Chief Justice's

Annual Report

On the Judiciary

2004-2005

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Foreword

The Annual Report on the Judiciary for 2004-2005 is presented to record the work of the judiciary over this period. This is in keeping with the commitment shared by all in the judiciary that the administration of justice is a part and parcel of public service of which the general public has right to be informed.

I am happy to present the report and to express appreciation to everyone who made its publication possible, in particular to the other members of the Editorial Committee.

I would also like to record appreciation for the efforts of Mr. Jose Nadir Leal, Systems Administrator, who worked on this report until his untimely demise early this year. The report is therefore in his memory as well.

Dr. Abdulai Conteh
Chief Justice

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ADDRESS DELIVERED AT THE FORMAL OPENING OF THE COURT COMMENCING THE 2005 LEGAL YEAR OF THE SUPREME COURT

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MONDAY 17TH JANUARY, 2005

BY THE HON. CHIEF JUSTICE ABDULAI CONTEH

Introduction

Your Excellency, the Governor-General, Sir Colville Young, my brothers Gonzalez J., Awich J., Lucas J. and Sampson J., Mr. Attorney General, Your Excellencies, Members of the Diplomatic Corps, Retired Justice of Appeal Mr. Horace Young, Mr. Solicitor General, D.P.P., President of the Bar Association of Belize, Your Worships, learned Senior Counsel and Attorneys, Commissioners of the Supreme Court, Ladies and Gentlemen:

May I welcome you to the formal opening of the Legal Year in Belize.

As in the past, the occasion affords an opportunity for stocktaking, a look back at the judicial year that has just ended and it also affords some opportunity for a look ahead, at least, judicially speaking, of things to come.

Yes, we do live in challenging times and this is no less so for the judiciary of Belize. Let me say at once that these challenges notwithstanding, the judiciary of Belize as a whole is in fine fettle and singularly committed to the administration of justice.

It is however with a deep sense of loss we endured last year when the implacable hand of death claimed one of our number with the stunning news of the death of Mr. Justice Ira Cordova Rowe, the then president of the Court of Appeal. He had passed away in his sleep in the Turks and Caicos on 25th January 2004. He had gone there in judicial harness, as it were, as a serving justice of Appeal in the Courts of Turks and Caicos. The mortal remains of Justice Ira Rowe were taken back to Jamaica, his native land for interment. I had the privilege of representing the Judiciary of Belize at the funeral in Kingston, Jamaica early in February 2004. A special joint session of the Supreme Court and Court of Appeal **in memoriam** of the late Justice Rowe was held on 1st March 2004, in Belize City.

I would like, again to, take this opportunity to proffer to the family and friends of the late Justice Ira Cordova Rowe, deep condolences for the loss of a truly Caribbean jurist of no mean order. We shall miss him, especially for his avuncular touch which was always on display when he presided in the Court of Appeal and in his judgments.

Consequent on the passing away of Justice Rowe, Mr. Justice Elliot Mottley was appointed as the new President of the Court of Appeal; and Mr. C. Dennis Morrison Q.C., a leading silk at the Jamaican Bar and Chairman of the Council of Legal Education, was appointed to the Court of Appeal.

May I take this opportunity, again, to proffer on behalf of the judiciary, heartiest congratulations to both President Mottley and Justice Morrison.

Some Challenges Facing the Judiciary

Like almost every other institution in Belize, the judiciary has its own share of problems and challenges. But the problems and challenges of the judiciary must, perforce, be set against the indispensable **requirements of the due administration of justice**.

The leading common law authority on the requirements of the due administration of justice were expounded by Lord Diplock in the case of **Attorney General v Times Newspapers Ltd. (1974) A.C. 273** at p. 309 and **(1973) 3 All E.R. 54** at p. 72, and I quote:

> *"The due administration of justice requires first that citizens should have unhindered access to constitutionally established courts of criminal or civil jurisdiction for the determination of disputes as to their legal rights and liabilities; secondly, that they should be able to rely upon obtaining in the courts the arbitrament of a tribunal which is free from bias against any party and whose decision will be based upon those facts only that have been proved in evidence adduced before it in accordance with the procedure adopted in courts of law; and thirdly that, once the dispute has been submitted to a court of law, they should be able to rely upon there being no usurpation by any other person of the function of that court to decide it according to law. Conduct which is calculated to prejudice any of these three requirements or to undermine the public confidence that they will be observed is contempt of court".*

Of course, the **due administration of justice** is the bedrock on which **rule of law** rests. It cannot be in dispute that the **rule of law** is the anchor for a democratic, peaceful, economically and socially stable society.

Therefore, in my view, any attempt not to meet or fulfill the requirements of the due administration of justice, will undermine and, eventually subvert the rule of law and consequently the peace, order, governance and stability of society.

I am however happy to state that at the moment, the judiciary in Belize is not aware of any overt attempts to stultify the requirements of the due administration of justice. This is as it should be, for much rides on the due administration of justice. But there are however, areas of concern.

The need for equal representation of parties

First, a facet of the requirements for the due administration of justice is the **equality of arms** of the disputants before the Court or the need to have them on an **equal footing** or a level playing field, in the sporting metaphor. In Belize, at the present, apart from the provision of legal representation from public funds for persons charged with murder, there is no coherent, systematic or sustainable arrangement to fund the proper defense or prosecution of claims by other persons, however serious the charge or meritorious the claim or the lack of means of the persons concerned.

In short, there is no coherent, rational or sustainable legal aid. This surely does not enhance unhindered access to the courts, civil or criminal, for the determination of the legal rights and or liabilities of these persons.

Some commendable efforts were put in place by some senior members of the Bar sometime ago to provide legal aid which led to the establishment of the Legal Aid Office. This was later, reorganized as the **Legal Advice and Services Centre**. Although at the moment, the Government pays the salary of the attorney who runs this office as well as providing the premises housing the Centre, there is very little other support; but the demands on this office, however, far exceed the available resources in terms of legal personnel, other support staff and necessary materials.

It is, of course, commendable to make legal information and advice available to the public, not only in Belize City or the Belize District, but to other parts of the country, especially in more distant and rural areas. But it is important to maximize whatever resources there may be by the proper utilization of what there is already on the ground by way of legal advice and service. Therefore, much as the recently talked about Legal Information Bureaus are welcome, I believe that a better fit could have been achieved by attempts to obtain more synergy with the already extant Legal Advice and Services Centre.

It is however, important, that in terms of real access to justice that a coordinated and holistic approach be taken towards the provision of legal aid. This is certainly not a case of having alleged criminals defended from public coffers. Rather, it is to ensure a level playing field in terms of access and representation before the courts: that unhindered access, which is a requirement of the due administration of justice.

I must mention that even in the cases of persons charged with the offence of murder for whom the state often provides legal representation, the scale of remuneration is such as to deter many an attorney. It has proved to be a disincentive to an able but hard-pressed attorney who has to meet the demands of more remunerative briefs.

Proper and adequate representation of all the parties in disputes will, no doubt, inform the quality of the Court's decision thereby improving the quality of justice and above all, help

ameliorate the strain on a judge in a case where there is no equality of arms or a level playing field. In some sister jurisdictions in the region, there is the office of Public Defender at least for criminal cases. Equality of arms is, after all, an indispensable element of our adversarial system of justice in the search for the truth.

Reform and Rationalization of Procedure

The second area of concern must be the admittedly slow pace at which cases wind their way to resolution in our courts: the proverbial "law's delay" or in popular parlance "the backlog of cases".

Let me quote for a moment from Charles Dickens, that eminent English Victorian author and critical commentator of his times.

He wrote in Chapter 1 of his novel **Bleak House**, and I quote:

> *"Jarndyce and Jarndyce drones on. This scarecrow of a suit has, in course of time, become so complicated that no man alive knows what it means. The parties to it understand it least, but it has been observed that no two Chancery lawyers can talk about it for five minutes without coming to a total disagreement as to all the premises. Innumerable children have been born into the cause; innumerable young people have married into it; innumerable old people have died out of it. Scores of people have deliriously found themselves made parties in Jarndyce and Jarndyce without knowing how or why; whole families have inherited legendary hatreds with the suit. The little plaintiff or defendant who was promised a new rocking horse when Jarndyce and Jarndyce should be settled has grown up, possessed himself of a real horse, and trotted away into the other world. Fair wards of court have faded into mothers and grandmothers; a long procession of Chancellors has come in and gone out; the legion of bills in the suit have been transformed into mere bills of mortality; there are no three Jarndyces left upon the earth perhaps since old Tom Jarndyce in despair blew his brains out at a coffee house in Chancery Lane; but Jarndyce and Jarndyce still drags its dreary length before the court, perennially hopeless".*

This was what Charles Dickens wrote as an allegory of the progress, or rather lack of progress, of cases in the law Courts of Victorian England. And remember, Dickens started his working life as a Court Clerk, so he certainly must have known his subject at first hand!

Jarndyce and Jarndyce might have been apocryphal, and though I can safely say we do not have in Belize any case approaching the seemingly interminable life of that case, there is still a host of cases in the pipeline awaiting resolution, that might well echo the ghost of Jarndyce and Jarndyce.

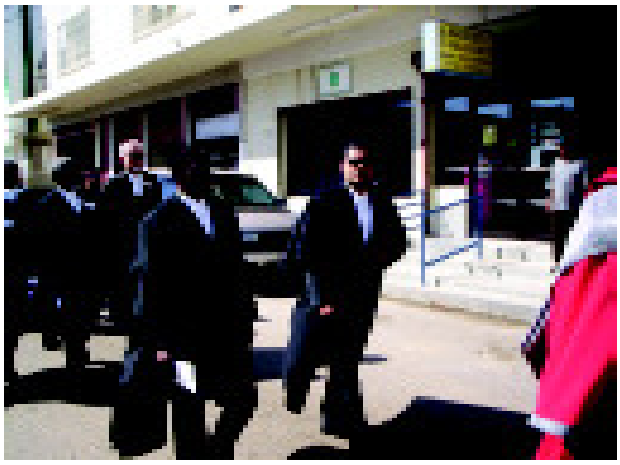
The specter of the law's delay and the perception by the general public that litigation has become like a machine which one enters as a pig and comes out as a sausage, deter very many people from having recourse to the law.

This cannot be a healthy state of affairs. The reasons for this, no doubt, are many. Chief among them must rank the manpower situation on the bench, the utilization of the Court's time and the procedures for the initiation, conduct and resolution of cases.

In so far as manpower is concerned, even for its comparable population, Belize has the least number of judges and magistrates in relation to other sister jurisdictions in the region. Time was in Belize, when the criminal session got underway in the Central District, the trial of civil cases was put on hold because of the lack of judges.

The ever-increasing lists of both the criminal and civil cases make manifest everyday that more judges are needed. The fact that judges have to move immediately from one civil case to another, leaves precious little time to write clear and reasoned judgments in sufficient time.

I must take this opportunity however to express appreciation for the understanding and quick response of the Executive in making provisions to attenuate the situation by the appointment of temporary or acting judges.



I want also to thank formally those members of the Bar who willingly stepped up to the plate when called upon to serve as acting judges. In particular, I want formally to thank Mr. Denys Barrow S.C. who, in the course of last year, accepted a temporary commission to help clear the backlog of Inferior Court Appeal cases and other cases. He did a sterling job and rendered an exemplary yeoman service to the administration of justice. Mr. Denys Barrow S.C. now continues his services as a judge in the judicial vineyard of the sister jurisdiction of the O.E.C.S.

I must also thank Mr. Simeon Sampson S.C. who also accepted a temporary assignment to help stem the ever-lengthening list of criminal cases. Sampson J., Acting, is present with us on the bench today. To him I say a "big thank you".

In so far as the procedural aspect of civil litigation is concerned, I took the opportunity last year, on this same occasion, to mention the efforts that had been put into producing a new civil procedure code that would govern the initiation and conduct of civil litigation in the Supreme Court.

I had expressed the hope that the new Civil Procedure Rules would be promulgated some time last year. But this has not proved possible for a variety of reasons.

In the meantime however, there has been some familiarization and sensitization regarding the Rules that were conducted through the joint efforts of the Bench and the Bar. This process I hope, has alleviated the reservations that first greeted the proposals for the New Rules. The fear has also been expressed that the Registry of the Supreme Court is not equipped, both in terms of personnel and material, to proficiently execute the tasks the new regimen of the Rules would require. There may be some merit in this. But I don't think they need impede the introduction of the new Rules. In fact, measures are in hand to address these concerns.

It is the position now that the draft Rules have been revised and vetted and all things being equal, should be promulgated in the near future, before the end of the first half of this year.

Yes, the new Rules will change the landscape of civil litigation. They will have the principal aim of demystifying litigation and simplifying the process of going to Court, so that the process itself would be less cumbersome, less expensive and certainly more speedy in terms of resolution of cases that do go to Court.

The philosophy and overriding objective of the new Rules will be to enable the Court to **deal with cases justly**. This the Court will be able to do, under the new Rules, by ensuring that

as far as practicable, the parties to litigation are on an equal footing and expense is saved and that cases are dealt with expeditiously.

I am confident in my expectation that before too long the new Rules, after being promulgated, will be a positive boon to the whole process of administering civil justice for everyone concerned, including the parties to litigation, their attorneys and the Court itself.

I am confident at least, that with the introduction and operation of the new Civil Procedure Rules, the ghost of Jarndyce and Jarndyce will truly be laid to rest, in so far as it might have roamed here in Belize. The new Rules will bring into play a more proactive case management by the Court itself, pre-trial conferences to ensure that only live issues go to actual trial, and more constructive cooperation between the parties themselves and their attorneys, and where feasible, mediation as an alternative dispute resolution mechanism. All these will help ensure a more just, less expensive and speedy resolution of cases.

Financial Resources necessary for Judicial Independence

The third area of concern for the requirements of the due administration of justice is the need to ensure that there will be no usurpation by any other person or authority of the function of the court to decide cases before it according to law.

This has much to do with the independence, integrity and impartiality of the judiciary. There are many ways, both overt and covert, by which these quintessential requirements for a true and worthy judiciary can be compromised, subverted or imperiled.

I can truly say, however, that I am not aware of any attempt from any quarter to subvert or imperil consciously the integrity and independence of the judiciary. And I might caution that any such attempt will be robustly deflected with the disdain it deserves.

However, while acknowledging the fact that we live in times of financial constraints, and the need for the much talked about belt-tightening that is being decreed for the public sector, it must be remembered that the due and proper administration of justice cannot be got on the cheap. The case for prudent and responsible management of resources, particularly financial resources, cannot be overstated. It is necessary for the health of the nation's economy and prosperity. But financial constraints should not be allowed to impinge upon or impede the due administration of justice: for this would be a policy of "Penny-wise, pound foolish". When the due administration of justice becomes hobbled by financial constraints, the judiciary is set on the slippery road to losing its independence and integrity and hence its impartiality. This cannot be healthy for any polity or economy.

I have had on similar occasions in the past to mention the percentage of the national budget allocated to the administration of justice, and to note that it had always been below one percent of the national total. It is therefore with some satisfaction that I report that for the year that has just ended, the percentage was 1.027%. That is to say, out of a total national budget of $424,423,780.00 for the fiscal year 2004, the sum of $4,359,014.00 was allocated to the Judiciary.

This, of course, is a welcome improvement for which we are all grateful as it surpassed the level of 0.79% of the national total that was allocated for the year 2003.

I am not sure however how much of the increase was real and how much of it was due to inflationary factors.

The budget for the current year has just been presented last Friday by the Hon. Prime Minister to the House of Representatives. It is hoped that the sum allocated this year will be some improvement on last year's allocation.

I must however caution that to skimp on the Judiciary is a short sighted policy that will endanger not only the independence, integrity and impartiality of the system of administration of justice itself, but ultimately the rule of law and thereby impoverishing all.

Some Judicial Statistics

I cannot, in an address like the present, refrain from giving some figures and statistics reflective of the work of the Judiciary of Belize for the year that has just ended. However, the publication of the **Annual Report** has saved me from belabouring you with facts and figures. These are more fully stated in the **Annual Report on the Judiciary**, the fourth of which will be published shortly.

First, in Her Majesty's **Privy Council** in London, still the final Court of Appeal for Belize, for the year 2003 to 2004, there was only **one (1) criminal appeal** lodged from Belize, dealing with extradition; **five (5) Civil Appeals** were however, lodged. Hearing is still pending in four (4) of these cases. Their Lordships Board however, delivered advice to Her Majesty dismissing the appeal of BACONGO against the decision of the Court of Appeal which had upheld the decision of the Supreme Court refusing to quash the decision of the Department of the Environment approving the construction of the Challilo Dam.

Secondly, in the **Court of Appeal**, for the year that has just ended, a total of **fifty-eight (58)** cases were lodged: **thirty-six (36)** of these were **criminal appeals** and **twenty-two (22)** were **civil appeals** The Court was able to dispose of **eighteen (18)** of the **criminal appeals** and **twenty-three (23) civil appeals** cases, including one (1) outstanding civil appeal.

Thirdly, in the **Supreme Court**, the number of **civil** cases filed in the extended (Superior) jurisdiction of the Court for the year 2004 was **Six Hundred and eighty six (686)** (this compares with **Six Hundred and thirty six (636)** for 2003). In the summary jurisdiction of the Court, a total of **sixty seven (67)** cases were filed for the year 2004 (this compares with **eighty six (86)** summary cases that were filed in 2003).

The Court was able to complete a total of **Seven Hundred and Ten (710)** cases as compared to **Four Hundred and forty three (443)** in its **extended jurisdiction** in 2003. The Court was also able to complete a total of **One Hundred and sixteen (116) summary cases** in 2004 compared to **fifty one (51)** cases in 2003.

I must pause here to recognize the contributions of Mr. Denys Barrow S.C. made in this exercise when, as I had mentioned earlier, he accepted a temporary commission as an acting judge.

The number of **Divorce Petitions** filed during the year 2004 was **Two Hundred and twelve (212)**, compared to **One Hundred and seventy-two (172)** for 2003. The Court was able, in 2004, to dispose of **Two Hundred and fifty-two (252)** of these petitions as compared to **One Hundred and eighty-three (183)** in 2003.

The number of **Inferior Appeal Notices** lodged for 2004 was **seventy six (76)** compared to **One Hundred (100)** that was lodged in 2003. However, only **nine (9)** full records of appeals were lodged in 2004 with the Court while only **fifteen (15)** were filed with the Court in 2003.

This leaves quite a number of appeals records to be filed. I would therefore, like to take this opportunity to urge magistrates and their court clerks to expedite the records.

In its **criminal jurisdiction** in the **Central District** (comprising Belize and Cayo Districts), a total of **One Hundred and four (104)** cases were brought before the Court in 2004.

In the **Southern District** (comprising Stann Creek and Toledo Districts), a total of **twenty one (21)** cases were brought before the Court in 2004.

In the **Northern District** (comprising Orange Walk and Corozal Districts), a total of **twenty six (26)** cases were brought before the Court.

For the year 2004, the Supreme Court dealt with the following number of serious crimes: **forty nine (49)** cases of **Murder** (compared to **thirty six (36)** cases in 2003); **twenty three (23)** cases of **Attempted Murder** (compared to **seventeen (17)** in 2003); **three (3)** cases of **Manslaughter** (compared to **four (4)** in 2003); **fourteen (14)** cases of **Manslaughter by Negligence** (compared to **twenty four (24)** in 2003); **one (1)** case of **Robbery** compared to **seven (7)** in 2003) and **thirty three (33)** cases of **Rape** (compared to **five (5)** in 2003). But more alarming was the increase incidence of **Carnal Knowledge** against minors; **twenty six (26)** of the serious sexual offences out of a total of **Thirty three (33)** were against minors. This is a very disturbing state of affairs that must be addressed and remedied for the welfare of the children.

The Court also dealt with a total of **thirty two (32) other serious crimes tried on indictment** (compared to a total of **One Hundred and Seventeen (117)** in 2003.

In the course of 2004, the number of **Coroner's Inquests** lodged with the Court was **eleven (11)** (compared with **two (2)** for 2003).

At the level of the **Magistrates Courts**, **Seventeen Thousand Four Hundred and eighty two (17,482) criminal cases** were lodged nationwide for the year 2004 (compared to **Eighteen Thousand Nine Hundred and seventy one (18,971)** in 2003). They were able to dispose of **Twelve Thousand Eight Hundred and forty four (12,844)** cases (compared to **Fourteen Thousand Six Hundred and twenty five (14,625)** in 2003).

Also, a total number of **Four Thousand One Hundred and sixty (4,160) civil cases** were lodged with the Magistrates' Court in 2004 (compared to **Four Thousand and seventy six (4,076)** in 2003) and they disposed of a total of **Three Thousand One Hundred and ninety nine (3,199)** cases (compared to **Three Thousand Two Hundred and seventy eight (3,278)** in 2003).

At the level of the **Family Court**, a total of **Two Thousand Two Hundred and seventy four (2,274)** family related applications were brought before the Court for the year 2004. The court dealt with a total of **Six Hundred and forty (640)** cases for **maintenance** of which **fifty five (55)** were **applications by males** and **Five Hundred and eight five (585)** by females.

Domestic violence is still a continuing concern and for the year 2004, a total of **Six Hundred and one (601)** applications were dealt with, of which **Four Hundred and eighty five (485)** were for **protection orders**, while **One Hundred and sixteen (116)** were for **occupation orders**. The total figures show an increase of **Two Hundred and ten (210)** cases in 2004 over those for 2003.

The **Family Court** also saw an increase in the number of cases involving **juveniles**. In 2003 the amount of cases was **Two Hundred and fifty six (256)** while the figures recorded for 2004 were **Four Hundred and ninety two (492)**. This is also a disturbing trend that should actively engage the attention of not only the authorities, but families themselves, the schools and religious leaders. Juveniles and the criminal justice system make uneasy bedfellows.

Both the **Magistrates' Court** and the **Family Court** are, without question, in the frontline of the administration of justice. However, for quite some time now these courts have had to operate in an environment that is less salubrious if not hazardous. I therefore take this opportunity, again, to commend the fortitude and commitment displayed by the presiding officers in these courts as well as their staff, as they persevere in discharging their duties. I can only, again, express the hope that before too long these Courts will be houses in more appropriate buildings.

Conferences attended

During the year 2004, I was invited by the United Nations Environmental Programme (UNEP) to attend a Regional Needs-Assessment and Planning Meeting of Chief Justices of the countries of the English-Speaking Caribbean in Trelawny, Jamaica, from 10 – 13 June. I presented a paper on the Environmental Law Regime in Belize.

In the course of last year, I also attended, in my capacity as chairman of the Conference of Chief Justices of CARICOM, a number of meetings of the Board of Trustees of the Trust Fund for the Caribbean Court of Justice. All the meetings were held in Port of Spain, Trinidad and Tobago. I think at this point, I should say a few words about the Caribbean Court of Justice.

The Caribbean Court of Justice (C.C.J.)

In the course of last year, the Legislature of Belize ratified proposals for the establishment of the Caribbean Court of Justice (C.C.J.). This is a unique court which, when it is fully operational, will mark the first of its kind universally. It will operate both as an international court and as a domestic tribunal. In the former capacity, it is charged with the responsibility of interpreting and applying the revised Treaty of Chaguramas establishing CARICOM and the Single Market and Economy for the region. This is a bold, necessary and imaginative step at regional integration and cooperation in the interest of the countries and peoples of the Caribbean. The President of the Court and six (6) other judges have just recently been appointed by an independent Regional Judicial and Legal Services Commission. It is hoped to inaugurate the Court itself sometime this year.

When the Court gets underway, it will be responsible for interpreting and applying the provisions of the revised Treaty of Chaguramas and the CARICOM Single Market and Economy (CSME). All the courts of member states of CARICOM, will, when necessary, have to yield interpretation and application of the CSME provisions to the C.C.J. and as determined by that court. This is the **original jurisdiction** of the C.C.J. It is to this aspect of the court that Belize has, so far, signed on.

The other stream of jurisdiction of the C.C.J., which is really its emanation as a domestic tribunal, is that for states who accede to this stream, it will be the final court of appeal in all proceedings in these member states, including civil and criminal matters.

For Belize, this would replace the present arrangements which make Her Majesty's Privy Council in London the final court for us.

Belize has yet to ratify this aspect of the C.C.J's jurisdiction, as the proposals on this just fell short of getting the necessary votes in the Legislature last year. There may still be some differences of opinion on this.

However, I can say that the establishment and operation of the C.C.J. has witnessed a long period of gestation and when the Court is fully operational in both its two streams of jurisdictions, it will mark not only a commendable level of necessary regional integration and cooperation, but also a political, legal and constitutional maturation that is long overdue in the region. It should by now be realized that because of developments beyond the control of member states of CARICOM, in particular, the imminent abolition of that most ancient of judicial offices, the Lord Chancellorship, in England, and the establishment of a Supreme Court for England different from the House of Lords, the repatriation of the final Court of Appeal for the region from the Privy Council in England to an institution within the region is only a matter of time.

Fears of political interference and the consequent diminution in the quality of justice by a regional final Court of Appeal are, in my respectful view, attenuated to a diminished point, if not

rendered groundless by the establishment of an independent Regional Judicial and Legal Services Commission (R.J.L.S.C.), responsible for selecting and appointing the judges of the C.C.J., and a Trust Fund for the Court. The Board of Trustees of the Fund is charged with the responsibility of ensuring the financial independence and sustainability of the C.C.J. The Trust Fund is at the money being put in funds in the amount of US One Hundred Million Dollars ($100,000,000.00) to ensure this objective.

I have had the privilege, as the chairman of the Conference of Chief Justices of CARICOM, to serve as a member of the Board of the Fund and I can attest that both the Board and R.J.L.S.C. are jealously susceptible of the needs for the Court's independence and integrity. They provide ample buffer to insulate the Court from any improper interference. In my view, the composition of both the Board of the Trust Fund and the membership of the R.J.L.S.C. underscore this.

In the course of last year also, Justice Samuel Lungole-Awich and Justice Adolph Lucas attended a seminar on International Labour Standards for Judges, Lawyers and Legal Educators in Trinidad and Tobago from 17th to 21st May 2004. The seminar was sponsored by the International Labour Organization.

Ms. Branker-Taitt, then acting Registrar, also attended during 2004, a number of meetings in Port of Spain, Trinidad and Tobago, of the Preparatory Committee for the inauguration of the Caribbean Court of Justice.

The Chief Magistrate, Mr. Herbert Lord, along with Magistrate Margaret McKenzie, attended a workshop in July 2004 on anti-money laundering in St. Kitts. The workshop was organized by the Caribbean Action Task Force and was funded by the European Union and the Governments of the United States and the United Kingdom.

Also, from 17th to 19th May 2004, Magistrates Sharon Fraser and Earl Jones attended a judicial colloquium on the application of International Human Rights Conventions at the domestic level in Nassau, The Bahamas, organized by the Division for the Advancement of Women at the United Nations.

Regrettably, what should have been the Sixth Annual Summit of the Bench and Bar, usually held in November of each year, since 1999, did not take place in 2004. It is hoped that this series of meetings will be held later this year. The format, subjects matter and contributions have, in the past, proved extremely valuable to both the Bench, Bar and various participants.

Donations to the Supreme Court Law Library

Various donors made valuable contributions to the Supreme Court Library in the course of the year that has just ended. In particular, I want to acknowledge the donation of some Fifteen Thousand Dollars ($15,000.00) worth of books by the British Government through the British High Commissioner here in Belize. With equal appreciation, I take this opportunity also, to

acknowledge the donation of books to the value of Twelve Thousand Three Hundred and eighty three dollars ($12,383.00) by the U.S. Government through the U.S. Embassy; and I am informed that more books are on the way.

The Belize Bar Association also made donations of copies of the latest edition of **Archbold Criminal Pleadings Evidence and Practice**.

The Legal Firm of Shoman and Chebat provided a computer and scanner to the Supreme Court Registry.

Also, Mr. Richard Wilson Q.C., a member of the English Bar, was recently admitted as an attorney to the Bar of Belize, gave to the library a copy of **Commercial Litigation – Practice and Procedure**, of which he is a co-author.

We are grateful for all these handsome and practical donations.

New Appointments to the Magistracy

Five (5) new magistrates were appointed in the course of 2004, namely: Mrs. Stephanie Gillett, Mr. Winston Carr, Mr. Linden Flowers and Ms. Hettie Mae Stewart. Also, Mr. Edd Peter Usher was appointed as Magistrate and assigned to the Family Court. These persons bring various backgrounds and experiences which, I am confident, will be useful in the discharge of their duties. Finally, Mrs. Emerita Ascoli retired as magistrate and was rehired and posted to the Corozal Judicial District.

The Chief Magistrate, Mr. Herbert Lord also retired in 2004, after valuable service in that capacity spanning seven (7) years. His valuable contributions were readily recognized when he was rehired on contract. I have every confidence he will continue to render exemplary contributions to the cause of the administration of justice.

Achievements and Awards to staff

The year that has just ended also saw some notable awards to and achievements by staff of the Judiciary.

The judges and staff of the judiciary were particularly appreciative of the official recognition of the long and meritorious service of Mr. Edmund Oliver Pennil, the Deputy Registrar, when it pleased the Government to confer upon him last year the Meritorious Service Award. Mr. Pennil is not only ubiquitous in the Registry, at practically every time of the day, but he is in addition a real pillar of support in the overall administration of justice. In order to mark the award, the judges and staff of the Registry held a surprise reception in honour of Mr. Pennil at the Bellevue Hotel in April 2004.

I am also delighted to report that Ms. Michelle Arana, the Registrar of the Supreme Court, successfully completed a Masters Degree in Law (LLM) at Sheffield University in the United Kingdom as a Schevenning Scholar under the auspices of the British Government. She obtained the LLM Degree with Merit.

Conclusion

In conclusion, may I take this opportunity to thank all my colleagues on the Bench – including all Justices of the Court of Appeal, and the members of the Board of Her Majesty's Privy Council in London. I would also like to thank the former Acting Registrar Ms. Cheryl-Lyn Branker-Taitt, the Registrar of the Supreme Court, Ms. Michelle Arana, her deputies and the staff of the Registry. They have all provided valuable service over the year that has just ended, that helped to keep the wheels of the administration of justice turning.

Grateful thanks also go to their Worships, the Chief Magistrate and his colleagues and the staff of the Magistrates Courts; and as well our deep appreciation and thanks to the Director of the Family Court and the Magistrates of that court and their staff.

My grateful thanks also to the Commissioners of the Supreme Court and Justices of the Peace, who in silent and undramatic ways, helped in the administration of justice as well in several ways.

I say thank you also to the Commissioner of Police and his officers, especially those he detailed for service in the courts.

Indeed, I want to say thank you to everyone who in some form or the other, contributed in the round, in keeping the machinery of justice in working order. At the risk of sounding self-serving, I must in this respect, mention my secretary, Ms. Julie Staine. She has, as always, in her silent and undramatic way, been a pillar of support.

I also want to thank you, Mr. President of the Bar Association, and your colleague members of the profession, on behalf of my colleagues and myself, for all the courtesies and cooperation extended to us in the course of the year that has just ended. May this continue in the best traditions of the profession in the interest of justice!

Finally, I want to thank you Mr. Attorney, for the support of the Executive to the Judiciary and the cordial relationship that subsists between these two arms of Government, who are, or should be, votaries at the altar of good governance, for the interest and welfare of the people of Belize as a whole.

You may now, Mr. Attorney, move the motion for the adjournment.

OVERVIEW OF THE JUDICIARY

1. The institutions charged below with the duty to hear and determine cases in and for Belize are, in ascending order: ***The Alcalde Court***, ***The Inferior Courts (Magistrates / District Courts) The Family Court***, ***The Supreme Court***, ***The Court of Appeal*** and ***Her Majesty's Privy Council*** in London. These together constitute the judicial authorities in Belize.

2. The Constitution of Belize establishing the Judiciary simply provides as follows in ***section 94***:

"There shall be for Belize a Supreme Court of Judicature and a Court of Appeal."

Section 95 dealing with the Supreme Court provides as follows:

"95.– (1) The Supreme Court shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

(2)The justices of the Supreme Court shall be the Chief Justice and such number of other justices as may from time to time be prescribed by the National Assembly:

Provided that the office of a justice shall not be abolished while there is a substantive holder thereof.

(3) The Supreme Court shall be a superior court of record and, save as otherwise provided by any law, shall have all the powers of such a court.

(4) The Supreme Court shall sit in such places as the Chief Justice may appoint."

3. ***Section 96*** provides for reference of Constitutional questions to the Supreme Court.

4. ***Section 100*** dealing with the Court of Appeal provides as follows:

"100.–(1) The Court of Appeal shall have such jurisdiction and powers to hear and determine appeals in civil and criminal matters as may be conferred on it by this Constitution or any other law.

(2) The Judges of the Court of Appeal (hereinafter referred to as "Justices of Appeal") shall be a President and such number of other Justices as may be prescribed by the National Assembly:

Provided that the office of Justice of Appeal shall not be abolished while there is a substantive holder of that office.

(3) The Court of Appeal shall be a superior court of record and, save as otherwise provided by any law, shall have all the powers of such a court.

(4) The Court of Appeal shall sit in such places as the President may appoint."

5. By the Privy Council Appeals Act (Chapter 92 of 2000 Revised Edition of the Laws of Belize) which became operational on 29 May 1911, appeals lie from the Court of Appeal to the Privy Council in London, that is, to Her Majesty in Council.

6. However, although there is one Supreme Court which, for practical purposes, sits in its civil division in Belize City, there are three districts sittings of the Court in its ***criminal jurisdiction*** as follows: 1) ***Central District*** (comprising Belize and Cayo Districts); 2) ***Northern District*** (comprising Corozal and Orange Walk Districts and 3) ***Southern District*** (comprising Stann Creek and Toledo Districts). These sittings of the Supreme Court in these districts constitute the sessions of the Court which are held in each district throughout the ***legal year***, which normally commences on the second Monday of January each year.

7. Although popularly called ***"Magistrate Courts"*** because they are presided over by officials designated as Magistrates, these Courts are formally called and established as Inferior Courts - Chapter 94 of the Inferior Courts Act, 2000 Revised Edition of the Laws of Belize; and for the purposes of constituting these courts, Belize is divided into the following judicial districts: Belize Judicial District, Cayo Judicial District, Corozal Judicial District, Orange Walk Judicial District, Stann Creek Judicial District and Toledo Judicial District. This in practice means that there is a Magistrate Court in each of the six administrative divisions of Belize, with three Magistrate Courts in the Cayo Judicial District. There are also seven Magistrate Courts in the Belize Judicial District, including the Belize Municipal Court, which is the Traffic Court for the Belize City Council.

8. Although the Act setting up the Magistrates Courts provides for the appointment of barristers or solicitors of at least three years standing, the majority of the Magistrates are not however professionally legally qualified but they have been found by the Public Service Commission for good and sufficient reason to be fit and proper persons to be appointed magistrates, as the law allows.

9. It is hoped that before too long the nomenclature of these Courts will be formally designated as "Magistrates Courts" and the term "Inferior" dropped all together. The term is in no way reflective of the quality of justice administered by these Courts. Also, it is hoped that opportunities and facilities will be made available to enable the lay Magistrates to acquire professional legal qualification.

The Chief Magistrate however is an Attorney of some years standing and another of the magistrate recently gained professional legal qualification.

10. The ***Belize Family Court*** which is of the same status as Magistrates Courts was first established in 1989 with jurisdiction over the Juvenile Offenders Act, Domestic Violence Act, Probation of Offenders Act and Married Persons (Protection) Act and Families and Children Act, except where in the case of the last two Acts, jurisdiction is expressly given to the Supreme Court.

11. The duty of the Family Court in every case before it is to make efforts to ensure that the parties can reach a settlement. Informality is a characteristic of the Family Court which conducts most of its cases ***in camera*** unless one or both parties requires otherwise.

12. It deals with mostly cases involving children, maintenance and domestic disputes between parties.

    It is assisted by social welfare officers and counselors.

    A Director of the Family Court appointed by the Public Services Commission after consultation with the Attorney General, under the supervision of the Chief Justice, is responsible for the administration of the Court. The Court also has two legally qualified Magistrates.

13. Although not widely known, there is an ***Alcalde jurisdiction*** provided for by law in sections 69 and 70 of the Inferior Courts Act. Although the jurisdiction of the Alcalde Court is rather limited (in civil cases, to claim for debt or damage not exceeding $25.00 and with the consent of both the plaintiff and the defendant, to claims exceeding twenty-five dollars but not exceeding one hundred dollars) it also has limited criminal jurisdiction.

    The Attorney General is responsible for appointing Alcaldes. Today, this court system is active mostly in the Toledo District.

14. **Appointments to the Judiciary**

The Governor General appoints the Chief Justice as well as the Justices of the Court of Appeal in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition.

The other justices of the Supreme Court are appointed by the Governor General acting in accordance with the advice of the Judicial and Legal Service section of the Public Services Commission and with the concurrence of the Prime Minister after consultation with the Leader of the Opposition.

The Registrar of the Supreme Court is required to be a lawyer of at least five years standing and is appointed by the Public Services Commission. The Registrar also acts as the Registrar of the Court of Appeal and has at the moment a Deputy and Assistant Registrars to help with the work of the office. The Registrar is also the Taxing Master of the Court.
There are at the moment one Deputy Marshal and five Assistant Marshals of the Supreme Court.

15. There is also the Vital ***Statistics Unit***, which is an arm of the Registry. This unit is responsible for registration of Births, Deaths, Marriages, Deed Polls and Adoptions. And is headed by the Assistant Registrar of Births, Deaths and Marriages.

JUDGES OF THE SUPREME COURT

Hon. Chief Justice Dr. Abdulai O. Conteh

Hon. Justice Troadio Gonzalez

Hon. Justice Simeon Sampson

Hon. Justice Samuel Awich

Hon. Justice Adolph Lucas

THE MAGISTRATES' COURT

Role and Function of the Magistrates' Court

The Magistrate Courts play a very important role in society. This Court handles the bulk of Cases, both civil and criminal, in the country.

The Court's jurisdiction is stated in section 3 of the District Court (Procedure) Act, Chapter 97 Laws of Belize Revised Edition 2000. This states that the court shall have jurisdiction to hear and determine:

(a) All personal actions for the recovery of any debt demand or damages where the amount claimed does not exceed $5,000.00 Belize Currency.

(b) All actions for the recovery of any chattel or thing where the value of the chattel or thing does not exceed $5,000.00 Belize Currency.

Section 3, the Court shall have jurisdiction where:

(a) The Defendant resides in the district.

(b) The Breach of Contract occurred or the cause of action arose wholly or in part within the district.

(c) The Chattel or thing the subject matter of action is in the district.

(5)(2) The Judgment of the Court in such action shall be in full discharge of all demands in respect of such cause of action, and entry of Judgment shall be made accordingly.

The Court's jurisdiction for criminal Trials is stated in Chapter 94, 2004 Edition Laws of Belize.

This chapter deals with a person who is appointed and gives authority to Magistrates to be presiding officers in their own courts and resident Magistrates in each District. It also gives the right of Magistrates to be by virtue of their offices Justices of the Peace.

It sets the time for sitting of the courts for commencement of trials and also it sets the role of the Magistrate as an independent arbiter giving his/her decision based on the Laws of Belize and the evidence of the fact as presented at each trial.

Cases are set as Summary Jurisdiction cases tried at the Magistrates' Court by the Magistrates.

Cases are set as Indictable, which are tried at the Supreme Court by a Judge and Jury. This of Course is done after a Preliminary Inquiry is conducted at Magistrates' Court and a prima facie case, which shows enough evidence for a trial at the Supreme Courts Level, is found or made out.

The Courts of the Magistrates' Courts are all called Summary Jurisdiction (Procedure) courts and are governed by:

(a) The Summary Jurisdiction (Procedure) Act, Chapter 99, Laws of Belize, R.E. 2000

(b) The Summary Jurisdiction (Offences) Act, Chapter 98, Laws of Belize R.E. 2000

(c) Part ***(viii)*** of the Supreme Court of Judicature Act- Chapter 91 Laws of Belize R.E. 2000 and the rules of court made thereunder.

(d) Any other Acts or Laws conferring upon the court Jurisdiction to hear and determine any complaint or information or authorizing it to so or perform any act or function.

Sec. 5(1) Chapter 94, Laws of Belize, Revised Edition 2000.

So subject to the above or any other Act, the Summary Jurisdiction Court (Magistrates' Court) in each Judicial District shall have full Jurisdiction and Power therein. (Sec. (5)(2) Chapter 94, Laws of Belize Revised Edition 2000),

(a) To hear and determine all complaints or information for summary conviction offences, including complaints or information for the recovery of fines, penalties or forfeitures not specifically assigned by statute to the Supreme Court.

(b) To receive and inquire into all charges of indictable offences and to make any orders in respect thereof under the Indictable Procedure Act.

(c) Generally, to do all acts and things required by any statute, law or usage now or hereafter in force, appertaining to a summary jurisdiction Court in England.

(d) All offences and matter arising unto any statute before a Summary Jurisdiction Court committed in or within the limit of any bay, creek, inlet of the seas any river or creek of or within Belize may be heard and determined by the summary Jurisdiction Court in the Judicial District bordering these areas.

(e) All offences, and matters described in section committed or arising on board any

ship, vessel or boat beyond the limits described in section 3 above may be heard and determined by the Summary Jurisdiction Court in the district off the shore of which the ship, vessel or boat is at the time of the commission of the offences and matters, or by the judicial Court the Ship first anchor's after the commission of the offences (etc.)

THE MAGISTRATES' COURT IN THE YEAR 2004

Location

In the year in review, the Magistrates' Court continued to operate out of its present temporary quarters, situated at the Sikaffy's Building on Bishop Street, Belize City. There the Courts continued to serve the public and the City of Belize.

The Mission Statement of the Magistrate Courts

The Mission of the Magistrate Court is to provide the community with equal and impartial access to judicial services by ensuring the preservation of judicial independence, protection of individual rights and increasing the public's trust and confidence by maintaining high ethical standards.

Changes in Staff

In the year 2004 the Magistrates' Court lost the services of Mr. Joel Genitty, (Magistrate Municipal Court, Belize City), who retired in July 2004.

The Magistrates' Court in the course of the year (2004) saw the appointment of four new Magistrates:

(1) Mrs. Stephanie Gillett (former Prosecutor) to Magistrate – (Municipal Court #1).

(2) Mr. Winston Carr as Magistrate - Toledo District (Punta Gorda Town).

(3) Mr. Linden Flowers (former Inspector of Police) as a Magistrate posted at San Ignacio Magistrates Court, Cayo Judicial District.

(4) Ms. Hettiemae Stewart as a Magistrate posted at Belize City.

Mrs. Emerita Ascoli former Magistrate was also rehired and her services utilized and she was posted as a Magistrate in the Corozal Judicial District at Corozal Town.

In the New Year 2004 and at the beginning of the new financial year a new post of Magistrate and a new court was created in San Pedro Town, at San Pedro Ambergris Caye, Belize Judicial District.

Mr. Eric Fairweather, Magistrate, Stann Creek Judicial District has been appointed and transferred as Magistrate to San Pedro Town, San Pedro Ambergris Caye.

During the course of the year 2004 the Magistrate Courts and the two Municipal Courts have seen increases in the cases being heard and adjudicated on both in criminal matters and civil matters, however the courts have increased their work loads and schedules and so the courts have been able to keep abreast of the cases passing across the desks of the Magistrates country wide.

Study Leave

The following Magistrates are all on study leave pursuing the LLB Degree in Guyana.

(1) Mr. Emmerson Banner – Belize District

(2) Mr. Richard Swift - Belize District

(3) Mr. Leslie Hamilton - Cayo Judicial District

(4) Mrs. Kathleen Lewis - Corozal Judicial District

(5) Mr. Clive Lino - Toledo Judicial District

The above named Magistrates are all on study leave granted by the Government of Belize while they persue the Law Degree course in Guyana.

At the end of this course the successful persons will have conferred on them the (LLB) degree from the University of Guyana.

This course of studies take a period of three years. The successful Magistrates will then be required to pursue the (CLE) Certificate in Legal Education course which take two additional years. The whole course taking a total of five years to complete.

CONFERENCES ATTENDED ABROAD

Report on Judicial Colloquium

The Division for the advancement of Women at the United Nations held a Judicial Colloquium on the application of International Human Rights Law at the domestic level. The venue for the colloquium was Nassau, Bahamas from the 17 – 19 May, 2004. Attending from Belize were Magistrates Sharon Fraser and Earl Jones, along with fourteen other Caribbean countries judicial representatives.

Keynote speakers were, the Honourable Judge Desiree Bernard, Chancellor of the Judiciary Court of Appeal, Guyana, she spoke on the topic "Nationality Marriage and Family Relations. The Honourable Justice Sujata Manoher, Justice of the Supreme Court of India (retired) who gave the Indian experience, "Violence Against Women" and Ms. Tracy Robinson, lecturer Faculty of Law, University of the West Indies who spoke on the topic "The Caribbean Law Reform Initiative on Violence Against Women; an analysis of legal change: law and gender – based violence in the Caribbean.

The main objective of the colloquium was to explore the progress Caribbean countries made in implementing the various human rights conventions and treaties that were adopted.

The Chief Magistrate, Mr. H. Lord, along with Mrs. Margaret McKenzie (Magistrate), visited St. Kitts in July of this year (2004). This visit was organized in association with the Caribbean Action Task Force and funded by the European Union and the Governments of the United States of America and the United Kingdom.

This conference/workshop was called Re Caribbean Anti-Money Laundering Programme. Anti-Money Laundering Workshop for Magistrates.

The agenda dealt with the following topics among others:

(1) Recognizing a benefit case.

(2) Constitutional issues.

(3) Money laundering.

(4) Cash forfeiture and case study.

Conclusion

Whilst the Magistrate' Courts still await the move of its courts to a more permanent home at the newly proposed Judicial Square which is situated near the Supreme Court and the Court of Appeal Buildings in Belize City, the Courts continues its services to the people and country by keeping the wheels of justice turning ever steadily.

These endeavors therefore strengthen the role of the courts; the role of Judging and dealing legally, fairly, and equitably with all matters brought before its doors.

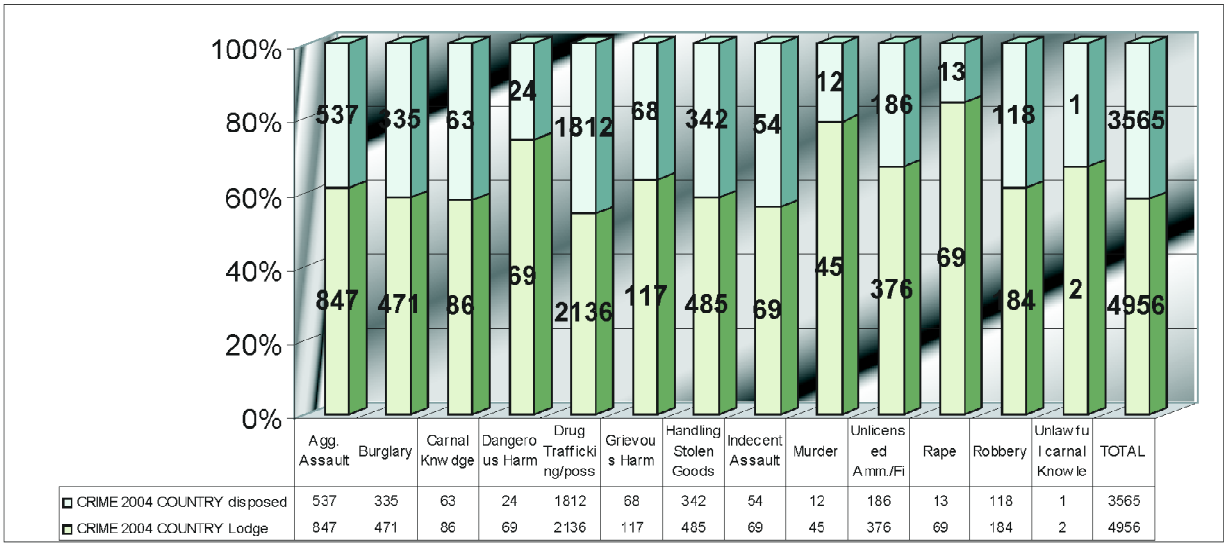
These include matters in both their Civil and Criminal Jurisdictions as are allowed by the laws of Belize.

STATISTICS FOR 2004

CRIME 2004	Orange Walk		Corozal		Belize City		Belmopan		San Ignacio		Dangriga		Punta Gorda		COUNTRY	
	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	lodged	disposed
Aggravated Burglary	7	3	0	0	23	4	4	4	2	0	0	0	5	4	41	15
Aggravated Assault	162	86	58	50	307	181	46	39	51	35	184	104	39	42	847	537
Arson	1	1	0	0	2	0	4	4	0	0	0	0	2	1	9	6
Attempt Rape	0	0	0	0	6	1	1	1	1	1	0	0	4	1	12	4
Attempt Murder	13	10	6	9	32	7	9	6	9	4	5	3	7	2	81	41
Attempt Robbery	2	2	0	0	8	1	3	2	0	0	1	1	0	0	14	6
Burglary	65	45	58	46	166	91	72	62	33	19	56	44	21	28	471	335
Carnal Knowledge	4	4	7	11	15	0	12	8	12	1	15	7	21	32	86	63
Claiming Upon a Forged Doc.	13	10	0	0	1	0	3	3	0	0	2	0	0	0	19	13
Dangerous Harm	12	6	5	1	27	5	12	8	9	3	4	0	0	1	69	24
Drug Trafficking	60	47	14	20	217	105	30	23	7	5	43	32	19	14	390	246
Escape	8	6	10	10	21	10	4	3	10	7	9	9	3	3	65	48
Forgery	15	6	5	3	6	0	4	2	0	0	7	0	4	0	41	11
Grievous Harm	21	9	0	0	48	25	17	10	9	6	18	13	4	5	117	68
Handling Stolen Goods	64	48	65	48	181	105	60	52	43	24	49	37	23	28	485	342
Incest	0	0	0	0	2	0	0	0	7	2	0	0	3	1	12	3
Indecent Assault	17	11	4	4	10	3	10	6	4	1	4	4	20	25	69	54
Kidnapping	2	0	0	0	0	0	0	0	0	0	4	1	0	0	6	1
Maim	3	1	4	1	0	0	1	1	1	0	0	0	0	0	9	3
Manslaughter	16	4	2	1	4	1	10	8	8	0	1	1	2	0	43	15
Murder	5	4	5	0	19	3	2	2	7	2	7	1	0	0	45	12
Poss. Controlled Drugs	181	167	110	106	913	817	135	120	163	134	206	178	38	44	1746	1566
Poss. Unlicensed Ammunition	38	24	12	11	90	32	25	19	19	12	15	9	8	9	207	100
Poss. Unlicensed firearm	35	25	8	7	49	16	30	23	24	17	16	5	7	8	169	86
Rape	8	2	12	1	12	1	0	0	3	0	21	3	13	6	69	13
Robbery	38	26	14	21	70	31	23	19	19	5	16	12	4	4	184	118
Theft	127	100	41	38	218	123	45	25	71	53	83	39	13	16	598	394
Unlawful carnal Knowledge	19	6	0	0	6	1	17	13	6	0	0	0	0	0	48	20
Unnatural Crime	0	0	0	0	1	1	0	0	1	0	0	0	0	0	2	1
OTHER	2395	1380	1017	1022	4116	3101	605	385	1161	984	1601	1222	633	574	11528	8668
TOTAL	3331	2033	1457	1410	6570	4665	1184	848	1680	1315	2367	1725	893	848	17482	12844
															0	0
CIVIL SUITS	795	771	228	204	1405	1011	278	250	904	582	363	212	187	169	4160	3199
CORONERS INQUEST	4	0	7	7	18	4	0	0	3	0	0	0	3	1	35	12

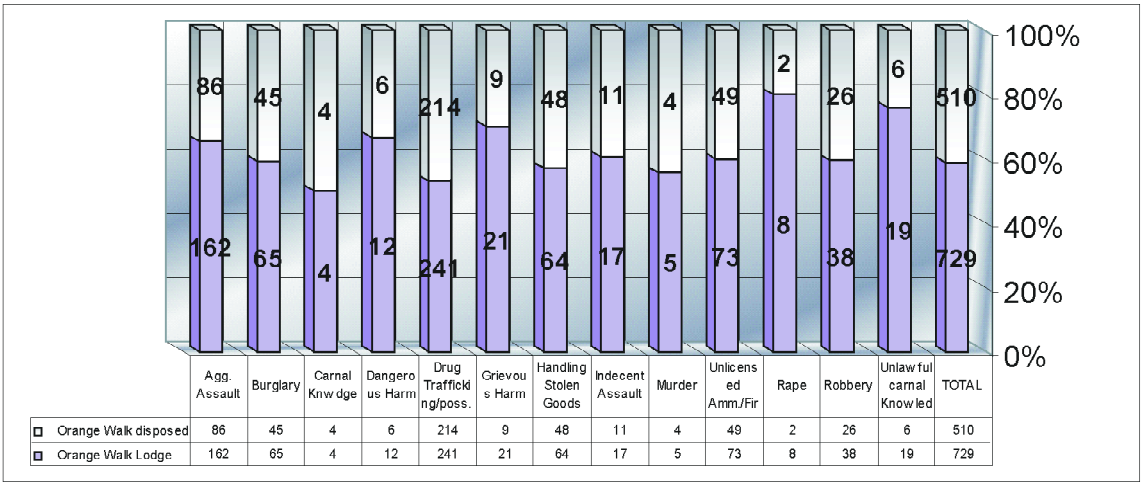
CRIME 2004

	COUNTRY	
	Lodged	disposed
Agg. Assault	847	537
Burglary	471	335
Carnal Knwdge	86	63
Dangerous Harm	69	24
Drug Trafficking/poss. c/drugs	2136	1812
Grievous Harm	117	68
Handling Stolen Goods	485	342
Indecent Assault	69	54
Murder	45	12
Unlicensed Amm./Firearm	376	186
Rape	69	13
Robbery	184	118
Unlawful carnal Knowledge	2	1
TOTAL	4956	3565



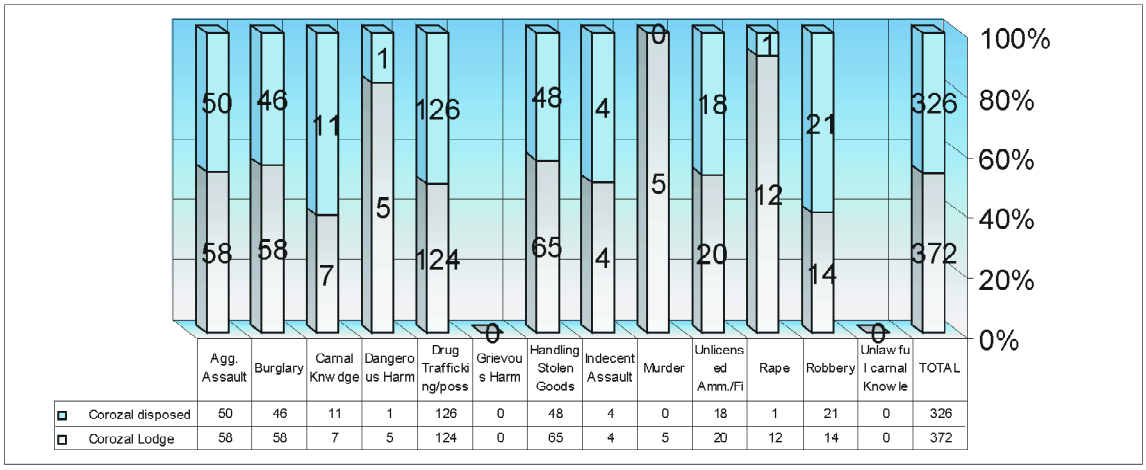
CRIME 2004

	Orange Walk	
	Lodged	disposed
Agg. Assault	162	86
Burglary	65	45
Carnal Knwdge	4	4
Dangerous Harm	12	6
Drug Trafficking/poss. c/drugs	241	214
Grievous Harm	21	9
Handling Stolen Goods	64	48
Indecent Assault	17	11
Murder	5	4
Unlicensed Amm./Fircarm	73	49
Rape	8	2
Robbery	38	26
Unlawful carnal Knowledge	19	6
TOTAL	729	510



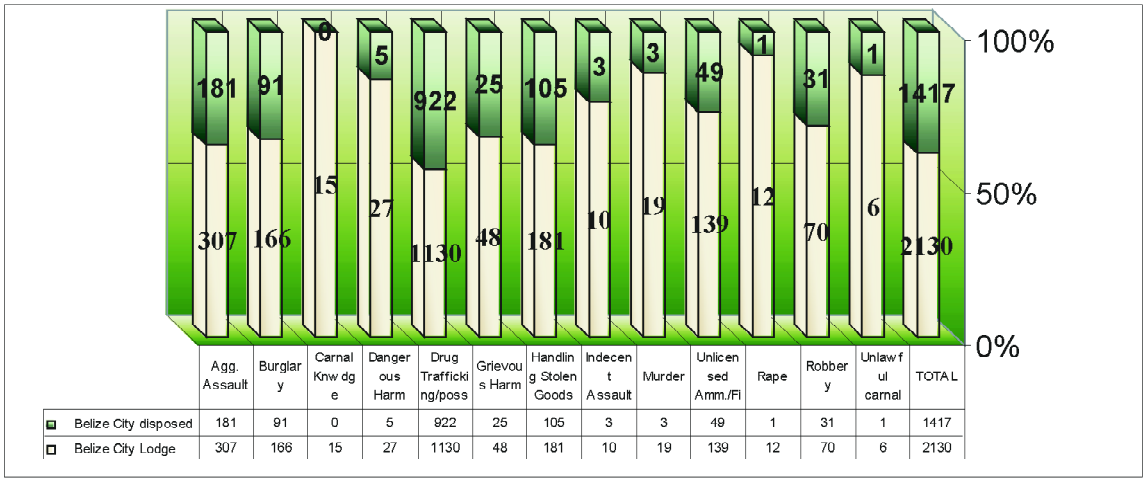
CRIME 2004

	Corozal	
	Lodged	disposed
Agg. Assault	58	50
Burglary	58	46
Carnal Knwdge	7	11
Dangerous Harm	5	1
Drug Trafficking/poss. c/drugs	124	126
Grievous Harm	0	0
Handling Stolen Goods	65	48
Indecent Assault	4	4
Murder	5	0
Unlicensed Amm./Firearm	20	18
Rape	12	1
Robbery	14	21
Unlawful carnal Knowledge	0	0
TOTAL	372	326



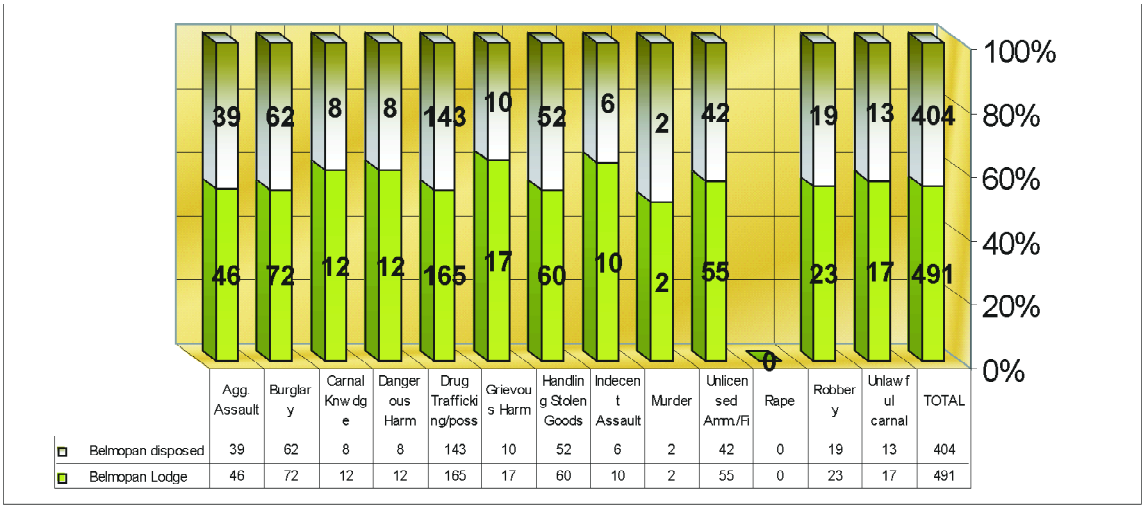
CRIME 2004

	Belize City	
	Lodged	disposed
Agg. Assault	307	181
Burglary	166	91
Carnal Knwdge	15	0
Dangerous Harm	27	5
Drug Trafficking/poss. c/drugs	1130	922
Grievous Harm	48	25
Handling Stolen Goods	181	105
Indecent Assault	10	3
Murder	19	3
Unlicensed Amm./Firearm	139	49
Rape	12	1
Robbery	70	31
Unlawful carnal Knowledge	6	1
TOTAL	2130	1417



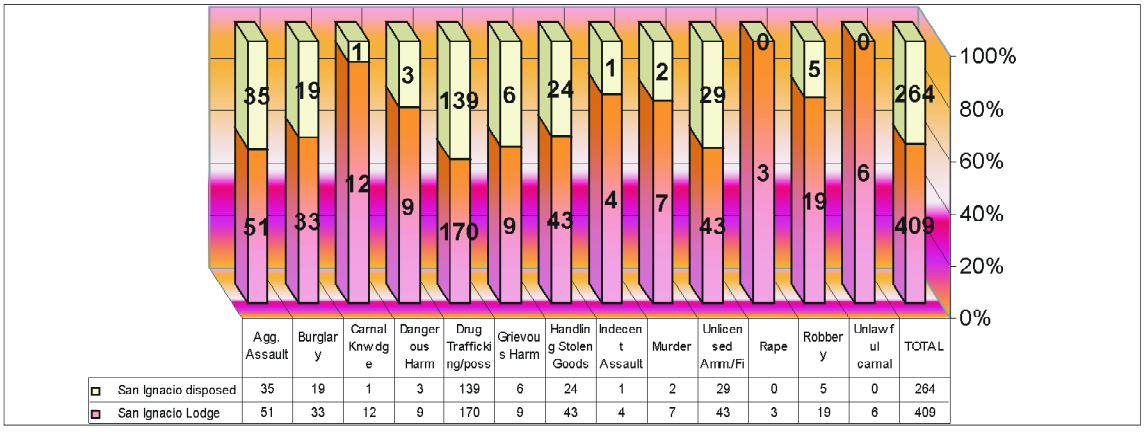
CRIME 2004

	Belmopan	
	Lodged	disposed
Agg. Assault	46	39
Burglary	72	62
Carnal Knwdge	12	8
Dangerous Harm	12	8
Drug Trafficking/poss. c/drugs	165	143
Grievous Harm	17	10
Handling Stolen Goods	60	52
Indecent Assault	10	6
Murder	2	2
Unlicensed Amm./Fircarm	55	42
Rape	0	0
Robbery	23	19
Unlawful carnal Knowledge	17	13
TOTAL	491	404



CRIME 2004

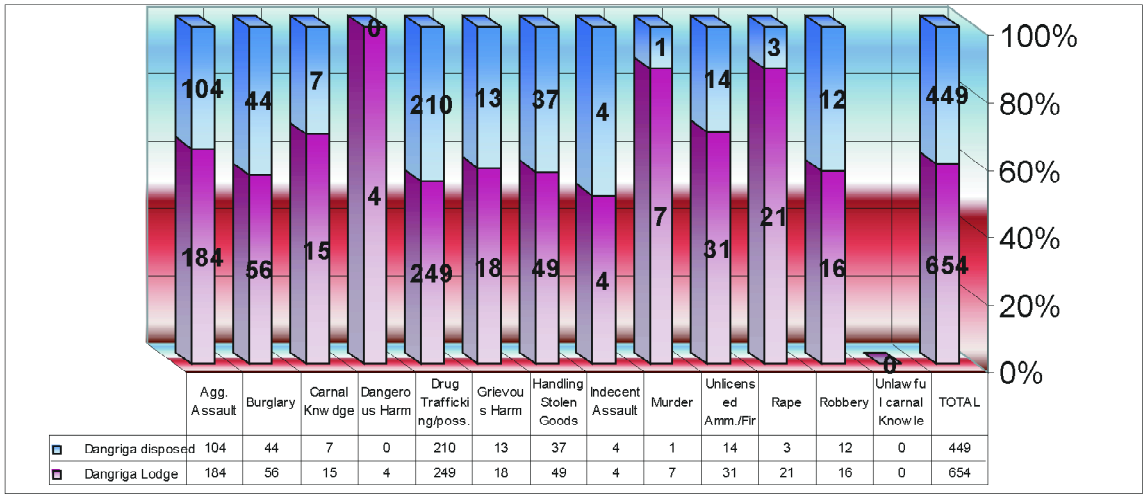
	San Ignacio	
	Lodged	disposed
Agg. Assault	51	35
Burglary	33	19
Carnal Knwdge	12	1
Dangerous Harm	9	3
Drug Trafficking/poss. c/drugs	170	139
Grievous Harm	9	6
Handling Stolen Goods	43	24
Indecent Assault	4	1
Murder	7	2
Unlicensed Amm./Firearm	43	29
Rape	3	0
Robbery	19	5
Unlawful carnal Knowledge	6	0
TOTAL	409	264



	Agg. Assault	Burglary	Carnal Knwdge	Dangerous Harm	Drug Trafficking/poss	Grievous Harm	Handling Stolen Goods	Indecent Assault	Murder	Unlicensed Amm/Fi	Rape	Robbery	Unlawful carnal	TOTAL
San Ignacio disposed	35	19	1	3	139	6	24	1	2	29	0	5	0	264
San Ignacio Lodge	51	33	12	9	170	9	43	4	7	43	3	19	6	409

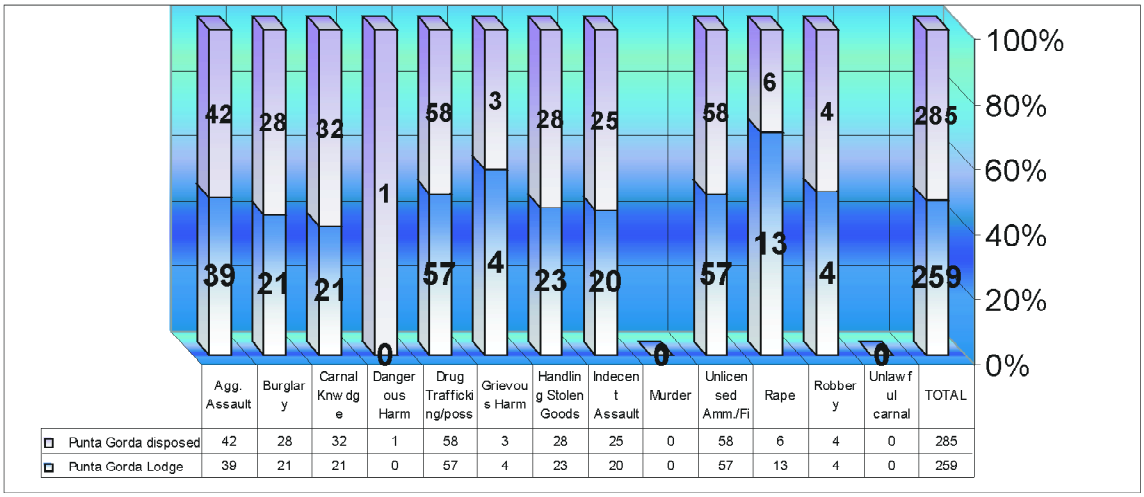
CRIME 2004

	Dangriga	
	Lodged	disposed
Agg. Assault	184	104
Burglary	56	44
Carnal Knwdge	15	7
Dangerous Harm	4	0
Drug Trafficking/poss. c/drugs	249	210
Grievous Harm	18	13
Handling Stolen Goods	49	37
Indecent Assault	4	4
Murder	7	1
Unlicensed Amm./Firearm	31	14
Rape	21	3
Robbery	16	12
Unlawful carnal Knowledge	0	0
TOTAL	654	449



CRIME 2004

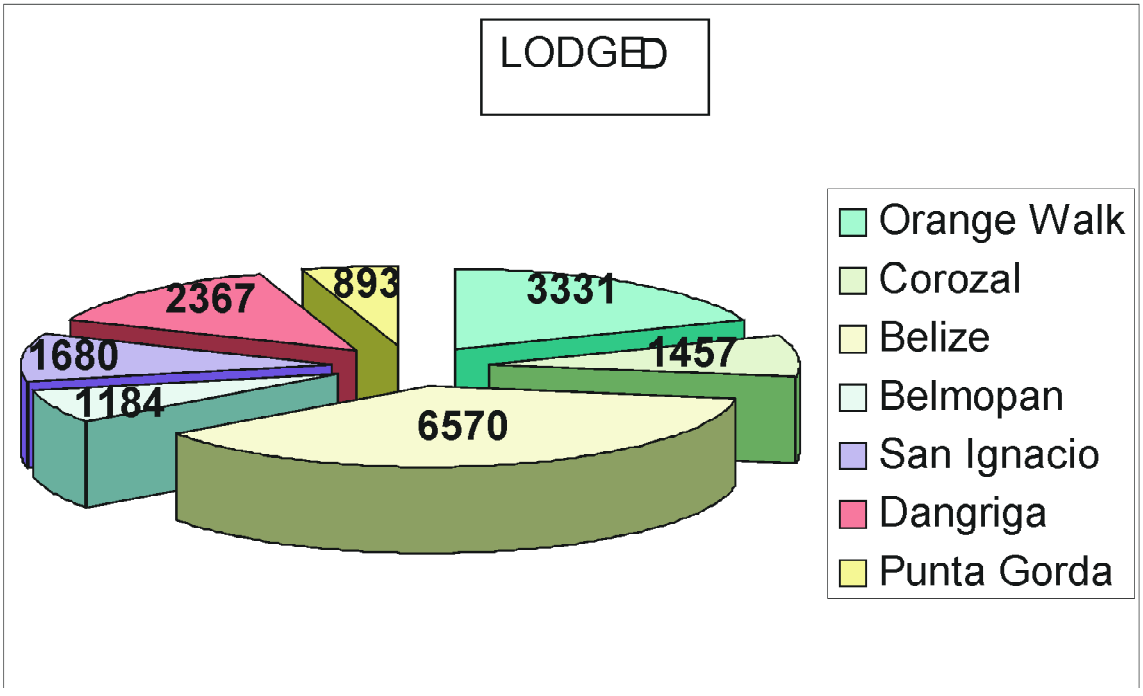
	Punta Gorda	
	Lodged	disposed
Agg. Assault	39	42
Burglary	21	28
Carnal Knwdge	21	32
Dangerous Harm	0	1
Drug Trafficking/poss. c/drugs	57	58
Grievous Harm	4	3
Handling Stolen Goods	23	28
Indecent Assault	20	25
Murder	0	0
Unlicensed Amm./Firearm	57	58
Rape	13	6
Robbery	4	4
Unlawful carnal Knowledge	0	0
TOTAL	259	285



	Agg. Assault	Burglary	Carnal Knwdge	Dangerous Harm	Drug Trafficking/poss	Grievous Harm	Handling Stolen Goods	Indecent Assault	Murder	Unlicensed Amm./Fi	Rape	Robbery	Unlawful carnal	TOTAL
Punta Gorda disposed	42	28	32	1	58	3	28	25	0	58	6	4	0	285
Punta Gorda Lodge	39	21	21	0	57	4	23	20	0	57	13	4	0	259

Statistical Report for 2004

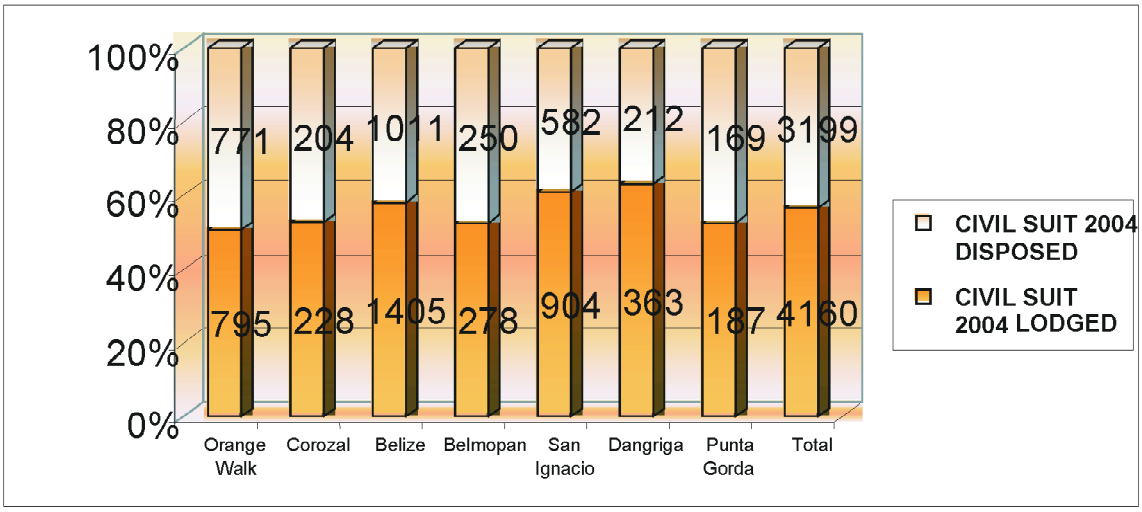
DISTRICTS	LODGED
Orange Walk	3331
Corozal	1457
Belize	6570
Belmopan	1184
San Ignacio	1680
Dangriga	2367
Punta Gorda	893
TOTAL	17482



This Report reflect the amount of Crimes Lodged Country Wide for 2004

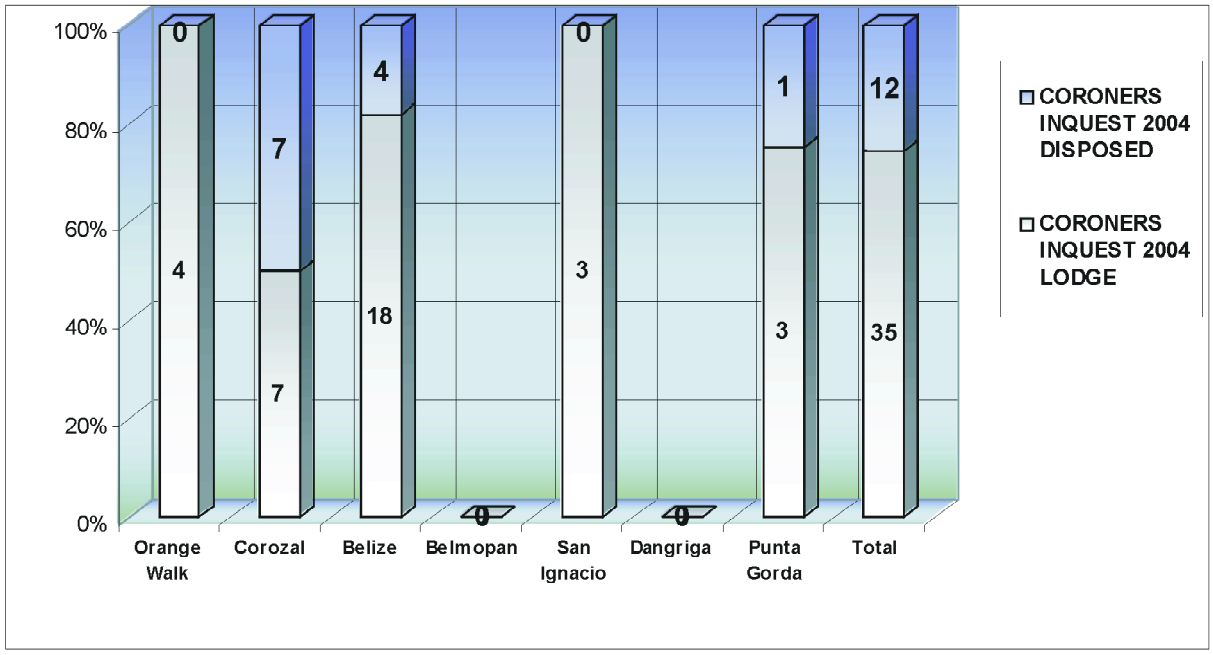
CIVIL SUIT 2004

DISTRICTS	LODGED	DISPOSED
Orange Walk	795	771
Corozal	228	204
Belize	1405	1011
Belmopan	278	250
San Ignacio	904	582
Dangriga	363	212
Punta Gorda	187	169
Total	4160	3199



Coroners Inquest 2004

DISTRICT	LODGED	DISPOSED
Orange Walk	4	0
Corozal	7	7
Belize	18	4
Belmopan	0	0
San Ignacio	3	0
Dangriga	0	0
Punta Gorda	3	1
Total	35	12



MAGISTRATES OF THE MAGISTRATE COURT

Mr. Herbert Lord
(Chief Magistrate)

Mrs. Dorothy Flowers
(Senior Magistrate)

Ms. Margaret Mckenzie

Ms. Sharon Fraser

Mr. Earl Jones

Mr. Eric Fairweather

Mr. Leslie Hamilton

Mr. Clive Lino

Mrs. Stephanie Gillett

Mr. Joel Genitty

Ms. Aretha Hyde

Mr. Albert Hoare

Ms. Hettiemaie Stuart

Mrs. Kathleen Lewis

Mrs. Emirita Ascoli

Mr. Patrick Rosado

Mr. Harrison Hewlett

List Of Magistrates Country Wide

1.	Chief Magistrate	Herbert Lord	Belize
2.	Senior Magistrate	Dorothy Flowers	Belize
3.	Magistrate	Margaret Gabb McKenzie	Belize
4.	Magistrate	Sharon Frazer	Belize
5.	Magistrate	Earl Jones	Belize
6.	Magistrate	Harrison Hewlett	Belize
7.	Magistrate	Hettiemae Stewart	Belize
8.	Magistrate	Stephanie Gillett	Belize Municipal Court
9.	Magistrate	Aretha Hyde Ford	Belize Municipal Court
10.	Magistrate	Albert Hoare	Belmopan
11.	Magistrate	Lynden Flowers	San Ignacio
12.	Magistrate	Patrick Rosado	Dangriga
13.	Magistrate	Winston Carr	Toledo
14.	Magistrate	Emerita Ascoli	Corozal
15.	Magistrate	Roberto Ordonez	Orange Walk
16.	Magistrate	Eric Fairweather	San Pedro

Magistrates on Study Leave Pursuing Legal Academic and Professional Qualifications.

1.	Magistrate	Emmerson Banner	Belize
2.	Magistrate	Richard Swift	Belize
3.	Magistrate	Kathleen Lewis	Corozal
4.	Magistrate	Leslie Hamilton	San Ignacio
5.	Magistrate	Clive Lino	Toledo

FAMILY COURT ANNUAL REPORT 2004

1.0 Legal Authority

The Family Court was established on 1 April 1989 and operates in accordance with Family Court Act (Section 3) Chapter 173, Revised Edition 2000.

1.1 Jurisdiction

The Family Court has jurisdiction over the following Acts:

· Families and Children Act	Chapter 173
· Domestic Violence Act	Chapter 178
· Married Person Protection Act	Chapter 175
· Juvenile Offenders Act	Chapter 119
· Penal Reformation (Alternative Section Act)	Chapter 41
· Certified Children Reformation Act	Chapter 121
· Probation of Offenders Act	Chapter 120
· International Abduction Act	Chapter 197

1.2 Mission Statement

To serve the public by offering a complete, professional, family centered service in a caring, committed and confidential manner based upon the principles of dignity and respect for all.

1.3 Role/Function

The Court plays a vital role in keeping society together. When the Family Court functions well, society as a whole benefits; especially those who rely on the Court for assistance. It is therefore in the best interest of all concerned that the Belize Family Court functions as effectively and efficiently as possible.

The Family Court has a very demanding task. It is responsible for the administration of justice for family and juvenile justice matters. Throughout the years the court has seen a signifi-

cant increase in the number of cases it administers on an annual basis. For the year in review, the Court has dealt with in excess of two thousand cases (an increase over last year), the majority falling within the areas of maintenance and Domestic Violence.

The functions of the Family Court are:

- Hear legal matters as they pertain to abuse and neglect, maintenance, custody, juvenile and domestic violence
-
- Assist parents in obtaining maintenance for children who are entitled
- Enable parents to apply for access, visitation and custody
- Conduct home visits, prepare reports for custody, access and maintenance cases
- Provide prevention and counseling services
- Coordinate with the National Committee for Families and Children, other government agencies, non-government organizations and other related organizations for improved services to families
- Provide consultative services to counselors/social workers in the legal and social matters in Belize and in the districts
- Undertake data collection, policy development and advocacy
- Offer public education and awareness

2.0 Programme Review

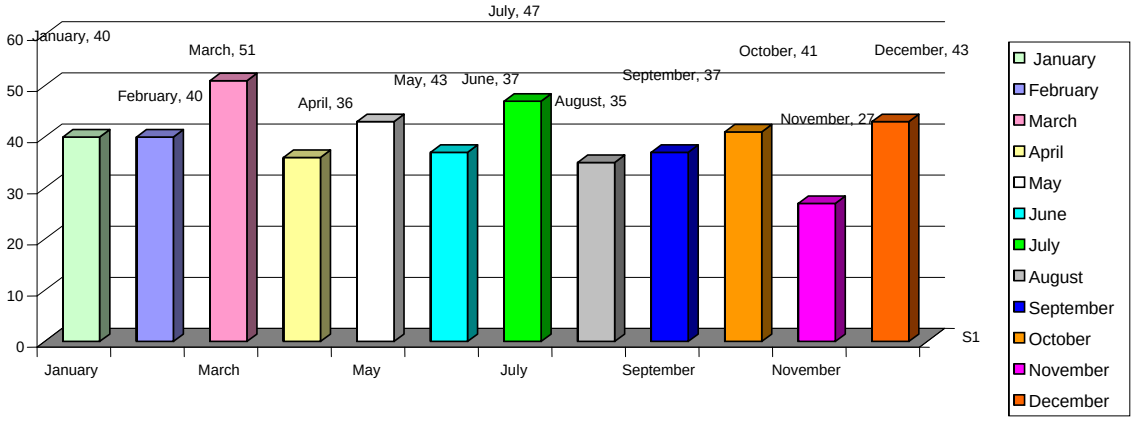
The Belize Family Court provides an environment where family and juvenile matters are handled in a holistic manner in order to provide alternative methods for reconciliation, protection, rehabilitation, growth and development in conjunction with other relevant organizations. The Family Courts Act says that the Court will make reasonable efforts "to assist and persuade the parties in arriving at a settlement", including the adjournment of proceedings to enable such a settlement to be attempted. It also says that the Court should "avoid unnecessary formalities" and that social welfare agencies or professionals may be associated with the Court to assist in its effectiveness. This means that the Court is expected to encourage non-adversarial resolutions of problems in a manner, which serves the welfare of the parties. This is especially so for any children involved, in which case the child's welfare shall be the paramount consideration.

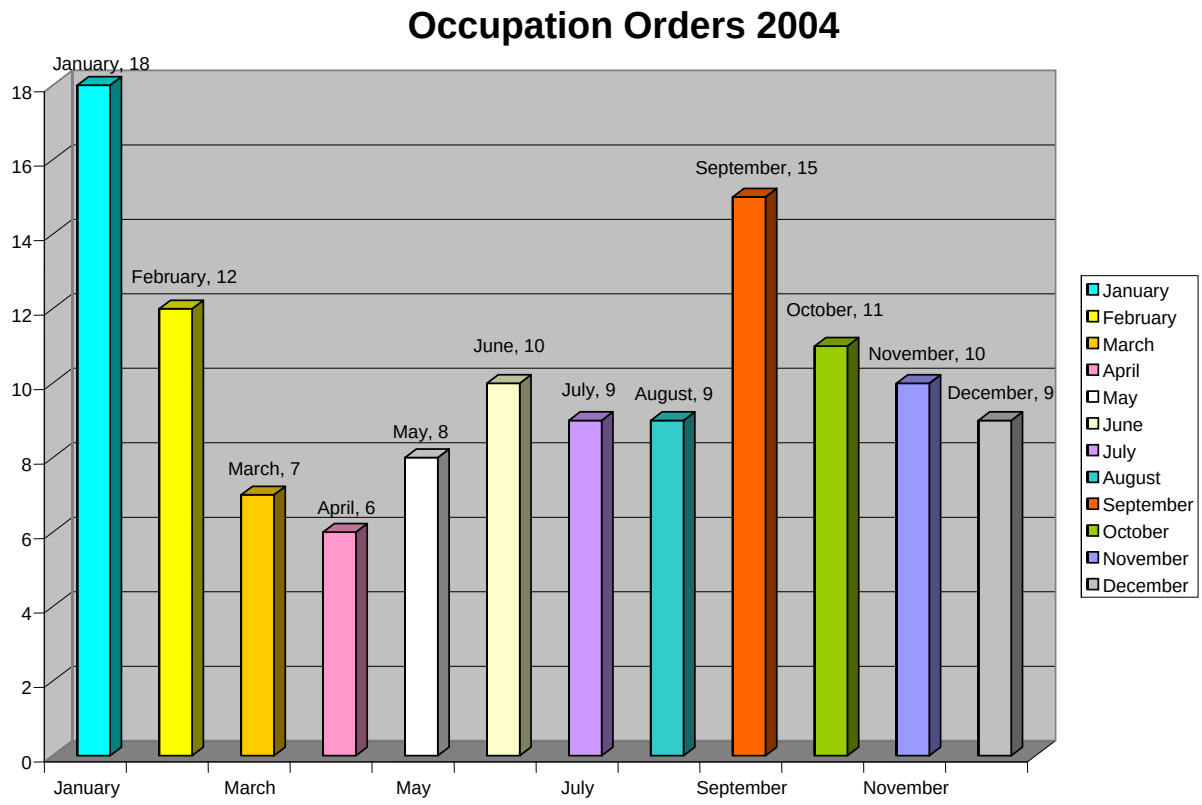
2.1 Domestic Violence

Domestic Violence continues to be a major problem in Belize. The statistics revealed that for the year 2004, the court dealt with 601 applications. In all there were 485 applications for protection orders, while 116 were for occupation orders. Of this amount 390 were made by females, and 82 by males, with the age ranging from 17 – 70 years. In comparison to last year's statistics, there was an increase of 210 cases. Based on the increase of applications for protection and occupation orders there is an urgent need to take a more proactive approach among stake-holders if we are seriously going to reduce the incidences of Domestic Violence in our Belizean Society. One such initiative will be a male intervention program to be piloted by the Director, Family Court in collaboration with Mr. John Flowers from National Committee for Families and Children to commence in the year 2005.

The Court continues to use the services of the Counselling Center, Women's Department, and the Psychiatric Clinic in providing additional counseling services to victims and abusers. This serves as a part of the order aimed to assist clients in not only resolving their differences, but in behavior change.

Total Protection Orders for 2004

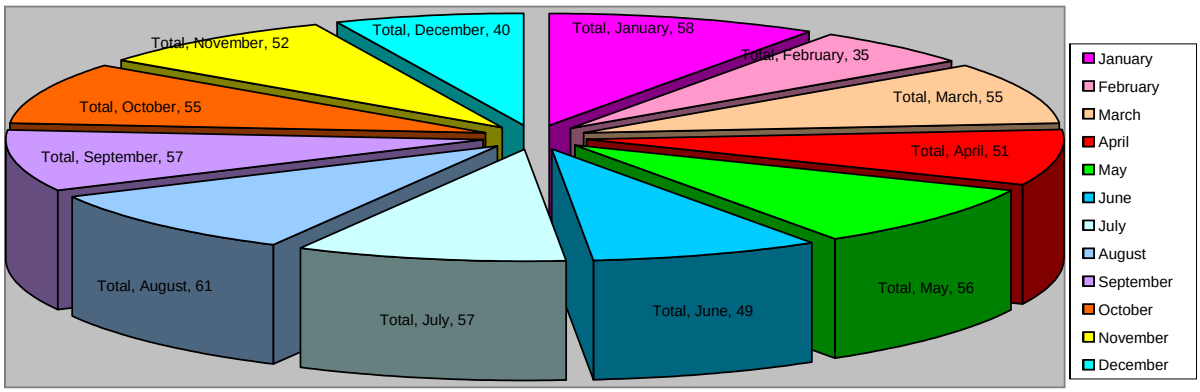




2.2 Maintenance

Maintenance continues to be an important component of the services/programs offered by the Belize Family Court. The total number of maintenance cases which the court handled during this reporting period was 640 cases, applicants' ages ranging from 17 to 57 years of which 300 were disposed of by Magistrates. To date 250 cases were settled amicably by the Intake Welfare Officers and clients who believe that it was in their best interest to utilize the informal system available at the court. Of the 640 cases 55 of these applications were made by males, and 585 were made by females.

Total Maintenance for the Year 2004

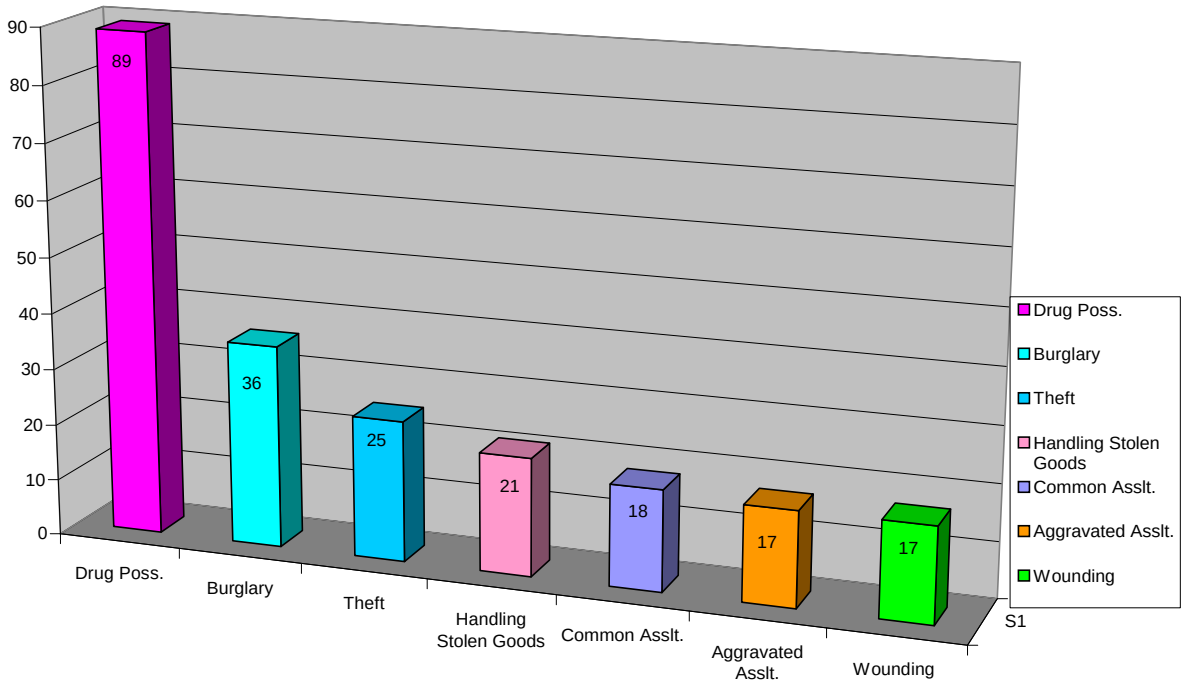


2.3 Juvenile

The court has observed yet an increase in the number of juvenile cases. In 2003 the amount of cases was 256 in comparison to 2004 which is 492. Observation shows that some of the cases were petty offenses which could be dealt with by the first offenders program thereby diverting very young offenders from the criminal justice system.

It appears that there is an urgent need for the strengthening of the Community Rehabilitation Department to be better equipped to deal with juveniles through prevention, intervention and mediation which should result in a decrease in the number of juveniles coming before the court. This intervention should also include the participation of parents, guardians and families of these young offenders. The majority of cases dealt with by the Court, with respect to juveniles, were drug related offences, while burglary, theft, handling stolen goods common assault and aggravated assault are significant in numbers.

COMMON JUVENILE OFFENSES FOR 2004



The Court will continue to advocate for the strengthening of the Community Rehabilitation Department with assistance of UNICEF and the National Committee on Alternative Sentence (NCAS) to improve the services offered by the Department.

2.4 Uncontrollable Behavior

The court has observed that during the reporting period a number of very young persons between the ages of 12 – 14 years were brought before the court by their parents alleging that they were unable to control their children both in Belize City and District Courts which resulted in a number of these children being sent to prison. Article 20 (3) off the Convention on the Rights of the Child (CRC) "DEMANDS THAT CHILDREN SHOULD BE PLACED IN SUITABLE INSTITUTIONS."

As judicial officers we must be cognizant that most of the uncontrollable cases are the consequences of poor parenting skills that requires holistic family intervention programs. It must be noted that these are "status offenses" if performed by adults would attract no intervention or punitive response. Therefore, it is of outmost importance that these children are placed under

proper supervision in the home where parents are held responsible and be allowed to participate in some sort of training with proper sanctions if they fail to comply.

3.0 Alternative Dispute Resolution (ADR)

The Court signed an agreement with UNICEF to provide support to strengthen its capacity to offer Alternative Dispute Resolution interventions and strengthen its monitoring and evaluation capacity.

As a part of the ongoing technical assistance, UNICEF has contracted the services of Professor Albert Fiadjoe.B (Hon), LL.M, PhD, Dean, Faculty of Law, UWI Barbados. The general objective of this consultancy is to produce a project document that will guide the establishment and implementation of an Alternative Dispute Resolution Program at the Belize Family Court.

A key component of Professor Fiadjoe's assignment is to dialog with key stakeholders in an effort to get a wider appreciation of the issues related to the expectations, services and work of the Court. Professor Fiadjoe was in the country from Monday 22nd to Thursday 25th November 2004, where he met with all stakeholders including the Chief Justice, Solicitor General, and President of the Bar Association, Social Services Practioners, Director of Public Prosecution, Commissioner of Police, UNICEF, litigants and staff of the Belize Family Court.

Prior to the visit of Professor Fiajoe, with the assistance of Ms Sharon Almerigi B.Sc., B.F.A. C.P.F., submitted a report on literature review: Primary Dispute Resolution, and Restorative Justice Program in the Commonwealth Caribbean, Canada and Australia. The purpose of the review is to provide an overview of available literature that offers positive background for an ideological framework for the establishment of Alternative Dispute Resolution program in Belize.

4.0 Other Activities

The Belize Family Court has provided placement for nine interns from the University of Belize to observe case flow management, court sessions, and home study techniques investigations, as a part of their training of a one year certificate course in psychiatric nursing. Ms. Ziara Martinez intern student studying in Barbados was also attached to the Belize Family Court.

5.0 Staff Development

The Belize Family Court views training as an integral part of the organization. In keeping with its objective to enhance performance and service delivery, a Public Relation Retreat/Workshop was held on the 5th and 6th March 2004. The objectives were for the staff to learn and practice the core elements of good public relations and effective interpersonal communication

through exercise that stimulate the demands and challenges of the workplace. Secondly to sensitize and provide the staff with coping mechanism to deal with clients who is HIV positive. This two days training was facilitated by Mr. Rodell Beltran Perrera from Alliance against AIDS, and Ms. Myrna Manzanares consultant SHALOOANTIKS PRODOKAHANS.

While the previous training was geared for the entire staff, a more specialized training was set up, and is on going for the Intake/Welfare Officers on Report Writing. As part of their job description, they have the task of doing home study investigation reports. The main objective of these sessions is to equip the officers with report writing skills and techniques. The sessions are being facilitated by Ms. Judith Alpuche, Executive Director National Committee for Families and Children.

To develop and improve working relationship, the staff is presently engaged in Team Building training sessions which are conducted by Mr. Roy Bowen Program Officer UNICEF.

5.1 Training

Presently there is four staff members engaged in furthering their level of education:

- **Dale Cayetano-Clerk of Court is pursuing Law Degree at the University of the West Indies.**
- **Lisa Griffith- Intake/Welfare Officer is pursuing an Associate Degree in Social Work at the University of Belize.**
- **Faye Usher- Intake/Welfare Officer is pursuing an Associate Degree in Social Work at the University of Belize.**
- **Elswith Chavez –Secretary is pursuing an Associate Degree in Social Work at the University of Belize.**

5.2 US/CARICOM MEETING CHILD SUPPORT ENFORCEMENT

The Director traveled to San Juan Puerto Rico on the 27th – 30th September to participate in the US CARICOM meeting on International Child Support Enforcement. The Director along with other participants reviewed and revised the proposed agreement between the Government of the United States of America and the CARICOM Governments for the Enforcement of Mainte-

nance (Support) Obligations. The conference included a field visit to ASUME (Department of Family Services) to see the administrative process for the collection and distribution of child maintenance. This process is similar to the procedure in the Belize Family Court where voluntary agreements are processed outside of the formal court setting.

It is important to note that the collection enforcement mechanisms used at ASUME which includes withdrawals of licenses, passport, tax refunds as well as social security benefits gives the department greater leverage in enforcing child maintenance. Belize should examine the implementation of arrangements applicable in the USA and a number of other countries to prohibit a person with unpaid child maintenance obligation from being able to leave the country. It is very likely that an agreement with the USA will lead to a substantial increase in financial support to many Belizean children.

5.3 Challenges

- **To Provide Quality Services With Limited Resources** - The workload of the Court has more than doubled and is still operating with the same complement of staff since the Court was established in 1989.

- **To Serve And Enforce Court Documents In A Timely Manner -** The court is still plagued with the problem of the service of summons and warrants. This problem is much more pronounced in the districts and rural areas. In Belize, however, the problem encountered is that of applicants not being able to provide proper addresses, names of respondent(s) which leads to much frustration and delays in processing and serving of summons.

- **Court Security Issues** – With the increase of juvenile cases and the nature of the offenses the Court feels that general security must be increased. This is also necessary because there is no holding area for offenders awaiting trail.

5.4 Plan of Action 2005

As a part of its public education campaign, The Belize Family Court is embarking on a series of lectures. The lecture will deal primarily with the issue of Child Maintenance and the legal/ financial responsibilities and emotional consequences of parenting, which can prove overwhelming to young, unmarried parents. This knowledge should provide a sound basis for youths and adults to better prepare themselves before considering parenthood and thus serve as a deterrent for unwanted pregnancies and children.

- Professor Albert K Fiadjoe LLB., LLM., Phd. Barrister- at- Law will be providing training for the staff in Alternative Dispute Resolution.

- Relocation – Moving the entire operation to a more user-friendly environment.

- Upgrade of Computer System.

STATISTIC JANUARY TO DECEMBER 2003

MONTHS	NATURE OF OFFENSES												
	Juvenile	Uncontrollable Behavior	Protection Order	Occupation Order	Breach of Protection Orders	Legal Separation	Access and Visitation	Custody	Arrears	Variation to decrease	Variation to Increase	Maintenance Extension	Contempt
Jan	16	0	19	6	3	8	5	3	10	5	4	0	0
Feb	15	2	23	4	2	7	3	6	8	4	2	0	0
Mar	24	2	23	6	2	4	3	6	6	3	2	0	0
Apr	20	1	17	2	2	5	8	18	7	7	3	1	1
May	28	5	27	5	1	5	8	20	10	3	3	0	0
June	25	2	19	5	2	6	4	14	11	4	0	0	2
July	27	2	40	13	7	6	10	10	8	1	1	3	0
August	20	1	25	2	4	4	3	11	6	0	1	2	1
Sep.	20	2	21	3	0	4	2	9	10	4	2	0	1
Oct.	21	2	23	7	4	4	3	16	8	4	1	1	1
Nov	25	0	28	6	2	6	3	16	10	3	1	1	0
Dec	15	1	19	7	1	7	0	23	6	3	1	0	0
Total	256	20	284	66	30	66	52	152	100	41	21	8	6

BELIZE FAMILY COURT

Cases	2002	2003
Maintenance	310	299
*Domestic Violence	386	350
TOTAL	696	649
All other Cases	426	776
Total Cases	1322	1425

*Domestic

Violence includes both Protection & Occupation Orders

STAFF OF THE BELIZE FAMILY COURT

POST	NAME	QUALIFICATIONS
Director	Margaret Nicholas	Certificate in Para-Legal Studies – UCB Masters Degree – International Child Welfare – University of East Anglia Advance Diploma – Youth Work – University of Guyana Certificate – Social Work - UWI
Magistrate 1	Alberta Perez	CPA – UWI Bachelor – Law Certificate – Legal Education – UWI
Magistrate	Edd P. Usher	Graduate – Wesley College Graduate – Royal Military Academy Sandhurst – UK Para- Legal Diploma – UB Graduate – University of Guyana
Magistrate (Non Grad)	Sandra Arnold	High Scholl Diploma RSA Stage 11 – English Language, Arithmetic, Typewriting GCE 'A' Level – English Cert. In Court Reporting – UCB Cert. In Para Legal - UCB
Acting Coordinator	Myrna Willoughby	High School Diploma Certificate in Para- Legal studies – UCB Associate Degree – Social Work – UCB Bachelor – Social Work - UB
Intake Welfare Officer	Lisa Griffith	High School Diploma CXC Basic 1 – English Trained Teacher's Diploma Certificate in Counseling

Intake Welfare Officer	Faye Usher	High School Diploma Certificate in Para- Legal Studies
Intake Welfare Officer	Miguel Ico	High School Diploma CXC Spanish
Intake Welfare Officer	Paul Ferguson	
Clerk of Court	Wayne Fraser	St. John's College Technical College – Associates Degree Applied Science CXC – General- Math, English, Literature, City & Guilds – Math, Survey, workshop technology and practice, elementary quantity surveying 1st level Accounting -(accounting technician).
First Class Clerk	Sharon Bayliss	High School Diploma RSA Stage I English Language RSA Stage I –II Arithmetic RSA Stage I - Spanish
Bailiff/Records Keeper	Everald Day	High School Diploma RSA – Maths CXC – Spanish - Gen. II CXC – English - Basic II CXC – Maths - Basic II
Bailiff/Records Keeper	Uriah Morris	High School Diploma CXC Maths – Basic – I CXC English – Basic – I Principles of Business II
Driver/Mechanic	Raymond Belgrave	Primary School Certificate 3rd Form – Excelsior High School
Secretary 111	Geraldine Garbutt	High School Diploma CXC Gen. 111 – English RSA 1 – Typewriting (Distinction) RSA 11 – Typewriting RSA 111 – Typewriting Intro. To Computer – BIM
Clerk Typist	Karen Moguel	High School Diploma

Office Assistant	Cornel Gibson	Primary School Diploma
Second Class Clerk	Carmontella Brown	High School Diploma RSA Stage 1 – Arithmetic RSA Stage 1 – Tying Intro. To Computer – Glesima
Temp. Secretary 111	Elswith Chevez	High School Diploma Intro to Computer – BETA Customer Service Skills – BIM CXC Gen. 111 – English A Certificate in Counseling

MAGISTRATES AT THE FAMILY COURT

Ms. Margaret Nicholas

Ms. Albertha Perez

Ms. Sandra Arnold

THE GENERAL REGISTRY AND REGISTRY OF THE SUPREME COURT AND COURT OF APPEAL 2004

In August 2004, the Registrar of the Supreme Court and Court of Appeal Ms. Michelle Arana returned to Belize from the United Kingdom after completing her Master of Laws Degree program at the University of Birmingham, Ms. Cheryl-Lynn Branker-Taitt who acted as Registrar while Ms. Arana was on study leave has now moved to the Office of the Director of Public Prosecutions where she is now Senior Crown Counsel.

Changes in the Staff of Registry

Ms. Gaye Thompson, Court Stenographer at the Supreme Court resigned from the Registry with effect from February 23rd, 2004. She was re-hired for a period of three months from April 13, 2004.

Ms. Tamazine Stephenson, Clerk has been transferred from the Registry Department to Magistrate's Court as Cashier with effect from September 1st, 2004.

Mr. Miguel Ico, Trust Officer in the Registry Department has been transferred to the Family Court as Intake Welfare Counsellor with effect from May 6, 2004.

Ms. Marie Coye, Secretary III was transferred from Police Department and posted at the Registry Department with effect from 1st October, 2004. Ms. Hettiemae Stuart, Deputy Marshal has been posted as a Magistrate at the Belize Magistrates' Court with effect from December 15, 2004. Mrs, Marjorie Saldano Swift, Finance Officer proceeded on study leave with effect from 22nd September, 2004. Ms. Elrinda Benjamin has been acting as Finance Officer with effect from 22nd September, 2004. Mrs. Sylvia Hulse, Law Librarian retired on 4th November, 2003 but has been rehired for one year on contract.

Award for Mr. Edmund Pennil

The Judges and staff of the Registry held a surprise reception for Mr. Edmund Pennil at the Bellevue Hotel in April, 2004. This was in celebration of Mr. Pennil's receiving a "Meritorious Service Award for service to the Administration of Justice".

The Assistant Registrar, Mr. Raymond Usher retired from the Public Service but has since been rehired on contract for one year. Mr. Usher has been working at the Registry for over thirty years.

Library

The United States Embassy donated a number of important legal texts to the Supreme Court Law Library. This is part of an ongoing contribution by the United States Embassy to the development of the Law Library, and this most recent contribution was as a result of requests for assistance made for the past two years.

In The Court of Appeal

The President of the Court of Appeal, The Hon. Justice of Appeal Ira Rowe passed away on February 25, 2004. Hon. Justice Rowe was first sworn in as a Justice of the Court of Appeal of Belize on October 26, 1998 and was President from June 6, 2002 until his death.

The Hon. Chief Justice convened a Special Sitting of the Supreme Court and the Court of Appeal in honour of the late President Rowe, on March 1st, 2004 where members of the Bench and Bar were able to pay their respect to him. Hon. Justice of Appeal Mottley was sworn in as President of the Court of Appeal on 31st May, 2004.

In the Supreme Court, Hon. Justice Denys Barrow SC was temporarily appointed as a Judge of the Supreme Court from February to April 2004, and from May to August 2004. Hon. Justice Barrow greatly assisted in clearing the backlog of Summary trials and Inferior Court Appeals. His Judgments have been compiled into Volume 5 of the Belize Law Reports. Hon. Justice Barrow has been appointed as a Judge of the Supreme Court in Tortola of the British Virgin Islands prior to his departure. He was honoured by the Bench and Bar for his outstanding contribution to the administration of justice in Belize at a reception hosted by the Hon. Chief Justice on

Conference Attended by the Judiciary

The Hon. Chief Justice attended the following conferences:

2004

February 2-5
Attended funeral of Justice Ira Rowe

June 10-13

Attended Regional Needs-Assessment and Planning Meeting of Chief Justices of the Coun tries of the English-Speaking Caribbean in Trelawny, Jamaica (Presentation of Court Paper).

Sponsored by United Nations Environmental Programme (UNEP)

Also attended several meetings of the Board of the Trustees of the Caribbean Court of Justice.

Hon. Justice Samuel Lungole Awich and Hon. Justice Adolph Lucas attended a seminar on "International Labour Standards for Judges, Lawyers and Legal Educators in Trinidad and Tobago from 17th – 21st May, 2004. The seminar was sponsored by the International Labour Organization.

STAFF OF THE GENERAL REGISTY

First Row L – R: Mr. Edmund Pennil (Deputy Registrar), Mrs. Erlinda Leiva (Administrative Officer), Mrs. Ermita Flowers (Trust Officer),
Second Row L – R: Mrs. Sylvia Hulse (Librarian), Hon. Abdulai Conteh (Chief Justice), Ms. Michelle Arana (Registrar General),
Third Row L – R: Mr. Hurl Hamilton (Legal Assistant), Ms. Marie Ysaguirre (First Class Clerk), Mr. Raymond Usher (Assistant Registrar), Ms. Deborah Rabateau (Clerical Assistant),
Fourth Row L – R: Mr. Evan Welch (Office Assistant), Ms. Candice Flowers (Cashier), Ms. Elizabeth Humes (Legal Assistant), Ms. Catherine Smith (First Class Clerk)

THE VITAL STATISTICS UNIT REPORT

For the first time, Central Statistics Department was able to obtain their information, which was generated from these computerized records. This is a manual process that is done by their staff every year.

All Counter Blotters from the District Offices have been brought in to date. Unfortunately, we have only been able to bring in Counter Blotters from few of the Villages. We will continue this project for as long as is necessary, as even though the public is not aware of it, we have been able to correct and add information, and in lots of cases enter an entire record, that for some reason were not forwarded at the time of registration.

There is a noted over all improvement in the registration system as returns are being forwarded much earlier, since the system of writing monthly report was changed to preparing Counter Blotters in duplicate:

1. Of the total 8,377 birth registered for 2004, we have already imputed approximately 7,230 entries.

2. Of the latter, an approximate 5,927 births were registered within one month of birth.

3. There is a vast improvement in applying for certificates at the time of registration from the districts.

4. The main office for the Cayo District was relocated from San Ignacio Town to the capital city, Belmopan in June.

A program, similar to that of the Marriages is presently being written to begin computerizing the Adoption Records and it is expected that we should begin producing these certificates from the computer by February. Adoption Records dates back to 1955.

This office continues to enjoy technical support for the Organization of United States and additionally, have been in communication with other organizations, such as UNICEF and British High Commission/ Rotary Club, who have shown interest in our Out-reach project. We look forward to continued discussions with a view to bring this project to reality.

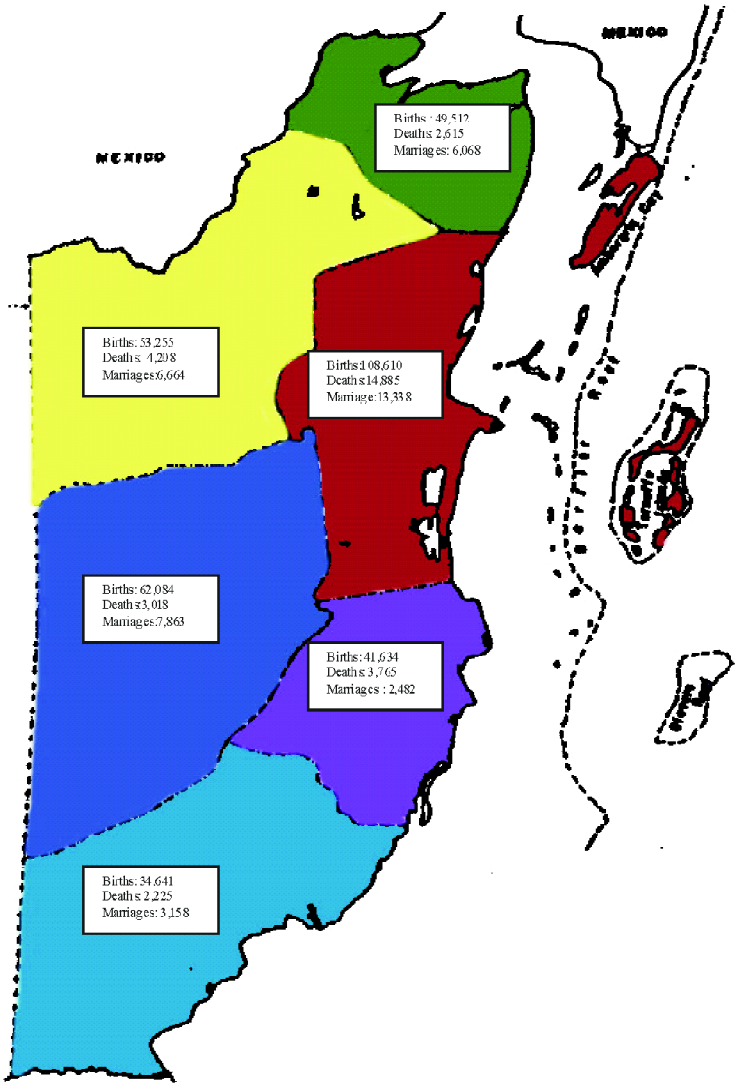
We also anticipate the employment of our own staff at District level – this request has been in the making far too long now and this is very unfortunate, as such a move will vastly improve the registration system throughout the country.

Registration for 2004 by district is as follows:

District	Births	Deaths	Marriages 2023	Adoptions 54
Belize	2,391	394		
Toledo	835	58		
Stann Creek	950	95		
Corozal	651	86		
Orange Walk	1,690	124		
Cayo	1,860	134		

Vital Statistics Unit

Vital Statistics Unit just about approaching its half-way point with the imputing of records. To date, there is there is an approximate 420,090 entries entered in the system as is indicated in the below diagram. The period covered is 2004 to 1907.



Births total is 349,737 and covers the period 2004 to 1907
Deaths total is 30,714 and covers the period 2004 to 1960
Marriages total is 39,639 and covers the period 2004 to 1973

THE SUPREME COURT LAW LIBRARY REPORT

The Supreme Court Library was one of the first libraries to be established in Belize and before it was destroyed by fire in 1918, was numbered among the best in the Caribbean.

The Law Library is not a public library and so its use is restricted to members of the legal profession, although in special circumstances other persons may be authorized to use it.

Location of the Library

Prior to 1992 the Law Library was housed in the Supreme Court Building on Treasury Lane in Belize City.

In 1992, under the U.S.A.I.D. project the Sir Albert Staine Building, situated at the corner of Treasury Lane and Bliss Promenade in Belize City, was renovated and the Law Library moved into its own headquarters on the upper floor of that building.

The repairs done to the building were only superficial though, and so it rapidly began to deteriorate.

In 2001, however the building was completely refurbished by the government of Belize.

The Law Library continues to occupy the upper floor of that building and is now a modern and well-equipped facility.

Staff of the Law Library

While the Law Library operated out of the Supreme Court Building the staff of the General registry managed it.

In 1990 Mrs. Sylvia Hulse was transferred from National Library service to work in the Law Library specifically as the Law Librarian. She held that post until she retired from the Public Service in November 2003, Mrs. Hulse was thereafter re-engaged on contract and now holds the post of Assistant Librarian.

Left: Ms. Angela Flowers (Assistant Librarian), **Right:** Mrs. Sylvia Hulse (Librarian)

In January 2004, Ms. Angela Flowers was appointed as Assistant Librarian, Mrs. Hulse and Ms. Flowers are the only members of staff at the library.

Access of Information

The Law Library now has several modern computers and so it is able to provide information to users from various Cd-Roms on the Internet.

Mrs. Hulse has also been able to establish contacts abroad and so access information readily from other jurisdictions to date.

Acquisitions

A. In the year 2004 the Law Library continued to receive assistance from various Donors.

B. The British Government, though the British High Commission donated some $15,000.00 worth of books to the library.

C. The US Government, through the embassy of the United States of America, also

Donated books to the library in 2004, to the value of $12, 383.00.

D. Further, the Bar Association made donations of copies of the latest edition of Archbold for use in the Law Library.

E. Donated a text book from Mr. Richard Wilson December 2004.

F. It is hoped in the year 2005 the Law Library will continue to benefit from the Generosity those who are concerned about the proper functioning of this Important institution.

The Year Ahead

The work of providing information continues and the Law Library has cemented itself as a very important link in the Judicial System of Belize.

The library is currently used by judges of the Court of Appeal, Attorneys-at-Law, Magistrates, Para Legals, A Level students and International Attorneys that come to Belize.

The Supreme Court Law Library had a successful year 2004. So far, the work of the library has increased every year and so it is certain that 2005 will be another busy year for an institution that is constantly striving to advance.

The former Attorney General the Honourable Godfrey Smith, worked tirelessly to ensure the development of the Law Library.

There is no doubt that the Law Library will continue to make great strides forward under the new Attorney General the Honourable Francis Fonseca.

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