



**J.E.I.**  
Judicial Education Institute

**A.J.C.**  
Annual Judicial Conference

**2009**

CONFISCATION AND MONEY LAUNDERING / SYMPOSIUM ON SENTENCING





*DAY ONE – Thursday December 3, 2009*  
*Official Opening Ceremony*

**Chairperson - Hon. Ianthea Leigertwood-Octave**

- 8:00 – 8:30            **Registration**
- 8:30 – 8:35            **National Anthem**
- 8:35 – 8:40            **Opening Prayer**  
*Ms. Michelle John-Theobalds*  
*Executive Assistant to the Chief Justice, ECSC*
- 8:40 – 8:45            **Opening Remarks**  
*Hon. Justice Ianthea Leigertwood-Octave*  
*Chairperson, JEI*
- 8:45 – 9:00            **Setting the Stage for AJC 2009**  
*Hon. Chief Justice, Hugh Rawlins*
- 9:00 – 9:10            **Welcome Remarks**  
*Hon. Stephenson King*  
*Prime Minister of St. Lucia*
- 9:10 – 9:20            **Video Presentation by the United Kingdom Attorney General**  
*Rt. Hon Baroness Scotland, QC*
- 9:20 – 9:30            **Introduction by the High Commissioner, of St. Lucia**  
*Mr. Karl Burrows*
- 9:30 – 9:45            **HEALTH BREAK**
- 9:45 – 10:15           **Overview of the Purpose and Aim of the Aspect of the Conference on Confiscation and Forfeiture**  
*His Honour Judge Wadsworth, QC*  
*Mr. Mark Sutherland Williams, Barrister and Author*  
*Mr. Paul Saint-Denis, Canadian Lawyer*

10:15 – 10:30

**Module 1 – Introduction to Course Structure and A Brief Introduction to Confiscation and Forfeiture in the UK**

*Mr. Mark Sutherland Williams*

10:30 – 11:15

**Starting the Confiscation Process and the Tools of the Trade**

**Module 2 – Restraint Orders, Production Orders and Other Tools used by the investigator in the UK to build a Financial Profile**

**Presenters:**

*His Honour Judge Wadsworth, QC*

*Mr. Mark Sutherland Williams*

11:15 – 12:00

**Money Laundering**

**Module 3**

- **The Trial Issues**
- **The UK's Approach and Case Law**
- **Court Room Issues and how they are dealt with**
- **The Problems with Money Laundering Prosecutions and how they are overcome**

**Presenters:**

*His Honour Judge Wadsworth, QC*

*Mr. Mark Sutherland Williams*

12:00 – 12:30

**Question and Answer Session**

**Leaders:**

*His Honour Judge Wadsworth, QC*

*Mr. Mark Sutherland Williams*

12:30 – 1:45

**LUNCH**

1:45 – 2:30

**Confiscation – Part 1**

- **Preparing for Confiscation Hearings**
- **Best Practices and Lessons Learned**

**Presenters:**

*His Honour Judge Wadsworth, QC*  
*Mr. Mark Sutherland Williams*

2:30 – 3:15

**Confiscation Part 2**

- **The Confiscation Hearing**
- **Best practices and Lessons Learned**

**Presenters:**

*His Honour Judge Wadsworth, QC*  
*Mr. Mark Sutherland Williams*

3:15 – 3:30

**LIQUID BREAK**

3:30 – 4:15

**Civil Recovery**  
**Module 5 – UK Forfeiture Law**

**Presenters:**

*His Honour Judge Wadsworth, QC*  
*Mr. Mark Sutherland Williams*

4:15 – 5:00

**Question and Answer Session**

**Leaders:**

*His Honour Judge Wadsworth, QC*  
*Mr. Mark Sutherland Williams*

*DAY TWO – Friday December 4, 2009*

**Chairperson**  
**Hon. Justice of Appeal Janice George-Creque**

- 9:00 – 10:00      **The Canadian Dimension**  
*Mr. Paul Saint-Dennis*
- 10:00 – 10:30      **Question and Answer Session**
- Leader:**  
*Mr. Paul Sainte-Denis*
- 10:30 – 10:45      **HEALTH BREAK**
- Symposium on Sentencing in Capital Cases -
- 10:45 – 11:15      **Overview on Sentencing Guidelines in Capital Cases – The Current OECS Position**  
*Hon. Kenneth Benjamin*  
*High Court Judge*
- 11:15 – 12:00      **Sentencing Guidelines in Capital Cases**
- Hon. Brian Cottle*  
*High Court Judge*
- 12:00 – 12:30      **Procedures on Sentencing in Capital Cases**
- Ms. Nicole Sylvester, Lawyer*  
*Representative from the OECS Bar Association*
- 12:30 – 1:00      **Discussion & Wrap Up**
- Leaders:**  
*Hon. Ianthea Leigertwood-Octave*  
*Ms. Nicole Sylvester*
- 1:00 – 2:00      **LUNCH**

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## Rt Hon Baroness Scotland QC

- Born in Dominica
- Moved to Walthamstow, London when she was three
- Educated at Walthamstow High School for Girls and University of London obtaining a Law degree
- Called to the Bar in 1977
- Made first black woman QC in 1991 also the youngest ever QC appointment since William Pitt the Younger
- Previous posts: Home Office Minister of State for Criminal Justice System and Law Reform; Parliamentary Secretary at the Lord Chancellor's Department from 2001 to 2003; Member of the Commission for Racial Equality and Parliamentary Under-Secretary of State in Foreign & Commonwealth Office 1997-2001
- Dame of the Sacred Military Constantinian Order of St George
- Created Peer as Baroness Scotland of Asthal in 1997 and raised to the Privy Council in July 2001
- Appointed Attorney General of England and Wales in 2007

# HH Judge JP Wadsworth QC

<b>Degree</b>	<b>MA Jurisprudence (Oxon)</b>
<b>Career</b>	<b>1963 Called to Bar Inner Temple</b>
	<b>1981 Queen's Counsel</b>
	<b>1993 - 5 Member Bar Professional Standards Committee</b>
	<b>1995 Deputy High Court Judge</b>
	<b>2000 Circuit Judge</b>

## **Professional experience:**

A mixed common law practice as a junior barrister, developing on taking silk into more specialised work in clinical and financial professional negligence, banking and civil fraud and serious crime.

As a judge I sit in the Court of Appeal (Crim Div), and at the Central Criminal Court, but chiefly at the Crown Court at Southwark, which is the principal court for fraud and "white collar" crime.

I also sit on the Parole Board and Mental Health Tribunal.



## **Mark Sutherland Williams Esq.**

**LLB (Hons) Exon.**

**Barrister of the Inner Temple**

**Deputy Tribunal Judge**

**Visiting lecturer, University of London**

Mark Sutherland Williams is a London-based proceeds of crime and asset recovery law specialist. He has appeared in hundreds of confiscation, condemnation, asset recovery and cash seizure cases as Counsel in the last 15 years. He is the co-author of one of the main practitioner texts on asset forfeiture, "The Proceeds of Crime: Law and Practice of Restraint, Confiscation, Condemnation and Forfeiture", the second edition of which topped the Hammicks best sellers chart. The third edition is due to be published by Oxford University Press in February 2010.

He regularly appears in high profile cases relating to all aspects of the law of civil recovery and confiscation, and was junior counsel in the recent House of Lords cases of *Capewell*, *Briggs-Price* and *Islam*.

He has enjoyed a long-distance relationship with the Caribbean, advising on a number of cases where money-laundering and confiscation have featured, and regularly deals with matters where bank accounts or shell-companies held off-shore have been created in order to disguise the proceeds of crime.

He maintains a keen interest in this area of the law both through writing academic articles and his involvement with the Proceeds of Crime Lawyers Association ([www.pocla.com](http://www.pocla.com)), of which he was a founding member, and currently holds the position of Treasurer. He is the Head of the 3 Paper Building's Asset Forfeiture Group and a member of the UK's Fraud Advisory Panel.

## Paul Saint-Denis

Paul Saint-Denis is Senior Counsel in the Criminal Law Policy section of the Department of Justice of Canada. He was admitted to the Bar in 1979. He joined the Department of Justice in 1981 and was assigned responsibility for criminal law policy in respect

drug issues. Over time his responsibilities have expanded to take on a number of issues, including issues related to money laundering, proceeds of crime, terrorist financing and the recovery of assets.

He has participated actively in the negotiations of several international instruments including the 1988 *Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, the Council of Europe's *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime* and the *United Nations Convention against Corruption*.

He has authored or co-authored several articles and has made a number of presentations in these areas. He has been extensively involved in the activities of the Financial Action task Force and has been the legal expert for the FATF in many country evaluations including the 2007 evaluation of Russia regarding its compliance with the FATF's 40 + 9 Recommendations.



## JUSTICE KENNETH BENJAMIN

Justice Kenneth Benjamin was born in Guyana. He graduated from the Cave Hill Campus of the University of the West Indies in 1975 with the LL.B. degree and in 1977 he obtained the Certificate of Legal Education from the Hugh Wooding Law School in Trinidad and Tobago.

While practicing as a Solicitor and Attorney-at-Law in Guyana he served as an acting stipendiary Magistrate and as Assistant Judge Advocate for the Guyana Defence Force. In 1988 Justice Benjamin was appointed as a Magistrate in Antigua and Barbuda and became the Chief Magistrate in 1991.

He ascended the High Court bench of the Eastern Caribbean Supreme Court in 1993 and has since sat in Antigua-Barbuda, Montserrat, British Virgin Islands, Grenada and St. Lucia. He presently holds the position of Presiding Judge of the Criminal Division of the High Court in St. Lucia, a pioneering position that is aimed at streamlining the criminal trial process utilizing case management techniques.

Justice Benjamin is a Fellow of the Commonwealth Judicial Education Institute and a member of the Commonwealth Magistrates and Judges Association.

He is married and there are two children of the marriage. Justice Benjamin is an Anglican by faith and is also an ardent cricket fan.



## Justice Brian Cottle

Born in St Vincent and the Grenadines. Educated at Queen's Royal College Trinidad. Graduated UWI faculty of Law in 1985 and Sir Hugh Wooding Law School in 1987.

Private Practice in Trinidad from 1987-1990. Joined Legal service in St Vincent in 1990- 1999. Served in various posts, Deputy Registrar High Court, Magistrate, Registrar High Court, Assistant Director of Public Prosecutions and Director of Public Prosecutions (Ag).

Joined legal service in Montserrat. Served as Senior Magistrate and Attorney General 1999-2002.

Served short stint as Deputy Solicitor General in Antigua before joining the ECSC in 2002 as Master . Appointed Resident Judge in St Lucia 2007-2009 before being "exiled" to the Commonwealth of Dominica as Resident Judge in Sept 2009. Proud husband of Maxine.



Nicole O. M. Sylvester  
LL.B., LL.M

#### AREA OF PRACTICE

Nicole was called to the Bar in St Vincent and the Grenadines, Eastern Caribbean States Supreme Court in 1991 and is the Firm's Managing Senior Partner. She is one of the principal advisors in the following subject areas: Commercial Law, International Finance, Civil Litigation, Banking Law, Intellectual Property, Insurance Law, Trade Unions, Admiralty, Taxation, Conveyance, Real Estate, Constitutional, Human Rights and Criminal Law.

#### PROFESSIONAL EXPERIENCE

Nicole has had a long and distinguished career practicing at all levels at both the Criminal and Civil Courts in St Vincent and the Grenadines and the wider Organisation of the Eastern Caribbean States. She has also appeared before the Privy Council in the UK on many matters and has advised on a wide range of issues. Some of her Milestone cases are:



***2009***