



Swearing in Ceremony of Mr Justice Peter Jamadar

The Honourable Mr Justice Peter Jamadar,
Judge of the Caribbean Court of Justice

The Swearing in Ceremony of Mr Justice Peter Jamadar to the Caribbean Court of Justice

President's Grounds
04 July 2019

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.

REMARKS

By

The Honourable Mr Justice Peter Jamadar, Judge of the Caribbean Court of Justice,

on the occasion of

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Justice exists for the good of all people and society. Judges, upon whom the obligation of dispensing justice lies, therefore have a great responsibility. They act ultimately in service of both the law and society. There is a sacred duty to deliver justice for all, impartially, fairly, and fearlessly. I believe, that above all else, integrity, both personal and professional, is their surest shield and their sharpest weapon in the protection and promotion of public trust and confidence in judicial systems. It is the yardstick by which populations and history measure their value. It is the means by which the interpretation and application of constitutional values and the rule of law, take root in fertile soil and are cultivated in service of the greatest developmental good.

For about 22 years I have served the People of Trinidad and Tobago, as a judge of the JRTT. Today I take-up a seat on the CCJ. I am both proud and humbled.

For any Caribbean jurist or legal practitioner, one of the pinnacle achievements must be, to sit as a judge of the CCJ. It is at once an office of great status and of even greater service.

Not only is the CCJ the apex court for potentially all CARICOM jurisdictions' domestic appeals, but it is also at the same time the singular Regional Court to adjudicate finally on all juridical issues concerning the Revised Treaty of Chaguaramas, which establishes the Caribbean

Community and Common Market. Thus, it exists to serve the CARICOM region and its peoples in these two capacities. In this regard, it is unique internationally. It is my privilege today, to join the other distinguished members of the CCJ Bench and all of the CCJ's staff, as a part of this distinctive, indigenous Caribbean judicial institution. It is an honour to serve under President Saunders, for whom I have the greatest respect and admiration.

Moreover, the reach of the CCJ expands beyond Caribbean spaces. As an apex court, its decisions assume global influence. Indeed, for regional jurisdictions that still remain umbilically attached, even if only tentatively so, to the JCPC, the CCJ's decisions are both relevant and impactful.

Two examples will suffice. The CCJ has been a global leader in the development of the constitutional principle of the Protection of the Law, expounding and expanding its meaning and scope. In *Sam Maharaj v. The Prime Minister (TT)*, [2016] UKPC 37, an appeal from Trinidad and Tobago, the PC cited with obvious approval (at paragraphs 25 and 26), "a series of cases where the protection of the law provision was considered, (and) an expansive approach to its potential application has been taken". The PC cited first and foremost two decisions of the CCJ and quoted extensively from those judgments. First, *the AG of Barbados v. Joseph and Boyce* [2006] CCJ 3 (per de la Bastide PCCJ and Saunders JCCJ, at paragraph 60), and second, *The Maya Leaders Alliance v. AG of Belize* [2015] CCJ 15 (at paragraph 47).

Then, in an appeal from Jamaica, *Jamaicans for Justice v. Police Service Commission* [2019] UKPC 12 (at paragraph 22), the PC again cited with apparent approval the CCJ decision in *Nervais v. R*, (2018) 4 LRC 545, citing paragraphs 25 and 45 of that decision. This time, it was in relation to the approach to be taken to the interpretation and application of the fundamental rights provisions of the Jamaican Constitution, as well as to the protection of the law clause.

This cross-referencing by the PC of CCJ decisions with apparent approval, in relation to jurisdictions whose final court remains the PC, is akin to how the Strasbourg jurisprudence has influenced the evolution of the law in the UK. Even for these Caribbean jurisdictions, one of which is Trinidad and Tobago, the decisions of the CCJ are now seemingly unavoidable. To become a member of this Caribbean apex court is, therefore, to be entrusted both directly and indirectly with the development of domestic law throughout the region. It is a responsibility of privilege and trust, and I am deeply honoured to have been selected for this role.

I also assume this office with pride and humility because of my personal context.

In 1929, Alexander Jamadar, my great uncle, meticulous to a fault, returned from Lincoln's Inn in England as a barrister-at-law (having first done his LLB in the USA) and set up his shingle at 9B Harris Promenade, in San Fernando. My father, Vernon Alexander Jamadar, fiercely independent and remarkably creative, also went to Lincoln's Inn and returned to Trinidad as a barrister-at-law, nailing up his shingle at those premises (as would I, many, many years later). His two older brothers, Eugene Tiah and Yusuf Jamadar, had preceded him to the UK, both also returning as barristers-at-law. Yusuf served the State as Legal Advisor to the Attorney General and received a National Public Service Medal of Merit (posthumously). Eugene was satisfied with the pure practice of law. Alexander Jamadar also served as an Alderman in the Borough of San Fernando and my father, Vernon, as a Member of Parliament in the House of Representatives, serving as Leader of the Opposition for several years. Both were acutely concerned about societal development and had an innate understanding of social context.

In my generation, my younger brother Richard Jamadar, our families' great adventurer, did law and was admitted to practice both here and in the USA. He now serves as a Federal Judge in the

USA. My first cousin, my father's sister's son, Mark Mohammed JA (who is here today), a true scholar, also did law and currently sits in the Court of Appeal, of the JRTT. My older brother, David, the embodiment of conscientiousness, however, chose to do medicine!

Indeed, I am truly wedded to the law. My wife Shail Pooransingh, amazingly organized and insightful, is also an attorney-at-law, admitted to practice in Trinidad and Tobago and in Ontario, Canada. She has been a tutor in Ethics at the HWLS for many years. My sister-in-law, Eva Georghe is a Romanian lawyer. Moreover, Shail's mother's brother, Justice Lennox Deyalsingh, was a fearless judge of the JRTT. My wife's siblings and her father before them, he a man of the greatest humility, chose the other 'noble' profession, medicine.

Unsurprisingly, some of my closest friends are also lawyers. Justice Joseph Tam (who is here today), kindness and compassion personified, and Justice of Appeal Wendell Kangaloo, brave, bold and utterly brilliant (now deceased), are long-standing friends, from childhood, and have remained as such. Law was only one thing that we shared in common, all three becoming judges at about the same time, though Wendell was undoubtedly the leader. Yet law was probably the least important aspect of our friendships. Wendell's sister (here today), The Hon. Senator Christine Kangaloo and I have known each other, virtually for as long as we have known ourselves, and we two have journeyed through thick and thin. She, the personification of loyalty, courage and commitment. Russell Nath, easily one of my closest friends, has been so from our student days at Cave Hill, Barbados, where we studied law together. He however wisely chose the more profitable path of entrepreneurship! We both love the outdoors and enjoy philosophical meanderings, and I am the godfather of his first child.

Why do I share all of this personal information? Because, today as I join the CCJ, I know that I do so as the beneficiary of generations of traditions in the law and of human character, the depth and

breadth of which I have sought to summarise. It is these influences, forged in the fires of relationship, that have in no small measure shaped and moulded me into who I am today. I stand on the shoulders of others, those who have come before me. I am proud to do so and recognise in humility how much I am indebted to friends and family.

Lest you are left wondering about my mother's influence in my judicial career, you need to know that she, Mona Jamadar, exceptionally curious and self-reliant, dedicated her working life to teaching young women. She retired as Vice Principal of Naparima Girls' High School and gifted me with the ability to be an educator. And so, even as a judicial educator, a role I now also play, I see how my family has made a difference in the successes that I enjoy.

Finally, my two daughters, Serayah and Rebekah. They ensure that arrogance will not easily take root, despite any inclinations in that direction. Intelligent, independent, forthright, and all too often blunt, happily flavoured by a delightful sense of humour, they are together, with Shail, my wife, my most valued oracles. They expose my shortcomings, in light-hearted ways, and keep me honest, especially about espoused values. They are truly my three dearest and closest friends, constant sources of strength and support.

And so, it is with great pride and humility that I take my seat on the CCJ. It is my hope that I will unwaveringly follow the ethical dictates of my oath and do justice to all who seek it before this court.