

ADDRESS DELIVERED
AT THE FORMAL OPENING OF THE
COURT COMMENCING THE 2009
LEGAL YEAR
OF THE SUPREME COURT

ON

MONDAY 19TH JANUARY, 2009

BY THE HON. CHIEF JUSTICE ABDULAI CONTEH

INTRODUCTION

**YOUR EXCELLENCY, THE GOVERNOR-
GENERAL, SIR COLVILLE YOUNG, MY
LORDS GONZALEZ J., AWICH J., LUCAS J.,
LORD J., MURIA J., [LEGALL J.,] MADAM
JUSTICE [ARANA AND] HAFIZ-BERTRAM,
MR. ATTORNEY GENERAL, YOUR
EXCELLENCIES, MEMBERS OF THE
DIPLOMATIC CORPS, MEMBERS OF THE**

CLERGY, THE OMBUDSMAN, MADAM
PRESIDENT OF THE BAR ASSOCIATION OF
BELIZE, YOUR WORSHIPS, LEARNED
SENIOR COUNSEL AND ATTORNEYS,
COMMISSIONERS OF THE SUPREME
COURT, LADIES AND GENTLEMEN:

LAST YEAR, 2008, WAS IN MANY WAYS
NOT A PARTICULARLY GOOD TIME FOR
BELIZE. IT COULD AT SEVERAL LEVELS,
BE DESCRIBED AS OUR OWN ANNUS
HORRIBILIS. INDEED, MANY HORRIBLE
THINGS HAPPENED: UNPRECEDENTED
FLOODS THAT DESTROYED HOMES AND
FARMS AND CAUSED SEVERAL DEATHS,

**DAMAGED VITAL INFRASTRUCTURE SUCH
AS ROADS AND BRIDGES.**

**LAST YEAR ALSO SAW AN
UNPRECEDENTED INCREASE IN THE
NUMBER OF VIOLENT CRIMES,
ESPECIALLY HOMICIDE.**

**ALL OF THIS COMBINED TO PUT
FURTHER STRAINS ON PUBLIC AND
PRIVATE RESOURCES AGAINST A
BACKDROP OF A GLOBAL FINANCIAL
MELTDOWN.**

**HOWEVER, A BRIGHT SPARK IN ALL OF
THIS GLOOM WAS THAT LAST YEAR
MARKED YET ANOTHER PEACEFUL,**

**DEMOCRATIC, ORDERLY AND LEGITIMATE
TRANSFER OF POWER FROM ONE
ADMINISTRATION TO ANOTHER. THE
PEACEFUL NATIONAL ELECTIONS EARLY
LAST YEAR AND THE ENSUING CHANGE OF
ADMINISTRATION MARKED YET A
FURTHER MANIFESTATION OF THE
MATURATION OF BELIZEAN DEMOCRACY.
THERE IS MUCH TO BE PROUD OF IN THIS,
ESPECIALLY IN A SUB-REGION WHERE
PEACEFUL NATIONAL ELECTIONS AND
DEMOCRATIC CHANGE ARE NOT TO BE
TAKEN FOR GRANTED.**

**LAST YEAR ON THIS OCCASION, I
ACKNOWLEDGED WITH GRATITUDE, THE
INCREASE IN THE NUMBER OF JUDGES OF
THE SUPREME COURT. THIS BROUGHT
THE COMPLEMENT OF JUDGES TO EIGHT,
INCLUDING THE OFFICE OF CHIEF JUSTICE.**

**IT WAS HOPED THAT THE INCREASE
WOULD LESSEN THE PRESSURE ON
JUDGES SO THAT CASES COULD BE
HEARD AND DETERMINED WITH DISPATCH.
BUT THIS EXPECTED GAIN WAS NOT
IMMEDIATELY REALIZABLE.**

**THIS WAS DUE PRINCIPALLY TO THE
FACT THAT BEFORE THE AUGMENTATION**

IN THE NUMBER OF JUDGES, THE AVAILABLE JUDGES HAD, OVER TIME, ACCUMULATED A NUMBER OF RESERVED JUDGMENTS AS THEY GRAPPLED WITH THE GROWTH IN THE COURT'S DOCKET OF FRESH CASES AND APPLICATIONS THAT WERE INCREASINGLY LISTED BEFORE THEM FOR HEARING.

UNDERSTANDABLY, IT OFTEN CAUSED ANXIETY AND FRUSTRATION TO LITIGANTS AND THEIR ATTORNEYS WHO ARE KEPT WAITING FOR JUDGMENTS AFTER THE CONCLUSION OF THEIR CASES.

THIS ISSUE IS OF GRAVE CONCERN TO THE JUDGES THEMSELVES. IT IS A CONSTANT FIXTURE IN THEIR WEEKLY MEETINGS. THE JUDGES OF THEIR OWN VOLITION, HAVE RESOLVED THAT STARTING THIS YEAR, THEY WILL ENDEAVOUR TO DELIVER JUDGMENTS NOT LATER THAN THREE MONTHS OR SOON THEREAFTER AS PRACTICABLE, AFTER THE CONCLUSION OF A CASE, DEPENDING OF COURSE, ON THE LENGTH AND COMPLEXITY OF THE CASE.

THE DOWNSIDE OF THIS IS THAT IN AN INCREASINGLY LITIGIOUS SOCIETY SUCH

AS WE NOW HAVE IN BELIZE, CASES MAY HAVE TO WAIT A LITTLE LONGER TO GET LISTED FOR A FULL HEARING.

“JUSTICE DELAYED IS JUSTICE DENIED” IS WITHOUT QUESTION, A UNIVERSAL LAMENT THAT HAS PLAGUED THE ADMINISTRATION OF JUSTICE IN ALMOST EVERY JURISDICTION. IT IS NOT UNIQUE TO BELIZE, BUT THIS DOES NOT MEAN THAT DELAYED JUDGMENTS SHOULD BE VIEWED WITH EQUANIMITY. IN THE CASE OF BELIZE HOWEVER, THE PROBLEM IS LARGELY ATTRIBUTABLE TO THE INSUFFICIENT NUMBER OF JUDGES

PARTICULARLY ON THE CIVIL SIDE TO MEET THE EVER SPIRALING NUMBER OF CASES FILED EACH YEAR.

IT IS IN THIS CONTEXT THAT I WANT TO CONGRATULATE YOU MR. ATTORNEY, AND THROUGH YOU, THE GOVERNMENT OF BELIZE, FOR SECURING THE SERVICES OF MR. OSWELL LEGALL AS AN ADDITIONAL NEW JUSTICE OF THE SUPREME COURT.

[ON BEHALF OF MY COLLEAGUES ON THE BENCH, I EXTEND A HEARTY WELCOME TO MR. JUSTICE OSWELL LEGALL.

JUSTICE LEGALL IS A NATIONAL OF THE REPUBLIC OF GUYANA AND A PRODUCT OF THE FACULTY OF LAW OF THE UNIVERSITY OF THE WEST INDIES WHERE HE OBTAINED THE LLB DEGREE IN 1976; AND TWO YEARS LATER IN 1978, HE OBTAINED THE PROFESSIONAL LEGAL EDUCATION CERTIFICATE (CLE). HE LATER OBTAINED THE LLM DEGREE FROM UWI. HE HAS HAD A VAST AND VARIED EXPERIENCE IN THE LAW NOT ONLY IN HIS NATIVE GUYANA BUT IN SOME SISTER STATES IN THE SUB-REGION. HE HAS ACTED AS STATE COUNSEL IN THE DPP'S CHAMBERS IN

GUYANA AS WELL AS SENIOR PARLIAMENTARY COUNSEL IN THE ATTORNEY GENERAL'S CHAMBERS; BETWEEN 1987 AND 1989 HE WAS A SENIOR CROWN COUNSEL IN THE ATTORNEY GENERAL'S CHAMBERS IN THE BRITISH VIRGIN ISLANDS; AND FROM 1991 – 1992, HE WAS SOLICITOR GENERAL FOR ST. LUCIA. THEN FROM 1992 TO 1999, HE WENT INTO PRIVATE PRACTICE DOING BOTH CIVIL AND CRIMINAL CASES. FROM 1999 TO 2000 HE HAD A LEGISLATIVE DRAFTING ASSIGNMENT WHICH INVOLVED DRAFTING SUBSTANTIAL AMENDMENTS TO

THE REPUBLICAN CONSTITUTION OF GUYANA.

THEN FROM 1999 TO 2004, HE WAS APPOINTED A JUDGE OF THE SUPREME COURT OF GUYANA DURING WHICH PERIOD, HE PRESIDED OVER BOTH CIVIL AND CRIMINAL CASES.

FROM 2004 TO 2005, HE WAS SENIOR LEGISLATIVE DRAFTER IN TURKS AND CAICOS ISLANDS WHERE HE WAS RESPONSIBLE FOR DRAFTING STATUTES AND SUBSIDIARY LEGISLATION.

HE RETURNED TO PRIVATE PRACTICE FROM 2007 TO 2008, FROM WHENCE HE

HAS NOW BEEN TRANSLATED ON TO THE SUPREME COURT OF BELIZE.]

I AM CONFIDENT THAT WITH LEGALL J'S EXPERIENCE, HE WILL BE A FITTING AND WORTHY ADDITION TO THE SUPREME COURT. I HAVE NO DOUBT THAT HE WILL MAKE EFFECTIVE CONTRIBUTIONS TO ATTENUATE THE INCREASING CASE LOAD.

I WANT ALSO TO TAKE THIS OPPORTUNITY TO ANNOUNCE FORMALLY THE APPOINTMENT OF MS. VELDA FLOWERS AS THE NEW REGISTRAR GENERAL IN SUCCESSION TO MR. ALDO SALAZAR WHOSE CONTRACT EXPIRED AT

**THE END OF LAST YEAR. ON BEHALF OF
THE JUDICIARY, I THANK MR. SALAZAR
FOR HIS SERVICES AS REGISTRAR.**

**MS. FLOWERS WAS UNTIL RECENTLY
IN PRIVATE PRACTICE AND BEFORE THAT
HAD WORKED AS CROWN COUNSEL IN THE
DPP'S OFFICE.**

**I AM CONFIDENT THAT HER
EXPERIENCE IN PRIVATE PRACTICE WILL
STAND HER IN GOOD STEAD WITH THE
CIVIL PROCEDURE RULES OF THE
SUPREME COURT, SO VITAL FOR CASE
MANAGEMENT, AN ESSENTIAL PART OF
THE REGISTRAR'S DUTIES.**

CONTRAINED FINANCIAL RESOURCES FOR THE
JUDICIARY

I DO NOT WANT TO SOUND CHURLISH ESPECIALLY IN THE WAKE OF ATTEMPTS THE GOVERNMENT OF BELIZE HAS DEPLOYED OVER THE YEARS TO GET ADDITIONAL JUDGES FOR THE JUDICIARY AND OTHER IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE. IT WOULD HOWEVER, BE REMISS OF ME IF I FAIL TO STATE THAT PUBLIC FUNDING MADE AVAILABLE TO THE JUDICIARY DOES NOT REFLECT THE IMPORTANT ROLE EXPECTED OF IT IN NATIONAL AFFAIRS. IT IS STILL WOEFULLY UNDERFUNDED. I

REALIZE OF COURSE, THE JUDICIARY DOES NOT WIN VOTES AND THE PUBLIC PURSE ITSELF IS NOT AWASH WITH FUNDS, AND THERE ARE AS WELL OTHER SOCIAL, SECURITY, EDUCATIONAL, HEALTH AND OTHER MERITORIOUS CLAIMS ON THE PUBLIC PURSE. BUT IT IS EQUALLY UNARGUABLE THAT A COMPETENT, WELL RESOURCED AND INDEPENDENT JUDICIARY IS VITAL TO THE PEACE, WELFARE AND ECONOMIC PROSPERITY OF A COUNTRY.

THE UNDERFUNDING OF THE JUDICIARY HAS OFTEN BEEN A LAMENT OF MINE ON THIS OCCASION.

I AM AFRAID THIS YEAR IS NO EXCEPTION WHEN IT IS REALISED THAT OF A TOTAL NATIONAL BUDGET FOR THE FISCAL YEAR 2008 – 2009 OF \$649,599,163.00 ONLY THE SUM OF \$6,704,990.00 IS ALLOCATED TO THE JUDICIARY AS A WHOLE, INCLUDING THE MAGISTRATES' COURTS.

THAT MAY NOT BE AN INSIGNIFICANT AMOUNT BUT, IT REPRESENTS ONLY 1.03% OF THE NATIONAL BUDGET!

THIS COMPARES TO A TOTAL NATIONAL BUDGET OF \$585,236.290.00 FOR FISCAL YEAR 2007 – 2008. OF THIS THE JUDICIARY RECEIVED \$5,919,026.00, EQUIVALENT TO 1.01%.

BUT IT IS A FACT THAT, OVER THE YEARS, THE JUDICIARY HAS ALWAYS BEEN HARD PRESSED FOR FUNDS TO UNDERTAKE IMPORTANT INITIATIVES AND PROJECTS AND EVEN TO MEET SOME UNEXCEPTIONAL NEEDS.

THIS, IT MUST BE STATED, DOES NOT AUGUR WELL FOR THE PROPER ADMINISTRATION OF JUSTICE.

CONSEQUENTLY, PERHAPS ONLY BELIZE OF ALL COMMONWEALTH CARIBBEAN COUNTRIES, HAS NOT BEEN ABLE TO BENEFIT FROM THE PROGRAMMES ON JUDICIARY EDUCATION OFFERED EVERY YEAR BY THE COMMONWEALTH JUDICIAL EDUCATION INSTITUTE IN OTTAWA, CANADA. LAST YEAR FOR EXAMPLE, AFTER SOME ANGUISH AND LAST MINUTE FUNDING SUPPORT FROM THE COMMONWEALTH SECRETARIAT IN LONDON FOR TWO JUDGES, ONLY ONE JUDGE WAS ABLE TO ATTEND.

LAW IN THE ROUND IS, OF COURSE, A PRACTICAL PROFESSION BOTH FOR JUDGES AND ATTORNEYS. THE IMPORTANCE OF CONTINUING LEGAL EDUCATION AND JUDICIAL TRAINING CANNOT BE OVER EMPHASIZED.

BUT BECAUSE OF FINANCIAL CONSTRAINTS, BELIZE, UNLIKE OTHER SISTER COUNTRIES IN THE REGION, IS YET TO SET UP A FORMAL JUDICIAL TRAINING INSTITUTE FOR JUDGES, MAGISTRATES AND OTHER SUPPORTING COURT STAFF. INSTEAD, RECOURSE IS HAD TO AD HOC AND IMPROVISED ARRANGEMENTS BY

WAY OF SEMINARS, CONFERENCES AND RETREATS, INCLUDING THE EXCELLENT RETREATS ORGANIZED BY THE DIRECTOR OF THE FAMILY COURT ANNUALLY.

THE CONSTRAINTS ON FINANCE EXTEND AS WELL TO THE BASIC TOOLS OF THE JUDICIARY, NAMELY, UP-TO-DATE TEXT BOOKS, LAW JOURNALS AND MAGAZINES, INCLUDING GETTING BASIC IT MATERIALS FOR ALL THE COURTS.

THE CONSTRAINTS ALSO CRIMP EVEN THE PHYSICAL PROFESSIONAL ACCOMMODATION FOR JUDGES. WITH THE RECENT INCREASE IN THE NUMBER

OF JUDGES, WE HAVE SIMPLY RUN OUT OF ACCOMMODATION FOR CHAMBERS AND COURT ROOMS FOR JUDGES. RECOURSE WAS HAD TO ONE OF THE ROOMS IN THE SUPREME COURT LIBRARY TO ACCOMMODATE A JUDGE'S CHAMBERS. AND WE HAVE HAD TO RESORT TO PLAYING MESSRS. BOX AND COX, TO FACILITATE TWO JUDGES, USING IN TURN, ONE COURT ROOM WHEN THE OTHER IS NOT SITTING.

THE MUCH EXPECTED REFURBISHING OF THE OTHER HALF OF THIS BUILDING THAT HAD HOUSED THE FAMILY COURT

WAS EXASPERATINGLY DELAYED BY, AGAIN, FINANCIAL CONSTRAINTS. EVEN ITS COMPLETION WOULD NOT PROVIDE ALL THE NECESSARY ACCOMMODATION FOR ALL THE JUDGES, INCLUDING THEIR CHAMBERS AND COURTS.

ALSO, BECAUSE OF THE INADEQUACY OF FUNDING BELIZE'S JUDGES AND MAGISTRATES HAVE NOT BEEN ABLE TO PARTICIPATE IN RELEVANT CONFERENCES, SEMINARS AND WORKSHOPS ORGANIZED OUTSIDE OF BELIZE. IT IS UNARGUABLE THAT PARTICIPATION IN SUCH ACTIVITIES

WOULD RAISE THE AWARENESS AND PERFORMANCE OF THE JUDGE OR MAGISTRATE ABOUT NEW DEVELOPMENTS IN THE LAW. THIS IS IN ITSELF A FORM OF JUDICIARY EDUCATION.

A PROPERLY AND ADEQUATELY FUNDED SYSTEM OF THE ADMINISTRATION OF JUSTICE IS PART, AND AN INDISPENSABLE PART, OF A COUNTRY'S INFRASTRUCTURE.

WHEN IT IS REALIZED THAT BARELY 1% OF THE NATIONAL BUDGET IS REPEATEDLY ALLOCATED FOR THIS ARM OF GOVERNMENT, IT MUST SET ONE THINKING

ABOUT PRIORITIES. THIS GRAND ALLOCATION INCLUDES OF COURSE, SALARIES AND WAGES AND OTHER COSTS OF THE JUDICIARY.

I CAN ONLY THEREFORE TAKE THIS OPPORTUNITY TO PARAPHRASE, IN THE CIRCUMSTANCES, THOSE MEMORABLE WORDS OF OLIVER TWIST “*CAN WE HAVE SOME MORE PLEASE!*”

THE CRIMINAL JUSTICE SYSTEM AND THE RISE IN VIOLENT CRIMES

A PART OF THE DARK SIDE OF THE YEAR THAT HAS JUST ENDED WAS THE UNPRECEDENTED RISE IN VIOLENT CRIMES I MENTIONED EARLIER. THIS

DEVELOPMENT PRESENTED FORMIDABLE CHALLENGES TO THE CRIMINAL JUSTICE SYSTEM. THESE CHALLENGES CONFRONTED, IN PARTICULAR, THE DPP'S OFFICE AND THE POLICE DEPARTMENT.

THE POLICE ARE AT THE FRONTIER OF THE CRIMINAL JUSTICE SYSTEM. THEY ARE RESPONSIBLE FOR THE DETECTION AND INVESTIGATION OF CRIMES. IN THE COURSE OF THIS, THEY EFFECT ARREST OF SUSPECTS AND INTERVIEW PROSPECTIVE WITNESSES AND OBTAIN STATEMENTS FROM THEM AND INITIALLY CHARGE SUSPECTS.

IF A PARTICULAR OFFENCE IS TO BE DEALT WITH AT TRIAL IN THE SUPREME COURT, THE DPP'S OFFICE PRESENTS AN INDICTMENT CHARGING THE ACCUSED WITH THE ALLEGED OFFENCE.

REGRETTABLY, A DISTURBING PATTERN HAS BEEN EVOLVING FOR SOME TIME NOW WHICH DOES NOT DO CREDIT TO THE CRIMINAL JUSTICE SYSTEM.

A PART OF THIS PATTERN IS THAT WITNESSES TO CRIMES ARE INCREASINGLY UNWILLING TO COME FORWARD TO TESTIFY. THIS MAY BE DUE TO FEAR OR OTHER PRESSURE. THIS

RESULTS IN LACK OF MATERIAL WITNESSES FOR A SUCCESSFUL PROSECUTION OF THE OFFENCE.

THIS PROBLEM HAS MANIFESTED ITSELF IN THE SUPREME COURT MORE TELLINGLY SO IN THE PAST YEAR.

IN THE COURSE OF 2008, THE DPP'S OFFICE LODGED EIGHTY THREE (83) NOLLE PROSEQUI WHICH ABORTED THE TRIAL OF OFFENCES THAT RANGED FROM MURDER, ATTEMPTED MURDER TO RAPE, INCEST AND BURGLARY.

THESE, NEEDLESS TO SAY, ARE ALL SERIOUS OFFENCES BUT PERHAPS

**BECAUSE OF EVIDENTIAL DIFFICULTIES
OR OTHER REASONS, WERE NOT
PROCEEDED WITH TO COMPLETION.**

**THIS IS AN ALARMING STATE OF
AFFAIRS, FOR APART FROM SENDING THE
WRONG SIGNALS TO THE CRIMINAL
ELEMENTS IN SOCIETY, IT ALSO
REASONABLY BREEDS FEAR AND
APPREHENSION AND EVEN RESENTMENT
IN ORDINARY LAW-ABIDING CITIZENS:
THEY GET ANXIOUS AND CONCERNED AT
THE THOUGHT THAT WOULD-BE
CRIMINALS ARE LET OFF THE HOOK AND**

**ARE FREE TO ROAM THE STREETS AND
PROBABLY STRIKE AGAIN.**

**THE PROBLEM OF THE RELUCTANT OR
UNWILLING WITNESS IS NOT A
PHENOMENON UNKNOWN TO THE LAW.
THERE ARE PROVISIONS IN THE LAW TO
MEET THIS.**

**IT IS A CRIMINAL OFFENCE IN ITSELF
TO INTERFERE WITH A WITNESS,
WHETHER BY THREATS, INTIMIDATION OR
OTHERWISE. AND A RECANTING WITNESS
ON THE STAND FACES THE PROSPECT OF
PERJURY.**

IN THE LIGHT OF ALL OF THIS IT IS PERPLEXING TO HEAR OF THE UNAVAILABILITY OF WITNESSES AS THE REASON FOR THE ABORTIVE END OF A CASE.

IT MUST BE REALIZED THAT CRIME CONCERNS EVERYONE, AND NOT JUST THE IMMEDIATE VICTIMS. THIS IS WHY THE PROSECUTION OF CRIMINAL CASES IS A MATTER BETWEEN THE STATE AND THE ACCUSED. THE STATE OR THE CROWN IN WHOSE NAME CRIMES ARE STILL PROSECUTED, IS THERE TO ENSURE THE SAFETY AND PROTECTION OF THE

COMMUNITY THROUGH SUCCESSFUL PROSECUTION.

IT IS THEREFORE AN UNFORTUNATE BUT RECURRING DEVELOPMENT THAT WITNESSES, FOR ONE REASON OR THE OTHER, ARE INCREASINGLY BECOMING UNWILLING TO TESTIFY IN CASES TO WHICH THEY ARE SOMETIMES THE ONLY MATERIAL WITNESSES.

I WANT THEREFORE TO EXHORT THE POLICE TO ENSURE THEY HAVE THE NECESSARY WITNESSES TO CRIMES WHEN THEY ARREST OR CHARGE.

IT IS ALWAYS A CAUSE FOR DESPAIR TO HEAR, AS ONE OFTEN DOES ONLY TOO FREQUENTLY NOW, THAT A PARTICULAR CASE HAS FALLEN THROUGH BECAUSE OF A LACK OF WITNESSES.

IN SO FAR AS THE INCREASING NUMBER OF NOLLE PROSEQUI IN THE SUPREME COURT IS CONCERNED, I WANT TO TAKE THIS OPPORTUNITY TO EXHORT ALSO, MADAM DPP AND YOUR STATE COUNSEL, IF ON A PERUSAL OF A CASE FILE, YOU CONSIDER THAT THERE IS NOT SUFFICIENT MATERIAL TO SUSTAIN AN INDICTMENT, EITHER BECAUSE OF THE

UNAVAILABILITY OF MATERIAL WITNESSES OR SOME OTHER REASON, PLEASE DO NOT, IN SUCH CIRCUMSTANCES, PRESS ON WITH AN INDICTMENT, ONLY TO ENTER A NOLLE PROSEQUI LATER.

IN THE FACE OF THE ESCALATING CRIME RATE WE NEED MORE THAN EVER BEFORE, A ROBUST, CREDIBLE AND EFFICIENT CRIMINAL JUSTICE SYSTEM THAT SHOULD PUT CRIMINALS ON THE RETREAT. IT IS THEREFORE VITAL THAT WE SUSTAIN CONFIDENCE IN THE SYSTEM.

THE INDEPENDENCE OF THE JUDICIARY AND
THE RULE OF LAW

I CAN SAFELY SAY THAT THERE WERE NO EVIDENT OR DISCERNIBLE ATTEMPTS TO UNDERMINE THE INDEPENDENCE OF THE JUDICIARY IN THE COURSE OF LAST YEAR. THERE WERE CERTAINLY FINANCIAL CONSTRAINTS, TO WHICH I HAVE ALREADY ALLUDED. BUT THESE DO NOT IN ANY WAY AFFECT OR IMPACT ON THE JUDICIARY'S INDEPENDENCE IN PRACTICE. A WELL-FUNDED JUDICIARY IS, OF COURSE, NECESSARY TO MAINTAIN AND PRESERVE THIS INDISPENSABLE INDEPENDENCE.

I CAN HOWEVER SAY THAT MORE NEEDS TO BE DONE TO BOLSTER THE FINANCIAL INDEPENDENCE OF THE JUDICIARY. IN FACT THIS IS NOW A CONSTITUTIONAL STIPULATION IN BELIZE. IN 2005 BY THE BELIZE CONSTITUTION (FIFTH AMENDMENT) ACT, ACT NO. 23 OF 2005, IT IS EXPRESSLY PROVIDED THAT AMONG OTHER OFFICES MENTIONED *“THE BUDGETS PRESENTED BY THE DPP’S OFFICE, THE SUPREME COURT AND THE COURT OF APPEAL SHALL BE GIVEN FIRST PRIORITY CALLS ON THE CONSOLIDATED REVENUE FUND.”* (EMPHASIS ADDED).

THIS NO DOUBT WAS MEANT TO SECURE THE FINANCIAL INDEPENDENCE OF BELIZE'S JUDICIARY.

THIS INDEPENDENCE, NEEDLESS TO SAY, IS NOT PERSONAL TO THE JUDGES. BUT IT IS IN FACT MEANT TO ENSURE THAT THE JUDICIARY EXECUTES ITS DUTIES FEARLESSLY AND IMPARTIALLY IN ACCORDANCE WITH THE JUDGE'S OATH *"TO RENDER JUSTICE TO ALL, WITHOUT FEAR OR FAVOUR, AFFECTION OR ILL-WILL"*.

IT IS ONLY BY DOING SO DOES THE JUDICIARY ACT IN ACCORDANCE WITH AND UPHOLD THE RULE OF LAW.

THIS IS THE MISSION OF THE JUDICIARY AND I CAN SAFELY SAY THAT IN THE COURSE OF LAST YEAR, IT TRIED AT ALL LEVELS TO BE FAITHFUL TO THIS MISSION.

CONFERENCES AND MEETINGS

A LITTLE OVER A YEAR AGO, ON 16TH JANUARY 2008, BOTH THE SUPREME COURT AND THE MAGISTRATES' COURTS PARTICIPATED IN A WORKSHOP DEVOTED TO SEXUAL ASSAULT CRIMES TRAINING. THE WORKSHOP WAS ARRANGED THROUGH THE KIND AUSPICES OF THE UNITED STATES EMBASSY. THE SESSION

WAS INTENDED TO ENHANCE AWARENESS OF AND THE SENSITIZATION OF THE JUDICIARY ON THE TREATMENT OF VICTIMS OF SEXUAL ASSAULT, THE RELEVANT PROTOCOL AND GATHERING OF FORENSIC EVIDENCE ON THIS CATEGORY OF OFFENCE. THE WORKSHOP WAS FACILITATED BY MS. SUSAN GAERTNER, THE ATTORNEY FOR RAMSEY COUNTY IN MINNESOTA, U.S.A. AND SERGEANT PAUL SCHNELL OF THE ST. PAUL, MINNESOTA POLICE DEPARTMENT.

**THE WORKSHOP WAS HUGEY
SUCCESSFUL AND EVERY PARTICIPANT
FOUND IT IMMENSELY BENEFICIAL.**

**I WOULD THEREFORE LIKE ON THIS
OCCASION, FORMALLY TO THANK U.S.
AMBASSADOR ROBERT DIETER FOR THE
WORKSHOP AND EXPRESS OUR
APPRECIATION TO THE FACILITATORS.**

**I WOULD ALSO LIKE AT THIS
JUNCTURE TO ACKNOWLEDGE PUBLICLY
THE MANY CONTRIBUTIONS MADE IN THE
COURSE OF LAST YEAR BY AMBASSADOR
DIETER TO THE ADMINISTRATION OF
JUSTICE IN BELIZE. HE IS NOW, AS A**

RESULT TO THE HISTORIC ELECTION LAST NOVEMBER IN THE U.S.A., THE OUTGOING U.S. AMBASSADOR TO BELIZE. AS I SPEAK, IN LESS THAN TWENTY-FOUR HOURS FROM NOW, THE WORLD WILL WITNESS THE INAUGURATION OF A UNITED STATES PRESIDENT THAT IS TRULY HISTORICAL AND GLOBAL IN ITS IMPORT. THE ELECTION OF THE 44TH PRESIDENT OF THE UNITED STATES OF AMERICA IS A MANIFEST AFFIRMATION OF THE POWER AND POSSIBILITIES OF DEMOCRACY.

HOWEVER, I CAN SAY THAT IN THE PERSON OF AMBASSADOR DIETER, SINCE

HE TOOK UP HIS POSITION HERE IN BELIZE SOME THREE YEARS AGO, THE JUDICIARY FOUND A FRIEND. HE MANIFESTED PERSONAL INTEREST IN THE ADMINISTRATION OF JUSTICE IN THE COUNTRY. HE WAS A REGULAR CONTRIBUTOR OF LEGAL TEXT BOOKS TO THE SUPREME COURT LIBRARY, SOME ON BEHALF OF THE EMBASSY AND SOME ON HIS OWN PERSONAL ACCOUNT. TO AMBASSADOR DIETER WE SAY A BIG "THANK YOU". EVEN LAST WEEK THE SUPREME COURT LIBRARY WAS AGAIN THE RECIPIENT OF ANOTHER PARCEL OF

LAW BOOKS FROM HIM. HIS PERSONAL INTEREST IN THE ADMINISTRATION OF JUSTICE SHOULD NOT COME AS ANY SURPRISE, WHEN IT IS REALIZED THAT BEFORE HIS DIPLOMATIC POSTING, AMBASSADOR DIETER WAS A PROFESSOR OF CRIMINAL AND CONSTITUTIONAL LAW IN HIS NATIVE STATE OF COLORADO. ON BEHALF OF THE JUDICIARY OF BELIZE, I THANK AMBASSADOR DIETER AND WISH HIM AND HIS FAMILY BON RETOUR AND ALL THE VERY BEST IN HIS FUTURE ENDEAVOURS. THE JUDICIARY WILL MISS HIM AS A FRIEND.

IN THE COURSE OF LAST YEAR, I WAS ABLE TO ATTEND SEVERAL MEETINGS OF THE CARIBBEAN COURT OF JUSTICE (CCJ) TRUST FUND IN PORT OF SPAIN, TRINIDAD AND TOBAGO. I REPRESENT MY COLLEAGUE HEADS OF THE JUDICIARIES CARICOM MEMBER STATES ON THE BOARD OF TRUSTEES OF THE FUND, WHICH IS CHARGED WITH THE RESPONSIBILITY OF ENSURING THE FINANCING OF THE CCJ.

ON THE 23RD JUNE LAST YEAR THE CCJ IN PARTNERSHIP WITH THE SUPREME COURT HOSTED A PUBLIC EDUCATION

**PROGRAMME ON THE TOPIC THE CCJ AND
CSME – VEHICLES FOR REGIONAL
INTEGRATION – WHAT DOES IT MEAN FOR
YOU AND ME?**

**IT WAS BY ALL ACCOUNTS A
SUCCESSFUL SESSION AT WHICH THE
PRESIDENT OF THE CCJ, RT. HON.
MICHAEL DE LA BASTIDE AND SEVERAL
JUDGES OF THE COURT PARTICIPATED.**

**BELIZE LIKE A NUMBER OF OTHER
CARIBBEAN COUNTRIES, HAS YET TO
TAKE THE FORMAL CONSTITUTIONAL
STEPS NECESSARY TO ACCEDE TO THE
APPELLATE JURISDICTION OF THE CCJ.**

WHEN THIS IS COMPLETED, IT WILL MAKE THE CCJ THE FINAL COURT OF APPEAL FOR BELIZE, INSTEAD OF HER MAJESTY'S PRIVY COUNCIL IN LONDON AS AT PRESENT.

A FACT THAT IS LITTLE REALIZED IS THAT BELIZE IS A MEMBER OF THE CCJ IN ITS ORIGINAL JURISDICTION. IN THIS JURISDICTION IT IS THE RESPONSIBILITY OF THE COURT TO INTERPRET AND APPLY THE CSME TREATY THROUGH WHICH IT IS HOPED TO ENHANCE AND CONSOLIDATE ECONOMIC, TRADING AND OTHER

**ARRANGEMENTS AMONG CARICOM
MEMBER STATES.**

**BELIZE HAS IN FACT, LIKE OTHER
CARICOM MEMBERS, PAID ITS
CONTRIBUTION FOR THE RUNNING AND
UPKEEP OF THE CCJ. I WOULD
THEREFORE URGE THAT THE ISSUE OF
ACCESSION TO THE APPELLATE STREAM
OF THE COURT'S JURISDICTION BE
ADDRESSED AS SOON AS POSSIBLE. THE
RECENT CONSTITUTIONAL CHANGES IN
ENGLAND WITH ITS OWN SUPREME COURT
AND A PRESIDENT OF THAT COURT AND
THE NEAR-ABOLITION OF THE OFFICE OF**

THE LORD CHANCELLOR, AND THE EFFECTS OF THESE ON THE PRIVY COUNCIL, ALL AUGUR, IN MY VIEW, FOR COMMONWEALTH CARIBBEAN COUNTRIES TO COMPLETE THE HISTORIC MISSION THEY EMBARKED UPON ON ATTAINING INDEPENDENCE AND HAVE INSTITUTED IN THE REGION AN INDEPENDENT FINAL APPELLATE COURT. THE TIME IS MORE THAN EVER NOW PROPITIOUS FOR THIS MOVE.

ON THE 23RD SEPTEMBER LAST YEAR THE SUPREME COURT, WITH THE COOPERATION AND SUPPORT OF THE

**WIDOW AND FAMILY OF THE LATE JUDGE
EDWARD LAING OF THE INTERNATIONAL
TRIBUNAL ON THE SEA IN HANSBURGH,
DEDICATED A SECTION OF THE SUPREME
COURT LIBRARY TO A COLLECTION OF
BOOKS FROM HIS ESTATE. MRS.
MARGERY LAING HIS WIDOW KINDLY
DONATED THE BOOKS AND A PORTRAIT
OF JUDGE LAING. THE HON. THE PRIME
MINISTER, WHO TOGETHER WITH
ANOTHER PIONEER STUDENT, SENIOR
COUNSEL B.Q. PITTS, GRACIOUSLY MADE
STATEMENTS ON THE OCCASION
ACKNOWLEDGING THE CONTRIBUTIONS**

JUDGE LAING HAD MADE TO THEIR LEGAL EDUCATION AT THE THEN BUDDING LAW FACULTY OF THE UNIVERSITY OF THE WEST INDIES.

ON THE 7TH OCTOBER 2008, UNDER THE AUSPICES OF THE US EMBASSY SPEAKER'S PROGRAMME, THE SUPREME COURT HOSTED A ONE-DAY WORKSHOP ON THE THEME: THE IMPORTANCE OF AN INDEPENDENT JUDICIARY AND IMPROVED EFFICIENCY IN THE JUDICIARY. THE KEYNOTE SPEAKER WAS US MAGISTRATE JUDGE JAMES M. HOPKINS IN THE STATE OF FLORIDA.

AGAIN, I ACKNOWLEDGE WITH GRATITUDE, THE U.S. EMBASSY'S CONTRIBUTION AND, IN PARTICULAR, THAT OF MAGISTRATE JUDGE HOPKINS. THE SESSION WAS, FROM ALL ACCOUNTS, INFORMATIVE AND EDUCATIONAL.

SOME JUDICIAL STATISTICS

WITH YOUR LEAVE AND PERMISSION I WILL AGAIN SPARE YOU THE RECITATION OF THE FACTS AND FIGURES BEHIND THE ANNUAL GRIND OF THE COURTS' WORK. THEY WILL, AS IN THE PAST, BE FOUND IN THE ANNUAL REPORT ON THE JUDICIARY FOR 2007 – 2008 WHICH WILL SOON BE

PUBLISHED. WHAT IS PALPABLY CLEAR IS THAT THE COURTS WERE IN 2008 KEPT ESPECIALLY BUSY IN BOTH THEIR CIVIL AND CRIMINAL JURISDICTIONS.

THERE WAS HOWEVER ONLY ONE CRIMINAL APPEAL LODGED WITH THE PRIVY COUNCIL AND FOUR CIVIL APPEALS LODGED. THIS COMPARES TO THREE CRIMINAL APPEALS IN 2007 AND TWO CIVIL APPEALS IN THE SAME PERIOD.

IN THE COURT OF APPEAL FOR LAST YEAR, 2008, ELEVEN CRIMINAL APPEALS WERE LODGED AND A TOTAL OF 36 CIVIL APPEALS FOR THE SAME PERIOD. THESE

FIGURES COMPARE WITH 25 CRIMINAL APPEALS AND 33 CIVIL APPEALS THAT WERE LODGED FOR 2007. IN 2008, THE COURT OF APPEAL WAS ABLE TO DISPOSE OF 14 CRIMINAL APPEALS AND 31 CIVIL APPEALS.

IN THE SUPREME COURT, A TOTAL OF 889 CLAIMS WERE FILED IN 2008. THIS FIGURE COMPARES WITH 635 CLAIMS THAT WERE FILED IN 2007 AND OF THESE 544 WERE COMPLETED, AND FOR 2008, A TOTAL OF 742 CLAIMS WERE COMPLETED. IN ADDITION TO THIS NUMBER, A TOTAL OF 159 APPLICATIONS FOR CASE-

MANAGEMENTS WERE FILED OF WHICH 114 WERE DISPOSED OF.

A TOTAL OF 248 DIVORCE PETITIONS WERE FILED IN 2008 COMPARED TO 232 FOR 2007. TWO HUNDRED AND SEVENTEEN (217) DIVORCE PETITIONS WERE DISPOSED OF IN 2008 COMPARED TO 213 FOR 2007.

THERE WAS ONLY ONE CORONER'S INQUEST LODGED FOR 2008 COMPARED WITH EIGHT FOR 2007.

NOW ON THE CRIMINAL SIDE: THERE WERE 63 MURDER CASES DEALT WITH BY

THE SUPREME COURT IN 2008. UNDOUBTEDLY, GIVEN THE SIZE AND POPULATION OF BELIZE THE TRIAL OF 60 PLUS MURDER CASES IN THE COURSE OF ONE YEAR IS DECIDEDLY A GRAVE CAUSE FOR CONCERN. THIS FACT IN ITSELF SPEAKS TO THE URGENT NEED FOR ACTION TO COMBAT THE SPREADING MALAISE OF CRIME IN GENERAL AND THE VIOLENT CRIME OF HOMICIDE IN PARTICULAR. THIS GLOOMY PICTURE IS COMPOUNDED BY THE POLICE REPORT OF SOME 100 MURDERS FOR 2008 ALONE! THE SITUATION CRIES OUT FOR

IMMEDIATE AND COORDINATED ACTION AT ALL LEVELS AND ON ALL FRONTS: THE HOME, THE SCHOOL, IN NEIGHBOURHOODS AND COMMUNITIES, IN THE HOUSES OF WORSHIP, IN THE WORKPLACE AND OF COURSE, AT THE LEVEL OF LAW ENFORCEMENT, INCLUDING THE POLICE DEPARTMENT, THE DPP'S OFFICE AND THE LAW COURTS.

A SUSTAINED AND ALL OUT WAR MUST BE WAGED AGAINST THE SCOURGE OF CRIME THAT IS NOW FAST SPREADING!

THE ADMINISTRATION UNDOUBTEDLY HAS A CRUCIAL ROLE TO PLAY IN ALL OF

THIS. IT MUST DEVISE AND IMPLEMENT POLICIES THAT PROVIDE AN ALTERNATIVE TO CRIME, WHILE AT THE SAME TIME PROVIDING A SERIOUS AND MEANINGFUL DISINCENTIVE TO CRIMINALITY.

FOR 2008, THERE WERE 29 ATTEMPTED MURDER CASES DEALT WITH BY THE COURT; AND MERCIFULLY ONLY 3 ROBBERY CASES. THIS WAS THE SAME FIGURE AS IN 2007.

IN SO FAR AS SEXUAL OFFENCES AGAINST FEMALES WERE CONCERNED, 2008 SAW A SLIGHT REDUCTION IN THE NUMBER OF CASES DEALT WITH BY THE

SUPREME COURT COMPARED WITH THE FIGURES FOR 2007.

THERE WERE A TOTAL OF 18 RAPE CASES DEALT WITH IN 2008 COMPARED TO 12 IN 2007. THERE WERE 27 CARNAL KNOWLEDGE CASES IN 2008 COMPARED TO 29 IN 2007; AND 16 UNLAWFUL CARNAL KNOWLEDGE CASES IN 2008 COMPARED TO 23 IN 2007.

THE FACT STILL REMAINS THAT THE INCIDENCE OF SEXUAL ASSAULTS ON FEMALES, ESPECIALLY THE UNDER-AGED, IS NOT ABATING AND IS STILL A VERY WORRISOME AND DISTURBING ASPECT OF

NATIONAL LIFE. THE FEMALE OF OUR SPECIES SHOULD NOT BE THE PREY OF THE MALE: THIS IS A DEGRADATION OF LIFE THAT SHOULD NOT BE TOLERATED.

THERE WERE A TOTAL OF 4 MANSLAUGHTER CASES AND 22 MANSLAUGHTER BY NEGLIGENCE CASES RESPECTIVELY DEALT WITH IN 2008.

THERE WERE AS WELL A TOTAL OF 43 OTHER CRIMINAL CASES DEALT WITH BY THE COURT IN 2008.

I MUST BEFORE CONCLUDING THESE REMARKS STATE THAT IN THE COURSE OF

LAST YEAR, I WAS APPROACHED AGAIN, TO SERVE ON THE CAYMAN ISLANDS COURT OF APPEALS. AFTER CONSULTATION WITH THE RELEVANT AUTHORITIES, IT WAS FELT THAT IT WAS AN HONOUR TO HAVE BELIZE'S CHIEF JUSTICE SERVE ON THE COURT OF APPEAL OF ANOTHER JURISDICTION. IT WAS IN THIS SPIRIT THAT I ACCEPTED APPOINTMENT LAST DECEMBER TO SERVE AS A JUSTICE OF APPEAL, ON THE CAYMAN COURT OF APPEALS. THIS WILL NOT, IN ANY WAY, AFFECT MY DUTIES AND

**RESPONSIBILITIES AS THE SITTING CHIEF
JUSTICE OF BELIZE.**

APPRECIATION AND CONCLUSION

**LET ME CONCLUDE THIS STATEMENT
BY EXPRESSING ON BEHALF OF THE
JUDICIARY OUR THANKS AND
APPRECIATION TO EVERYONE WHO IN SO
MANY DIFFERENT WAYS CONTRIBUTED TO
THE PROPER FUNCTIONING OF THE
COURTS AND THE ADMINISTRATION OF
JUSTICE.**

**ON BEHALF OF MY COLLEAGUES, AS
WELL AS THE STAFF OF THE REGISTRY, I**

SAY A SPECIAL “THANK YOU” TO ALL THE MEMBERS OF THE CLERGY WHO GRACIOUSLY ORGANIZED AND FACILITATED THE INTER-DENOMINATIONAL SERVICE OF WORSHIP WE CONCLUDED EARLIER TODAY. WE THANK YOU ALL FOR YOUR PRAYERS AND INVOCATION OF GOD’S GUIDANCE AND GRACE AS WE START THE NEW LEGAL YEAR.

I THANK AS WELL ALL MY COLLEAGUES ON THE BENCH, INCLUDING THE JUSTICES OF THE COURT OF APPEAL,

**FOR THEIR STEADFAST SERVICE IN THE
CAUSE OF JUSTICE.**

**MY GRATEFUL THANKS AND
APPRECIATION GO AS WELL TO THE CHIEF
MAGISTRATE AND ALL THE OTHER
MAGISTRATES AND THEIR SUPPORTING
STAFF, AS WELL AS TO THE DIRECTOR OF
THE FAMILY COURT, THE MAGISTRATES
OF THAT COURT AND THEIR SUPPORTING
STAFF.**

**I SAY “THANK YOU” AS WELL TO THE
COMMISSIONERS OF THE SUPREME
COURT AND JUSTICES OF THE PEACE WHO
AS ALWAYS RENDER VALUABLE SERVICES**

**TO THE ADMINISTRATION OF JUSTICE IN
DIVERSE WAYS.**

**MR. COMMISSIONER OF POLICE TO
YOU PERSONALLY AND YOUR OFFICERS,
ESPECIALLY THOSE YOU DETAIL FOR
SERVICE IN THE COURTS AND OF COURSE
THOSE MEN AND WOMEN WHO FORMED
THE SPLENDID PARADE I HAD THE
HONOUR TO INSPECT A SHORT WHILE
AGO, I SAY A BIG “THANK YOU!”**

**I WOULD ALSO LIKE TO THANK THE
STAFF OF THE REGISTRY AND THE
SUPREME COURT LIBRARY WHO**

**CONTINUE, AS ALWAYS, TO TOIL AND
LABOUR IN THE VINEYARD OF JUSTICE.**

**MY GRATEFUL THANKS GO AS WELL
TO MRS. GLENNIS MOODY TILLET AND
THE JANITORIAL STAFF WHO LABOUR TO
KEEP THE COURTS AND OFFICES CLEAN.
THANKS AND APPRECIATION GO ALSO TO
THE STAFF OF ANCHOR SECURITY
COMPANY FOR KEEPING WATCH NIGHT
AND DAY ON THE COURTS!**

**AGAIN, TO RUN THE RISK I ALWAYS DO
AT THIS JUNCTURE EVERY YEAR, THAT IS,
TO SOUND A TRIFLE SELF-SERVING, I
VENTURE TO SAY A VERY BIG “THANK**

**YOU” TO MS. JULIE STAINE, MY
INDEFATIGABLE SECRETARY BEHIND
WHOSE UNFLAPPABLE EXTERIOR LIES A
DEEP WELL OF SUPPORT WHICH
SUSTAINS MY DAILY WORK. SHE ALWAYS
RISES TO THE OCCASION NO MATTER HOW
DAUNTING! THANK YOU JULIE!**

**FINALLY MR. ATTORNEY, I WOULD LIKE
TO TAKE THIS OPPORTUNITY TO THANK
YOU PERSONALLY AND THROUGH YOU
THE ADMINISTRATION FOR THE SUPPORT
RENDERED TO THE JUDICIARY SINCE
YOUR ADMINISTRATION TOOK OFFICE
EARLY LAST YEAR.**

**I NOW DECLARE THE NEW LEGAL YEAR
OPEN.**

**MR. ATTORNEY, YOU MAY NOW MOVE
THE MOTION FOR THE ADJOURNMENT.**