

**ADDRESS**

**BY**

**SENATOR THE HONOURABLE NICHOLAS FREDERICK**

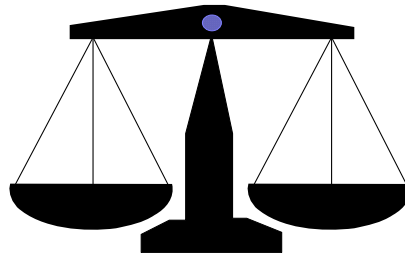
**ATTORNEY GENERAL AND MINISTER FOR JUSTICE**

**OF**

**SAINT LUCIA**

**TO MARK**

**THE 40<sup>th</sup> ANNIVERSARY OF THE ECSC**



**SAINT LUCIA**

**TUESDAY, 27<sup>th</sup> FEBRUARY 2007**

I wish to congratulate the Chief Justice for his most excellent, informative, comprehensive and wide-ranging speech.

Forty years existence for any organization is a major achievement. The Eastern Caribbean Supreme Court's existence even predates our (28) twenty-eight years as our independent nation and it is enshrined in our Constitution.

The Ministry of Justice fully embraces the provisions of the Constitution the Ministry of Justice and has pledged to "further maintain the institutions of the justice system to ensure the complete independence of the Judiciary." The Ministry has also pledged to "revisit the Constitution to bring about a better separation of powers among the legislative, judicial and administrative arms of Government."

Once this is said there will be no doubt whatsoever that this Government and the Eastern Caribbean Supreme Court will always relate to each other in good faith. Hereafter, none will point accusation at each other. If ever there is any accusation let there be temperance. John Milton once said:

"the best apology against . . . accusation is silence and sufferance. . . ."

Although William O. Douglas in the case of **Ullman v. United States** has stated that:

"the Constitution places the rights of silence **beyond the reach of Government.**"

Politicians never remain silent. And that is a response to Chief Justice Alleyne's reference to the "galaxy of appointments" that politicians tend to make.

And even if, in the remote event, in attempting to apply the principles of separate powers and the independence of the judiciary, the Government and the Judicial System should ever point fingers at each other, either party can still find solace in what Louis Nizer has said in his book **My Life in Court** published in 1960. He says:

"When a man points a finger at someone else, he should remember that four of his fingers are pointing at himself."

I would like to take this opportunity to congratulate the Eastern Caribbean Supreme Court on this milestone of its history. The Eastern Caribbean Supreme Court is now an established Court, illustrious and esteemed, wielding power and influence, outstanding in the region and internationally. It is also a Court renowned for the quality of justice and decisions dispensed, its decisions being authority and precedent throughout the Commonwealth. The Court has grown and has helped to cement the integration of the Eastern Caribbean States.

The Eastern Caribbean Supreme Court at this pivotal point in this history will no doubt commit itself to a goal that the Government has made its number one priority - that of ensuring that Saint Lucians can "live peaceful and self sufficient lives". The Government has pledged itself to provide a secure future for its citizens. And in order to achieve this, it has stated, as one of its major objectives, to reduce the level of crime in the society and restore the feeling of peace, security and safety in our communities. Also to ensure that the public regains confidence in the justice system by developing a system that is quick, responsive

and accessible to all. I have no doubt that the Eastern Caribbean Supreme Court will have no difficulty committing itself to this objective.

I say this because the office of the Attorney General has recently been in receipt of proposals by the Chief Justice to enact legislation and rules for expediting the prosecution of criminal cases within the Criminal Justice System. All of us know about the delays which plague the system in prosecuting criminal offenders in the courts. Those delays constitute one of the principal causes of the escalation of crime in our society. Where justice is slow the perpetrators of crime take advantage of the system. Where justice is swift persons are deterred from committing crime.

Most lawyers will be aware of how long it takes to hear preliminary enquires into serious crimes. I personally have had to attend court in the out districts about thirteen times over a period of two years for the Magistrates Court to determine whether a particular case should be committed to the High Court. This is not good enough.

The Chief Justice's proposals to issue the Delay Reduction Rules will be a gigantic step in expediting the hearing of criminal offences and particularly indictable charges. As I understand it, once a person has been charged by the police for a criminal offence the High Court will immediately assume responsibility to try that offence. Shortly after the person is charged by the police he must appear before a Magistrate who will refer the matter to a Judge for the management of the case. Trial of the case must take place within a specified period from the date the person is charged.

Saint Lucia is proud that the pilot project in Delay Reduction is being commenced in Saint Lucia and we are now endeavouring to ensure its effective implementation.

There are a number of others measures which the Ministry of Justice is at present implementing in order to expedite the hearing of cases. Time will not permit me to detail them. However, one of them is the establishment of a Small Claims/Arbitration Court, whose purpose and function would be to deal with small civil claims of \$2500.00 and below. These Courts would be headed by lay Magistrates, whose function would be to arbitrate in such disputes. It is expected that such a facility will be made available in every location throughout Saint Lucia that currently facilitates a Magistrates Court, providing litigants an opportunity in a contentious free environment to ventilate their issues and to bring to a conclusion matters that might have otherwise have languished in the already overburdened Magistrates Courts.

Another measure is the imminent implementation of the Night Court in Saint Lucia. We would have liked this to commence by the time of World Cup so that persons committing misdemeanors during the day can be tried in the evening and can watch their cricket during the day. But this may well be optimism cockeyed

I believe that these and other proposals will ultimately impact on the expeditious administration of Justice in Saint Lucia.

It was precisely forty (40) years today that Her Majesty, revoked the Windward Islands and Leeward Islands (Courts) Order in Council 1959, and the British Caribbean Court of Appeal Order in Council 1962, giving birth to what is now recognized as the Eastern Caribbean Supreme Court. That was a good decision.

Once again we pledge the continued support and commitment of the Ministry of Justice to the OECS Supreme Court. We wish your Lordship every success in the Week of Activities and commend you on the exhibition being held at the Castries City Council.

My Lord Chief Justice, I wish to extend to you the sincerest congratulations of the Government and people of Saint Lucia and wish the Court all success in its further endeavours.