



Change in leadership at the CCJ

On July 4, 2018 the Caribbean Court of Justice (CCJ) saw a change in its leadership as the Rt. Honourable Sir Dennis Byron retired as the Court's President and the Honourable Mr. Justice Adrian Saunders assumed the position.

Justice Saunders was installed as the third President of the CCJ, in Montego Bay, Jamaica by His Excellency, the Most Honourable Sir Patrick Allen, ON, GCMG, CD, KSt. J. Governor-General of Jamaica. The ceremony was held ahead of the Opening of the 39th Regular Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM) on its 45th Anniversary. The ceremony was attended by Heads of Governments of CARICOM countries.

In his remarks, the third CCJ President, said: "As I take up the responsibilities of President of the CCJ, I consider myself to be exceptionally fortunate. I have been preceded in that office by two outstanding Caribbean jurists and I was privileged to have enjoyed a close collegial relationship with both of them. Each in his own way, Mr. Justice de la Bastide and Sir Dennis Byron, have contributed to the solid platform upon which the Court now rests."

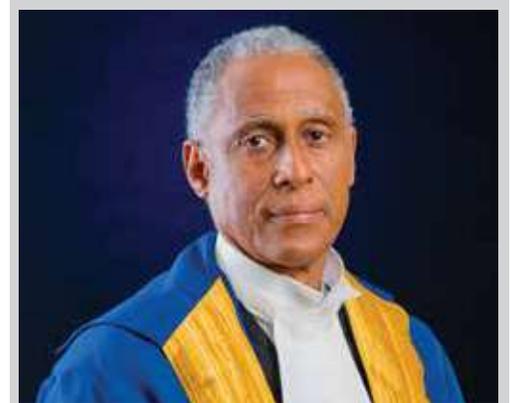
Sir Dennis, who was also in attendance at the swearing-in event in his remarks stated "I can bear



The Honourable Mr. Justice Adrian Saunders (left), newly sworn in President of the CCJ, takes the oath of office administered by His Excellency the Most Honourable Sir Patrick Allen, ON GCMG, CD, KSt. J, Governor-General of Jamaica

witness to his dedication to upholding the rule of law and his commitment to ensuring that justice is accessible by all people. I have no doubt that he is thoroughly prepared and unquestionably fit to assume the office of President of the CCJ."

Following the swearing-in ceremony in Jamaica, the CCJ hosted two Special Sittings of the Court in July, to welcome its new President. The first one took place at the CCJ's headquarters in Trinidad and Tobago on July 13, 2018 and the second in St. Vincent and the Grenadines, the home country of Justice Saunders on July 20, 2018.



The Honourable Mr. Justice Adrian Saunders

ABOUT THE HONOURABLE MR. JUSTICE ADRIAN SAUNDERS

A native of St. Vincent and the Grenadines, the Honourable Judge holds a Bachelor of Laws degree from the University of the West Indies (Cave Hill) and a Legal Education Certificate from the Hugh Wooding Law School in Trinidad and Tobago. He began his legal career as a barrister and solicitor in private practice in his home country. In 1990, he established the firm of Saunders and Huggins before being invited to join the Eastern Caribbean Supreme Court (ECSC) High Court Bench in 1996. On May 1, 2003, Justice Saunders was appointed to the ECSC's Court of Appeal and served as acting Chief Justice between 2004 and 2005.

While at the ECSC, Justice Saunders developed a passion for and was deeply involved in various judicial reform efforts. These included the introduction of court-connected mediation in the Eastern Caribbean and the development of that Court's first Judicial Code of Ethics. He also served as Chairman of the ECSC's Judicial Education Institute from 2001 to 2004. His work in judicial education has continued with the Commonwealth Judicial Education Institute (CJIE). He earned a Fellowship of the CJIE in 1998. He is currently, and has been for several years, the Course Director of the CJIE's Intensive Study Programme and is also one of the Institute's Directors.

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In this Issue

Dear Reader,

Welcome to Issue 10 of *JURIST News*.

We take this opportunity to congratulate the Honourable Mr. Justice Adrian Saunders on his appointment as President of the Caribbean Court of Justice (CCJ). We also wish to extend a heartfelt thanks to Rt. Honourable Sir Dennis Byron, former President, who served as the Project's first Director. We are truly grateful for Sir Dennis' vision, guidance and inspired leadership in development and successful implementation of the JURIST Project. We wish him all the best in his future endeavours.

As usual, this issue is full of insightful information. We highlight the work that the judiciary of Barbados is undertaking to ensure that they provide an alternative to litigation. The judiciary completed two weeks of intense training in mediation and added 50 mediators to its roster.

In preparation for the commissioning of the Sexual Offences Model Court (SOMC), in Antigua and Barbuda a number of training workshops were conducted for key stakeholders including youth. Also, a Memorandum of Understanding (MoU) was signed between the Directorate of Gender Affairs (DoGA) and the Antigua and Barbuda High Court.

There is also information about two major regional events in which the JURIST Project will support the Commonwealth Judicial Education Institute (CJIE) and CCJ Academy for Law.

We hope you enjoy reading the articles in this issue. As always, we take this opportunity to remind you that we welcome and appreciate feedback from our readers. We encourage contributions, information or material that we can include in future issues of the Newsletter.

- The JURIST Project Team

JURIST Project to partner with CJEI and the CCJ Academy for Law

The Judicial Reform and Institutional Strengthening (JURIST) Project will partner with the Commonwealth Judicial Education Institute (CJEI) and the CCJ Law Academy to host two major events in the Caribbean.

The first event is the CJEI Biennial Meeting which will be held from November 15 - 18, 2018 at the Hyatt Regency in Port-of-Spain, Trinidad and Tobago under the theme "Teaching Effective Behavioural Change Programming."

The aim of the Meeting is to bring together leaders of judicial education in Commonwealth jurisdictions to facilitate the exchange of information, human and material resources and experiences. The judicial educators will share with each other their successes and failures and, in light of these, analyse causation and solutions. It is expected that approximately 50 jurists from across the Commonwealth will produce delivery ready programme modules for use in home jurisdictions.

Topics to be covered at the Meeting include: delay reduction; human rights and the environment; and achieving just results through judges' increased understanding of equality issues in the context of the lives of women, children, visible minorities and sexual orientation.

The objectives of the Meeting are as follows:

- To inculcate receptivity to change;
- To provide judges with techniques to identify personal bias;
- To exchange information on common problems and solutions in Commonwealth judicial education;
- To gather research in preparation of a report on the status of judicial education in the Commonwealth. (When completed, this report will be used as baseline to chart the progress of Commonwealth nation and regional judicial education); and
- To provide a forum for the CJEI's Board of Directors and heads of Commonwealth judicial education bodies to evaluate work completed over the last two years and chart a work plan for the coming two years.

The pan-Commonwealth Meeting provides an unparalleled learning opportunity for Caribbean judges charged with judicial education responsibilities. Learning will include international best practices in the following areas:

- Judicial education programming and programme design;
- Contemporary behavioural change curricula and programme design;
- Behavioural change teaching techniques;
- The process of establishing and maintaining well-functioning judicial education bodies; and
- Challenges and solution in pan-Commonwealth judicial education.

The second event is the CCJ Academy of Law's 5th Biennial Conference which will be held in partnership with the General Legal Council of Jamaica from December 13 - 15, 2018. This year's Conference will be staged under the theme "The Future of Legal Practice in the Caribbean - Catalyst for Regional Success?" at the Jamaica Pegasus Hotel in Kingston, Jamaica.

The event will bring together approximately 300 legal luminaries from around the region, and further afield, including the judiciary, legal profession, government officials, law enforcement professionals, creative industry practitioners, regulators, banking and other private sector business interests. The Conference will be jointly chaired by the Honourable Mr. Justice Winston Anderson, Judge, Caribbean Court of Justice (CCJ) and the Honourable Mr. Justice Dennis Morrison, President, Court of Appeal, Jamaica.

The 5th Biennial Conference has three main areas of focus which include:

- The Law as a Facilitator of Business and Development
 - These sessions will focus on the operational side of the legal and justice system. Discussions on contemporary legal topics will be examined



The CCJ Academy for Law
5th Biennial Conference
presented in partnership with the General Legal Council of Jamaica



Jamaica Pegasus Hotel
Kingston, Jamaica | 13-15 December 2018

- Benefit from three conference streams with a wide range of engaging topics presented by regional and international experts
- Gain information about current and emerging issues in the legal profession
- Network with your peers and potential clients from around the region
- Jamaican Attorneys can earn CLPD credits for 2018 and 2019*

ccjacademy.org

*Note that all CLPD credits, excepting ethics credits, can be carried forward



through regionally relevant lenses. These robust offerings will extend to emerging economic issues which have significant implications for attorneys and their clients.

- Legal Issues pertaining to Intellectual Property (IP)
 - IP thought leaders, and their stakeholders will gather to discuss measuring and monetizing creative and knowledge-based assets and, most importantly, working with creators to ensure their assets are protected and their rights enforced.
- Facilitating Access to Justice
 - This Conference stream examines how access to justice continues to be a critical focus in the practice of law and delivery of justice. Presenters will reflect on recent developments and innovations and posit how best to prepare for emerging challenges and opportunities on the access to justice agenda. The Conference offers an opportunity to consider how the judiciary, lawyers and other stakeholders can continue to efficiently deliver high-quality services and improve access to justice for all.

The JURIST Project will also launch its **Criminal Bench Book for Magistrates and Parish Court Judges** at the Conference.

Update on establishment of Sexual Offences Model Court in Antigua

JURIST Project leads the sexual assault sensitivity training

During the months of July and August, 2018 justice sector stakeholders from Antigua and Barbuda took part in a series of workshops aimed at improving the management of sexual assault cases and preparing justice sector actors for the establishment of the Sexual Offences Model Court (SOMC). The court is expected to be commissioned in January, 2019. The workshops, which were organised by the Judicial Reform and Institutional Strengthening (JURIST) Project began on Wednesday July 4, 2018.

The first workshop was held at the Trade Winds Hotel from July 4-5, 2018 and was attended by the police, prosecutors from the Office of the Director of Public Prosecutions (DPP), staff from the High Court as well as representatives from Women Against Rape (WAR), the Directorate of Gender Affairs (DoGA) and Family and Social Services Division (FSSD). The session was intended to equip participants with the skills to deal with complainants sensitively and to effectively handle the secondary trauma, which might result from having to engage with the traumatic circumstances of a sexual assault.

Dr. Diane Douglas and Natalie O’Brady-McDowell of Douglas and Associates Ltd. facilitated this workshop. Dr. Douglas is a Doctor of Psychology specializing in Clinical and Community Psychology and the Director of Douglas and Associates Ltd. Mrs. O’Brady-McDowell is an experienced clinical therapist specializing in counselling adult and child survivors of trauma, survivors of sexual violence, family violence, and individuals diagnosed with depressive and other mental health disorders.

The training sessions were delivered to a cadre of professionals including magistrates, court personnel, police, prosecutors, medical professionals, and victim support personnel from the government and NGOs.

Mrs. Gloria Richards-Johnson, Director, JURIST Project said these trainings will ensure a coordinated, multi-sectoral approach to the provision of justice to sexual assault complainants and defendants.

She explained: “Even though the Model Court will primarily be about the court process, we recognise that the court cannot deliver timely and gender-responsive justice without sufficient coordination with the police, prosecutors, Probation department, medical doctors, Family and Social Services, Gender Affairs, and NGOs such as Women Against Rape.”

Mrs. Richards-Johnson added that the series of training workshops were designed to increase the competence of not only court staff but also the service providers who work with both complainants and defendants along the justice chain.

Topics covered in the workshops included increasing police officers’

competence in reporting and investigating sexual offences, assisting medical professionals with how to conduct examination of sexual assault complainants, and assisting prosecutors to effectively prosecute sexual assault cases.

Details of these workshops are available at:

<http://www.juristproject.org/news-media/media-releases/315-jurist-project-leads-sexual-assault-sensitivity-training>

MoU signing between DoGA and Antigua and Barbuda High Court



Ms. Farmala Jacobs (left), Acting Executive Director, DoGA and Mrs. Cecile Hill, High Court Registrar with the signed copy of the MoU

On August 3, 2018 the Directorate of Gender Affairs’ (DoGA) Support and Referral Centre (SARC) signed a Memorandum of Understanding (MoU) with the Antigua and Barbuda High Court. The MoU was signed by Ms. Farmala Jacobs, Acting Executive Director, DoGA, and Mrs. Cecile Hill, High Court Registrar, as part of the Judicial Reform and Institution Strengthening (JURIST) Project’s establishment of the SOMC in Antigua and Barbuda.

The MoU outlines the goal and objectives of the SOMC, the principles guiding the work of practitioners in the SARC as well as the roles and responsibilities of the SARC and the Antigua and Barbuda High Court in providing support to complainants in sexual offence cases.

The SARC is a one-stop location for adult (age 18+) victims, directly affected by gender based sexual violence (GBSV), to access necessary intervention and response services. The SARC employs a client-centred approach that encourages holistic treatment and recovery.

CCJ referenda in the region

Antigua and Barbuda, and Grenada will host referenda on November 6, 2018 to determine if they will accede to the Appellate Jurisdiction of the Caribbean Court of Justice (CCJ).

While this is Grenada’s second referendum this will be Antigua and Barbuda’s first on the matter. Grenada rejected the option of joining the CCJ in its first referendum in 2016 in which other items were also included on the ballot.

On November 6, Grenada and Antigua and

Barbuda are likely to include only this one item – to decide the final court of appeal for their respective countries.

The current final appeal court for these two countries and most of the English-speaking Caribbean is the Judicial Committee of the Privy Council based in London. Relying on the Privy Council as a final court of appeal has become something of a tradition among these states – a practice predating independence.

Since the inauguration of the Trinidad based CCJ in 2005, countries have slowly been adopting the court as their final appellate court. Barbados, Belize, Dominica and Guyana have already adopted the CCJ as their final court.

In order to do the same, Grenada and, Antigua and Barbuda require a two-thirds majority from the referenda. This will allow for the necessary changes to be made to the entrenched provision their constitutions.

Barbados Judiciary: Providing mediation as an alternative to litigation

The Judicial Reform and Institutional Strengthening (JURIST) Project in collaboration with the judiciary of Barbados hosted two Practical Mediation Skills Training Workshops from August 13-17, 2018 and August 20-24, 2018 in Barbados. The workshops were conducted by the University of the West Indies, St Augustine Campus and approximately 50 persons were trained in mediation.

Speaking at the closing ceremony at the Radisson Aquatica on August 24, 2018, the Honourable Sir Marston Gibson, Chief Justice of Barbados said the delivery of justice in the country was set to take on a new face as the Supreme Court added approximately 50 mediators to the court roster.

He added that there was a constant conversation about reducing the backlog in the court system. However, he stated: "Reducing the backlog does not get to the root of the problem." He suggested that new systems were needed to prevent the backlog from recurring. "You have to put new systems in place that prevent backlogs from being created at all. That is what this is about."

He told the newly trained mediators that they were the "new face" of the courts which tended to be perceived as judges and lawyers. "The new face of the courts is resolving disputes, not necessarily deciding disputes," he noted.

Sir Marston explained that the programme provided training for mediators to enable them to show opposing parties that their dispute did not separate them as widely as they thought. "The whole idea is not to try throwing money at the problem, and don't try to throw judges at the problem. Put new systems in place, that is what we are doing," he stated.

He also revealed the Barbados will soon be entering into a mediator sharing agreement with the Organisation of Eastern Caribbean States (OECS).

Expressing his satisfaction with the interest shown in the training, the Chief Justice thanked the Canadian government for its continued interest in Barbados, noting that it worked "side-by-side" with the local judiciary and provided the much-needed resources.

Ms. Yvette Goddard, Permanent Secretary in the Office of the Attorney General, said that the training provided in the area of mediation would present a new era in

the delivery of justice for Barbados. She urged the participants to put their training to practical use.

Ms. Ann Diaz, Unit Co-ordinator/Lecturer, the University of the West Indies, St. Augustine Campus and one of the facilitators at the workshops encouraged the mediators to utilise their training. "Don't think that you were trained as mediators and this is just another set of training you received. We have high expectations of you and no expectation at this point is too high because we are aware that you have the capacity to fulfil very single ounce of training that you were given and to make sure every expectation of the judiciary will be fulfilled."

One of the mediators, Senator Monique Taitt, said while the training was tough, all the participants were nurtured. "It was gruelling but fun and we learnt a lot and what I found particularly exhilarating were the work case studies that were real and relatable. We can apply those lessons not only in our mediations but to real life matters."

Mr. George Wieringa, Counsellor (Development) and Deputy Director, Operations, Caribbean Regional Program, High Commission of Canada noted that mediation is the best type of alternative dispute resolution, because it allows both parties to reach a decision that is satisfactory to them both, as they are the ones who come up with it. It allows both parties to be winners.

"The reality is that when persons come around a table, in dispute, an intellectual energy is created. When one has a trusted an experienced mediator that energy is directed, not between the parties, but into and through the mediator. This helps the parties see reasons and learn that compromise might well be better than litigation," he said.

Mrs. Gloria Richards-Johnson, Director, JURIST Project stated that the Project is supporting the continued development and implementation of Court Connected Mediation in Barbados as an alternative method of dispute resolution to litigation.

"Court Connected Mediation is receiving increased international recognition and support for civil, domestic and specific criminal cases. Additionally, there is growing support for, and use of mediation throughout CARICOM countries. The intent of this initiative is to support the continuation and improvement of Court Connected Mediation in Barbados to facilitate parties in using mediation as a timely and cost-effective method of resolving civil disputes," she added.

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In 2005, Justice Saunders was among the first cohort of judges to join the CCJ bench. He has contributed greatly to regional judicial outreach and judicial education efforts. He is a founding member of the Caribbean Association of Judicial Officers (CAJO) and has served as the organisation's Chairman since its inception on 2009. Due to his active engagement in advancing judicial integrity, Justice Saunders has recently been appointed to serve on the Advisory Board of the Global Judicial Integrity network by the United Nations Office on Drugs and Crime's (UNDOC) Global Programme for the Implementation of the Doha Declaration.

Justice Saunders' interests also extend to the area of court administration where he has adopted an active role in the CCJ's public education and its overall strategic growth and development. He led the development of the Court's first Strategic Plan in 2012 and currently chairs the ongoing project to develop and execute the Strategic Plan for 2018-2023.

He has written many legal articles and publications and is a consulting editor of the Caribbean Civil Court Practice and a co-author of Fundamentals of Caribbean Constitutional Law. He lectures part time at the University of the West Indies, St. Augustine Faculty of Law on Constitutional Law.

Justice Saunders is married and has two sons.



Cohorts I and II of the Practical Mediation Skills Training Workshop