



Belize Inferior Court appeals rules and procedures revised

The Judicial Reform and Institutional Strengthening (JURIST) Project, in collaboration with the Belize judiciary, has been working over the years to institute systems and procedures to reduce and prevent court back log. In 2020, a critical area identified for improvement was the appeals process as it relates to the Inferior Court.

In February 2021, the Project started to assist in addressing areas of concern within the appeals process. The aim of the intervention was to provide technical assistance to enable the improved implementation of the rules, procedures and practices relating to Inferior Court appeals in Belize. This involved:

- A situation assessment to identify gaps and opportunities;
- Reviewing and revising the existing rules and procedures;
- Preparing a checklist for court staff and judicial officers;
- Training/sensitization in the use of the new rules and procedures; and,

- Drafting a monitoring mechanism to ensure success of the implementation of the new rules and procedures.

The situation assessment was completed thanks to the valuable contributions made by a broad range of stakeholders within the appeals process, led by the Honourable Mme. Justice Michelle Arana, Chief Justice (ag), Belize and including the Registrar's Office, court staff, attorneys, and the Kolbe Foundation.

The assessment revealed specific gaps related to the rules, procedures and technology. Notably, unclear procedures, challenges with communication, appellants unclear about the procedures, and delays in receiving timely information to facilitate the appeals process for any application were all identified as challenges.

The revisions focused on updating the language to ensure clarity and accessibility to members of the public/appellants, clarifying and clearly sequencing the procedures, and ensuring that information needed for the appeal application is

made available in a timely manner. Throughout this process, the Belize judiciary played a hands-on role in providing feedback, technical guidance and mobilization the relevant stakeholders.

On May 19, 2021, a sensitisation session on the revisions of the rules and procedures was held with judicial officers, court staff and other stakeholders. Thirty-three persons attended the session with representation from various courts and locations across Belize.

In a post session assessment, most respondents agreed that the rules and procedures needed to be amended and that the revisions were relevant. Eighty percent of respondents either agreed or strongly agreed that the revisions will lead to improvements. Most respondents agreed that the revisions were beneficial to the institution. Finally, while some respondents indicated their capacity and willingness to implement the new rules and procedures, respondents also highlighted that more support is needed.

In this Issue

Dear Reader,

We present for your reading pleasure Issue 18 of *JURIST News*.

This issue is chock-full of insights into the work being undertaken by the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project. The COVID-19 pandemic has not stopped the Project in its implementation of various activities which will redound to the benefit of regional jurisdictions. This issue covers the period February – May 2021.

In this issue you will read about our efforts to support different jurisdictions as well as institutions such as the Caribbean Association of

Judicial Officers (CAJO) to continue their work, with the provision of equipment to ensure that they can function in a more virtual world.

The Project has also assisted the Belize judiciary with reviewing, revising and providing technical assistance to enable the improved implementation of the rules, procedures and practices relating to Inferior Court [Magistrates Courts] appeals.

Works continued apace in the Guyanese Supreme and Magistrates Courts (both in Georgetown and some rural districts) with the installation of digital recording and other equipment to aid in the reduction of backlog and aid in strengthening the delivery of justice.

Business continuity is also at the forefront of the

Project's implementation plans as we seek to provide judiciaries with the tools and know-how necessary to continue the core functions of their business after a disruption and including activities specific to the global pandemic.

These and other stories are contained in this issue. We hope you enjoy reading the articles. 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.

We trust that you will continue to keep safe during these unprecedented times.

- *The JURIST Project Team*

JURIST Project supports delivery of CAJO training

In March 2021, the Caribbean Association of Judicial Officers (CAJO) deployed its fully outfitted virtual classroom funded by the Judicial Reform and Institutional Strengthening (JURIST) Project. Designed in response to the shifting landscape of adult education delivery given the COVID-19 pandemic, the CAJO's virtual classroom combines a number of pieces of technological equipment to deliver virtual training that transcends the usual computer-desk environment.

The first iteration of the CAJO's virtual classroom was engaged in a 2020 "Judgment Writing" training programme delivered to Trinidad and Tobago's Office of Procurement Regulation. Using the Caribbean Court of Justice's (CCJ's) equipment, the CAJO's Research and Programme Coordinator, Mr. Elron Elahie, and the CCJ's Multimedia Officer, Mr. Paul Aquí, were able to use existing equipment that allowed for the facilitators to utilise conference room space, cameras, television-screens, and audio-video equipment to deliver lecture and in-person style training to participants in the comfort of their homes.

This virtual classroom is critical to the CAJO's innovative and sustainable delivery of judicial education and training across the region. It allows participants to attend and interact with facilitators in a user-friendly setting while providing a space for facilitators to be more interactive, vibrant, and impactful; moving beyond the now normative 'sitting in front the computer' method of delivery. Learning and participation thus do not suffer from a lack of in-person engagement.

Desirous of expanding its own capacity as an established leader of Caribbean judicial education and training, the CAJO was financially supported by the JURIST Project to secure the necessary equipment to fashion this virtual space. The virtual classroom better positions the CAJO to move judicial education boldly forward in sustainable ways as the region, and entire world, balances building capacity and expertise while protecting health and cutting costs. Moreover, the development of this capacity allows for the CAJO to expand its reach and bring more opportunities for training, education, and access to knowledge products to more judicial officers and institutions across the region.

The CAJO received all equipment in late March 2021. In May and June 2021, the virtual classroom was successfully utilised for the CCJ's 2021 Judicial Training Series. Mr. Aquí expertly managed the



The CAJO has started utilising the equipment provided by the JURIST Project for their training activities



technical setup and running of the classroom. Participants in the "Writing for Clarity" sessions, facilitated by the Honourable Mr. Justice Gregory Smith, JA., Trinidad and Tobago and Ms. Lynn-Marie Edwards, Judicial Research Council II, Trinidad and Tobago judiciary, and the "Legal Argumentation" session, facilitated by the Honourable Mr. Justice Peter Jamadar, Judge, Caribbean Court of Justice (CCJ) and the Chair of the CAJO, and assisted by Ms. Laurissa Pena, Judicial Counsel, CCJ were able to be part of the virtual classroom learning. Ms. Candace Simmons

of CCJ and Mr. Shasta Sankar were also part of a volunteer technical team to assist with the virtual classroom training delivery.

The CAJO expressed its deepest gratitude to the JURIST Project and the Government of Canada who have consistently supported the work of the CAJO and judiciaries across the region. The CAJO is delighted to deliver some of its 2021 training using its virtual classroom and looks forward to regional engagement and participation.

- Courtesy CAJO News

Improved case filing in Barbados

In November 2020, Sir Patterson Cheltenham, K.A., the new Chief Justice of Barbados during a meeting with the Judicial Reform and Institutional Strengthening (JURIST) Project indicated that there was a need to identify backlog, engage in increased statistics gathering, analysis and reporting to allow for the collection of empirical evidence to drive decision making in the judiciary.

Additionally, he stated that the streamlining of matters into divisions of the court was required to effectively move matters along and maintain a level of accountability.

The Project has committed to support the

Barbados judiciary in the introduction of case flow management reforms and this commenced in April 2021 and will continue for the next six months. The Barbados judiciary will be able to generate statistical reports for the Court of Appeal as well as the Criminal, Family, Civil and Commercial Divisions of the court.

The Project has also engaged data entry specialists to ensure the case management information system is populated with an inventory of the existing caseload to provide the raw data to generate the type of statistical reports required by the judiciary.

JURIST Project assists judiciaries with disaster recovery planning

The global COVID-19 pandemic has impacted the world in a significant way, and Caribbean judiciaries have not been exempted, resulting in a reduction of trials by jury and only the hearing of urgent matters since March 2020. The courts are reopening now while still facing an uncertain future and an increasing backlog. This coupled with the business interruptions experienced at individual courts means that the judiciaries need to look at disaster recovery planning with a focus on business continuity once again.

The pandemic has only added to the challenges experienced in the Caribbean as a result of unreliable infrastructure due to power outages, flooding or such localized or broader challenges as a result of climate change, which continues to make judiciaries and individual courts in the Caribbean region more susceptible to business interruptions.

In this regard, the Judicial Reform and Institutional Strengthening (JURIST) Project has contracted a

consultant to review, revise, and adapt to current realities, existing disaster recovery plans for Barbados, Belize, Guyana, the Eastern Caribbean Supreme Court (ECSC) and the CCJ, with a focus on the continuation of the core functions of the court registries after a disruption including activities specific to a global pandemic (i.e. business continuity).

The consultant is currently in the process of:

- Reviewing and assessing the existing prototype plan to identify viability, relevance, gaps and sustainability;
- Preparing an assessment of facilities risk and vulnerabilities based on a survey of respective jurisdictions;
- Identifying administrative steps required for various classifications of a disaster based on severity, process flows indicating the sequence necessary to recover from a

disaster, and recovery procedures specific to the unique environment of a judicial and court environment;

- Collaborating with the local jurisdictions to identify milestones that consider industry practice or international industry standards for judiciary business continuity;
- Incorporating into the plan the following:
 - o examples of scenarios and assumptions for existing human resource competencies and technological infrastructure;
 - o sustainability resources to ensure a high standard of readiness is maintained; and
 - o key policies that would be required for the implementation of a disaster recovery plan focused on business continuity.

It is expected that this consultancy will be completed by the third quarter of this fiscal year.

Meeting with the SOMC Multisectoral Stakeholder Committee (MSSC)

The Multisectoral Stakeholder Committee (MSSC) of the Sexual Offences Model Court (SOMC) met on March 30, 2021, to discuss areas of support and interventions needed to improve their own work, and ultimately, the SOMC.

The SOMC is being implemented by representatives of several agencies, that together form a MSSC. The MSSC was constituted in January 2018, with the approval of the Honourable Dame Janice Pereira, DBE, LL.D., Chief Justice of the Eastern Caribbean Supreme Court (ECSC); and the Government of Antigua and Barbuda. It is comprised of stakeholders who work with complainants and defendants along the justice chain for sexual offences cases, and supports implementation and monitoring of activities associated with the establishment and operation of the Model Court.

The SOMC is committed to using a multi-disciplinary and intersectional approach to the treatment of complaints and vulnerable witnesses in sexual assault cases, balanced with the need for a defendant to receive a fair trial. This approach requires the collective participation of service providers such as the police, health care

“The SOMC is committed to using a multi-disciplinary and intersectional approach to the treatment of complaints and vulnerable witnesses in sexual assault cases, balanced with the need for a defendant to receive a fair trial.”

professionals, social workers, prosecutors, defence attorneys, judicial officers, correctional officials, educators, and non-governmental organisations (NGOs) providing psychosocial care to survivors of sexual violence.

The MSSC made amendments to the Terms of Reference (ToR) to expand its membership and to formally connect its work to the relevant agencies and court in Antigua and Barbuda. Participants at the meeting included representatives from:

- The High Court of Antigua and Barbuda
- The Eastern Caribbean Supreme Court
- Directorate of Gender Affairs (DOGA)
- Women Against Rape (WAR)
- Ministry of Health
- Family Services

The membership also agreed that the Directorate of Gender Affairs (DoGA) will act as the secretariat for the MSSC, while efforts will be made to identify a focal government ministry for its governance. The MSSC expressed their eagerness to continue the collaboration with the JURIST Project to ensure access to justice for survivors of sexual violence.

JURIST Project and Guyana judiciary continue to collaborate on backlog reduction

The Guyana judiciary continues on their progressive track under the guidance of the Hon. Mme. Justice Yonette Cummings-Edwards, Chancellor (Ag) and the Hon. Mme. Justice Roxanne George-Wiltshire, Chief Justice (Ag) in the implementation of mechanisms to reduce delays and backlog in their jurisdiction.

The backlog reduction activity commenced with the Project in 2016 and has progressed through various stages. The Project's first substantial engagement with the Guyana judiciary commenced with support for the revision of Civil Procedure Rules and has continued its assistance since then.

In 2018, the Project supported the Guyana judiciary with the provision and installation of ten courtroom digital audio recording systems. The equipment provided a means for the judiciary to capture, store, search, retrieve, copy and play back digitally recorded audio of courtroom proceedings. This activity was expected to assist in improving court administration and strengthen the ability of the courts and the judiciary to resolve cases efficiently and fairly while also improving court governance, case flow management and timeliness of case disposition.

These interventions also contribute positively to a more predictable judicial system while also fostering improved gender equality, and increased access to justice.



Court staff being trained in use of the recently installed equipment

After this initial venture, the Guyana judiciary once again engaged with the Project to provide assistance to the magistracy. The magistracy is often times the first point of contact of more than 90% of cases filed in a calendar year.

In 2019, the Project together with representatives of the Information Systems Unit of the Caribbean Court of Justice (CCJ), conducted a scoping mission to the courts in the Demerara, Essequibo and Berbice districts to ascertain their needs. The installation works which were expected to commence in early 2020 was delayed due to the onset of the COVID-19 pandemic.

Shortly after the reopening of the airport in Guyana, the equipment and installation team were given special permission to enter the country so that a total of 22 courts could be upgraded with improved technology which included digital audio

recording systems, integrations of video and audio equipment as well as improved public address systems for the announcement of names which would eliminate the relay system currently in use. The installation works concluded at the end of June and was followed by virtual train-the-trainer and practical user application training events.

Chancellor Cummings-Edwards has expressed her profound gratitude for the assistance that the Project has provided to Guyana this far.

She stated: "The generous donation made by JURIST to the Supreme Court has enabled the outfitting of our courts and more recently, our new Magistrate's Court in the township of Bartica. With the Court Reporting Units and public address systems being added to the Bartica Court, we boast a modernised courtroom. It has been declared as the standard bearer for all courts going forward."

JURIST Project undertakes study on ITPs

The Judicial Reform and Institutional Strengthening (JURIST) Project is currently in the process of engaging a consultant to obtain an understanding of the situation of Indigenous and Tribal Peoples (ITPs) communities in relation to regional justice systems.

A decision was taken by the JURIST Project to undertake this activity following a two-day lessons learned reflective session which was held in February 2020, in Port-of-Spain, Trinidad and Tobago. The session which was conducted jointly by the the JURIST and Improved Access to Justice in the Caribbean (IMPACT Justice) Projects was supported by Global Affairs Canada and brought together key national/regional stakeholders to discuss justice sector programming among other issues.

During the session it was identified that greater emphasis should be placed on ITPs, in light of their particular disadvantaged or marginalised position in their respective countries, especially as it relates to access to justice and corresponding judicial processes.

It has been recognised that in Caribbean countries, mainstream policies,

politics and media, often do not sufficiently take into consideration the rights and interests of ITPs, leading to their further marginalization or neglect. It was also noted that ITPs form significant population segments in various Caribbean societies and have internationally recognized rights, which have been successfully relied on in judicial proceedings, especially with regard to the countries of Belize, Guyana and Suriname.

ITPs communities in the Caribbean region include, among others, the Indigenous Maya peoples in Belize, the Kalinago Indigenous people in Dominica, nine different Indigenous peoples in Guyana, four main and various other Indigenous peoples in Suriname, the Garifuna peoples in Belize and St. Vincent and the Grenadines, the Taino Indigenous Peoples in Trinidad and Tobago, and various other Caribbean islands, and six Maroon Tribal peoples in Suriname.

The consultancy will also focus on existing legislation, human rights and livelihoods of ITPs as well as obstacles experienced and potential areas for future support and entry points for either future donor funding agencies or programmatic interventions.