

Papua New Guinea

IN THE SUPREME COURT OF JUSTICE AT WAIGANI

SC REF NO.3 OF 2011

BETWEEN:

REFERENCE PURSUANT TO CONSTITUTION SECTION 19

AND:

REFERENCE BY THE EAST SEPIK PROVINCIAL EXECUTIVE

-Referrer-

AND:

HON. DR ALLAN MARAT, MP as the Minister for Justice
and Attorney General

-First Intervener-

AND:

HON. JEFFERY NAPE MP, as Speaker of Parliament

-Second Intervener-

AND:

THE OMBUDSMAN COMMISSION OF PAPUA EW GUINEA

-Third Intervener-

AND:

HON. SAM ABAL MP

-Fourth Intervener-

AND

HON. PETER O'NEILL MP, as Prime Minister of Papua New Guinea

-Fifth Intervener-

AND:

HON . BELDEN NAMA MP, as the Deputy Prime Minister of
Papua New Guinea

-Sixth Intervener-

AND:



NATIONAL ALLIANCE INC.

-Seventh Intervener-

AND:

GRAND CHIEF SIR MICHAEL SOMARE MP

-Eight Intervener-

INTERIM ORDER

WHEREAS it was announced this evening, through the National EMTV and the Kundu Two television networks, by the Deputy Prime Minister and Acting Prime Minister the **Hon Belden Namah** and the Attorney - General the **Hon Dr Allan Allan Marat**, that the **Chief Justice Sir Salamo Injia** has been suspended from office based on overwhelming allegations against him ranging from police report that the " Deputy Chief Justice and the former Registrar of the National Court Ian Augerea are facing contempt charges in relation to entitlements under the estate of the late Justice Timothy Hinchliffe, misconduct and double dipping in relation to SRC entitlements on to housing and security allowances, gross mismanagement of cases in the Supreme and National Courts, and also conflict of interest in cases";

AND WHEREAS a tribunal comprising former Justice Paul Akuram as Chairman and the Hon Justices Collin Makail and George Manuhu as members, having been appointed to investigate those allegations;

AND WHEREAS the Chief Justice has not been duly informed of the allegations against him and has not been duly served with the notice of suspension;

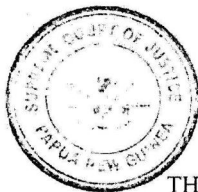
AND WHEREAS the Chief Justice had presided over the hearing of this Reference which concluded on Friday 28th October 2011, and the decision is pending on Friday 9th December 2011;

AND WHEREAS the said decisions and actions of the National Executive Council amount to contempt of the Supreme Court;

THE COURT ORDERS THAT UNTIL FURTHER ORDERS OF THIS COURT:-

1. Pending formal charges of contempt being laid by the Registrar of the Supreme Court against the **Hon Belden Namah** and the **Hon Dr Allan Marat**, that they both be arrested and detained by the police forthwith and produced to this Court on Monday 12th December 2011 at 9:30 am;
2. The Registrar of the Supreme Court shall file and serve the charges on the two alleged contemnors the **Hon Belden Namah** and the **Hon Dr Allan Marat** within seven days, such charges to be made returnable on Monday 12th December 2011 at 9:30 am;
3. The said decisions of the National Executive Council *are hereby stayed, and that the National Executive Council by its servants and agents whosoever including the Hon Belden Namah and the Hon Dr Allan Marat, are restrained from implementing the said decisions; and*
4. The Registrar shall file an affidavit of service and execution of these orders forthwith.

DATED this 10th day of November 2011



BY THE COURT

A handwritten signature in black ink, appearing to read "Bernard J. Sakora", is written over a horizontal dotted line.

THE HON. JUSTICE BERNARD SAKORA

A Judge of the Supreme Court.