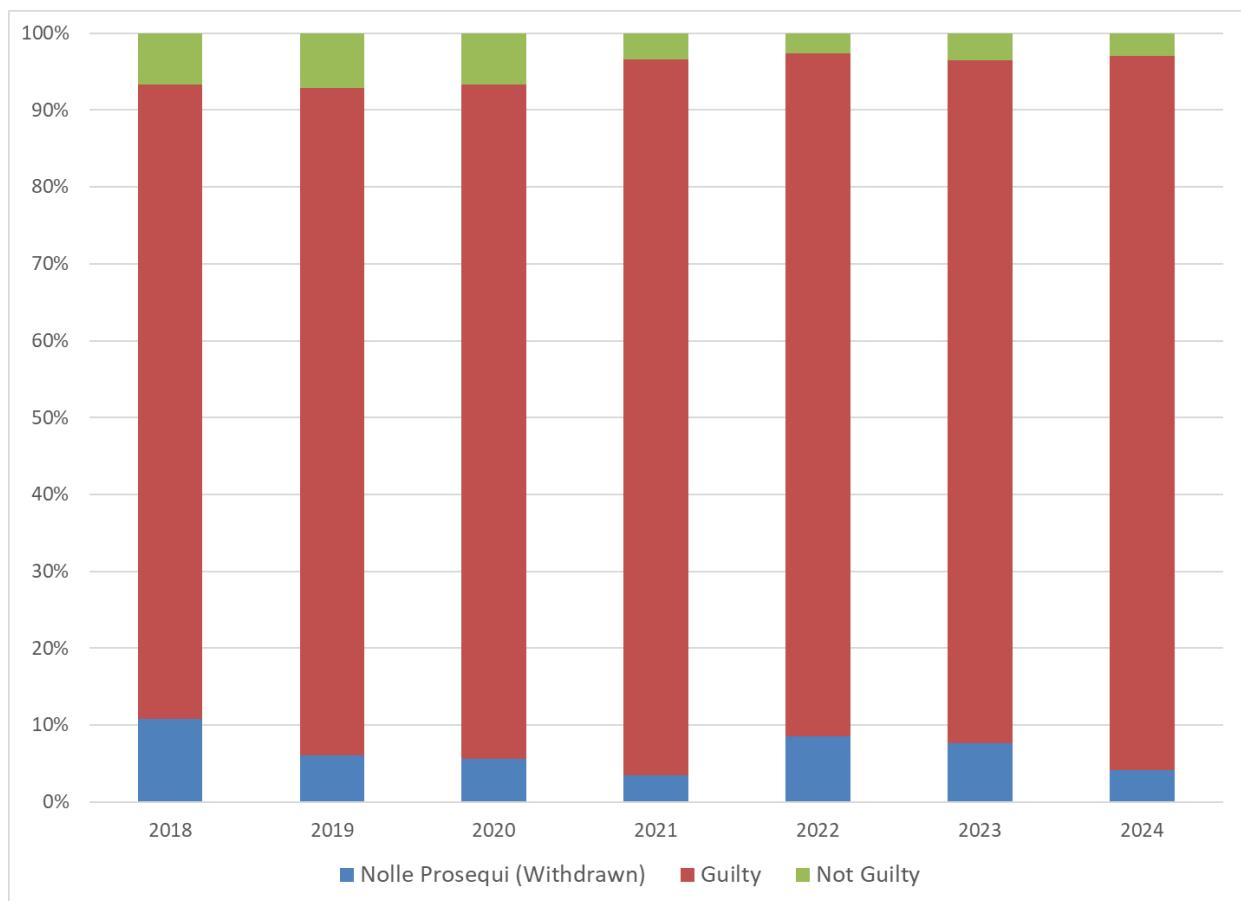


Criminal & Civil CoA workload in 2024, seen majority of civil appeals dismissed.

Ref: CoAOOutcomes 2 (CJ)

7. CRIMINAL CASE OUTCOMES

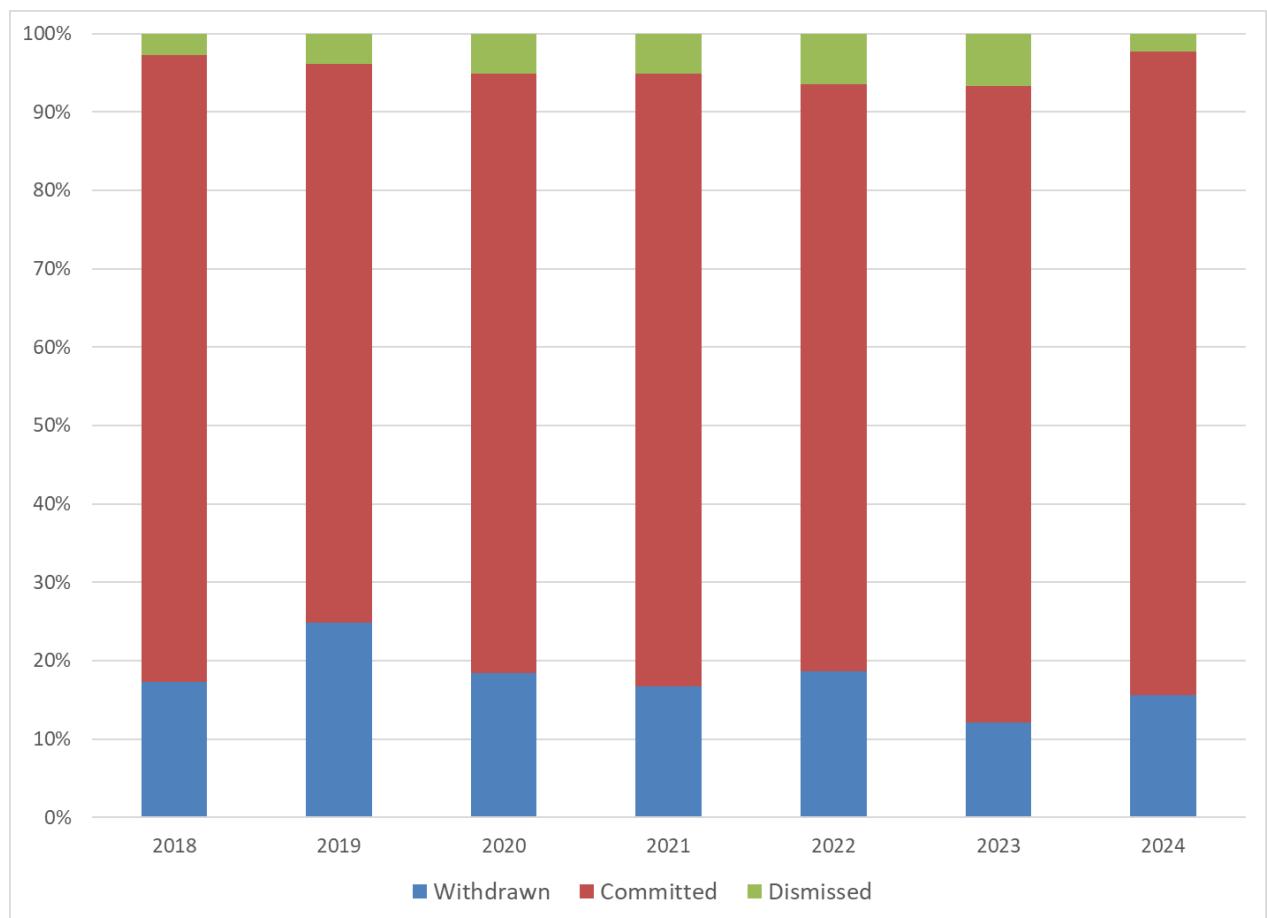
SUPREME COURT CRIMINAL CASE OUTCOMES



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 decreased. Reflects positive prosecution from the OPP.

Ref: SCOutcomesC

MAGISTRATES COURT PI CASE OUTCOMES

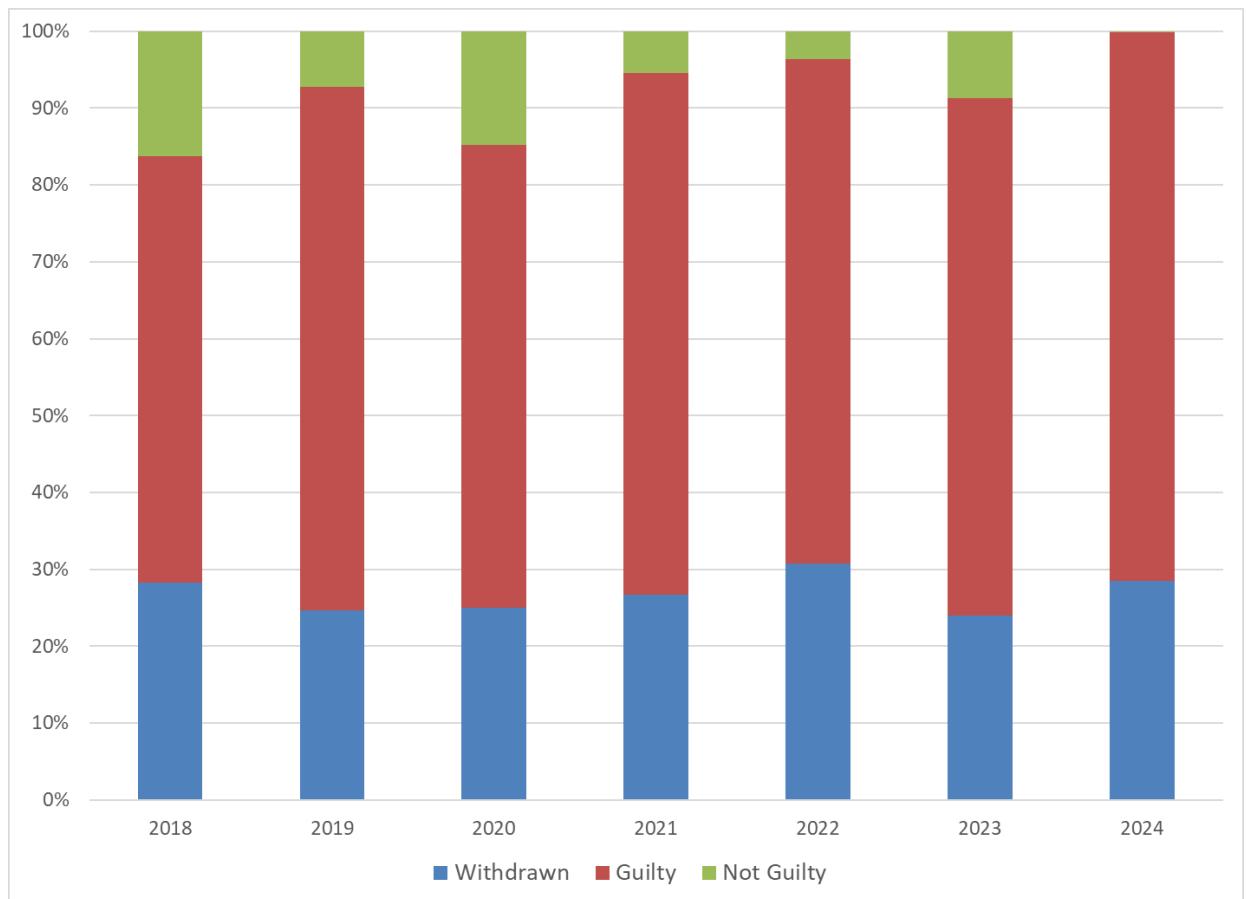


In PI matters, approximately 4% dismissed and 15% withdrawn, and the remaining 81% committed. This is a reflection of the quality of the cases presented by the OPP.

#Withdrawn continues to drop.

Ref: MCOOutcomesPI

MAGISTRATES COURT CRIMINAL CASE OUTCOMES

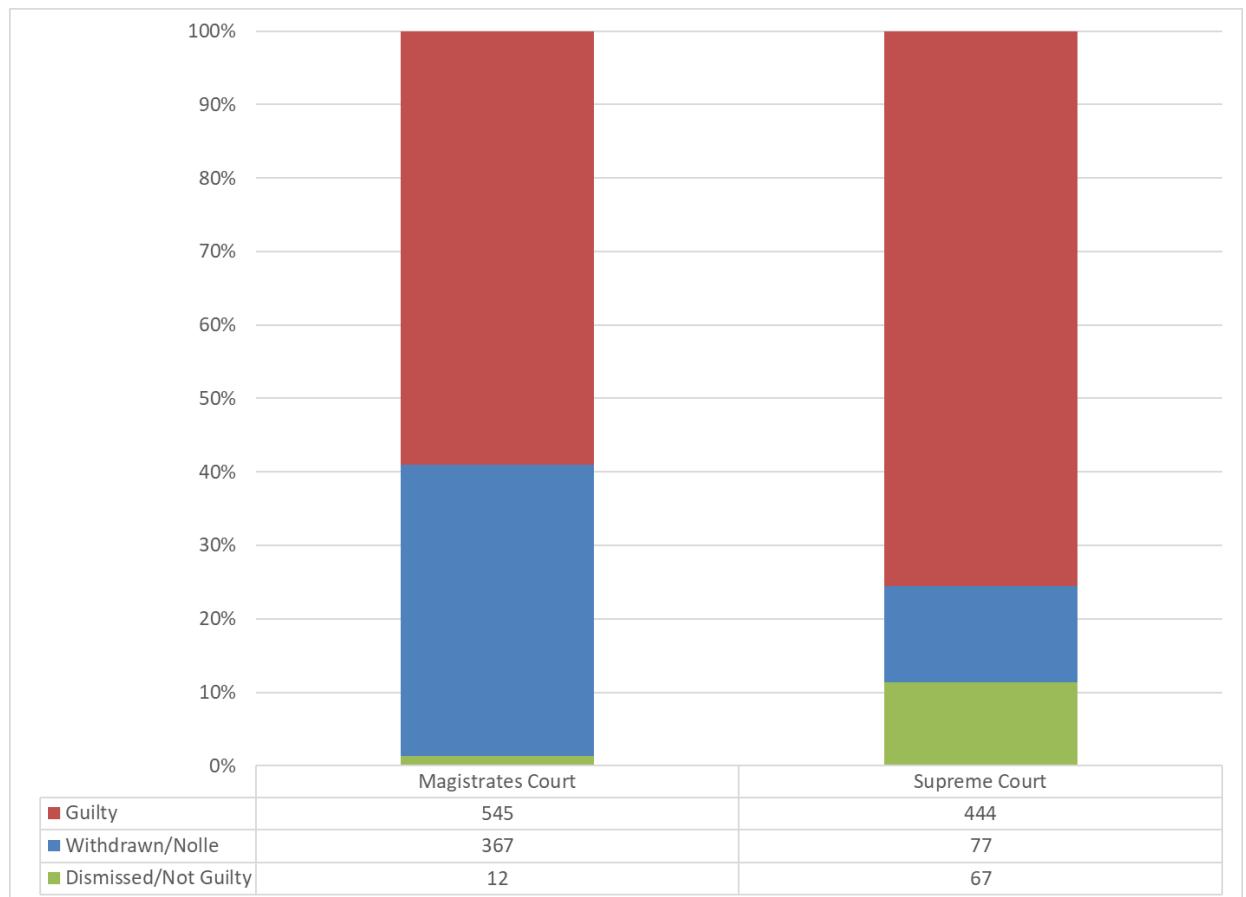


In MC Criminal matters approximately 28% cases are withdrawn while approximately 1% not guilty (an increase) and the remaining 71% guilty. Overtime the red has increased – a positive shift for the cases presented by VPF Prosecution.

Ref: MCOOutcomesC

8. CRIMINAL CHARGE OUTCOMES AND ORDERS

CHARGE OUTCOMES

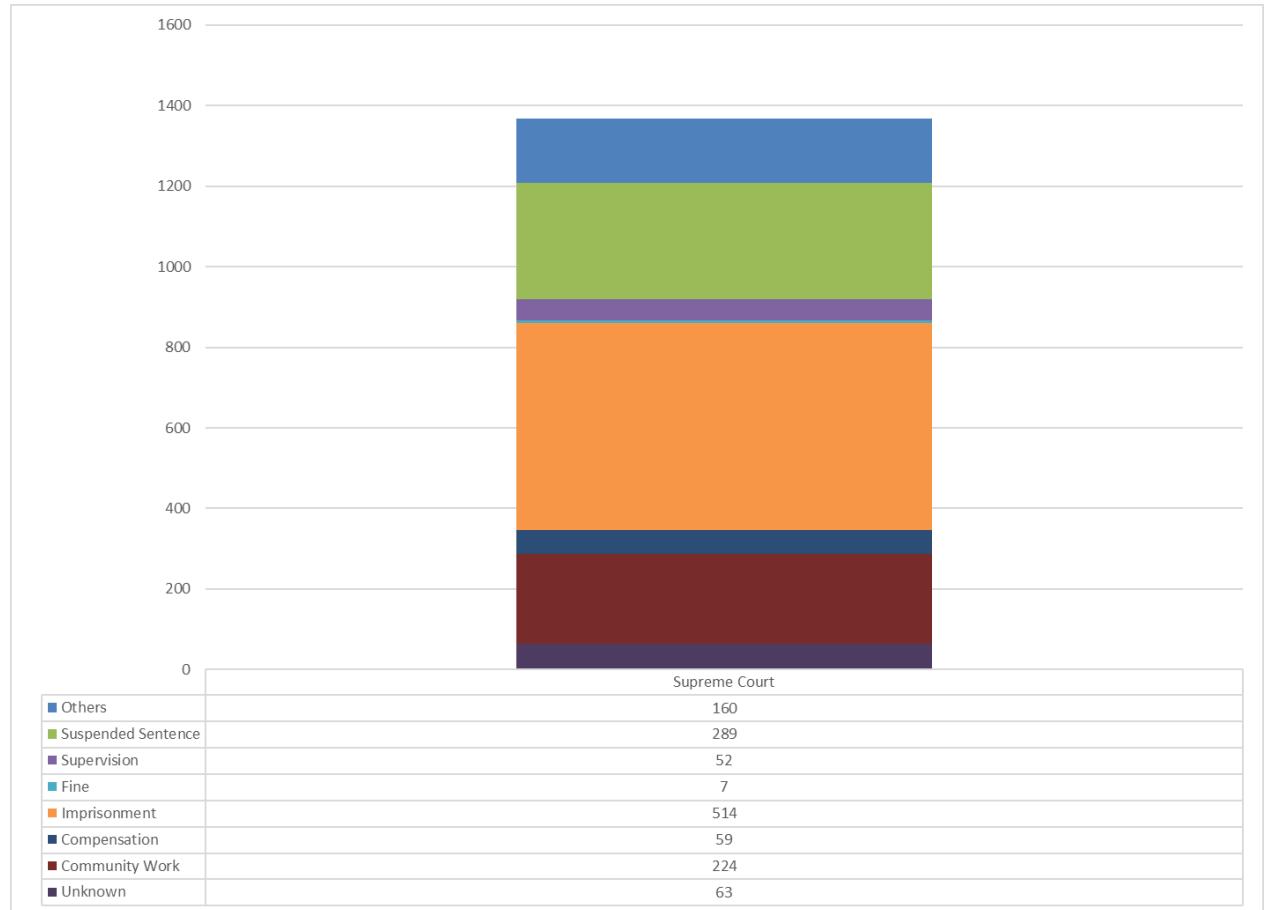


Provides an insight into the results of individual criminal charges as brought before the respective courts during 2024. These outcomes do not reflect PI (Preliminary Investigation) numbers. PI outcomes, 78% were committed, 17% were withdrawn & 5% dismissed.

Success rate of the OPP is higher in the SC. The % of matters withdrawn in the MC is appx 40% - not good

Ref: COutcome

CHARGE ORDERS



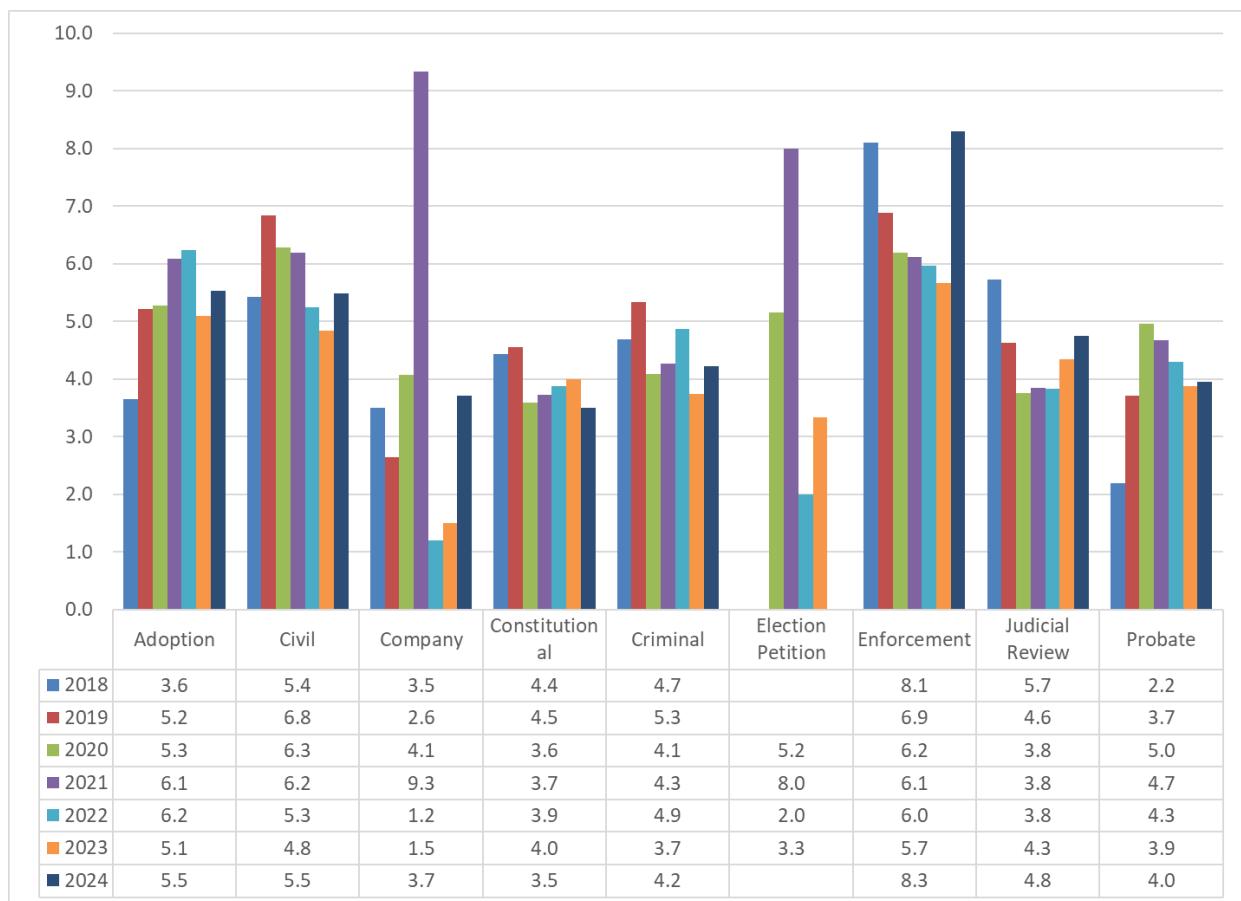
SC recorded over 1200 orders and MC recorded less than 200. It is a matter of priority to follow-up with the MC their data entry practices regarding orders.

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.

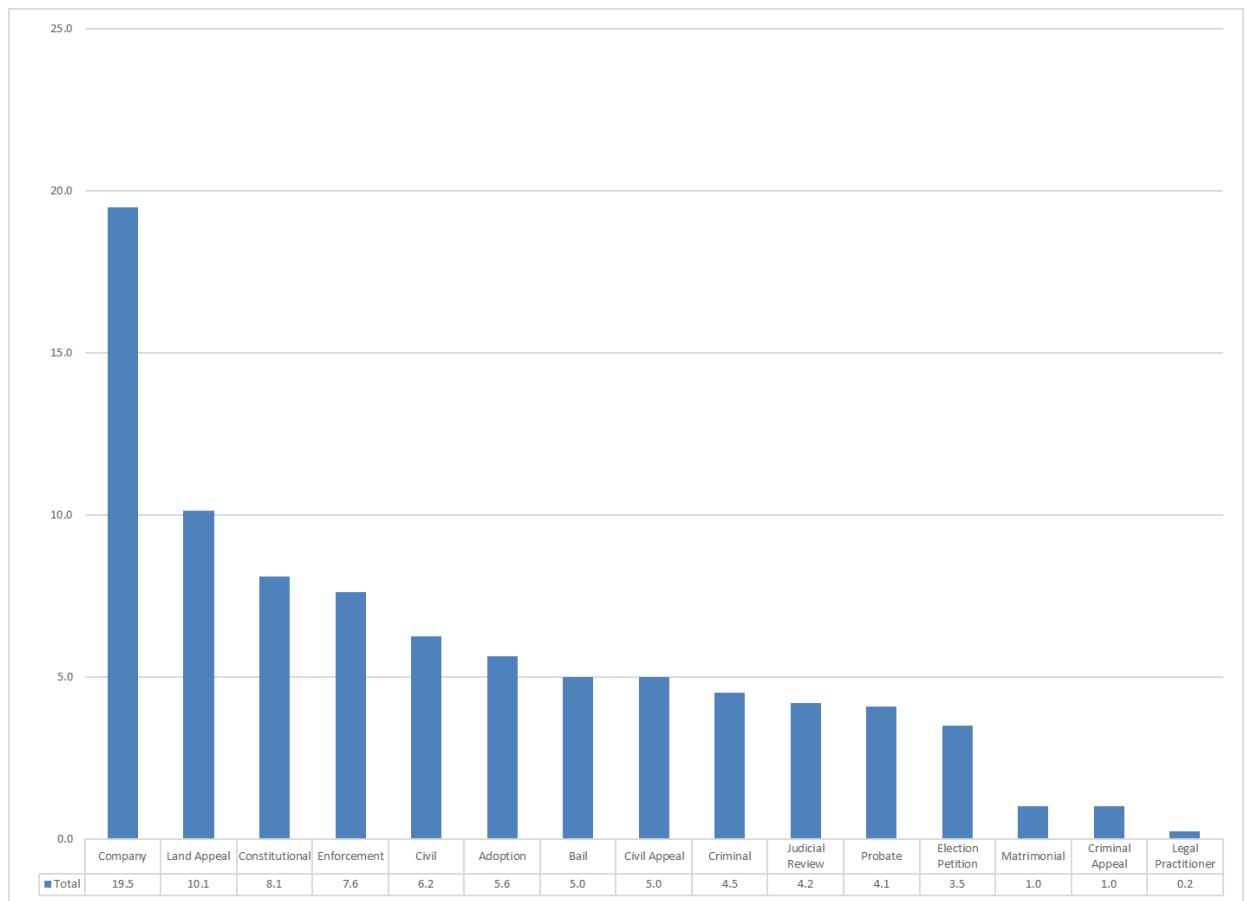
SUPREME COURT COMPLETED ATTENDANCE RATES



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

Ref: SCAttendanceC

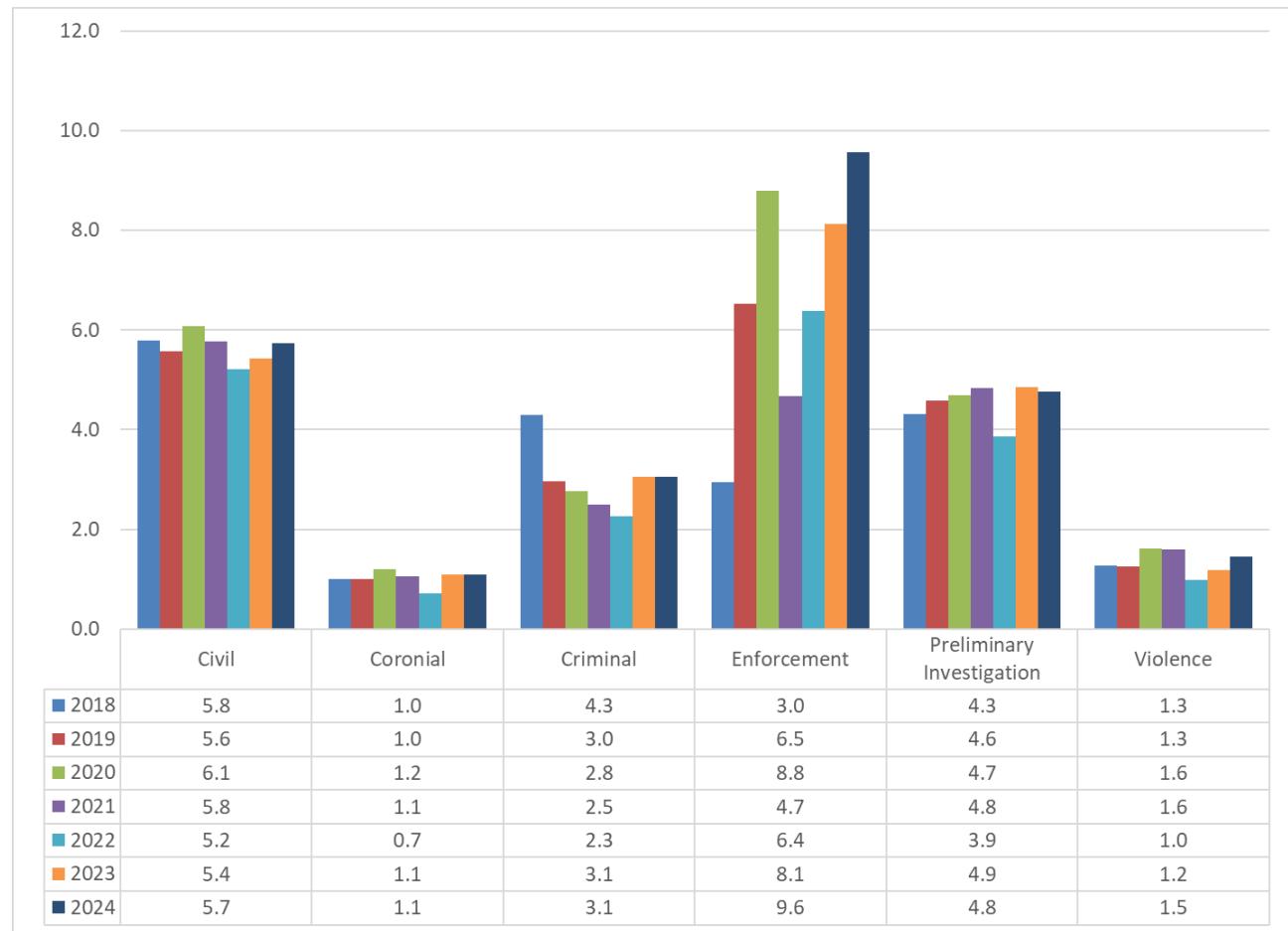
SUPREME COURT PENDING CASES ATTENDANCE RATES



For the currently open/pending cases, again, the high attendances are company, land appeal, constitutional, enforcement and civil matters – needs improvement.

Ref: SCAttendanceO

MAGISTRATE COURT COMPLETED ATTENDANCE RATES

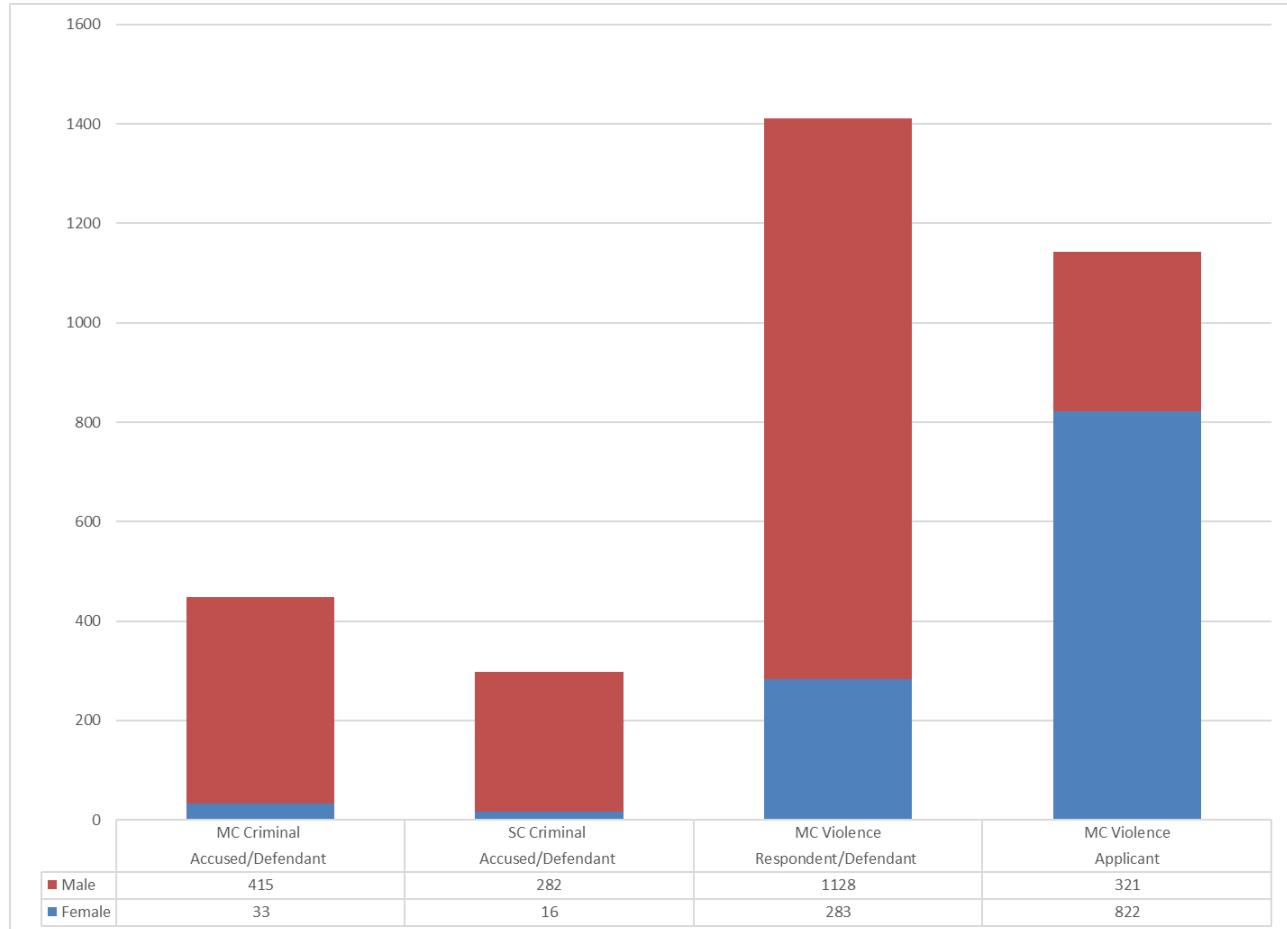


Largely consistent over the years for the main case types, Criminal, PI and Violence (protection orders) – the attendance rates are generally in-line with good practice for Magistrate Court.

Ref: MCAttendanceC

10. PARTY DETAILS

GENDER ANALYSIS



For Criminal cases in Supreme and Magistrate Court, and Violence (protection matters) – filed in 2024, analysis by gender can now be undertaken for key roles such as the accused/defendant and applicant (violence matters).

Ref: SCMC Gender