



Presidential Swearing in Ceremony of Mr Justice Adrian Saunders

The Honourable Mr Justice Adrian
Saunders, President of the Caribbean Court
of Justice

The Presidential Swearing in Ceremony of Mr Justice Adrian Saunders to the Caribbean Court of Justice in Trinidad and Tobago

Caribbean Court of Justice,
Trinidad and Tobago
13 July 2018

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana.

Presidential Address

By

The Honourable Mr Justice Adrian Saunders, President of the Caribbean Court of Justice,

on the occasion of

The Presidential Swearing in ceremony of the Honourable Mr Justice Adrian Saunders

13 July 2018

I vividly recall that stiflingly hot August afternoon when I was invited to become a judge of the Eastern Caribbean Supreme Court. It marked the beginning of a glorious chapter in my life. That chapter has now spanned just over two decades. Throughout that time, I have had the extraordinary honour to play a role, not just in resolving disputes people bring before the courts, but, more importantly, to be part of the building and refinement of everything that accompanies the creation of jurisprudence. The opportunity to participate in the social progress of the region in this way is a source of immense pride and satisfaction. To be afforded now the distinction of serving as President of the

Caribbean Court of Justice is a responsibility that is humbling. As is known by many of you, I have been preceded in this office by two outstanding Caribbean jurists. Justice de la Bastide and Sir Dennis Byron, each in his own unique way, has made a towering contribution to the solid platform upon which the Court now rests.

I am extremely pleased that they have graced us this morning with their presence. Having been privileged to have enjoyed a close collegial relationship with each of these titans, I can say without reservation that I feel I am well prepared for the task ahead.

Since its inception, the CCJ has been steadily advancing democratic values, protecting individual rights, promoting the rule of law, and interpreting and applying the Revised Treaty of Chaguaramas and other domestic laws. The court, in other words, has been fulfilling its main purpose of developing our Caribbean jurisprudence. It has been doing so with a first rate complement of judges and an efficient court staff that enable the court to perform amazing feats.

Who will forget, for example, the 11th May, 2018. Just two months ago. At 5:00 o'clock that Friday afternoon, our registry staff received for filing from Barbados an appeal record containing 507 pages. The appeal submitted was extremely important. It had to do with the vindication of a right denied most Caribbean people for centuries. The right to vote. The appeal was also urgent. The elections in which the litigant desired to vote was mere days away from being held. Within minutes the documents were filed and returned to counsel and then emailed to the judges of the Court. With the cooperation of the Chief Justice of Barbados, a courtroom in that country was set aside for a hearing by video conference at 11:00AM that Sunday.

At least one of the CCJ judges hearing the appeal was not at his home that Friday evening when his mobile phone alerted him that an appeal record had been filed and emailed to him. Given the urgency of the matter, he opted to read the documents on his phone. The appeal was fully heard as scheduled on Sunday 13th May and the court was able to give an oral decision at 2:30PM, less than 48 hours after the appeal had been submitted for filing.

I recount the above facts in some detail so as to highlight the technological capabilities of the CCJ; the dedication of its judges and court staff; and the overall efficiency of the court's appeal processes.

Both in the Original and in the Appellate jurisdictions this court has expanded access to justice. I like to think of the law as a huge overarching tapestry of rules and regulations and court judgments that governs every facet of our lives; constraining our choices and shaping our actions. This tapestry has many creases and corners and crevices that are obscure. The only way some of them will come to light and be unravelled is when a dispute emerges that touches on them. If access to justice is impeded these corners and crevices remain obscure.

The CCJ helps to shine a light on these obscurities. Many more of them now come before the court for suitable decisions to be made. A comparison of the volume of cases heard from Belize before and after that country joined the appellate jurisdiction of the CCJ in 2010 shows a dramatic increase. The comparable figures for Barbados are even more astonishing. For this year alone, we have heard seven times as many cases as were dealt with in one year by that country's final court before the CCJ was inaugurated. And we are particularly proud that the level of this access today extends to many who would never before have been able to have their appeals heard.

The countries of Barbados, Guyana, Belize and Dominica are to be saluted. They have completed the circle of their independence. They have made a conscious choice to sever the final vestige of the colonial chain. They have achieved a higher level of self determination than their sister states. And correspondingly, their people enjoy a greater degree of access to justice at the apex court level.

The Regional and Judicial Legal Services Commission (RJLSC) and the CCJ's Trust Fund are the twin pillars that support the CCJ. These bodies are independent of governmental control. They are run by Caribbean men and women who are experts in a wide variety of disciplines and who volunteer freely their time and expertise. The Trust Fund guarantees that appropriate finances are

available to meet the court's expenses. The RJLSC, among its many responsibilities, ensures that the court is staffed by high quality judges and efficient administrative officers.

The President of the court, by virtue of his/her office is the Chair of the Commission. Yesterday, for the first time, I chaired its regular meeting. I was immediately struck by the range and complexity of the matters with which the Commission grapples. I wish to use this opportunity to express my gratitude to the members, both those past and those presently serving, of the Commission and the Trust Fund. Your noble and selfless service, your deep commitment to the enrichment of our Caribbean civilisation is deeply appreciated by all of us at the Court.

I wish also to thank all the speakers this morning for your warm words of congratulations, support and encouragement. I will forever be inspired by them. Among the dignitaries, colleagues and friends present, there are some who have travelled from near and from very far. The effort you have made to be here to celebrate this occasion with me and the court is sincerely appreciated.

I think of myself as having three families. I am deeply indebted to each of them and wish to express to them my deepest gratitude. In my first address to the court I referred to my colleagues and the staff here as one big CCJ family. The love and warmth I have experienced this past week from this family have been so overwhelming, I was left speechless.

Then there is the family that comprises the Caribbean Association of Judicial Officers or CAJO. This family that has gone to tremendous lengths to organise the fundraising Gala this evening in my honour. The proceeds of this event will support the several programmes CAJO organises to improve the quality of judges in the region. I hope it is not too late for those of you who have not yet bought tickets to be able to do so. Thank you CAJO.

And of course there is natural family, my wife and other family members from which I draw deepest sustenance. To them I also express all my gratitude the constancy of your support.

Like the day that launched me on this chapter of my life, today is a day I will always remember and I thank you all for making it such a special day for me.