



# CCJ takes the lead in assisting justice sector to adapt to COVID-19 pandemic

The Caribbean Court of Justice (CCJ) on Thursday May 7, 2020 convened a meeting of key personnel in judiciaries, prosecutorial services, state agencies and Bar Associations throughout the Caribbean in an effort to assess challenges and needs arising from the new paradigm produced by the COVID-19 pandemic.

Co-sponsoring the meeting were the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project, the CCJ Academy for Law (CAL) and the Caribbean Association of Judicial Officers (CAJO). The virtual meeting was attended by more than 100 participants across 22 countries and was hailed as a success by attendees. Many of the participants expressed a desire for follow-up regional collaborations.



**The Honourable  
Mr. Justice Adrian Saunders,  
President, CCJ**

President of the CCJ, the Honourable Mr. Justice Adrian Saunders, opened the meeting by welcoming the gathering that included seven regional Heads of Judiciary, six Directors of Public Prosecutions and several court registrars,

Bar Association presidents and other legal and technical professionals.

The conference was co-facilitated by the CCJ President and Mr. Peter Bracegirdle, Monitoring and Reporting Adviser of the JURIST Project. A significant role in organising the event was also played by APEX, a non-profit agency established by the CCJ in 2017 to provide technology-enabled solutions and training to improve the region's justice delivery sector.

In the first session, the attendees engaged in a discussion of the challenges faced in their jurisdictions by judicial officers, court staff, attorneys, and other court users. Issues discussed included health challenges, particularly of court staff but also of court users who are not able to conduct their affairs remotely, either

owing to the nature of the services required or the absence or unavailability of desired technology.

The gathering noted the challenges in ensuring a) efficient, accessible, and effective justice for all court customers; and b) the health and safety of all who work in and use the services provided by the justice sector.

The latter two sessions focused on solutions that have been implemented in various jurisdictions and the lessons learned from these, as well as the needs that have become apparent in addressing the uncertainty that lies ahead.

Participants benefited from hearing measures that have been implemented in other jurisdictions, such as those

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## In this Issue - Responding to COVID-19

Dear Reader,

We are pleased to present for your reading pleasure - Issue 15 of *JURIST News*.

Across the Caribbean region, justice sector stakeholders are responding to the COVID-19 pandemic in a variety of ways that directly impact access to justice. In these unprecedented times, we take a look at some of the measures courts have been implementing to deal with the COVID-19 pandemic and other activities that have been happening around the region. This issue covers the period February – May, 2020.

The Judicial Reform and Institutional Strengthening (JURIST) Project is continuing to monitor the negative effects of the COVID-19 pandemic on CARICOM Member States and the worldwide community.

Based on international projections, it is expected that the pandemic and/or its effects may continue for some time well into the future. The JURIST Project, has from the start of the pandemic, been following recommendations from Global Affairs Canada, the Caribbean Court of Justice (CCJ) as well as the international community to maintain the health and safety of its employees and stakeholders.

Based on the directives of the Government of Trinidad and Tobago, the JURIST Project took a decision to close its offices to the public in mid-March, 2020 and maintained a work from home policy in keeping with social distancing recommendations to control the spread of the virus. During that time, the Project continued to implement its work plan by supporting regional judiciaries in proactive steps to continue operations and manage expectations. This included:

- Working remotely while increasing online Project collaboration, to minimize face to face or in person interactions;
- Utilizing virtual meetings and video conferencing;
- Using virtual platforms such as Microsoft Teams and Zoom;
- Contacting judiciaries through the increased use of Skype, Zoom or WIFI calling such as WhatsApp video or voice calling, depending on the bandwidth requirements;
- Determining the bandwidth capabilities of local judiciaries for interaction;
- Utilizing the online facilities of judiciaries;
- Considering using options like UWI Open Campus facilities once available and/or hotel or similar facilities that may be available;
- Using file sharing services like OneDrive for collaboration; and
- Using Project status and tracking of results – while using online collaborative tools mentioned above.

The Project will continue to collaborate with judiciaries on the implementation of activities and advises them to please contact us if they require any assistance with their own business continuity measures.

We trust that everyone will continue to be safe during this time.

- *The JURIST Project Team*

# COVID-19 presents opportunities to increase efficiencies

The COVID-19 pandemic has taught the Guyana judiciary that there are many ways in which the court system can improve its efficiency.

This was the view of the Honourable Mme. Justice Roxanne George, Acting Chief Justice of Guyana who said that the pandemic has taught her and other colleagues a few things about technology and innovation. “COVID-19 has opened the eyes of many to the usefulness of technology in making life easier,” she noted.

Speaking during a television interview, Justice George stated: “We are looking at the court system to increase our efficiencies. We have realised for instance, and we are going to be asking the public to do this, and the lawyers, that emailing queries is better than you coming to the court to stand up there to ask us to do something.”

She highlighted the experience of one particular department where those in charge of collecting queries have found it so much easier to do their job, and at the same time prevent members of the public from having to visit the court for simple matters.

Acknowledging that while everyone may not be tech-savvy enough to send their queries by e-mail, Justice George said that such a change, which is already being implemented, will stand to benefit everyone in the long-run.

“It will reduce the number of persons that have to physically attend the court, and it will allow us to increase our efficiencies. So, going forward, where we thought that if we do not have counsel appear before us, things will fall apart, the answer to that is, ‘No!’ That if we don’t have litigants appearing; that the case can’t go on, the answer to that is, ‘No!’ We will put in place measures to ensure continued access to justice,” she explained.

Chief Justice George said that the court must, and will also consider those who do not have the capacity to engage it remotely, and that provision will be made for these individuals, even as they adhere to all safety measures in place.

In the wake of COVID-19 in Guyana, the Supreme Court of Judicature implemented several Emergency Directions intended to guide the public on how to access justice. Among those directives was the suspension of court sittings and hearings with immediate effect, except for those matters which qualify as urgent, and applications.

“We have had to institute restrictions on the filing of matters that are only urgent, though we are now moving to open up slowly. I know persons thought we had shut down, but we could not, we cannot. Access to justice cannot be impaired or put on pause,” she stated emphatically.

## CCJ takes the lead

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enabling the conduct of trials in Magistrates’ or Parish courts in Jamaica.

The meeting served as a significant first step in combining ideas and efforts across the Caribbean to meet the needs of those working in the justice sector and those seeking to avail themselves of its services.

Going forward, the CCJ intends to continue working with its partners and the stakeholders in each of these jurisdictions to ensure that we are all stronger and better positioned to serve our constituents, even when COVID-19 is in our rear view.

### CCJ issues COVID-19 Emergency Directions

Additionally, in response to the COVID-19 pandemic and the emergency situation in the Republic of Trinidad and Tobago, the Seat of the Court, and in the other jurisdictions of CARICOM, the CCJ issued a new Practice Direction on April 6, 2020 to protect the health and safety of court staff and the public.

To view the Practice Direction please click here: [COVID-19 Emergency Directions](#)



The Honourable Mme. Justice Roxanne George, Acting Chief Justice of Guyana featured in one of the social media posters for their public education campaign

With the suspension of all ‘in person’ hearings, courts were being conducted remotely, as sittings of the Magistrates’ Courts continue via such electronic means as Zoom, Skype, or WhatsApp video and teleconferencing.

Prior to COVID-19, several courts in Guyana were equipped with telecommunications equipment for remote participation in the justice system. Some of this equipment was donated by the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project and the use of this technology is the norm rather than the exception and has become a regular feature in the operations of the court.

While much has been achieved since the advent of COVID-19 in Guyana, the Chief Justice admitted that there is still plenty of work to be done to acquire additional equipment, internet connectivity and training but they are committed to ensuring that the judiciary is better able to serve people.

“Our new normal will be what used to be an exception. In terms of remote hearings, this could and will become the norm. It will assist our remote locations. We have a lot of courts in areas that are distant in our interior, and in terms of getting magistrates to those courts, the terrain that has to be travelled, is difficult. Once we can get those court buildings to be remotely connected, court doesn’t have to be held at distant intervals, it can be more immediate, then it serves the public better,” she reiterated.

The judiciary also embarked on a public education campaign during COVID-19 lockdown to reassure citizens that the court was still in operation for business and to provide information to those who may have questions about specific services during that time.

Supported by the JURIST Project, the campaign titled “We can still hear you,” sought to take advantage of greater audience availability during the restrictions imposed in response to COVID-19. Utilising social media and radio, citizens were provided with information about which court services remain available and advise as to what actions should be taken in specific circumstances and matters. The judiciary also used the opportunity to launch its website and enhance its Facebook page. Signage promoting physical distancing and other health measures were also produced and installed at the courts throughout Guyana.



# ECSC continues to review COVID-19 strategies and measures

The Eastern Caribbean Supreme Court (ECSC) continues to ensure the health and safety of all its stakeholders. They are constantly reviewing strategies and implementing measures to reduce the exposure of judges, magistrates, court personnel and court users while still providing a means for the citizens and residents of the Organisation of Eastern Caribbean States (OECS) to access justice.

In the Chief Justice's Statement on the ECSC's Response to COVID-19 in March, 2020, Her Ladyship, the Honourable Dame Janice Pereira said the rapid transmission rate of COVID-19 requires an equally rapid response. At the ECSC's headquarters in St. Lucia she noted that a number of internal measures were put in place to minimise the risk of exposure and transmission of COVID-19.

The measures range from enhancing office sanitation efforts by installing hand sanitizers at strategic locations throughout our office, to suspending court related travel for all staff, pending any further developments. These measures were also recommended to all Registrars of the High Court in the court's Member States and Territories.

"We will continue to provide our staff with the most up-to-date health and safety procedures and follow the guidance provided by the World Health Organization (WHO) and the health authorities in our host country St. Lucia and those of our other Member States and Territories," the Chief Justice assured.

For the Court of Appeal, the decision was taken to suspend the sitting of the court in the Territory of the Virgin Islands scheduled for the week commencing March 23, 2020 until further notice. The court also indicated that it would monitor the situation as it relates to other scheduled sittings for other States/Territories and will provide updates by notices which will be published on the court's website as well as through the court offices in the respective States and Territories and by the use of email.

In relation to the High Courts, in all of the OECS' Member States and Territories, the decision was taken to suspend all criminal trials until further notice. All travel by Masters has been suspended until further notice. However, sittings of the Master's Courts, as well as the civil courts, as far as possible, were to be conducted via video conference or, where deemed appropriate by the presiding judicial officer, by teleconference.

For the Magistracy, and subject to any special directives from the relevant office in any particular State/Territory, similar measures were urged for the safety of all stakeholders.

In all jurisdictions, the use of video-link or other virtual communication for court proceedings were encouraged as far as practicable, in an effort to safeguard the health of stakeholders whilst minimizing disruption to the operations of the Court of Appeal, High Courts and Magistrates Courts. Additionally, some jurisdictions took a number of further precautionary measures, such as implementing social



**Her Ladyship, the Honourable  
Dame Janice M. Pereira, DBE, Chief Justice, ECSC**

distancing protocols for court staff and the public and by otherwise modifying the daily operations of the courts.

The court offices in each Member State and Territory were guided by local health authorities on the domestic COVID-19 situation and necessary recommendations were made to the office of the Chief Justice to modify the daily operations of the High Courts, including the conduct of court proceedings as necessary.

Dame Janice said High Court Offices were encouraged to have open dialogue with constituent Bar Associations and Attorneys General in an effort to ensure that all stakeholders were aware of and updated on the approach implemented by the court.

"We are also aware that national governments may implement policy decisions impacting operations in their Member State or Territory and we must also be guided by such policies where it impacts the operations of the court and we are in constant dialogue with the court offices on such matters," she advised.

She encouraged all citizens and residents of the Eastern Caribbean to follow the personal and work health and hygiene practices provided by authorities including regular hand-washing with soap and water and the sanitizing of surfaces. She continued: "We are in a difficult time and find ourselves in uncharted waters. Although I recognize the days ahead will be challenging, we must remain true to the very heart of our purpose-optimism. Let us stay connected and strong together."

Further information on the ECSC's measures during the COVID-19 pandemic is available on their website [www.eccourts.org](http://www.eccourts.org).

## Belize gets first female Acting Chief Justice



**The Honourable Mme. Justice Michelle Arana,  
Acting Chief Justice, Belize during her swearing in  
ceremony**

Supreme Court judge, the Honourable Mme. Justice Michelle Arana has become the first female to act as Chief Justice in Belize.

Justice Arana became the head of the Belize judiciary after former Chief Justice, the Honourable Mr. Justice Kenneth Benjamin reached the mandatory retirement age of 65 in March, 2020.

In a brief ceremony on April 7, 2020, held at the Belize House in Belmopan, the Governor General, His Excellency, Sir Colville Young swore in Justice Arana as Acting Chief Justice.

Justice Arana graduated from Birmingham University with an LLM (Master of Laws) degree in Commercial Law in 2004. She was named the University of Birmingham's Alumna of the Year in 2006. Justice Arana also studied at Ball State University and at the Norman Manley Law School of the University of the West Indies.

In 2006, Justice Arana was appointed to be a judge of the Supreme Court of Belize, becoming the country's first female judge. Justice Arana has served in a number of judicial appointments, including Registrar of the Supreme Court, Magistrate, and Crown Counsel at the Office of the Director of Public Prosecutions.

Apart from her judicial appointments, Justice Arana has also functioned as an attorney, legal advisor to the Social Investment Fund and lecturer in Business Law at the University of Belize. Additionally, she has extensive experience in offshore finance.

# Jamaica judiciary unveils historic strategic plan

The judiciary of Jamaica has officially unveiled its first ever strategic plan for the courts. The plan, titled “*Benchmarking the Future: Courting Success*,” covers the period 2019 to 2023 and is a roadmap towards achieving the vision of being the best in the Caribbean in three years and one of the best in the world in six years.

Among its objectives are: significant reduction in court case backlogs; automation of some of the judicial processes to ensure ease of access and efficiency for all users of the courts; and eliminating delays and multiple adjournments, by 2023.

Speaking at the launch, The Honourable Mr. Justice Bryan Sykes OJ, CD, Chief Justice of Jamaica said “there is something in this plan for everyone. It is designed to reduce wait time for judgements, court records, responses to basic things such as correspondence and to reduce the number of police officers who attend court on any given day, and so when we speak about hearing date certainty, when we speak of having the requisite number of cases set for the day, this has a knock-on effect.”

He further pointed out that the plan would ensure that there was optimum use of human, material and financial resources.

The Honourable Delroy Chuck, Minister of Justice, congratulated Chief Justice Sykes and the judiciary, adding that the government will do everything in its power to provide the resources to ensure that the judiciary achieves its targets annually.

“When you look at the plan, targets have been set for the next five years, one year having gone already, and so if the targets are not being reached we need to examine annually, if and why they are not achieved, and if the issue is one of resources I would like to commit the executive to provide the necessary resources so they can be achieved,” Chuck said.

The Honourable Mr. Justice Dennis Morrison, President of the Court of Appeal welcomed the initiative. He said that the Chief Justice was to be applauded for the energy and single-mindedness with which he has promoted the plan.

“The truth is that soldiering on from year to year without a vision and a strategy is a sure means of achieving Einstein’s definition of insanity, which is to do the same thing over and over but expect different results every time. This strategic plan is to be welcomed.” he reiterated.

Dr. Terrence Farrell, attorney-at-law and former Deputy



(L-R) The Honourable Delroy Chuck, Minister of Justice together with Dr. Terrence Farrell and the Honourable Mr. Justice Bryan Sykes OJ, CD, Chief Justice of Jamaica at the launch of the strategic plan

Governor of the Trinidad and Tobago, who was the guest speaker, said the strategic plan outlined by Justice Sykes was bold. Dr. Farrell highlighted that the targets set for case-clearance rates were aggressive, noting that there might be passive resistance by those who were not amenable to change. He added that the announcement of the targets by the Chief Justice, meant that he had to deliver, as there would be little room for excuses.

## JURIST and IMPACT Justice Projects host lessons learned reflective sessions



Participants at the reflective sessions

The Judicial Reform and Institutional Strengthening (JURIST) Project together with the Improved Access to Justice in the Caribbean (IMPACT Justice) Project and supported by Global Affairs Canada hosted a two-day lessons learned reflective session, from February 4-5, 2020 in Port-of-Spain, Trinidad and Tobago.

The meeting brought together three Canadian-funded Projects namely the JURIST Project, the IMPACT Justice Project and the Justice Undertakings for Social Transformation (JUST) Programme as well as their key national/regional stakeholders to join the discussion over the two days.

This year’s reflective session was facilitated by Mr. Mark Stiles, Project Monitor and

the objectives were to:

- review the status of justice reform programming in the region and identify gaps not addressed by current programming;
- share information between stakeholders and implementing teams on lessons learned, innovative tools and national reform priorities or plans;
- discuss methods for information-sharing, coordination and collaboration between and among stakeholders and the Projects; and
- strengthen networking among justice practitioners in the region.