



MESSAGE FROM THE CHIEF JUSTICE

Dear Readers:

I am pleased to report that the reform programme of the Court continues to receive serious attention and to attract the support of the Member States and the principal stakeholders in the business of the administration of justice. In April there were two significant sets of activities in Dominica during the time that the Court of Appeal was sitting in that Member State. The Regional Mediation Coordinator held a refresher training programme for the cadre of trained mediators, during which a number of issues were identified for attention, and decisions were made for follow up action to make mediation more accessible and satisfactory in Dominica. I spent a short time with the participants, and also with the Permanent Secretary of the Ministry of Legal Affairs, who struck me as very keen to see developments in the administration of justice in the immediate future.

Following the meeting with the mediators, a meeting was held with members of the Dominica Bar, which was well attended and very interactive. Members of the Bar who had not previously been exposed to information about mediation were keen to know more about the process, and those who had experienced the process shared openly on their experiences. I got the impression that the meeting generated an enthusiasm for increased use of mediation. The Deputy Registrar was appointed Mediation Coordinator, a position which had not formerly been filled, causing an unsatisfactory administrative gap in the provision of mediation services. Another major problem was the lack of a dedicated space for mediation services, which had to compete with other demands, creating an undesirable uncertainty and delay in scheduling and completing mediation. I am optimistic that, with the enthusiasm which was evident, these problems are well on the way to being resolved.

Also in that week we held consultations with stakeholders on the reform of the criminal justice system. Great concern exists about the unacceptable delays in the processing of criminal matters through the system. The Magistrates Court handles over 90% of all litigation, especially criminal trials, and the delays endemic in the administration of criminal justice are a matter of considerable concern for all. There is a universal recognition that undue delay in the administration of criminal justice results in injustice, not only to the accused person, but to the victims of crime and to the society at large. There is also a universal recognition that accused persons are entitled, under the Constitution, to a fair trial within a reasonable time. One of the more serious sources of delay is the necessity, under the law, for a preliminary inquiry before a magistrate before serious criminal charges can be tried by a judge and jury. A principal strategy identified by the Court's reform programme to deal with that issue is the elimination of the preliminary inquiry and to substitute for that an alternative committal process, taking the form of a sufficiency hearing to determine whether, on the written witness statements submitted by the Director of Public Prosecutions, there is sufficient evidence to justify a trial by judge and jury.

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MESSAGE FROM THE CHIEF JUSTICE (AG) CONT'D

The system involves a process of case management to be undertaken by the Court from the time that the charge is filed. It is expected that this should result in trials commencing before judge and jury no more than six months after the charge has been laid.

Our one-day consultation on this issue was well attended and enthusiastically received. I was pleased that the Hon. Attorney-General, the Permanent Secretary in the Attorney-General's office, the Commissioner of Police and three senior officers, the President of the Bar, the Chairman of the PSC, the Solicitor General and many other persons attended the entire session and participated fully in the discussions. I am very optimistic that the enthusiasm demonstrated at that meeting will carry over into a successful implementation of the reform proposals. Also very significant, in the same vein, was a meeting held with the staff of the Attorney-General's office, St. Lucia, to agree on necessary amendments to the Delay Reduction Act and Rules developed pursuant to the strategy identified for the elimination of unacceptable delays in the administration of criminal justice in St. Lucia. I was very encouraged by the positive approach taken by those officials and the representative of the Director of Public Prosecutions to the issue, and am confident that the delay reduction pilot project will now proceed apace towards full implementation in St. Lucia.

EASTERN CARIBBEAN SUPREME COURT NEWS

WELCOME

The Court welcomes Acting Justices of Appeal Ola Mae Edwards and Dancia Penn, OBE, QC, who were sworn in at a ceremony at the Court's Headquarters on April 5th 2007.



Justice Ola Mae Edwards



Justice Dancia Penn, OBE, QC

The ceremony was presided over by the Acting Chief Justice Brian Alleyne, SC.

Justice Ola Mae Edwards was resident Judge in Saint Lucia up to the time of her appointment.

Justice Ruth Dancia Penn, OBE, QC served as the deputy governor of the British Virgin Islands, up to the time of her appointment, a position that she has held since 20th September 2004. She formerly served as the Attorney General of the British Virgin Islands from 1992 to 1999. Justice Penn was the first woman to be appointed to either post, and the first British Virgin Islander to serve as Attorney General.

INTERVIEW WITH THE RT. HON. SIR DENNIS BYRON

Part II

(This is the second part of the interview with Sir Dennis Byron that was published in the February 2007 issue.)

GE: For the last two years you have been a member of the International Criminal Tribunal for Rwanda, what has that experience been like?

CJ Byron: You know, when you leave a domestic jurisdiction, particularly when you come from a small community you enter the international field with a certain element of curiosity and doubt. However, I felt when I joined the Court that I fitted into it easily. We're doing trials of criminal allegations of a massive scale...allegations of crimes against humanity and crimes of genocide and war crimes. It's been very interesting and there are both similarities and differences in my experiences here and there. We are applying rules of international criminal and international humanitarian law so there are noticeable differences in the rules that are applied and in the procedures of the trial. On the other hand, the underpinning concepts of justice and the right to a fair and speedy trial are very similar to those that apply in the domestic situation. Of course, dealing with a criminal tribunal and in this particular case the under pinning circumstance which promoted the establishment of the tribunal was the killing of about a million civilians over a 90 day period, you recognize that this is a massive trial. The tribunal is different to domestic criminal courts because it is out of state so the investigators are not supported by police powers. So to a large extent their work is voluntary...depends on voluntary support of witnesses and victims although the Member States of the United Nations have agreed to assist the

process. So to some extent the enforcement provisions within communities could become available if requests are made formally and approval granted.

The trial is not in the same country where the crimes were allegedly committed. They are taking place in Arusha, in Tanzania, and Arusha itself is about two hours by air from the capital of Rwanda which is Kigali, so there are logistical problems with the movement of witnesses to and from. Also many of the witnesses who are testifying at these trials are people who have fled their native country and have sought refuge in many parts of the world. So the proceedings involves complications which are being managed in one way or another.

GE: From where you sit in Arusha is there any indication that the work of the Court is helping to heal the rift among the tribes in Rwanda that gave rise to the crimes and genocide in the first place?

CJ Byron: There is the perception that one of the results of the judicial process ought to be promotion of reconciliation and healing. As laudable as that objective is there are some components of it...for example there are theories that to promote reconciliation we need to get at the truth and that people who have been perpetrators of wrong-doing need to ask forgiveness. Obviously a trial has different objectives and if the trials were to adopt a facilitative role such as one would expect in a Truth Commission, it protracts the length of the trial enormously.

To some extent that has already happened because many of the participants in the trials do have the view that they should promote reconciliation and so you will find that the trial process has generated a lot of information and produces a fairly strong historical record of what transpired.

GE: I always had the feeling that there was a strong yearning in you to serve in Africa in some form or fashion. Are you happy with the circumstances which took you to Africa?

CJ Byron: First of all, it is true that I always had a dream or desire or a hope that I could serve in Africa. I'm much happier now than when I left the region because it was quite an accident that I got to serve on this tribunal. It was not a position that I had known about or had applied for but because of a circumstance that had developed with a national of my own country, St. Kitts, who had been serving on the Court, the government utilized the opportunity available to it to nominate me as another national to take his place. But having got there I had the feeling that one's service had gone beyond service to your own country and you were serving humanity in general and that feeling has continued. So emotionally and spiritually I feel good about the work I'm doing...the service I am rendering and I'm quite happy with what I'm doing now. It's not serving Africa, rather it's serving humanity because if the work that we are doing is successful I think that will be the result of it all.

GE: Where do you go after Rwanda? Is there a possibility of you returning to the Caribbean?

CJ Bryon: I thank you for using the word "possibility", because in truth and in fact, I don't know. But I am a Caribbean man at heart and this is the part of the world that I love the best. If I had to select a region that I wanted to serve in, this would be it. So there are in fact areas of service within the region that attract me very much. If I had a choice I would come back to the Caribbean, but we will have to wait and see how the future unfolds.

GE: Would you serve on the Caribbean Court of Justice if the opportunity arose?

CJ Byron: Well, I believe very much in the CCJ. I think that is very important for our region that the CCJ becomes fully accepted and functional. Of course, I would love an opportunity to serve the Court and I do hope that our region will develop a more positive approach and implement the legislative enablement for the court to function more fully.

CONFERENCES, SEMINARS & WORKSHOPS

Orientation for Newly Appointed Judges

On 2nd April, 2007, the Judicial Education Institute conducted an Orientation Programme for the two newly appointed Justices of Appeal, Hon. Justice Ola Mae Edwards, and Hon. Justice Dancia Penn, OBE, QC, at the Conference Room of the Eastern Caribbean Supreme Court Headquarters in St. Lucia.



Justice OlaMae Edwards and Justice Dancia Penn at the ECSC conference Room

The newly appointed Judges benefited from the expertise of experienced Justices of Appeal, Hon. Justice Michael Gordon, Hon. Justice Hugh Rawlins and the Hon. Chief Justice Brian Alleyne, SC. The topics that were featured in the training programme included, Judgment Writing, Judicial Ethics and Protocol, Civil Procedure Rules with particular reference to the Court of Appeal, the Role of a Judge/Communication in the Courtroom and Court Administration.

Both participants commented positively on the various sessions to which they were exposed:

"I have found today's programme extremely interesting and highly beneficial. I am frankly impressed with the degree of organization and professionalism and consider that today's programme prepares me for my new duties."

"The Court Administration and Financing of the Court Topics have been very enlightening and have assisted tremendously in my appreciation of the many aspects of the ECSC apart from the legal aspects of the Administration of Justice."

Court Statistics

Introduction

This report provides statistical information on the High Court of Justice in St Lucia for the period January - February 2007, with comparative information for January - February 2006. This Court is the only one for which complete information is available for the current reporting period.

ST. LUCIA HIGH COURT

TABLE 1

Cases Filed	%			%			Year to date total 2007	Year to date total 2006	% Change
	Jan-07	Jan-06	Change	Feb-07	Feb-06	Change			
Civil	62	84	-26.19	96	83	15.66	158	167	-5.39
Matrimonial	14	18	-22.22	20	8	150.00	34	26	30.77
Probate	32	44	-27.27	24	54	-55.56	56	98	-42.86
Criminal	6	0	0.00	1	0	0.00	7	0	0.00
Adoption	1	1	0.00	4	1	300.00	5	2	150.00
Admiralty	0	1	-100.00	0	0	0.00	0	1	-100.00
Total	115	148	-22.30	145	146	-0.68	260	294	-11.56

Table 1 provides data on the number of cases filed for the period January - February 2007 with comparative data for January - February 2006. The Court recorded a decline of approximately 11.6% of the total number of cases filed for January- February 2007 in comparison to the similar period of 2006. The largest percentage decline in filings recorded for the combined period January - February 2007 was noted for admiralty matters, that is a decline of 100%. There was a decline of approximately 43% of matters filed for probate, this was the

second highest decline recorded for the combined period of January- February 2007.

The total number of cases filed for February 2007, declined by 0.6 in comparison to the similar period in 2006. A remarkable decline of 55.6% was noted for the number of probate cases filed for the month of February 2007 as compared to February 2006. In fact, the probate matters were the only case category which recorded a decline in the number of cases filed in February 2007 relative to February 2006. Increases of over 100% were recorded for the number of matrimonial and adoption matters filed in February 2007. The number of adoption and matrimonial cases filed increased by 300% and 100% respectively.

TABLE 2

Cases Disposed	Jan-07			Feb-07			Year to date total 2007	Year to date total 2006	
	Jan-06	% Change	Feb-06	Feb-06	% Change	2006		% Change	
Civil	37	110	-66.36	48	65	-26.15	85	175	-51.43
Matrimonial	14	14	0.00	12	11	9.09	26	25	4.00
Probate	14	19	-26.32	9	29	-68.97	23	48	-52.08
Criminal	2	7	-71.43	3	3	0.00	5	10	-50.00
Adoption	0	1	-100.00	0	2	-100.00	0	3	-100.00
Admiralty	0	0	0.00	0	0	0.00	0	0	0.00
Total	67	151	-55.63	72	110	-34.55	139	261	-46.74

Table 2 provides data on the number of cases disposed for January - February 2007 with comparative data for January- February 2006. The total number of cases disposed for the combined period of January- February 2007, declined by 46.7% in comparison to the similar period of 2006. Declines were recorded for all categories of cases filed except for matrimonial cases which recorded an increase of 4%. The largest decline was recorded for adoption cases, that is a decline of

100%. Corresponding to filings, the disposition of probate matters, recorded the second largest decline of approximately 52%.

The total number of cases disposed for February 2007, declined by 34.6% in comparison to February 2006. Declines were recorded for almost all the categories of cases with the exception of matrimonial cases which recorded an increase of 9% and admiralty cases which had no disposition for the current and comparative period.

The Court recorded a clearance rate of approximately 50% for February 2007 in comparison to a clearance rate of approximately 75% for February 2006. The combined clearance rate for the period January - February 2007 was 53% in comparison to a clearance rate of 90% for the similar period in 2006.

**Judicial Appointments for the period
April 1 - 30, 2007**

[1] Eastern Caribbean Supreme Court

- [1] **Ms. Pearletta Lanns** as Master, Eastern Caribbean Supreme Court with effect from 1st May, 2007.

[2] Antigua and Barbuda

- [1] **Mrs. Jessie F. Kentish & Mr. Norris Scholar** as Members of the Industrial Court, Antigua and Barbuda for a term of three (3) years with effect from 7th March, 2007.
- [2] **Mr. Philip Pilgrim** as President of the Industrial Court, Antigua and Barbuda on contract for a period of three (3) years with effect from 28th March, 2007.

[2] Commonwealth of Dominica

- [1] **Mr. Ossie Walsh** as Registrar of Companies and Intellectual Property for the period 1st April to 30th June, 2007.

[3] Saint Lucia

- [1] **Ms. Jan Drysdale** as Crown Counsel IV, Attorney General's Chambers on contract for a period of two (2) years with effect from 2nd May, 2007.
- [2] **Ms. Sally Ann Cotter** as Deputy Registrar of the High Court, with effect from 1st April, 2007 until further notice.
- [3] **Ms. Aisha Jn. Baptiste** to the post of Deputy Registrar, on contract for a period of two [2] years with effect from 1st March, 2007.
- [4] **Ms. Michelle Louis** to the post of Magistrate I, on contract for a period of two [2] years with effect from 1st May, 2007.

[6] St. Vincent and The Grenadines

- [1] **Mr. Raymond Colin Sebastien Williams**, as Director of Public Prosecutions with effect from 17th February, 2007.

WRITTEN JUDGMENTS

The following are written judgments delivered in the month of **April 2007**:

COURT OF APPEAL JUDGMENTS

ANTIGUA & BARBUDA

The Attorney General of Antigua and Barbuda v Hilroy Humphreys

Antigua & Barbuda

Civil Appeal No. 01/2007

Alleyne, C.J. [Ag.]

Delivered: 16/04/07

ST. LUCIA

Jn Marie and Sons Ltd et al v Jamie St Louis

St Lucia

Civil Appeal No. 14/2006

Alleyne, C.J. [Ag.]

Delivered: 16/04/07

HIGH COURT JUDGMENTS

ANTIGUA & BARBUDA

Jaqueline Havener v Max Fernandez et al

Antigua & Barbuda

Claim No. ANUHCV 2006/0025

Blenman, J.

Delivered: 30/04/07

Romaneta Francis v Public Utilities Authority

Antigua & Barbuda

Claim No. ANUHCV 2006/0452

Blenman, J.

Delivered: 30/04/07

Hilroy Humphreys v RBTT Bank Caribbean Limited

Antigua & Barbuda

Claim No. ANUHCV 2005/0602

Blenman, J.

Delivered: 30/04/07

Antigua Port Authority v Antigua Aggregates Ltd

Antigua & Barbuda

Claim No. ANUHCV 2005/0112

Blenman, J.

Delivered: 30/04/07

Rachel Joseph v Franklyn Joseph

Antigua & Barbuda

Claim No. ANUHCV 2004/0162

Blenman, J.

Delivered: 30/04/07

The Properties Condominium Plan No. 24/1989 v Arthur Reynolds et al

Antigua & Barbuda

Claim No. ANUHCV 2004/0307

Blenman, J.

Delivered: 30/04/07

Maudlyn Elaine Bascus v Errol James

Antigua & Barbuda

Claim No. ANUHCV 2006/0383

Thomas, J.

Delivered: 30/04/07

Vernon G. Quinland v Harney Motors Ltd

Antigua & Barbuda

Claim No. ANUHCV 2007/0194

Thomas, J.

Delivered: 30/04/07

BRITISH VIRGIN ISLANDS

Malcolm Maduro v The Commission of Police

British Virgin Islands

Claim No. BVIHCV2005/0274

Charles, J.

Delivered: 18/04/07

Michael Wilson & Partners Ltd v Temujin International Ltd et al

British Virgin Islands

Claim No. BVIHCV2006/0307

Charles, J.

Delivered: 30/04/07

GRENADA

Regina v Nigel Sookram

Grenada

Case No. 140 of 2006

Benjamin, J.

Delivered: 02/04/07

ST. LUCIA

Mary Anne Emmanuel v Northwest Limited

St. Lucia

Claim No. SLUHCV 2006/0226

Edwards, J.

Delivered: 03/04/07

Theresa Willie v Philius Minvielle et al

St. Lucia

Claim No. SLUHCV 2000/0171 (b)

Edwards, J.

Delivered: 27/04/07

Francis Chitolie et al v Theresa Vitalis et al

St. Lucia

Claim No. SLUHCV 2005/0375

Edwards, J.

Delivered: 30/04/07

ST. VINCENT & THE GRENADINES

Whitney Jacobs et al v Admiralty Transport Company Ltd of Bequia

St. Vincent & the Grenadines

Civil Claim 162 of 2006

Bruce-Lyle, J.

Delivered: 17/04/07

Diane C. O'Neal v Ivan O'Neal

St. Vincent & the Grenadines

High Court Civil Claim No. 552 of 2002

Cottle, M.

Delivered: 04/04/07

Fabian Haywood v Andrew Ollivierre

St. Vincent & the Grenadines

High Court Civil Claim No. 278 of 2004

Cottle, M.

Delivered: 04/04/07

Hamilton Richards et al v Carmel Matthews et al
St. Vincent & the Grenadines
Claim No. 491 of 2005
Matthew, J. [Ag.]
Delivered: 20/04/07

EASTERN CARIBBEAN SUPREME COURT

As at 30th April 2007

The Chief Justice

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

Justices of Appeal

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

His Lordship, the Hon. Justice Hugh Rawlins – Saint Lucia

Her Ladyship, the Hon. Justice Ola Mae Edwards [Ag.]

Her Ladyship, the Hon. Justice Dancia Penn, OBE, QC [Ag.]

High Court

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

His Lordship, the Hon. Justice Albert Matthew [Ag.] - Saint Vincent & the Grenadines

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 Davidson Baptiste – Grenada

Her Ladyship, the Hon. Justice Rita Joseph-Olivetti – British Virgin Islands

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

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

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

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

His Lordship, the Hon. Justice Francis Belle - Saint Christopher & Nevis

Her Ladyship, the Hon. Justice Gertel Thom - Saint Vincent & the Grenadines

Her Ladyship, the Hon. Justice Sandra Mason, QC - Saint Lucia

Her Ladyship, the Hon. Justice Ianthea Leigertwood-Octave – Saint Christopher & Nevis/
Commonwealth of Dominica/Montserrat

His Lordship, the Hon. Justice Brian Cottle – Saint Lucia

His Lordship, the Hon. Justice Anthony Ross, QC [Ag.] – Saint Lucia

Master Cheryl Mathurin – Antigua & Barbuda

Mrs. Kimberley Cenac Phulgence, Chief Registrar - Saint Lucia