



GREETINGS FROM THE CHIEF JUSTICE [Ag.]

Dear Readers:

Certain recent events in Grenada and Saint Lucia, involving illegal entry and theft in the homes of judicial officers and in a court room, as well as threats made against judicial officers and court staff, have brought to the forefront the necessity to take seriously the issue of security for judicial officers and for court premises. The effective administration of justice and the preservation and promotion of the rule of law, requires that judicial officers and court staff can feel a sense of personal security; that they and their families are not faced with undue anxiety about their personal safety and the security of their homes as a result of the work they do in service to the community. Equally the security of court buildings and of the equipment and documentation contained therein is indispensable for the sustainable functioning of our courts and the due administration of justice. It is for these reasons that steps have been taken to ensure improved arrangements for the security of judicial officers and of court premises and their contents.

The preservation of the rule of law and of our democratic traditions depends to a large extent on the effective functioning of our judicial system at all levels, from the Magistracy to the highest courts. It is for this reason that the Eastern Caribbean Supreme Court, several years ago, embarked on a wide-ranging and ambitious programme of reform, which is ongoing. We cannot allow the threat or the reality of violence to undermine the work that has been done to enhance the independence, integrity and effectiveness of our judiciary and our judicial system. The ECSC has initiated discussions in Saint Lucia towards a comprehensive programme for Court security, including the personal security of judicial officers. Similar initiatives must follow in the other Territories in which the Court exercises jurisdiction. We can no longer afford to be complacent about this matter.

Please send comments, suggestions and contributions to the newsletter at appeal@candw.lc

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EASTERN CARIBBEAN SUPREME COURT NEWS

CRIMINAL DIVISION PILOT PROJECT

During the Month of May further steps were taken towards the full implementation of the Criminal Division pilot project of the overall Eastern Caribbean Supreme Court's Court Structures Project. Effective 17th May 2005 two courts in the Criminal Division have been operating simultaneously in the trial of indictable cases. The Government of Saint Lucia, through its Ministry of Justice, has provided the Criminal Division with offices and two additional courts in recently refurbished premises.

The first round of consultations on the Criminal Procedure Rules to govern the conduct of the Criminal Division was conducted with the Magistrates of the District Courts. The Directors of Public Prosecutions who as the day to day administrators of the Criminal Justice System would need to be thoroughly familiar with all the provisions of the Rules have also been consulted with. An opportunity was given for these functionaries to comment on the draft Rules and to make suggestions on their improvement.

The next stage in the consultative process will be to have consultations with the Criminal Bar and other users of the criminal justice system such as police investigators and prosecutors.

The procedure is continually being refined until it attains optimal capacity to deliver prompt and efficient case management of criminal matters.

The rules for indictable case management are scheduled for promulgation before the start of the next law year in September 2005.

JUDICIAL CONFERENCE

Judges of the Eastern Caribbean Supreme Court will meet at the beginning of August 2005 to discuss issues concerning and affecting the judiciary.

The Conference of Judges from 2nd to 4th August will afford an opportunity for Judges, Masters and Registrars of the Court to review the work of the recently completed Law Year and plan for the upcoming term.

In light of developments regarding the Criminal Courts and other issues relating to the Criminal Justice System in the Organization of Eastern Caribbean States, the theme chosen for the Conference is "The Criminal Trial – New Perspectives from the Bench". The Conference will include an educational component aimed at enhancing the skills of participants and improving the quality of justice being dispensed throughout the Court system.

The Annual Judicial Conference is being reinstated by Acting Chief Justice Brian Alleyne, SC, and will be followed, for the first time, by a conference of Registrars of the Court, to be held on 4th and 5th August 2005.

Among the subjects to be dealt with at the Judges Conference are: Presenting Forensic Evidence; Considering the Evidence; Out of Court Jurors' Orientation - Benefits and Pitfalls; and Managing a Complex Criminal Trial With or Without Rules.

In addition there will be a number of panel discussions. One of the highlights of the Conference will be a live video link presentation by the Rt. Hon. Sir Dennis Byron.

Judicial Appointments for the period
May 1 - 31, 2005

[1] Antigua and Barbuda

1. Mr. Gene Pestaina has been appointed to act as Director of Public Prosecutions, with effect from 1st June, 2005 and until further notice.
2. Mr. Keith Roberts-Thom has been appointed as Magistrate, vice Asquith Riviere with effect 1st January, 2004
3. Mrs. Maureen Payne -Hyman has been appointed as Chief Magistrate with effect from 1st January, 2004.
4. Mr. Asquith Riviere has been appointed as Senior Magistrate, with effect from 1st January, 2004.

[2] Commonwealth of Dominica

1. Mr. Ronald O.P. Amour has been appointed as Chief Magistrate for the period 17th to 24th May, 2005 vice Ms. Evelina Baptiste who has been granted vacation leave for the said period.
2. Ms. Sabriya Ali has been appointed to act in the office of Senior State Attorney, for the period 22nd April, to 31st August, 2005 in a vacant post.

[3] Grenada

1. Mr. Darshan Ramdhani has been appointed to act as Director of Public Prosecutions, with effect from 29th March to 25th May, 2005 vice Mr. Christopher Nelson who proceeded on vacation leave for the said period.

WRITTEN JUDGMENTS

The following are written judgments delivered in the month of May 2005:

COURT OF APPEAL JUDGMENTS

ANGUILLA

Globe-X Management Ltd et al v Clifford Johnson et al
Anguilla
Civil Appeal No. 04/2003
Gordon, J.A.
Delivered: 23/05/05

ANTIGUA & BARBUDA

Dane Norman Lawrence Abbott v Lynne Anne Abbott
Antigua & Barbuda
Civil Appeal No 32/2003
Gordon, J.A.
Delivered: 30/05/05

Asot Michael v Astra Holdings Ltd and Robert Cleveland et al v Astra
Holdings Ltd
Antigua & Barbuda
Civil Appeal No 17/2004 & 15/2004
Rawlins, J.A. [Ag.]
Delivered: 23/05/05

BRITISH VIRGIN ISLANDS

Sinocan Lianxing Ltd v Richardson Developments L td
British Virgin Islands
Civil Appeal No 09/2003
Barrow, J.A. [Ag.]
Delivered: 23/05/05

Cedric Dawson v Cyrus Claxton
British Virgin Islands
Civil Appeal No 23/2004
Gordon, J.A.
Delivered: 23/05/05

COMMONWEALTH OF DOMINICA

Nature Island Investment Co L td v Marpins Telecoms and Broadcasting Ltd
Commonwealth of Dominica
Civil Appeal No. 01/2005
Gordon, J.A.
Delivered: 23/05/05

GRENADA

New West Indian Mutual and General Assurance Co Ltd v Colin McDonald et
al
Grenada
Civil Appeal No. 16/2003
Gordon, J.A. [Ag.]
Delivered: 23/05/05

Maclena Paul v Mary Felix
Grenada
Civil Appeal No. 10/2001
Redhead, J.A. [Ag.]
Delivered: 25/05/05

ST. CHRISTOPHER & NEVIS

Emilio Rivera v Golfview Quantum Group Ltd et al
St. Christopher & Nevis
Civil Appeal No 26/2003
Barrow, J.A. [Ag.]
Delivered: 23/05/05

Attorney General of St Kitts and Nevis et al v Marvin Phillips Prosecutions
St. Christopher & Nevis
Civil Appeal No. 14/2004
Barrow, J.A. [Ag.]
Delivered: 23/05/05

ST. VINCENT & THE GRENADINES

Claribelle Connell v Trelton Connell

St. Vincent & the Grenadines

Civil Appeal No. 25/2004

Benjamin, J.A. [Ag.]

Delivered: 26/05/05

HIGH COURT JUDGMENTS

BRITISH VIRGIN ISLANDS

Bereniece Smith v Tracia Smith
B.V.I
Claim No. BVIHCV2004/0018
Rawlins, J.
Delivered: 18/05/05

Spectrum International Holding Ltd v Modern Perfect Developments Ltd
B.V.I
Claim No. BVIBHC V2005/0071
Rawlins, J
Delivered: 30/05/05

COMMONWEALTH OF DOMINICA

Cecelia Magloire v Monica Nicholas
Commonwealth of Dominica
Claim No. 310/2002
Blenman, J
Delivered: 19/05/05

Orlannice St. Rose v Dominica Electricity Services (DOMLEC)
Commonwealth of Dominica
Claim No. DOMHCV0087/2002
Blenman, J
Delivered: 19/05/05

Merle Vidal v Huron Vidal
Commonwealth of Dominica
Civil Suit No. DOMHCV2004/0499
Henry-Wason, J
Delivered: 13/05/05

GRENADA

George Williams v Veronica Fortune -Grant
Grenada
Claim No. GDAHCV1997/0441
Benjamin, J
Delivered: 05/05/05

ST. LUCIA

Denis Hamber v Gateway Development Ltd
St. Lucia
Claim No. SLUHCV2000/0763
Shanks, J.
Delivered: /05/05

Rodniel Theodore v The Attorney General et al
St. Lucia
Case No. 19/2003
Shanks, J.
Delivered: /05/05

Development Control v Micheal Ramjeawan et al
St. Lucia
Case No. 40/2003
Shanks, J.
Delivered: /05/05

ST. VINCENT & THE GRENADINES

Stephanie Lourine Joycelyn v Matthew Joycelyn
St. Vincent & the Grenadines
Claim No. 122/1993
Bruce-Lyle, J
Delivered: 20/05/05

EASTERN CARIBBEAN SUPREME COURT

As at 31st May 2005

The Chief Justice

His Lordship, the Hon. Chief Justice [Ag.], Brian Alleyne, S C – Saint Lucia

Justices of Appeal

His Lordship, the Hon. Justice Michael Gordon, QC – Saint Lucia

His Lordship, the Hon. Justice Denys Barrow, SC [Ag.] – Saint Lucia

High Court

His Lordship, the Hon. Justice Albert Redhead [Ag.] - Saint Lucia

His Lordship, the Hon. Justice Kenneth Benjamin – Grenada

Her Ladyship, the Hon. Justice Indra Hariprashad -Charles – British Virgin Islands

His Lordship, the Hon. Justice Frederick Bruce -Lyle – Saint Vincent & The Grenadines

His Lordship, the Hon. Justice Hugh Rawlins – British Virgin Islands

His Lordship, the Hon. Justice Davidson Baptiste – Saint Christopher & Nevis

Her Ladyship, the Hon. Justice Ola Mae Edwards – Saint Lucia

Her Ladyship, the Hon. Justice Rita Joseph -Olivetti – Antigua & Barbuda

His Lordship, the Hon. Justice Errol Thomas – Antigua & Barbuda

His Lordship, the Hon. Justice Janice George -Creque – Anguilla/Montserrat

His Lordship, the Hon. Justice Louise Blenman – Antigua & Barbuda

His Lordship, the Hon. Justice Clare Henry -Wason – Commonwealth of Dominica

His Lordship, the Hon. Justice Francis Belle - Grenada

His Lordship, the Hon. Justice Gertel Thom - Saint Vincent & the Grenadines

His Lordship, the Hon. Justice Murray Shanks [Ag.] - Saint Lucia

Master Brian Cottle – Saint Lucia

Master Cheryl Mathurin – Antigua & Barbuda

Mrs. Ianthea Leigertwood -Octave, Chief Registrar - Saint Lucia

