



## CARIBBEAN COURT OF JUSTICE

134 HENRY STREET  
PORT OF SPAIN

REPUBLIC OF TRINIDAD AND TOBAGO  
Telephone: (868) 623-2CCJ Fax: (868) 624-4710  
Website: [www.caribbeancourtjustice.org](http://www.caribbeancourtjustice.org)

### **MEDIA RELEASE (For immediate release)**

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### **CCJ JUDGMENT DEFENDS JUDICIAL INDEPENDENCE IN BELIZE**

**CCJ, Port of Spain.** The Caribbean Court of Justice (CCJ) today dismissed an appeal in a matter BZCV2015/002 *Bar Association of Belize v The Attorney General of Belize*, concerning a perceived threat to the Belizean Court of Appeal's judicial independence further to an amendment to the Constitution about the appointment and tenure of judges. While dismissing the claim, CCJ made strong recommendations for changes to the appointment and tenure of Justices of Appeal that would provide them with security of tenure and a selection process that was independent of the Government. The Court recommended immediate adoption of those recommendations.

The amendment dictates that when an existing or future appointment of a Justice of Appeal did not specify a period of appointment, the judge's term of office would last one year from the date of commencement of the amendment, or one year from the date of appointment. It further stated that at the end of the period the office would become vacant. At the time, the changes applied to two sitting judges.

In bringing the matter to the CCJ, the Bar Association of Belize argued that the changes to the Constitution were unconstitutional and violated the basic structure of the Constitution of Belize; the principles of judicial independence and security of tenure for judges. The Attorney-General countered that the move was intended to correct the alleged invalidity of the appointments of two sitting judges and to prevent the future appointment of judges with no specified period of tenure.

In the judgment, the CCJ acknowledged that while the re-appointment of judges by the Government 'lends fragility to judicial independence', the amendment could not be deemed as unconstitutional as the power to reappoint judges did not derive from the amendment. Agreeing with the Belizean Court of Appeal's findings, the CCJ also held that the Sixth Amendment was not a removal provision. The Court noted that neither of the two judges, who would have been affected, had been removed from their posts.

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#### **Public Education and Communications Unit**

Tel: (868) 623-2225 extns. 2296, 2226

Email: [pecu@ccj.org](mailto:pecu@ccj.org)

The Court expressed its displeasure with the present arrangements for the appointment of Justices of Appeal in Belize. The Court posited that Justices of Appeal should be appointed in a similar manner to Supreme Court judges with an independent appointing body and tenure until retirement age. The Court also recommended that shorter periods of tenure could be offered to appointees over the age of 75.

The judgment of the Court and an Executive Summary are available on the CCJ's website at [www.ccj.org](http://www.ccj.org)

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