



Launch of the JURIST Criminal Advisory Committee

The Honourable Mr Justice Adrian
Saunders, Judge of the Caribbean Court of
Justice

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St
Vincent and the Grenadines
3 March 2016

The Judicial Reform and Institutional Strengthening (JURIST) Project is a multi-year (2014-2023) regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada. The Project is being implemented on behalf of Global Affairs Canada (GAC) and the Conference of Heads of Judiciary of CARICOM (the Conference), by the Caribbean Court of Justice (CCJ), which was appointed by the Conference as its Regional Executing Agency (REA). The JURIST Project commenced activities on April 1, 2014 after the signing of a Contribution Arrangement between the CCJ and GAC.

Remarks

By

The Honourable Mr Justice Adrian Saunders, Judge of the Caribbean Court of Justice,

on the occasion of

The Launch of the JURIST Criminal Advisory Committee

3 March 2016

First of all I would like to express sincere thanks to the government of Canada for funding the project under whose aegis falls this initiative to establish a Criminal Advisory Committee. The overall project is called the JURIST project. J-U-R-I-S-T is an acronym for Judicial Research and Institutional Strengthening. The Canadian government has allotted Can\$20million to the Conference of Heads of Judiciary of the region for the purpose of justice improvement in the courts of CARICOM and it has been agreed that the CCJ would be the implementing agent for this project.

Canada also has funded another Can \$20 million partner project – the IMPACT project. I-M-P-A-C-T is the acronym for Improved Access to Justice. IMPACT is being administered by the UWI and led by Professor Velma Newton who is here with us today. While JURIST looks at improvements in the justice sector related especially to the performance of the courts and the quality of justice delivery, IMPACT looks at the supporting infrastructure – the police, the AG’s offices, law reporting, updating of laws, professional development of the legal profession and so forth.

The overall thrust of the JURIST project has been aimed at tackling the number one complaint Caribbean people have about courts in the region – inefficiency, long delays in the hearing of cases and a huge case backlog. We have been addressing these issues by providing training to judges and magistrates and embarking on a number of pilot initiatives in the civil justice sphere in Grenada, Guyana and Belize. Today, we wish to set the stage for concerted action in the criminal justice sector. To this end we have brought together a group comprised of regional representatives from the judiciary – that is, judges of all levels from Magistrates and trial judges right up to judges of the CCJ, from the private criminal Bar, from the office of the DPP and we also have a criminologist with us. We are also pleased to have been joined by two criminal justice advisors from the United Kingdom – Ms Sirah Abraham and Mr David Robinson - who are working with regional governments in the Caribbean and who will share with us the work they have been doing to assist regional governments in improving the criminal justice sector in the region.

It would probably be a fair characterisation to say that in most, if not all, of our States the criminal justice system is broken. I give you a few examples. In one CARICOM State recently, a man who had been in custody on remand for 9 years on a murder charge had his case dismissed because the judge, after hearing the evidence, found that there was no case for him to answer. Nine years in jail but no case to answer! Another instance – A man is charged with a fairly simple traffic offence. He is adamant that he is not guilty. There is no dispute about the facts of the case. The only issue involves the legal interpretation of a short section in the law. The case has been going on for over two years now and throughout that time the accused person and his lawyer have been spending 2 to 3 entirely unproductive hours in court each month only to be told, for one reason or another, to return the following month. At the CCJ we heard an appeal recently. The man had been found guilty of rape and been sentenced to a term of some years. He appealed all the way up to the CCJ. When we examined the documents in the appeal we discovered that although the man was still in custody he really should have been released some time before because he had already served his sentence.

I am sure that each of you can tell similar stories. These examples are common throughout the Caribbean. They reflect systemic failures and frankly, viewed objectively they amount to an abuse of the people especially because they not only involve a massive wastage of time and resources but often they implicate the liberty of the individual in a context where there is little accountability. The people of the region deserve a whole lot better and it is incumbent upon those who work in the justice sector to work towards its improvement.

This is not to say that there are not valiant efforts being made at introducing reform initiatives. I know that here in SVG for example, over the last few years a prosecutorial code has been published so that everyone can see and measure for themselves the manner in which prosecutors exercise their awesome discretion. My understanding is that police interviews with suspects are now tape recorded and that this has reduced drastically, if not eliminated altogether, the complaints, whether spurious or factual, that the police have extracted confessions by foul means. Other countries have also engaged in reform initiatives and over the course of the next two days we shall be hearing about them.

But it is also true to note that criminal justice reform is no easy task. As I was reminded when I recently read a UK report on the subject (and David Robinson, one of the authors of that report is here with us), reform in this sector is intractable because there is not a single criminal justice system. The truth is that a variety of systems each with its own roles and priorities and command structures comprise the justice sector. There is parliament; there's the police service; the private Bar; the Office of the DPP; the Prison Service; the Probation and Welfare Department; the Magistracy; Trial and Appellate judges; the Registry and court offices – fundamental reform in this sector will not succeed if each of these elements is not on the same page marching in step with each other.

The goal of straightening out all the ills of the criminal justice system is way beyond the possibilities of a regional Committee as the one being inaugurated today. Our modest goal in establishing this committee is fundamentally twofold, firstly to encourage the establishment of and provide advice and guidance to a coherent reform movement

which we would like to see develop in each State and secondly to oversee the development and execution of practical plans that can be implemented in the courts without much difficulty.

We have been fortunate to have been able to recruit the services of Mrs Victoria Charles-Clarke who will act as Facilitator over the next two days. Mrs Charles-Clarke is the recently retired DPP of Saint Lucia, a country that has attempted a considerable amount of reform initiatives in the criminal justice sector and we are happy that she has practically volunteered her services to us.

In launching the work of this Committee let me express the very firm conviction that I believe we have the talent, commitment and experience in this room to fulfil our objectives and I look forward to very fruitful discussions over the next two days.

Being a native of this country, I join with the Attorney General in welcoming our participants to St Vincent and the Grenadines. As this is a regional project, this meeting could have been held anywhere.

The decision to hold it here is amply justified by the excellent arrangements that have been made by the management of the Sunset Shores, by the Government of this country and by The Director of Public Prosecutions, Mr Colin Williams. I thank you all for facilitating this meeting and look forward to two productive and enriching days of deliberation.