



SPECIAL SITTING TO MARK THE RETIREMENT OF THE HONOURABLE MR JUSTICE ADRIAN SAUNDERS, CCJ PRESIDENT

The Honourable Mr Justice Winston Anderson,
Judge of the Caribbean Court of Justice

**The Special Sitting Ceremony to mark the retirement of President Adrian Saunders from the
Caribbean Court of Justice**

Queens Hall, Trinidad and Tobago
3 June 2025

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 Appellate and Original 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, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana and Saint Lucia.

REMARKS

By

The Honourable Mr Justice Winston Anderson, Judge of the Caribbean Court of Justice,

on the occasion of

**The Special Sitting to mark the Retirement of the Honourable Mr Justice Adrian Saunders,
President of the Caribbean Court of Justice.**

3 June 2025

A pleasant good morning to all.

With protocols having been so perfectly established by the Registrar, it simply remains for me, - and on behalf of the Judges, Management and Staff of the Caribbean Court of Justice - to welcome each and every one of you here this morning to this Special Sitting of the Court. A warm welcome to the family, friends, and colleagues of President Saunders, especially those who made the effort to travel to attend this occasion. A very special welcome to Dr Carla Barnett CBE, Secretary-General of CARICOM, who has travelled in from Guyana, thank you. To my fellow Judges sitting with us today from Trinidad and Tobago, Guyana, The Bahamas, and Barbados, thank you for your effort, and welcome. Evidently, we have a long bench – and a deep bench.

This morning, we honour and celebrate the journey and achievements of a genuinely consequential Caribbean jurist. It is truly poignant that we've gathered together today in the same place where he took his oath to serve as a Judge of the CCJ — and now, we return to honour the close of a remarkable chapter in his service to the Court. From his beginnings on the island of St Vincent, to the Presidency of the region's apex Court, my brother and colleague, The Hon. Mr Justice Adrian Dudley Saunders has provided the region with 48 years of substantial and impactful legal service.

Through his work, he has shown an unwavering commitment to justice, promoted the rule of law, and championed judicial reform and education, while remaining deeply committed to the legal and intellectual growth of the Caribbean people. It is my honour and privilege to pay tribute to a true gentleman, whose time on the Bench continues to shape a legacy that will endure for years to come.

President Saunders' journey began in St Vincent and the Grenadines, a small gem within our Caribbean Community. Along with our brother, Justice Barrow, he was among the third cohort of students at the Law Faculty at the University of the West Indies, Cave Hill campus. He excelled, of course, completing his studies with honours and with a passion for Caribbean regionalism, in 1975.

In 1977, he returned to St Vincent and the Grenadines and worked as a barrister and solicitor in private practice. A transition to the Bench came in 1996, which signalled the start of a long and illustrious career of judicial work. After being appointed as an acting Judge of the Eastern Caribbean Supreme Court in 1996, he was confirmed as a High Court Judge in 1997, and elevated to Justice of Appeal in 2003. By the time he was selected to be part of the Bench of the newly created CCJ two years later, he had been elevated to the office of Chief Justice (Ag). His tenure at the Eastern Caribbean Supreme Court (ECSC), while known for landmark judgments, was also the beginning stage of a long passion for and an active involvement in judicial education and reform, a passion which is evident to this day. Justice Saunders promoted various judicial education efforts at the ECSC, chaired the Committee established to introduce court connected mediation, and led the charge of developing that Court's judicial code of ethics.

When he joined that inaugural Bench of the CCJ in 2005, Justice Saunders blended in seamlessly with other judicial stalwarts. Alongside the late President Michael de la Bastide, the late Justice Duke Pollard, the late Justice Désirée Bernard, the late Justice Jacob Wit, Justice Rolston Nelson and Justice David Hayton, Justice Saunders was instrumental in shaping the foundation of the CCJ: crafting the first procedural rules and hearing the first matters in the Appellate and Original Jurisdictions. I can only imagine the enormity of the responsibility that this entire Bench felt at the time. It was during these first few years that he co-authored the leading opinion in *Joseph & Boyce v AG*¹ with President de la Bastide, a case of lasting impact within the region and the Commonwealth.

I met Justice Saunders 5 years later, when I joined the Court in 2010. I was immediately impressed with his clarity of thought and ability to order legal arguments in convincing support of his positions. Though persuaded of his positions I always admired his willingness to see and give credit to the other side of the argument. When in July 2018, he was appointed President of the CCJ, I recall it being an occasion of extreme pride. The first graduate of the Caribbean legal education system to achieve the office of President of the CCJ, the highest judicial office

¹ [2006] CCJ 3 (AJ); (2006) 69 WIR.

in the Caribbean. His elevation did much to demonstrate to the region and world, confidence in the graduates of our legal education system to make our own jurisprudence.

Over the past seven years, the Court has made great strides under his leadership. After leading the development of the Court's first Strategic Plan in 2012, it was only natural that he would be actively involved in creating the Court's second Strategic Plan for 2019-2024. His role as Chair of the Planning Committee accordingly meant close oversight of the various initiatives over the period. And, driven by the Court's vision, "To be a Model of Judicial Excellence", he was always in the trenches with staff, injecting his expertise and hard work to realise this vision. His leadership propelled the Court on its path to excellence, such that, in 2023, the CCJ became the first court in the region to be accepted into the International Consortium of Court Excellence.

Under his forward-thinking approach to court administration, the CCJ has been exemplary in strengthening its accountability and transparency and in enhancing access to justice. For example, on his initiation or with his support, the CCJ implemented a Harassment Policy², a revised Judicial Code of Conduct accompanied by Judicial Disciplinary Regulations³, a policy to improve access to justice for persons with disabilities⁴ and an anonymisation protocol for case proceedings relating to sensitive matters⁵. The reality is that, under President Saunders' leadership, the CCJ has remained a beacon for judiciaries across the region and internationally.

As President, he has faced his share of obstacles. For example, in 2020, when the World was impacted by the ravages of the COVID-19 pandemic. President Saunders kept the CCJ ship steady. The Court was able to function effectively when many Courts across the world were caught off guard. Virtual hearings continued without interruption. There was no disruption in operations or filing of cases before the Court. The Court's judgments continued to be well-reasoned, of high quality, withstanding scrutiny. The administration of justice was therefore not compromised during these years, and many courts adopted the CCJ model to craft their own business continuity strategies.

Caribbean jurisprudence has been greatly enriched and has benefitted immensely from President Saunders' contributions. His judgments are written with clarity and reason that appeal to the legally trained mind but which the ordinary man and woman in the street can also

² 2019

³ 2021

⁴ 2024

⁵ 2025

understand and appreciate. Over the course of his 20-year tenure at the CCJ, President Saunders has authored 83 opinions, 43 of which were sole leading opinions and 18 which were joint leading opinions. In cases concerning constitutional and human rights issues, his opinions reflect a commitment to protecting human rights, the importance of procedural propriety, and examination of redress for constitutional wrongs.

His dissent in *Lucas v Chief Education Officer*⁶ enhanced the discussion of the right to protection of the law, emphasising its grounding in the concept of fairness and the rule of law. This opinion would provide context for the expansive notion of the right to protection of the law, later developed in the case of *Maya Leaders Alliance v AG of Belize*⁷.

This forward-looking view of the law coupled with an appreciation of Caribbean historical precedents and present-day social realities, resulted in a distinctive approach to constitutional interpretation, particularly with respect to the savings law clauses in Commonwealth Caribbean Constitutions. The idea that the protection of fundamental human rights and advancement of the rule of law must take precedence over the savings law clauses which preserve colonial laws is one which President Saunders has continuously advocated. In authoring the Court's seminal ruling in *Mc Ewan v Attorney General of Guyana*, he declared that a provision in the colonial Summary Jurisdiction (Offences) Act of Guyana prohibiting cross dressing was unconstitutional and was not preserved by the Savings law clause. The opening words of his Opinion in *Mc Ewan* were meant to lay the foundation for his legal reasoning but arguably went further to exhibit mastery of literature and philosophy, when he said⁸:

“Difference is as natural as breathing. Infinite varieties exist of everything under the sun. Civilised society has a duty to accommodate suitably, differences among human beings. Only in this manner can we give due respect to everyone’s humanity. No one should have his or her dignity trampled upon, or human rights denied, merely on account of a difference...”

In his Opinion in *Mc Ewan*, President Saunders emphasised that in a civilised society, there is a duty to accommodate differences among individuals, ensuring respect for everyone's humanity. He noted that the impugned law disproportionately exposed members of the LGBTI community to discrimination and harassment and restated the court's duty to protect those

⁶ [2015] CCJ 6 (AJ).

⁷ [2015] CCJ 15 (AJ).

⁸ [2018] CCJ 30 (AJ).

marginalised in society, and to uphold the right to protection of the law of every member of the society.

It is essential to highlight President Saunders' impact on the area of judicial education and reform. As mentioned earlier, his time at the ECSC seemed to have ignited this passion which grew year after year. And, with an instinctive ability to educate and mentor, President Saunders has had a lasting influence on judicial officers across the region and internationally.

In 2009, he along with judicial officers across the region established the Caribbean Association of Judicial Officers (CAJO). As Chair of CAJO from 2009-2019, his leadership shaped CAJO, laying the groundwork for the well respected and mighty force in regional judicial education and judicial reform that the Association is today. I must mention his active role in the Commonwealth Judicial Education Institute (CJEI), which had him leading sessions for judges from across various Commonwealth countries. He is still a valuable resource to the Institute. And I must also mention that he, together with Justice Wit and Master Christie-Ann Morris-Alleyne, was instrument in establishing what is now the CCJ Academy for Law.

This passion for teaching does not only extend to judicial education. He possesses an easy rapport in a teaching role and a belief that the next generation of legal practitioners are to be mentored. He is always willing to deliver lectures and presentations at conferences or to students at the undergraduate and post graduate levels, and to engage with law students whether they be on court tours or in their lecture halls at law school. His contributions in this area have always been sought after and I am sure will continue to be.

Before I close, I must state that this tribute cannot do full justice to President Saunders' many accomplishments or the depth of his character. I could not possibly capture the full magnitude of the contributions of someone who has given some fifty years of his life to Caribbean jurisprudence culminating with the Caribbean Court of Justice. As to the latter, I can say that he is beloved and respected by his Judges and by the staff in his Chambers, in the Court and the Commission. Easy going, approachable and affable, he is a required presence at every court event, Carnival lime, and end of year lime and everything in between.

President Saunders, as your colleague, I thank you for the years of steadfast guidance and support you have given to me, in my capacity as both Judge of the Court and as Chair of the CCJ Academy for Law. I have enjoyed the privilege of working alongside you for the past 15 years. As your successor, I recognise and value what you have built over the past seven years, and I am mindful of the lasting impact of your leadership.

On behalf of the Judges, Management and Staff of the Court, and a grateful region, we thank you for the dedication, commitment and the inevitable sacrifices you have made in captaining the CCJ team, and your tireless advocacy for the CCJ to be the region's choice for advancing our jurisprudence. I must also publicly express our gratitude to your dear wife, Mrs Marilyn Saunders and to your family, who have supported you along the way. I am certain that they are looking forward to sharing more time with you.

So, President Saunders, as we today reflect on your distinguished career, I join my colleagues in doing so with immense gratitude, pride, and admiration. Thank you once again for your service. We treasure the heritage bequeathed to us by the inaugural Bench of which, sadly, you are the last representative on active duty. I wish you good health, joy, and well-deserved rest as you begin this new chapter of retirement. We look forward to what you will continue to offer in the future.

Thank you.