



Special Sitting in Antigua and Barbuda for the Right Honourable Sir Dennis Byron

The Right Honourable Sir Dennis Byron,
President of the Caribbean Court of Justice

The Special Sitting for the retirement of the Right Honourable Sir Dennis Byron

High Court
of Antigua and Barbuda
16 May 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 Sir Dennis Byron. 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 Right Honourable Sir Dennis Byron, President of the Caribbean Court of Justice,

on the occasion of

The Special Sitting for the Right Honourable Sir Dennis Byron in Antigua and Barbuda

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Protocols.

I am deeply touched by the kind and generous words from all the speakers this morning. Your words have a special significance for me given the special connections they symbolise. I am humbled by your words and touched by the presence of everyone who made the effort to be here today to celebrate this milestone with me.

I do not think that today is a day for me to speak very much nor to avail myself of the opportunity to respond to what has been so eloquently presented. Today, the predominant feeling and sentiment that I want to express is gratitude. I am so thankful that I am standing here, able to reflect on a life that has already spanned more than 7 decades among people who have contributed to it in profound ways.

My first thoughts go to the Almighty. I give praise and thanks to God for all the ways in which he has guided and protected me and allowed me to preserve my health and my belief in the eternal divine power and in my own humanity. From my early upbringing in the Methodist Church in Saint Kitts, my faith has profoundly influenced my life and my desire to serve. It has helped to

shape my ideas on concepts of justice and mercy, has provided clarity in the midst of challenges and given me courage to dispense justice without fear or favour.

Even at my age I still feel grateful to my parents. Their influence on my upbringing and early education played a critical role in preparing me for service to the region. But then there were also my siblings who are here with me today, and my extended family and the entire social and educational network in St Kitts where I grew up. It is impossible to underestimate the value of that experience as I am constantly reminded of it and even now see representatives of that network including classmates from kindergarten school and the Saint Kitts-Nevis Grammar School, where our school motto gave us our early lessons in integrity “Principia non Homines” – meaning Principles Not Men. And then there was my education at Cambridge University and at the Inns of Court in in England, where that very upbringing allowed me to compete on an equal footing with the top 5% of the British Student community. From that experience I took away supreme feelings of self-confidence and assurance that were very empowering. And as I look out I can see at least one person who was a part of that era of my life and is still here for me. For all that I am grateful.

As I reflect on the accolades being showered on me I think back on the early experiences which developed me. Starting with an unforgettable sojourn as a clerk in the Saint Kitts Supreme Court Registry and the hurly burly of practice at a Bar with and against a group of really outstanding and learned lawyers in the formative years where I learnt much that was to contribute to my enthusiastic work in the development of systems for court and case management and the techniques of advocacy and court room management. My youthful experiences as a judge in the Eastern Caribbean Supreme Court, starting right here in Antigua, where I often say outwardly humorous but with a deeper meaning that my first Registrar – who is still here, Mrs Cecile Hill -

taught me how to be a judge. I still recall my first day. I was called to serve quite suddenly. I had been enjoying my practice at the Bar, and I had not fully adjusted to the idea of being a judge. I was standing in chambers looking out of the window when the Registrar came in and asked what was wrong. I tried to say that I could not tell her, but she insisted “Sir I am not a woman, I am your Registrar. You must feel confident in my support. Please tell me what is wrong.” So, I blurted out, “I am wondering what (ahem) I am doing here.” Without batting an eyelid, she said “Sir in 15 minutes you will walk through that door and start judging.” I did. Over the next several years there were those brilliant legal submissions and argumentations, and the invaluable interaction with judicial colleagues, even when in disagreement; they were all important tutorials for me as a judge. That was my real schooling. I am grateful to all those who played a part in the refinement and honing of my knowledge and skills.

During my life I have had many inspirational and transformative experiences and associations, too many to mention, but there is one that stands out and it has been my association with the Commonwealth Judicial Education Institute. The principles of judging and judicial capacity development that I have learnt and tried to impart around the world have made me a better person. I thank its founder Sandra Oxner and all the wonderful people from every corner of the Commonwealth that have contributed to this important aspect of my life. And I am grateful.

My judicial journey which has carried me from the bottom to the top of the Eastern Caribbean Supreme Court, and not to omit the judiciary of Grenada when it had seceded from the Eastern Caribbean Supreme Court, and the International Criminal Tribunal for Rwanda has been most remarkable. I must say that the opportunity to serve humanity in that capacity provided tremendous leaning experiences and spiritual satisfaction. I have seen and heard from some who have been at every junction along the way and the impact that I may have made. But the truth is

that I am more conscious of the tremendous impact that it and every step of the way has made on me. And I am grateful.

And here I am now completing a tour of duty at the Caribbean Court of Justice. It has been a wonderful experience for me. Even with all my experiences of judiciaries around the world, sitting side by side with judges from every continent on the bench of an International Court, I am extremely proud to have been part of this outstanding court with judges of the highest calibre, work ethic and integrity. The culmination of a lifelong dream to be part of a final Caribbean court has only been eclipsed by the sheer enjoyment of working in an environment of such high intellect and quality. And in this context, I must include the first President of the court, Michael De La Bastide, and Judge Duke Pollard who demitted office before I joined the court. The quality of their work lives on and is part of the foundation on which we have been building. Then there are the two retired judges with whom I had the greatest pleasure in working along, the first female judge of the court, the distinguished Desiree Bernard, the former Chancellor of Guyana and the recently retired Justice Rolston Nelson. I am a witness to contributions the court and its judges have made to the development of a Caribbean Jurisprudence and to facilitating regional integration. It has been an honour to serve amongst some of our region's finest men and women all of whom take immense pride and diligence in discharging their duties. And I leave optimistic about the future journey of the CCJ under the able leadership of my brother, Justice Adrian Saunders, who has already distinguished himself over the last two and half decades with his scholarship, energy and leadership qualities.

My pleasure with the environment at the court goes well beyond my judicial colleagues. A court is like a chain, as strong as its weakest link!!! As I have often said judicial management is a team sport. I see here staff from our excellent and high performing court registry, IT and public education departments. But I also see parts of my personal support teams including my learned judicial assistant, my efficient and effective personal and executive assistants and even my close protector and driver. A key element of our support system, who are not represented today, are the security officers of the court. I salute them. In addition to the performance of their work, I cannot resist sliding in the remark that they are the best dressed division of our court and my daily personal interaction with them has been warm, comforting and encouraging. All these people, reflective of our staff and I mean the entire staff in all its departments, have provided committed service with affection, dedication and high quality. For all this I am grateful.

Although I had not intended to mention names, I must say a special word of thanks to Mr Bevil Wooding. He has been a tremendous visionary and resource in the development of Caribbean technology solutions for improved performance in the administration of justice and a key element in the realisation of one my dreams through the establishment of APEX - the CCJ agency for court improvement. He has assisted in positioning the Caribbean Court of Justice as a world leader in court technology as evidenced by our treatment of the case over the last weekend which has already been mentioned. And I am grateful.

I want to say thank you to the Caribbean man and the Caribbean woman. Over the years my engagement in discussions with our ordinary folk have made me realise that the holders of the higher echelons of power, authority and education are not the sole repositories of wisdom in our communities. These people have helped to keep my feet on the ground and sustain my belief that this region is more advanced and deserves higher credit than we are willing to give ourselves.

I think that I have been buoyed up by friendships that have guided, protected and assisted me along the way. The names are too numerous to mention. But what about my close family? Firstly, my wife Norma and I doubt it is necessary in this forum to do more than acknowledge the powerful contributions she has made to my life. But what I want to pay tribute to my children and other close family members and friends who have suffered from my intense devotion to my work as I have not spent enough time with you. As time has crept up on me I have become acutely conscious of this and promise and pray that one of my priorities in retirement is to try and do better at being fully present for you. Yet despite my deficiencies in this regard I have never felt bereft of your love and I am grateful.

Then there is this event! – how thoughtful and nice it was to do this. I thank the judicial and registry officials at the CCJ including, Ms Jacqui Graham our Registrar, who conceived and implemented this program. Thanks, and more thanks.

Over the past days I have received many touching letters of commendation on my service and extending good wishes on my retirement. Just this morning I received such a letter from Mr Jason Martin extending greetings on his behalf and the Caribbean American Chamber of Commerce and Industry operating from New York. There was a line in which he asked me to extend congratulations to Justice Saunders on his appointment as the new President of the court during this morning's ceremony as I now do. I must add my gratitude for all those letters which have meant so much to me.

I also want to express my gratitude to Antigua for facilitating this send off for me in the manner they have done - sophisticated, generous, thoughtful and kind. Antigua holds special significance for me and my family. It is the place where I first served as a Judge in April 1982 and so things

have come full circle here for me today. I have three sons who have grown up in Antigua and have started families of their own here. As a family, we have become Antiguan citizens. This country has laid the foundation for what has been a fulfilling and rewarding judicial career. It has also become another home in the region for myself and my family. For this, I am eternally grateful.

I must express my gratitude to the Honourable Chief Justice Dame Janice Pereira for giving instructions for the court facilities to be used for this occasion and other courtesies extended. Special thanks as well to His Excellency, the Governor General, for his support in facilitating activities to commemorate this milestone; particularly in hosting an Appreciation Dinner in my honour this evening.

In closing I must say a fundamental word of thanks to that little rock Saint Kitts, just 68 square miles, the larger part of the twin island state of Saint Kitts and Nevis with a population of about 60,000 making it the smallest nation in the UN – but exercising the concept of our equality with an equal voting power with every other state in the world. Imagine how I felt, reminiscing that as a small boy coming from this little place, I could have reached the pinnacle of success serving as the President of an International Criminal Tribunal, and having the rank of Undersecretary General of the UN. I have experienced in my lifetime the realisation of the concept of human equality a realisation that still drives my commitment to advocate for the abolition of appeals from Caribbean Courts to the Privy Council and the utilisation of our own Caribbean Court of Justice. I still burn with the youthful fire that makes me yearn to deny my English student colleagues at Cambridge the sense of one-upmanship that despite my qualities and achievements, my people still feel that they need an English Court to give them justice.

I close by reaching out to the youth of our people in the Caribbean. Do not settle for second best. The sky is the goal. The only limitations that as a region we have are those imposed by our own imaginations. Rid ourselves of mental slavery, rise up, stand up for our rights, imagine that the world would be a better place when we occupy our rightful and equal space.

I thank you.