

*Chief Justice's*  
*Annual Report*  
*On the Judiciary*  
*2005-2006*

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## Foreword

***It is with pleasure that I present the Annual Report on the Judiciary of Belize for the period 2005 – 2006.***

***The Report for this period recounts some of the difficulties and challenges the Judiciary encountered. Above all however, the Report is a snap-shot of the administration of justice in Belize, in particular, the numbers and types of cases the various courts dealt with over the period.***

***A number of persons made the Report possible, especially the Editorial Committee, to whom I express special appreciation.***

*Dr. Abdulai Conteh*  
Chief Justice

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## Editorial Committee

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**ADDRESS DELIVERED  
AT THE FORMAL OPENING OF THE  
COURT COMMENCING THE 2006  
LEGAL YEAR  
OF THE SUPREME COURT**

**ON**

**MONDAY 16<sup>TH</sup> JANUARY, 2006**

**BY THE HON. CHIEF JUSTICE ABDULAI CONTEH**

**Introduction**



My Lords Gonzalez J., Awich J., Lucas J. and Madam Justice Arana, Mr. Attorney General, Your Excellencies, Members of the Diplomatic Corps, 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:

We have just witnessed two important aspects of the administration of justice.

The first is the elevation of two attorneys, members of the legal profession in Belize, to the rank of Senior Counsel. This is in keeping with the tradition of the profession and it is statutorily provided for in Belize by the Legal Profession Act - Chapter 320 of the Laws of Belize. This provides in section 12 that the Chief Justice



may, after consultation with the General Legal Council, elevate to the status of **Senior Counsel**, any attorney of not less than eight years standing who has distinguished herself in the practice of the law.

Therefore, after due consultation with my colleagues on the Bench and the General Legal Council through the learned Attorney General, it was decided towards the end of last year to accord the status of Senior Council (S.C.) on **Mr. Ellis Arnold** and **Mrs. Denise Courtenay**.

Mr. Arnold was first admitted to the Bar in 1986 and has been in legal practice since then. He is a familiar figure in the courts, particularly at the criminal Bar. His conduct and comportment attest to his commitment to the law and the legal profession.

Mrs. Denise Courtenay was admitted to the Bar in 1989. She has as well, displayed her commitment to the law and the profession; and win or lose, she has always been helpful and courteous both to her colleagues on the other side and the Bench.

There is more to the practice of the law than simply winning cases; and both Mr. Arnold and Mrs. Courtenay have in their years at the Bar demonstrated this.

I therefore, have every confidence that with their elevation to the rank of Senior Counsel, they will, as new leaders at the Bar, continue to uphold and further the best practices of the profession. I therefore take this opportunity, on behalf of the Bench and on my own personal account, to proffer them heartiest congratulations on their elevation and to wish them well in their careers!

The second aspect is the swearing into office as a judge of the Supreme Court of **Madam Justice Michelle Arana**. Competent, able and impartial judges are, of course, central and vital to the administration of justice.

I have every confidence that Justice Arana will measure up to the standards expected of a judge. She is no stranger to the administration of justice in Belize. She has until only last year, held the substantive position of Registrar of the Courts. After which she was **acting** Judge of the Supreme Court. Her swearing-in just a moment ago now confirms her in the position of Her Ladyship, Justice Michelle Arana, Judge of the Supreme Court of Belize.

This is, no doubt, an important day in her personal life. But it is equally an important day for the administration of justice in Belize, as well as in the history of Belize as a country.

It marks the first time that a woman has been elevated to and confirmed in the position of a Supreme Court Judge.

This is not only politically correct but it is also a singular affirmation that in Belize, gender ought not to be a handicap. I therefore want to take this opportunity to thank all those who made Justice Arana's appointment and confirmation today possible.



In particular, I want to thank you Mr. Attorney General and your administration, the Senate for her swift confirmation, the Leader of the Opposition for his concurrence during the consultation process, the Judicial and Legal Services Commission for endorsing her nomination and last but certainly not the least, His Excellency the Governor-General, Sir Colville Young, for his imprimatur on her Commission of Office.

I must however say that all this would not have been possible if Justice Arana, as a person, had not herself acquired the intellectual, moral and legal wherewithal that is certainly required for judgeship.

She is a product of St. Catherine's Academy here in Belize City.

She exhibited her intellectual prowess earlier when she won a Belize National Scholarship Award after her school's public examinations.

She graduated from Bell State University in Muncie, Indiana, U.S.A. with honours in English.

She later went on to acquire both the LL.B. degree from the University of the West Indies and the Certificate of Legal Education (CLE) from the Council of Legal Education which certifies persons for legal practice in CARICOM member states.

Madam Justice Arana during her substantive tenure as Registrar of the Courts won a Schevenning Scholarship administered by the United Kingdom's Foreign and Commonwealth Office, to read for a Master's Degree in law (LLM) in Corporate Finance. She successfully completed this course at Sheffield University with merit.

During her tenure as Registrar, I found Justice Arana to be dependable with a clear commitment to the law and its administration.

I have every confidence that she will bring to the Bench commitment to the law; integrity and an impartial objectivity, with a safe pair of hands that will further the due and proper administration of justice in Belize.

On behalf of my colleagues on the Bench and on my own behalf, I therefore offer congratulations to Justice Arana and wish her well.

As the first female Supreme Court judge, no doubt, much may ride on her tenure. I have every confidence that Her Ladyship Justice Arana, will rise to the occasion.

## The Promulgation of the New Civil Procedure Rules



In the course of last year, 2005, there was effected in the administration of justice in Belize, what can perhaps be aptly described as a “revolution” – certainly procedural revolution in going to court to prosecute a civil claim or defend one. Although it was a silent revolution, it was in a real sense, a revolution nonetheless.

With the promulgation on 4<sup>th</sup> April 2005, of the **Supreme Court (Civil Procedure) Rules, 2005**, there has been a dramatic transformation of the landscape of civil litigation in the country. The

New Civil Procedure Rules replaced the former **Supreme Court Rules** which had been in force in Belize since at least 1926. The exercise to have the New Civil Procedure Rules was not simply a defiance of the adage: “if it aint broke don’t fix it.” The span of some 80 years would, in and of itself, perhaps, have necessitated a revisit of the old Supreme Court Rules. But apart from the passage of time, it is now unarguable that the old **Supreme Court Rules**, gave rise to problems and technicalities which did not conduce to the prompt and efficacious administration of civil justice. The old rules placed litigants and their attorneys in the driving seat, as it were, leaving the courts to march to their tempo. The upshot of this was the legendary backlog and the interminable delay that came to be associated with the administration of justice. Delay, costs and complexity, it must be said, became the hallmark of the old Supreme Court Rules.

Last year on this occasion, I unabashedly extolled some of the expected dividends to be gained from the promulgation of the **New Civil Procedure Rules**. I said then that

the principal aim of the New Rules would be to demystify litigation by simplifying it and thereby making the process of going to Court less cumbersome, less expensive and more speedy in terms of the resolution of the cases that eventually do go to trial.

The New Rules have been in force now since April of last year. There were, of course, the inevitable teething problems, stemming in part, from unfamiliarity, which any new regime must inevitably endure. But I am confident that I speak for nearly everyone on the Bench and, I dare say, in the profession and, hopefully, for the litigating public, when I say that even within the short time since their coming into force, the New Rules are promising to match the expectations that necessitated their introduction.

The New Rules with their simplified language, easy to understand Forms and provisions for the use of information technology, the pre-action letter, statement or certificate of truth verifying or authenticating a claim or defence in a statement of case, case management conferences, exchange of witnesses' statements, agreed expert witnesses' report and pre-trial conferences, all together conduce to a more efficient and timely disposal of cases. Unlike under the old rules, the judges are now required to be pro-active in managing cases and the parties and their attorneys are enjoined to actively and constructively cooperate with each other and the Court.

However, to achieve the level of success expected of the New Rules, we must all, that is, judges and attorneys, work at the Rules to understand them properly and apply them. It is only through this process that the overriding objective of the New Rules can be achieved, that is, to enable the court to **deal with cases justly**. This, I submit, is what gives legitimacy to any due and proper system of the administration of justice.

Since the introduction of the **New Civil Procedure Rules**, from 1<sup>st</sup> June 2005 to the end of last year, there were two hundred and seven (207) cases set for case management. Eighty one (81) of these cases were given orders for Pre-trial review, of which an appreciable number were either settled, dismissed or discontinued. The remaining one hundred and twenty six (126) cases were either discontinued, dismissed, settled or given

other orders at the case management stage.

## **Public Protest and the Judiciary**

The year that has just ended was a trying one for the Belizean society at nearly every level. We witnessed public demonstrations, go-slow, strikes and agitation and what could be fairly described as a riot just a stone's throw from the Supreme Court, resulting in serious damage and loss to some commercial houses; all these severely tested the fabric of Belizean society. But we survived the test as democratic society. There will always be differences of opinion in any polity. Indeed, the clash and conflict of opinion is good for society as long as it remains a peaceful one and within the bounds of law.

To the credit of everyone, even in the midst of the various protests, no one really seriously or deliberately broke the law. And where this was done, there was swift recourse to the arbitrament of the law.

This was a mark of maturity attesting that at the end of the day, Belize is a country governed by the rule of law concomitant with the constitutional right of free speech, including the right to protest, but respect for the rule of law.

The judiciary will always stand as an unyielding sentinel to guard and ensure the rule of law.

There is however, some misconception abroad in some quarters about the role of the judiciary. Judges and magistrates do not make laws. We try as best as we may, to interpret and apply the laws. Judges and magistrates do not go in search of evidence in a given case. They evaluate and assess the evidence presented in court in a given case and, in a criminal trial in the Supreme Court, direct the jury on the law and summarize the evidence for them. The jury are the judges of fact and they return the verdict of the court – whether of acquittal or conviction. At the end of the day, any case is, after all, only as

good as the evidence to support it.

The view that judges and magistrates let criminals go scot-free is as pernicious as it is unhelpful. It is pernicious because it may, if indulged in for long, undermine confidence in the integrity of the administration of justice. It is unhelpful as well, as it betrays a certain lack of how the system of the administration of justice really works.

Judges and magistrates do not investigate crimes or make arrest, nor do they present cases in Court for that matter. Their role is to adjudicate between the prosecution and the accused and between disputing litigants, untrammelled by any extraneous consideration.

I want therefore to take this opportunity to counsel against any unfounded and misguided criticism directed at the judiciary. The administration of justice in Belize is not behind closed doors, it is, by law, open to everyone to come and see it at work. As a public institution, the judiciary is open and accountable and certainly not beyond criticism. But for the welfare and integrity of the system, let the criticism be informed and fair.

### **Judicial Statistics**

As the Annual Report on the Judiciary is now established, I will therefore this time refrain from burdening you with a recitation of the statistics that reflect the annual work of the courts. These will now be found in the Annual Report which will be published shortly.

### **Conferences and meetings attended**

I attended several meetings during the year 2005 of the Board of Trustees of the Caribbean Court of Justice in Port of Spain, Trinidad and Tobago. I have the honour of representing my colleagues Chief Justices of CARICOM member states on the Board. On April 16, 2005, the Caribbean Court of Justice itself, after many years in the making, was formally inaugurated in Port of Spain at which the president of the Court of Appeal, Mr.



Justice Elliott Mottley and I represented the judiciary of Belize.

From January 21 – 22, 2005, I attended the 36<sup>th</sup> Meeting of the Council of Legal Education in Nassau, The Bahamas.

Again, from February 24<sup>th</sup> – 26<sup>th</sup> 2005 I attended the 7<sup>th</sup> Annual Conference of CARICOM Heads of Judiciary in Freeport, Grand Bahama.

I also attended from July 31 – August 4, 2002, the Commonwealth Magistrates and Judges Association (CMJA) Conference held in Accra, Ghana.

The Acting Registrar also attended in June 2005 a conference in Port of Spain, Trinidad and Tobago on the drafting of the appellate rules for the Caribbean Court of Justice.

### **Relocation of the Magistracy**

Ladies and Gentlemen, you probably must have noticed on your way here, the physical condition of this building. Please bear with us.

I am however, happy to announce that this building which is formally known as “The Treasury Building” and used to house the Treasury Department, the Office of the Director of Public Prosecutions and the Prime Minister’s Office as well, will in a very short while be devolved exclusively to the administration of justice. It already contains my chambers and court. It will hopefully soon, house all the Magistrates’ Courts for Belize City, including the Family Court as well as part of the Supreme Court.

This is an important step as it demonstrates the determination of the government to provide more salubrious and suitable premises for the administration of justice.

I must therefore commend the government for this important step. It is common knowledge that since the destruction of the Paslow Building by fire some four years ago

and the accommodation of the Family Court atop the Commercial Building, both the Magistrates' Courts and the Family Court have been operating from premises that were taxing for the magistrates themselves and the public who attended on these Courts.

I therefore thank the Prime Minister who was the first to vacate the premises that were historically assigned for use as the Prime Minister's Office in Belize City.

The Treasury Department completed their move late last year and have now joined the Central Bank in Goal Lane.

We in the judiciary therefore look forward avidly to the completion of the refurbishing so as to facilitate the relocation of the Magistrates Courts and the Family Court.

Ideally, of course, a purpose-built and customized premises for housing these courts would have been preferred. But this is for another day when, it is hoped, resources will permit.

### **Challenges facing the Administration of Justice**

Last year on this occasion, I spoke at length on some of the challenges facing the judiciary that impacted on the due administration of justice.

I identified some of these problems as: 1) the need for equal representation of the parties; 2) the need for reform and rationalization of procedure for litigation in order to reduce delay and 3) the perennial inadequacy of resources and its implications for judicial independence.

I am afraid, apart from the implementation of the **New Civil Procedure Rules** on 4<sup>th</sup> April last year; very little progress has been made on the other two problem areas I identified. The **New Civil Procedure Rules** of which, I think, I have already said enough, have transformed the institution, progress, management and resolution of civil cases in the Supreme Court, which it is hoped, will attenuate the delays associated with going to the law.



## **Reform of the Criminal Justice System**

The criminal justice system also, I think, needs a thorough-going review.

In the course of last year, the Hon. Attorney General, in fulfillment of a promise he made in moving the motion for adjournment at the opening of the Law Term, circulated a **Consultation Paper on Criminal Justice Reform**. This paper was intended to stimulate debate among the various stakeholders involved in the administration of the criminal justice system in order to tease out consensus on areas requiring legislative reform.

May I take this opportunity therefore, to thank you formally Mr. Attorney, for this initiative.

My colleagues and I on the Bench are studying the paper. But in order to make more meaningful progress, we request that a session or two be devoted to an examination of the proposals contained in the paper. At such a session, together with the consultant engaged in preparing the paper and some of the stakeholders mentioned in the paper itself, detailed examination of the proposals could be done identifying any emergent consensus for legislative reform.

One area in the Consultation Paper relevant to the problem of **equal representation of the parties** I mentioned earlier, is **Legal Aid in criminal cases**.

Let me say that we in the judiciary whole-heartedly welcome the proposal in the Consultation Paper to revisit the **Legal Aid and Advice Centre Bill** by the Attorney General to ensure that expenses for the provision of legal aid are borne by the Attorney General's Ministry and the Bar Association of Belize. Although the proposal says the expenses are to be borne equally, this I believe should be a matter for discussion and the share of expenses to be determined later. The Bill mentioned in the paper defines "serious offences" for which unrepresented defendants can be aided by counsel whose fees will be paid from an account jointly funded by the Bar Association of Belize and the Attorney

General's Ministry.

These are, undoubtedly, welcome proposals which like the other proposals in the Consultation Paper can benefit from and be informed by the discussion and consensus among the stakeholders I mentioned earlier.

Mr. Attorney, may I urge that the session(s) we in the judiciary call for be held as soon as practicable.

Let me also say however, that some of the proposals sound controversial and troubling. Such as those relating to the **abolition of unsworn statement from the dock; the removal of spousal testimonial immunity; the introduction of statutory obligation on the defence in a criminal trial to disclose the defence and defence witnesses' statements**. The latter, of course, would make nonsense of the constitutionally guaranteed presumption of innocence.

Overall however, we commend you Mr. Attorney, for putting forward the Consultation Paper especially the proposed reform of **The Domestic Violence Act** mentioned in the paper. We look forward therefore to the session(s) to fully discuss the proposals before they are enacted into law.

In conclusion on the matter of legal aid, let me reiterate that it is not about helping defend criminals. It is about access to justice, which is, at bottom, an objective of any due and proper system of the administration of justice. In the round, legal aid is really about the fulfillment of the equal protection of the law for all promised and guaranteed in the Belize Constitution.

### **Prosecution of crimes and the Absent or unwilling witness**

While on the subject of equality of arms through the provision of legal aid in criminal cases, I am constrained to mention the problem of **missing or unwilling witnesses in criminal trials**. This is an insidious development that is having a deleterious effect on the prosecution of crimes and hence an unwholesome impact on the fight against crime.

Belize may not be a crime-ridden country, at least, for now. But every available data, including judicial statistics, attests to the growing incidence of crime in its various manifestations.

The root causes of crimes of course, should be addressed and remedied. Poverty, lack of opportunity, unemployment, neglect and other socio-economic malaise, no doubt, provide the incubating environment for most crimes and the breeding grounds for criminals.

The responsibility of the government in devising and applying appropriate socio-economic policies and actions; the responsibility of the family or **the home** in providing a caring nurturing and stimulating but disciplined environment; the responsibility of the **school** in providing that indispensable character-building and disciplined environment; and the steadfast moral leadership of religious and community leaders, are all necessary factors that can help attenuate the pernicious rise in crime.

It is the primary duty and responsibility of the police to detect and prevent crime and if necessary towards that end, to investigate and arrest the suspected perpetrators of crime. The process of investigation is geared to finding the perpetrator and garnering the evidence of commission against an alleged offender. It is this evidence, whether of material relevant to the commission of the crime or **witnesses**, who can attest to its commission, that is presented to the court. It is the evidence and only the evidence adduced at trial that will determine the guilt or innocence of the alleged perpetrator of the crime.

But of late, the phenomenon of the **unwilling** or **missing witness** is increasingly bedeviling the prosecution of crime in Belize. After considerable expense of time and money by the police in investigating an offence and the bringing of charges against an accused, the prosecution of the case before the courts sometimes comes unstuck because of the unavailability of material and crucial witnesses. The unavailability may be due to either the unwillingness of the witness to come up to the witness stand to testify or because he or she simply vanishes. This may be due to either the intimidation of or other pressures brought to bear on the witness. Ultimately, the prosecution enters a **nolle prosequi**. This is really a misnomer as it is simply the Latin for “not to wish to prosecute”. The

prosecution of course, would dearly wish to get on with the job of prosecuting the accused, but its case unravels because of the absent witness. The accused is then let-off scot-free as it were. There is, of course, the possibility that he may be subsequently re-arrested and charged. But in the real world, this hardly ever happens.

Let me however say this: it is a criminal offence in and of itself, to interfere with witnesses in cases before the court. And there are condign penalties for this.

But realistically however, I believe that more cooperation and coordination between the police and the DPP's Office in providing witness' monitoring and availability schemes would lessen the incidence of the vanishing or missing witness. Serving a subpoena on all crucial witness could also help. In the event a witness then proves unwilling to testify she will have the court to answer to – with the spectre of contempt of court hovering in the background.

Let me again say this: it is both a moral and civic duty for anyone who witnesses the commission of a crime to help the police and, if needs be, to testify if called upon. We can all help the police in the fight against crime.

The need for witness protection is not peculiar to Belize. The phenomenon of the absent or missing witness for fear of retribution has appeared in sister countries of CARICOM as well. In a bid to combat this evil in the fight against crime, CARICOM Heads of Government had since 7<sup>th</sup> July 1999 in Port of Spain, Trinidad and Tobago, signed a **CARICOM Agreement Establishing the Regional Justice Protection Programme**.

Mr. Attorney, on 23<sup>rd</sup> November last year, your office, through the aegis of the Solicitor General, forwarded to me a copy of the **Justice Protection Bill 2005** to which is annexed the CARICOM Agreement. My colleagues and I on the Bench, have discussed the Bill. We give it our support as it is designed to provide for the protection of witnesses in participating member states in the prosecution of the offences stated in the First Schedule to the Bill.

This measure will provide an important weapon in the armory of the states in the increasing global fight against serious crimes. Intimidating a potentially crucial witness will no longer serve the criminal as the vulnerable witness can be taken into protection, and be able to testify later.

We welcome this Bill and look forward to its enactment and implementation among CARICOM member States.

## **Bail**

The institution of bail is another critical area that is, in our view, in need of thorough re-examination. Belize does not have at the moment an autochthonous self-contained statute on bail. There is, of course, the **Bail Reform Act** in Chapter 100 of the Laws of Belize, Revised Edition 2000. Notwithstanding its high-sounding appellation, this Act only seeks to provide for licensed **bondsmen** in place of **sureties**. It is yet to be implemented. But the grant or refusal of bail to persons awaiting trial continues to exercise the judiciary, attorneys and their clients. Instead of a comprehensive Bail Act with clear principles and guidelines, recourse has been made to **ad hoc** and hotchpotch provisions in the Crime Control and Criminal Justice Act – Chapter 102 of the Laws of Belize. The latest of these is to be found in Act No. 25 of 2003.

We are engaged in the judiciary in an on-going debate to make sense of these provisions.

Bail, as an institution, is not punishment, especially when it is remembered that its grant is to ensure that the accused will be available to face his trial, in consonance with the constitutional presumption of innocence.

The understandable anxiety of the executive including the police, to stem the rising incidence crime has led to a tightening of the conditions for the grant of bail and a widening of the range of offences which have become literally unbailable. In fact, the provisions have literally tied the hands of the Magistrates' Courts from granting bail for

certain offences and severely constrain the Supreme Court itself in considering applications for bail.

The anxiety and confusion were recently highlighted by the brouhaha surrounding the grant of bail to an accused by a magistrate even after refusal by a judge of the Supreme Court. This was an unfortunate and regrettable occurrence. I have been assured that it will not happen again. It nonetheless underscores the need for a thorough-going look at the institution of bail in the round, in consultation with the judiciary, the criminal Bar, the police, the DPP's Office and the prison authorities. It certainly does not bode well for any system of justice if its prison population contains a sizeable element of persons on remand, who may possibly be found not guilty after their eventual trial. The swell in the remand population in any prison of course taxes as well the resources of the prison authorities.

Mr. Attorney, I would urge that there is more than an arguable case to revisit the present provisions regarding bail with a view to enacting a clear and comprehensive Bail Act with appropriate provisions.

### **Hattieville Prison**

At this juncture, I want, if I may, take this opportunity to thank and commend the Kolbe Foundation for its management of the prison facilities at Hattieville. Since it took over the operation and management of the prison services, the Kolbe Foundation has brought, by all accounts, a measure of improvement in the state of affairs at Hattieville prison. It has brought more sanitary, humane but disciplined regime into the prison services aimed at prisoner rehabilitation and reintegration, after release, into the ordinary society. Over time, if this works well, it would certainly reduce the incidence of recidivism and thereby, ultimately, reducing the overall incidence of crime itself. Members of the judiciary paid a working visit to Hattieville in the year that has just ended and were favourable impressed by what they saw.

It should always be remembered that a convicted prisoner does not shed his humanity or personal dignity once he crosses over the threshold of the prison. He or she still



remains a human person.

I therefore thank the Kolbe Foundation, its Board of Directors, officers and members of staff for the humanity it has brought to Hattieville.

Of course, prison is not a holiday camp and it is more than a boot camp; but it is not intended or meant to be run as a hell-hole. Imprisonment after conviction, should only result in the loss of personal liberty for the duration of the sentence as punishment for the crime for which conviction was obtained. It should not and must not shred the human dignity of the convicted for that way leads assuredly to the repeated offender syndrome.

### **Budgetary Constraints on the Judiciary**



in the public administration.

I now turn to that seemingly perennial chestnut: **resources for the administration of justice.**

I have had occasion in the past to bemoan the level of funding provided for the administration of justice. The judiciary is not unmindful that there is a national belt-tightening regime enjoined across the board

This, it is said, is due to inadequate resources available for public service.

But this singularly, it is felt, ignores the reasonable and modest requirements necessary to run a decent, well-equipped credible, and independent and competent judiciary. This failure to fund the judiciary adequately impacts negatively on the administration of justice in many ways. It results in serious constraints on the availability of the necessary

manpower and other indispensable materials that make for an independent and competent judiciary.

In so far as it relates to manpower, what I said last year on this occasion will, I am sure, bear repetition:

*“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 previous little time to write clear and reasoned judgment in sufficient time.”

I am afraid nothing much has changed. Even with the recent appointment of Madam Justice Arana which is greatly welcomed, there is still a clear need for more judicial manpower. We are, of course, very appreciative for Justice Arana's translation to the Bench.

As a measure to corral the ever-spiraling list of criminal cases, I myself will try some criminal cases as from the start of the new session of the Central District commencing tomorrow, 17<sup>th</sup> January. The net effect is that I will not be doing civil trial for sometime and there will only be one judge available to do civil cases.

I need not elaborate on the frustration and inconvenience this will cause to attorneys and their clients. But for now it is unavoidable. In any legal system, the prosecution and trial of criminal cases, because of the wider ramifications involved, is of vital importance.

## **Budgetary allocation to the Judiciary**

In terms of budgetary allocation for the judiciary, for the current year, the sum of \$4,252,339 is what has been approved. This represents in percentage terms some 0.86% of the overall national budget of some \$493,715,097. In percentage terms, the judiciary still continues to receive less than 1% of the total national budget. Let us reflect on this for a moment.

When it is considered that the sum of less than 1% of total national budget allocated to the administration of justice includes salaries, emoluments, operational costs such as maintenance services, traveling and subsistence and office supplies, it can be readily realized that the costs for the administration of justice in Belize is indeed minuscule.

The sum allocated will again be easily seen as inadequate when it is realized that there is no provision made even for legal textbooks, periodical, law reports – the very life-blood of the practice of the Law. Apart from donations from friendly countries such as the U.S.A. and the United Kingdom, there has been for several years now, no new acquisition of materials by the Supreme Court Library. There is regrettably, nothing provided for judicial training and education, whose importance for a competent judiciary is no longer in doubt today.

All in all, funding of the administration of justice in Belize, is decidedly at a low point. This portends serious consequences for the rule of law on which so much depends.

I think the time has come to take a fresh look at the needs and requirements of the judiciary and see how these can be properly funded. The present system in which the finance officer in the Registry often says there are no funds or sufficient funds to meeting ordinary and legitimate requests will no longer do.

## **Appreciation and Conclusion**

Let me, Ladies and Gentlemen, in conclusion, take this opportunity to thank all my colleagues on the Bench, including all the Justices of the Court of Appeal and their Lordships members of the Board of Her Majesty's Privy Council in London, for their contributions towards the proper administration of Justice in Belize.

After the engagement of Madam Justice Arana as an acting judge of the Supreme Court, Mrs. Minnet Hafiz-Bertram was seconded to the Registry as Acting Registrar. She and her deputies and the staff of the Registry, have over the course of last year rendered valuable services, for which we should all be grateful. This is more so at a time when the delicate transition from the old Supreme Court Rules to the New Civil Procedure Rules was being implemented. The transition period was a mixture of hesitation and some tetchiness, but, I believe, we have all learned to live with the New Rules. I want to thank the Registrar and staff for their contribution.

My appreciation and thanks go as well to Your Worships, the Chief Magistrate and his colleagues and staff of the Magistrates Courts, as well as to the Director of the Family Court and the Magistrates and staff of that court.

I say thank you as well to the Commissioners of the Supreme Court and Justices of the Peace who continue to help in diverse ways in the administration of justice.

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

I want, as well, to take this opportunity to thank you Mr. President of the Bar Association and your executive and your colleague members of the profession for the courtesies and cooperation we received on the Bench over the course of last year in the administration of justice.

You Mr. President of the Bar Association have brought in the course of your tenure fresh energy and commitment to the ideals of the profession in cooperation with the judiciary. Thus, even though the Annual Bench/Bar Summit was not held last year, you have cooperated with the judiciary to ensure that it will take place later this week, on Friday the 20<sup>th</sup>. This year the summit is devoted to an examination of some of the challenges the use and exploitation of the environment pose for the law.

I also want to thank Mrs. Glennis Moody Tillett, the cleaner and her staff and to say how we appreciate their efforts in trying to make our workplace clean and friendly. Our thanks go as well to Mrs. Pandora Canton and her staff for tending and caring for the plants and flowers around the precincts of the courts. We say thank you also to the security staff of Anchor Security for keeping watch on the premises of the courts.

At the risk of sounding self-serving, I want to thank my secretary, Ms. Julie Staine, who, as always, has been an invaluable help to me in the discharge of my duties, including at times, having to decipher the code hidden in my illegible scrawl of handwriting!

Finally, I want to thank you, Mr. Attorney, for the support of the Executive to the Judiciary over the course of last year. The support of the Executive to the Judiciary is imperative for good governance. That support however, must be unstinted and without prejudice to judicial independence so indispensable for the rule of law.

Ladies and Gentlemen, I want to declare that over the last year, the Judiciary of Belize affirmed and demonstrated its fierce independence, integrity and its unwavering commitment to justice for all and sundry. Yes, there is the issue of some delayed judgments, but the press of time and other unavoidable commitments and some of the problems I have recounted in this Address make this regrettable.

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 Samuel Awich**



**Hon. Justice Adolph Lucas**



**Hon. Madam Justice Michelle Arana**

**JUDGES OF THE SUPREME COURT**

<b><i>SUPREME COURT</i></b>	Abdulai Conteh	Chief Justice	LLB, LLM (London University) LLB; PhD (Cantab) Barrister of Lincoln Inn London
	Troadio Gonzalez	Judge	Bachelor – Law (UWI) Certificate Legal Education, University of the West Indies
	Samuel Lungole-Awich	Judge	Bachelor of Law Studies – Makerere University – Kampala Uganda Diploma in Legal Practice – Uganda Law Development Center
	Adolph Lucas	Judge	Bachelor of Laws University of the West Indies Certificate of Legal Education Norman Manley Law School
	Michelle Arana	Judge	Master’s Degree in law (LLM) in Corporate Finance – Sheffield University LL.B. degree - University of the West Indies Certificate of Legal Education (CLE) - Council of Legal Education

## COMMISSIONERS OF THE SUPREME COURT

Section 15 of the Supreme Court of Judicature Act, Chapter 91 of the Laws of Belize, Revised Ed. 2000, provides for the appointment of “fit and proper Persons” as commissioners of the Supreme Court, by instruments under seal of the Court.

Commissioners are authorized to take affidavits and declarations or, by special order of the Court or a Judge, to take the examination of witnesses or receive production of documents. At present, there are 161 Commissioners of the Supreme Court.

### Commissioners

Name	Date of Appointment	Residence
BULLER, Kelsie Henry - J.P.	10.8.1964	Stann creek
GEGG, Edgar Gilbert Napier - J.P.	2.4.1969	Belize
LIZAMA, J. Alfonso - J.P.	7.1.197	Corozal
RAMIREZ, Ramon Edmundo	7.1.1971	Corozal
ESPADAS, Adolfo	23.1.1971	Orange Walk
WRIGHT, Leopold Gregory	20.7.1971	Cayo
USHER, Victor Edward	6.3.1974	Belize
STANSMORE, Alfred L.	30.8.1974	Corozal
BRADDICK, Luis R.	6.1.1978	Punta Gorda
AYUSO, Angel L.	16.1.1978	Corozal
ESPAT, Luis A.	18.5.1979	Belmopan
USHER, Gerald Charles	7.6.1979	Belmopan
AKE, Gabriel Modesto	21.12.1979	Belize
PRICE, Ester Maria	21.12.1979	Belize
MUSA, Edward Nabil	22.12.1979	Belize
BOWMAN, Alice (Mrs.)	28.12.1979.	Dangriga
MENZIES, Karl Hugh Joseph	28.12.1979	Belize
PRINCE, Maria Callola Pinto	28.12.1979	Belize
QUAN, Norman	28.12.1979	Belize
MOODY, Hallett Jr.	21.1.1986	Belize
MEIGHAN, Dorine	21.1.1986	Belize
CHAVANNES, Charles Gustave	21.1.1986	Belize
RIVEROLL, Othon	21.1.1986	Corozal
BURGOS, Narciso	21.1.1986	Orange Walk
SMITH, Lloyd	21.1.1986	Orange Walk

HORNBY, Henry	21.1.1986	Orange Walk
ARAGON, Ella Wilcox (Mrs.)	21.1.1986	Cayo
JENKINS, Denzil	21.1.1986	Stann Creek
OGALDEZ, Alonzo Bernard	21.1.1986	Dangriga
MAHUNG, Paul	21.1.1986	Punta Gorda
ZUNIGA, Edmund	21.1.1986	Punta Gorda
NUNEZ, Wilfredo	21.1.1986	San Pedro
PACHECO, Herculano	21.1.1986	Benque Viejo
BOITON, George Paul	21.1.1986	Cayo
MUNNINGS, Kenneth	13.11.1989	Belize
CLARKE, Orton	13.11.1989	Belize
QUINTO, William	13.11.1989	Belize
EWING, Kenneth	13.11.1989	Belize
HERNANDEZ, Clinton	13.11.1989	Dangriga
SEGURA, Carolina	13.11.1989	Benque Viejo
LESLIE, Martha Marina	10.1.1991	San Pedro
GUERRERO, Abelardo E.	10.1.1991	San Pedro
ZABANEH, Mary Elizabeth	18.4.1991	Independence
WADE, Aubrey A.	18.4.1991	Placencia
HOTCHANDANI, Bhogwan	25.11.1991	Belize
PITTS, Edward	25.11.1991	Belize
CAYETANO, Phyllis	25.11.1991	Dangriga
TILLET, Herman	25.11.1991	San Ignacio
HARRISON, Alicia	25.11.1991	San Ignacio
CASTILLO, Justo	25.11.1991	Belmopan
GARBUTT, Raymond	25.11.1991	Roaring Creek
TORRES, Uvaldemir	25.11.1991	Orange Walk
AGUILAR, Wilfredo Sr.	25.11.1991	Corozal
GRANIEL, Baldemar	25.11.1991	San Pedro
BADILLO, Gerald Sr.	16.3.1994	Caye Caulker
CAMPBELL, Sydney	16.3.1994	Hattiville
COLEMAN, Rita	16.3.1994	Hattiville
GREENWOOD, Thomas	16.3.1994	Belize
HULSE, Robert	16.3.1994	Belize
McKENZIE, Arthur	16.3.1994	Belize
MEYERS, Raymond Anthony	16.3.1994	Burrel Boom
SOSA, John	16.3.1994	Belize
SMITH, Beatrice Kingston	16.3.1994	Crooked Tree
THOMPSON, Hector Douglas	16.3.1994	Belize
VERNON, Telsford	16.3.1994	Burrel Boom
YOUNG, Shirley A.	16.3.1994	Caye Caulker
GARBUTT, Chorley Ann	28.11.1994	Belize
ADOLPHUS, Bernard Alexander	16.3.1995	Hattiville

YOUNG, Fred	1 6.3.1995	Hattieville
ANDERSON, Rudolph	6.2.1996	Belize
TILLET, William	6.2.1996	Belize
GALVEZ, Florence	6.2.1996	Punta Gorda
NUNEZ, John	6.2. 1996	Punta Gorda
CANSINO, Elia	6.2.1996	Orange Walk
ELLIS, Rudolph	6.2.1996	Orange Walk
AYUSO, Mateo	6.2.1996	Corozal
ZETINA, Jaime	6.2. 1996	San Ignacio
FLOWERS, Harold	6.2.1996	Belize
SHI, Wen-Chen (Rick Shi)	4.6. 1996	Belize
HOARE, Fulgencio Apolonio	3.1.1997	San Pedro
ALAMILLA, Wilfredo Luis Sr.	3.1.1997	San Pedro
COURTNAY, Delhart Luthrel Sr.	3.1.1997	Belize
CHRISTLE, Mark Anthony	3.1.1997	Belize
LENAREZ, Sonia Louise	3.1.1997	Belize
BERNARD, Patrick Alexander	17.9.1997	Belmopan
STAINED, Julie Therese	19.12.1997	Belize
GILL, Beatrice Clarabell	19.12.1997	Belize
GRINAGE, Audrey	19.12.1997	Belize
KNIGHT, Hector Benjamin	19. 12.1997	Belize
NUNEZ, Margaret Rose	19.12.1997	Belize
LASHLEY, Raymond Granville	22.12.1997	Belize
USHER, Minnie Seay	29.12.1997	Georgetown
BOL, Benigno	3 0.12.1997	Belize
GIRON, John	3 1.12. 1997	Maskall Village
BRICEÑO, Elijio Eloy "Joe"	23. 12.1999	Orange Walk
ERALES, Jose Eduardo - J.P. (S)	23.12.1999	Belize
SIKAFFY, Beulah Agnes (Mrs.)	23. 12.1999	Belize
XIAO, Yibin "Bennicio"	23.12.1999	Belize
KUAN, Shaoyun "Wendy" (Mrs.)	23.12.1999	Belize
CASTILLO, Kevin Andrew	23. 12.1999	Belize
DIAZ, Santos -O.B.E., J.P.	23.12.1999	Belize
HAYLOCK, Kent Albert -M.B.E.	23.12.1999	Belize
JOSEPH Fitzgerald Alexander	23. 12. 1999	Belize
ARNOLD, Janet Pitts (Mrs.)	23.12.1999	Belize
BHOJWANI, Vinod	23.12. 1999	Belize
BROWN, Walter Linford J.P.	23.12.1999	Belize
USHER, Francis Henry - J.P.	23.12.1999	Belize
HYDE, Charles Bartlett - C.B.E., J.P.	23.12.1999	Belize
GODFREY, Joy Vernon (Mrs.)	23. 12.1999	Belize
HOTCHANDANI, Arun Sunder - J.P.	23. 12.1999	Belize
ESCOBAR, Ramon Eustaquio	23.12.1999	Corozal



CHAVEZ, Rafael Primitivo - J.P.	23.12.1999	Corozal
MARIN, Olga Daisy (Mrs.) - J.P.	23.12.1999	Corozal
EK, Eugenio - J.P.	23.12.1999	Corozal
ALPUCHE, Israel Jacinto - J.P.	23.12.1999	Corozal
LOPEZ, Joseito - J.P.	23.12.1999	Corozal
ZUNIGA, Sherman Eufrescio	23.12.1999	B el mopan
KEN, Jesus - J.P. (S)	23.12.1999	B el mopan
DEL VALLE, Frances Emolyn (Mrs.)	23.12.1999	B el mopan
PUNJABI, Jagdish kumar	23.12.1999	Corozal
SHARP, Leslie Woodman - J.P.	23.12.1999	Orange Walk
ESPEJO, Agripina Ann (Mrs.) -M.B.E., J.P.	23.12.1999	Orange Walk
PUNJABI, Vinod Kumar - J.P.	23.12.1999	Orange Walk
JOHNSON, John Arthur	23.12.1999	Punta Gorda
FLORES, Augustine - J.P.	23.12.1999	D angriga
FRANCISCO, Fredrick	23.12.1999	D angriga
RAMOS, Gadsby Sr.	15.2.2001	B el mopan
RAMCLAM, Howard - J.P.	15.2.2001	Belize
WOODS, Charles Maurice - J.P.	15.2.2001	Belize
GRIFFITH, Anthony Albert	15.2.2001	Belize
SHOMAN, Yasin J. - J.P.	15.2.2001	Belize
GRIFFITH, Roy A.	15.2.2001	Corozal
HUMES, Elizabeth Dorothy (Ms.)	15.2.2001	Belize
PALACIO, Irene Agnes (Ms.)	15.2.2001	Belize
PANDY, Myrna Elizabeth (Ms.)	15.2.2001	Belize
SMILING, Winston A.K. - J.P.	15.2.2001	Belize
HULSE, Sylvia (Mrs.) - J.P.	15.2.2001	Belize
MAGANA, Othon - J.P. (S)	16.1.2003	Orange Walk
LENNAN, Attolene Crawford (Mrs.)	16.1.2003	Belize
LEE, Archie – J.P.) (5)	16.1.2003	Belize
JENKINS, David Anthony	16.1.2003	B el mopan
GILLETT, Gweneth (Mrs.)	16.1.2003	Belize
GABB, Kent	16.1.2003	Belize
DIAZ, Ricardo	16.1.2003	Belize
CASTILLO, Ricardo - J.P.	16.1.2003	Corozal
CARDONA, Jose Amir	16.1.2003	B el mopan
BUXANI, Ramesh Daldas	16.1.2003	Belize
ACOSTA, Allan Anthony	16.1.2003	Belize
BUDHRANI, Tara Rewa	16.1.2003	Belize
VERDE, Jorge - J.P.	16.1.2003	Orange Walk
REYES, Ramon Sr.	16.1.2003	Caye Caulker
RATH, Therese (Mrs.)	16.1.2003	D angriga
QUIROS, Dorene (Mrs.)	16.1.2003	Belize
PEYREFITTE, Lisa (Ms.)	16.1.2003	Belize

PEÑA, Arnold Antonio	16.1.2003	Belize
MEENAVALLI, Manga Raju	16.1.2003	Cayo
MATHEWS, Baxter Fitzgerald	16.1 .2003	Belize
JOHNSON, Netty (Ms.)	16.1 .2003	Belize
VASQUEZ, Sandra (Mrs.)	16.1 .2003	Belize
NICHOLAS, Lawrence J.	2.5.2003	B elmopan
SKEEN, Marlon Andrew	12.1.2006	B elizeCity
MADRID, Adrian 'Danny'	12.1.2006	B elizeCity
ESPAT, Luke	12.1.2006	B elizeCity
IRELAND, Sandra Marie	12.1.2006	B elmopan
Gabb, Antonio R	12.1.2006	B elizeCity

## **THE COURT OF APPEAL**

The Court Of Appeal was established in Belize under Section 94 of the Constitution of Belize, Chapter 4 of the Laws of Belize, Revised Edition, 2000 and exercises an appellate jurisdiction over both the Supreme Court and the Magistrates' Court and has jurisdiction and powers to hear and determine appeals in both civil and criminal matters.

### **Location of the Court of Appeal**

On March 25<sup>th</sup> 1969, the Court of Appeal of Belize held its first sitting, in one of the courtrooms in the Supreme Court Building on Treasury Lane.

It was not until March of 2003 that the Court of Appeal was given its own courtroom. It is now situated on the lower floor of the newly refurbished Sir Albert Staine building, at the corner of Treasury Lane and Bliss Promenade in Belize City. The Court sat for the first time in this courtroom on March 11<sup>th</sup> 2003.

### **Appointment of the Judges of the Court of Appeal**

Judges of the Court of Appeal are appointed by the Governor General acting in accordance with the advice of the Prime Minister, given after the consultation with the Leader of the Opposition, for such period as may be specified in the instrument of appointment.

A Judge of the Court of Appeal must have at least 15 years standing as an attorney-at-law or must have held office as a judge of a Court of unlimited jurisdiction in Civil and Criminal matters or of a Court having appellate jurisdiction from such a Court.

Judges of Appeal hold office, subject to removal for inability or misbehavior, until the expiration of their period of appointment or until resignation.

## **Sittings of the Court of Appeal**

The Court of Belize may sit in Belize four times for the year; however, in practice it holds only three Sessions per year. This depends on the number of cases on its calendar. The sittings are usually in March, June and October.

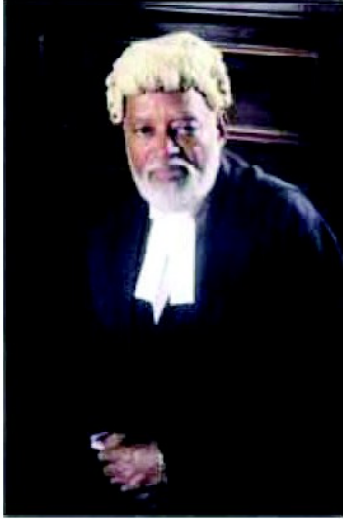
A panel of three judges presides at any one time when hearing civil or criminal appeals.

## **The Judges of the Court of Appeal**

There are four Judges of Appeal, one of whom is resident in Belize.

The President of the Court of Appeal is the Honourable Justice Elliot Mottley. The other Judges are Honourable Justice Manuel Sosa, Honourable Justice Boyd Carey and Honourable Justice Dennis Morrison.

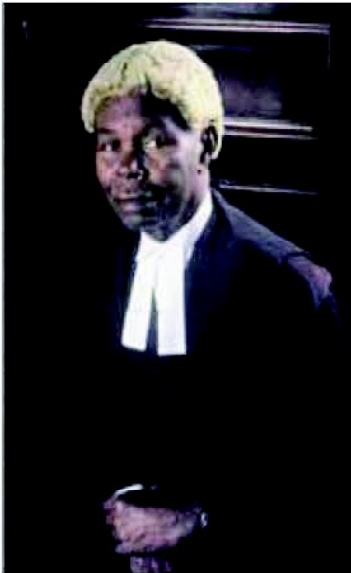
**THE JUDGES OF THE COURT OF APPEAL**



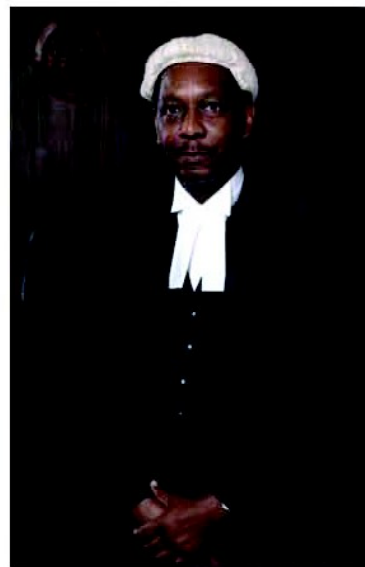
**Hon. Mr. Justice Elliot Mottley**



**Hon. Mr. Justice Manuel Sosa**



**Hon. Mr. Justice Boyd Carey**



**Hon. Mr. Justice Dennis Morrison**

## 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 2005**

### **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. Dispensing justice as required by the laws 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**

1. In the year in review, the year 2005, the magistrate's court said goodbye to Mr. Linden Flowers Temporary Magistrate who had been serving in the capacity of a Magistrate and posted to the San Ignacio Magistrates Court Cayo Judicial District.
2. Mrs. Hettiema Stewart Magistrate Belize City was subsequently transferred and posted as Magistrate Cayo Judicial District, posted at San Ignacio to replace Mr. Linden Flowers whose services were lost.
3. Mr. Emmerson Banner formerly on study leave returned to the court from study leave after obtains the LLB degree from the University of Guyana.

He was posted to the Orange Walk District, Orange Walk Town as the resident Magistrate there.

4. Mr. Robert Ordonez formerly resident Magistrate Orange Walk District was transferred to Belize City and posted at court (#3) in Belize City.
5. Mrs. Emerita Ascoli former Magistrate is still posted to Corozal Town as Magistrate Corozal District and her services are still being utilized in that district at the moment.
6. Mr. Earl Jones formerly Magistrate in Court (#6) Belize City was transferred to San Pedro Town San Pedro Ambergris Caye as the Magistrate there.
7. Mr. Eric Fairweather after giving many long years of extremely good service to the bench and the people of Belize retired and returned to private life and a truly deserved rest.
8. Mr. Henry Usher came on board in July as the new (Revenue Magistrate) for the courts. This court is responsible for the trial of all revenue case country wide Corozal to Toledo and Belize City to Cayo and San Pedro. All criminal and civil matters are heard and adjudicated on by this court once they pertain to matters falling under the preview of the Revenue Court. Mr. Usher holds a LLB degree from University of Western Ontario and a Bachelor of Science, Economics from University of Louisiana.

In the New Year 2005 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.

During the course of the year 2005 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. Leslie Hamilton - Cayo Judicial District
2. Mrs. Kathleen Lewis - Corozal Judicial District
3. Mr. Clive Lino - Toledo Judicial District

Mr. Richard Swift has completed his studies at the University of Guyana where he obtained an LLB degree in Law and is now presently enrolled at the Norman Manley Law School in Jamaica where he is in the first year pursuing the (CLE) certificate in legal education course offered by the Norman Manley Law School in Kingston Jamaica. This is a two-year course.

All the above named Magistrates are on study leave granted by the Government of Belize while they pursue their studies in Guyana and Jamaica.

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 Magistrate attended no conferences for the year 2005.**

### **DESIGNATED SITE FOR THE MAGISTRATE COURTS HOME**

The Designated site for the Magistrate Courts new home; work was commenced on the renovations of the former Treasury Building. The renovations/ remodeling is in progress and early in the New Year 2006 this should be concluded. On its conclusion the Magistrates Courts should be moved to the new site the Judicial Square situated near the Supreme Court and the Court of Appeal Buildings here in Belize City, Belize.

### **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.

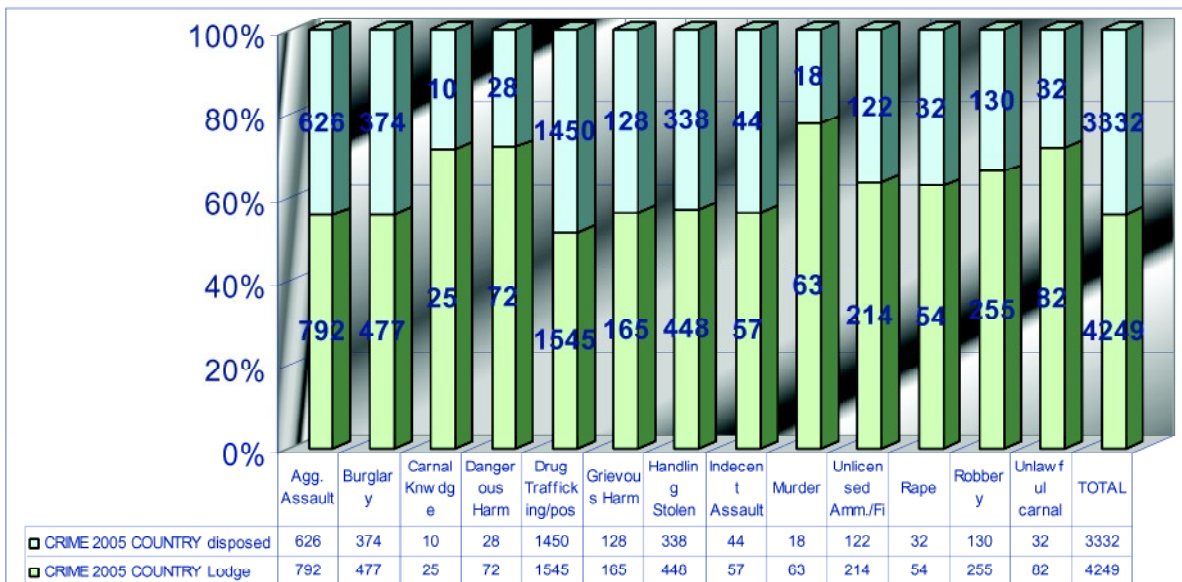
These endeavors therefore strengthen the role of the courts; the role of Judging and dealing legally, fairly, and equitably with all matters brought before its doors.

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



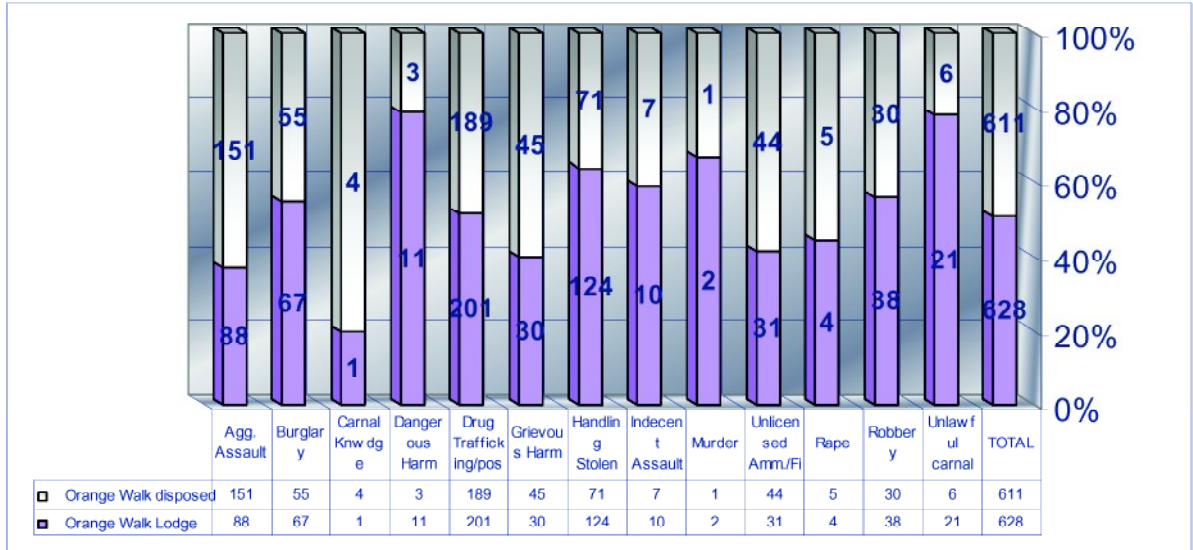
**CRIME 2005**

	COUNTRY	
	Lodge	disposed
Agg. Assault	792	626
Burglary	477	374
Carnal Knw dge	25	10
Dangerous Harm	72	28
Drug Trafficking/poss. c/drugs	1545	1450
Grievous Harm	165	128
Handling Stolen Goods	448	338
Indecent Assault	57	44
Murder	63	18
Unlicensed Amm./Firearm	214	122
Rape	54	32
Robbery	255	130
Unlawful carnal Knowledge	82	32
<b>TOTAL</b>	<b>4249</b>	<b>3332</b>



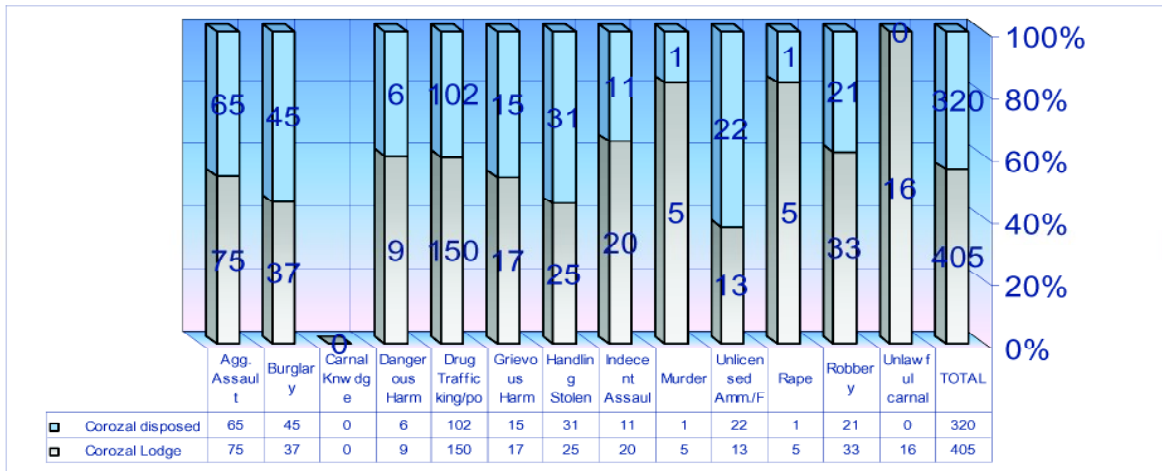
**CRIME 2005**

	Orange Walk	
	Lodge	disposed
Agg. Assault	88	151
Burglary	67	55
Carnal Knw dge	1	4
Dangerous Harm	11	3
Drug Trafficking/poss. c/drugs	201	189
Grievous Harm	30	45
Handling Stolen Goods	124	71
Indecent Assault	10	7
Murder	2	1
Unlicensed Amm./Firearm	31	44
Rape	4	5
Robbery	38	30
Unlawful carnal Knowledge	21	6
<b>TOTAL</b>	<b>628</b>	<b>611</b>



**CRIME 2005**

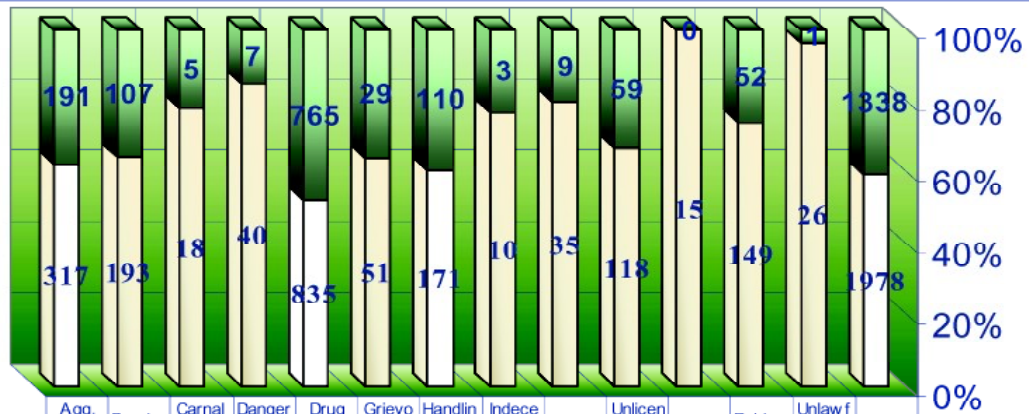
	Corozal	
	Lodge	disposed
Agg. Assault	75	65
Burglary	37	45
Carnal Knw dge	0	0
Dangerous Harm	9	6
Drug Trafficking/poss. c/drugs	150	102
Grievous Harm	17	15
Handling Stolen Goods	25	31
Indecent Assault	20	11
Murder	5	1
Unlicensed Amm./Firearm	13	22
Rape	5	1
Robbery	33	21
Unlawful carnal Knowledge	16	0
<b>TOTAL</b>	<b>405</b>	<b>320</b>





**CRIME 2005**

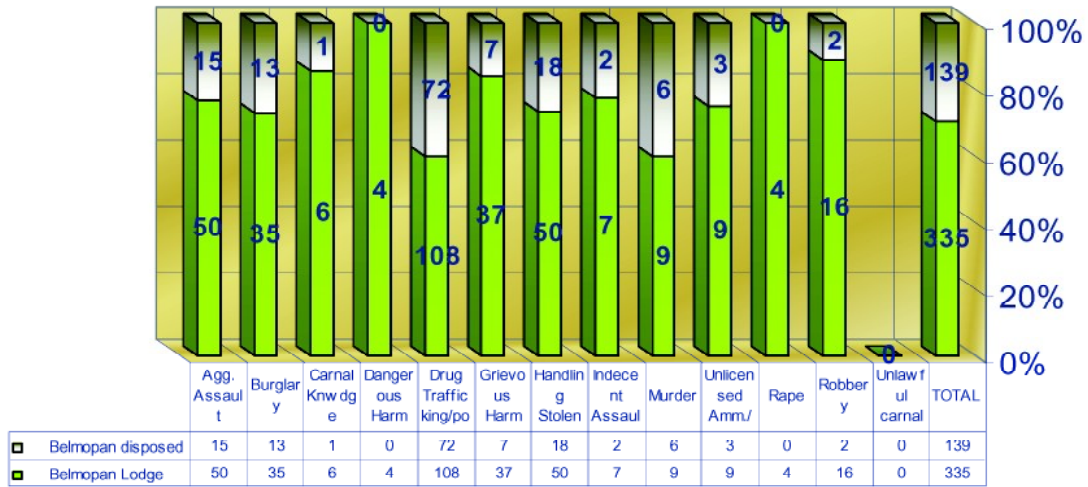
	Belize City	
	Lodge	disposed
Agg. Assault	317	191
Burglary	193	107
Carnal Knw dge	18	5
Dangerous Harm	40	7
Drug Trafficking/poss. c/drugs	835	765
Grievous Harm	51	29
Handling Stolen Goods	171	110
Indecent Assault	10	3
Murder	35	9
Unlicensed Amm./Firearm	118	59
Rape	15	0
Robbery	149	52
Unlawful carnal Knowledge	26	1
<b>TOTAL</b>	<b>1978</b>	<b>1338</b>



	Agg. Assault	Burglar y	Carnal Knw dg e	Danger ous Harm	Drug Traffick ing/po	Grievous Harm	Handlin g Stolen	Indece nt Assault	Murder	Unlicen sed Amm./F	Rape	Robber y	Unlaw f ul carnal	TOTAL
Belize City disposed	191	107	5	7	765	29	110	3	9	59	0	52	1	1338
Belize City Lodge	317	193	18	40	835	51	171	10	35	118	15	149	26	1978

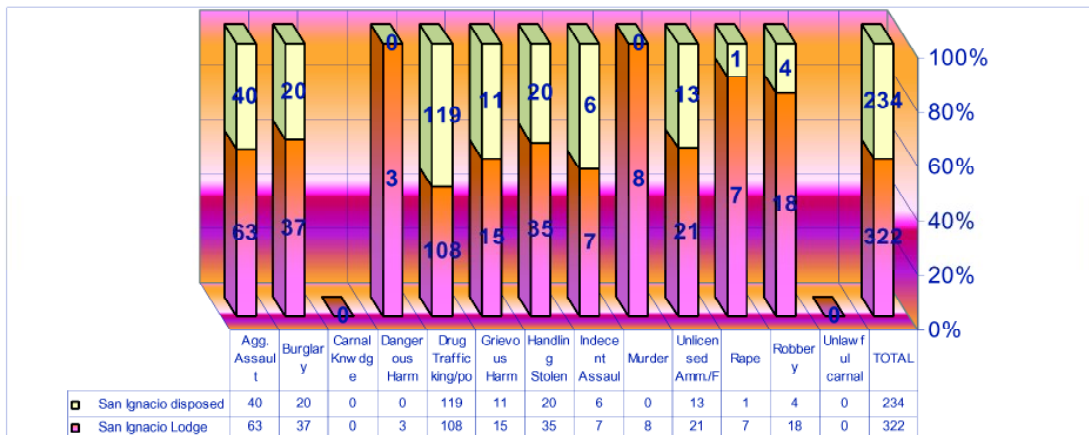
**CRIME 2005**

	Belmopan	
	Lodge	disposed
Agg. Assault	50	15
Burglary	35	13
Carnal Knw dge	6	1
Dangerous Harm	4	0
Drug Trafficking/poss. c/drugs	108	72
Grievous Harm	37	7
Handling Stolen Goods	50	18
Indecent Assault	7	2
Murder	9	6
Unlicensed Amm./Firearm	9	3
Rape	4	0
Robbery	16	2
Unlawful carnal Knowledge	0	0
<b>TOTAL</b>	<b>335</b>	<b>139</b>



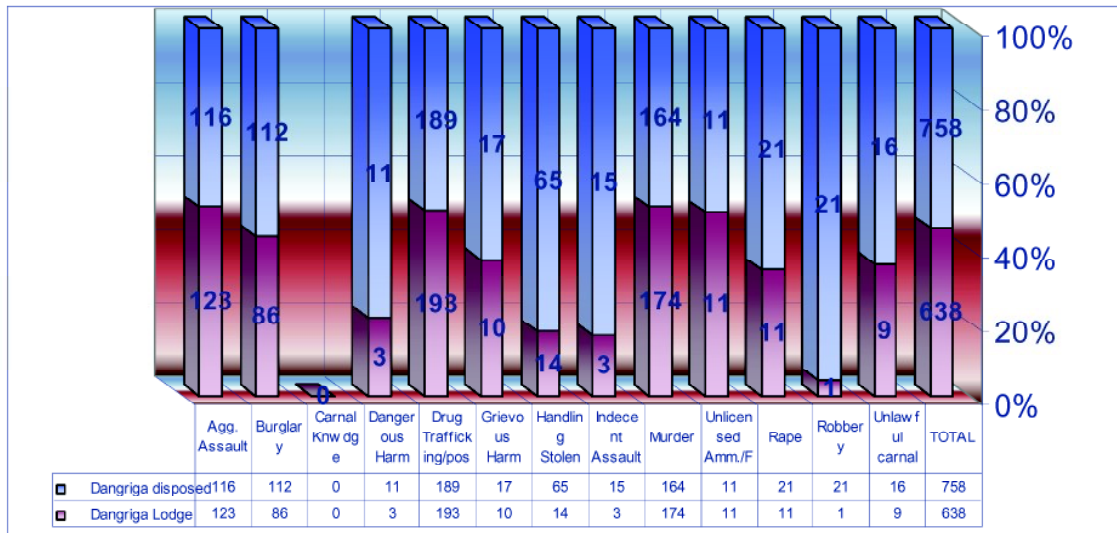
**CRIME 2005**

	San Ignacio	
	Lodge	disposed
Agg. Assault	63	40
Burglary	37	20
Carnal Knwgdg	0	0
Dangerous Harm	3	0
Drug Trafficking/poss. c/drugs	108	119
Grievous Harm	15	11
Handling Stolen Goods	35	20
Indecent Assault	7	6
Murder	8	0
Unlicensed Amm./Firearm	21	13
Rape	7	1
Robbery	18	4
Unlawful carnal Knowledge	0	0
<b>TOTAL</b>	<b>322</b>	<b>234</b>



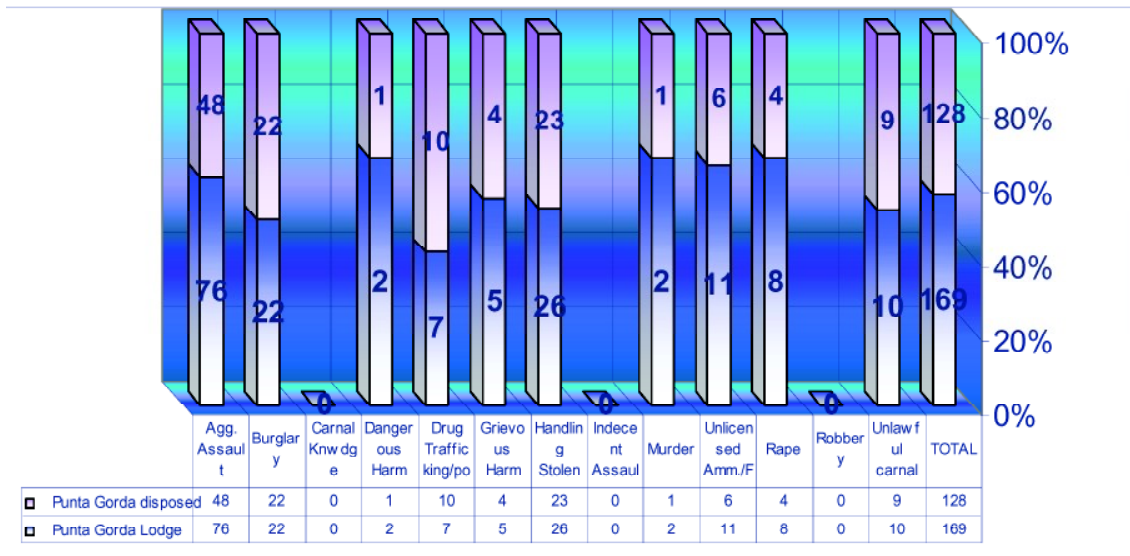
**CRIME 2005**

	Dangriga	
	Lodge	disposed
Agg. Assault	123	116
Burglary	86	112
Carnal Knw dge	0	0
Dangerous Harm	3	11
Drug Trafficking/poss. c/drugs	193	189
Grievous Harm	10	17
Handling Stolen Goods	14	65
Indecent Assault	3	15
Murder	174	164
Unlicensed Amm./Firearm	11	11
Rape	11	21
Robbery	1	21
Unlawful carnal Knowledge	9	16
<b>TOTAL</b>	<b>638</b>	<b>758</b>



**CRIME 2005**

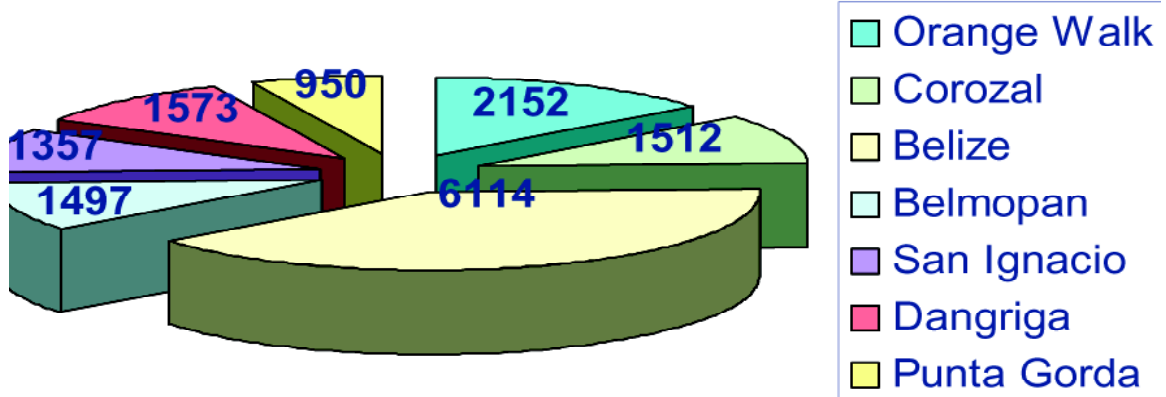
	Punta Gorda	
	Lodge	disposed
Agg. Assault	76	48
Burglary	22	22
Carnal Knwdge	0	0
Dangerous Harm	2	1
Drug Trafficking/poss. c/drugs	7	10
Grievous Harm	5	4
Handling Stolen Goods	26	23
Indecent Assault	0	0
Murder	2	1
Unlicensed Amm./Firearm	11	6
Rape	8	4
Robbery	0	0
Unlawful carnal Knowledge	10	9
<b>TOTAL</b>	<b>169</b>	<b>128</b>



**STATISTICAL REPORT FOR 2005**

<b>DISTRICTS</b>	<b>LODGE</b>
Orange Walk	2152
Corozal	1512
Belize	6114
Belmopan	1497
San Ignacio	1357
Dangriga	1573
Punta Gorda	950
<b>TOTAL</b>	<b>15155</b>

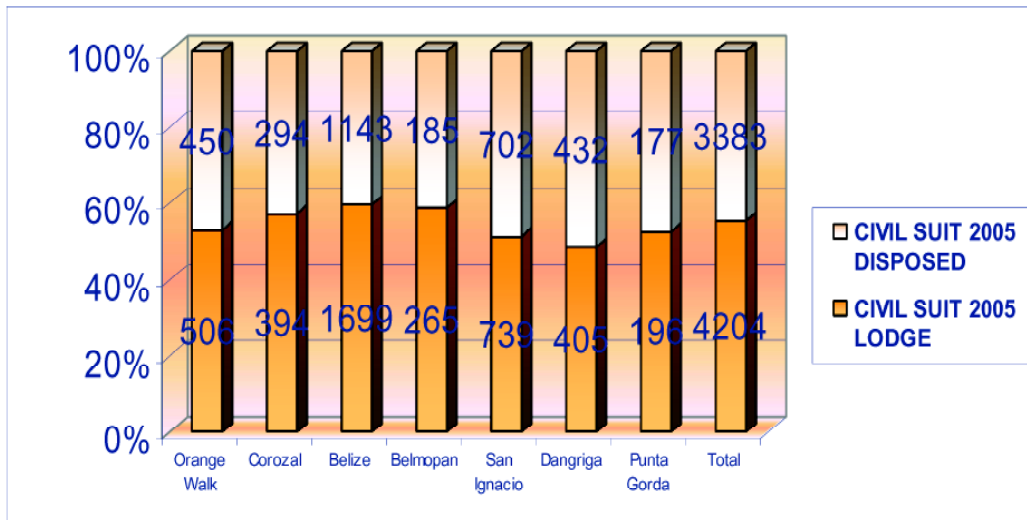
**LODGE**



## This Report reflect the amount of Crimes Lodged Country Wide for 2005

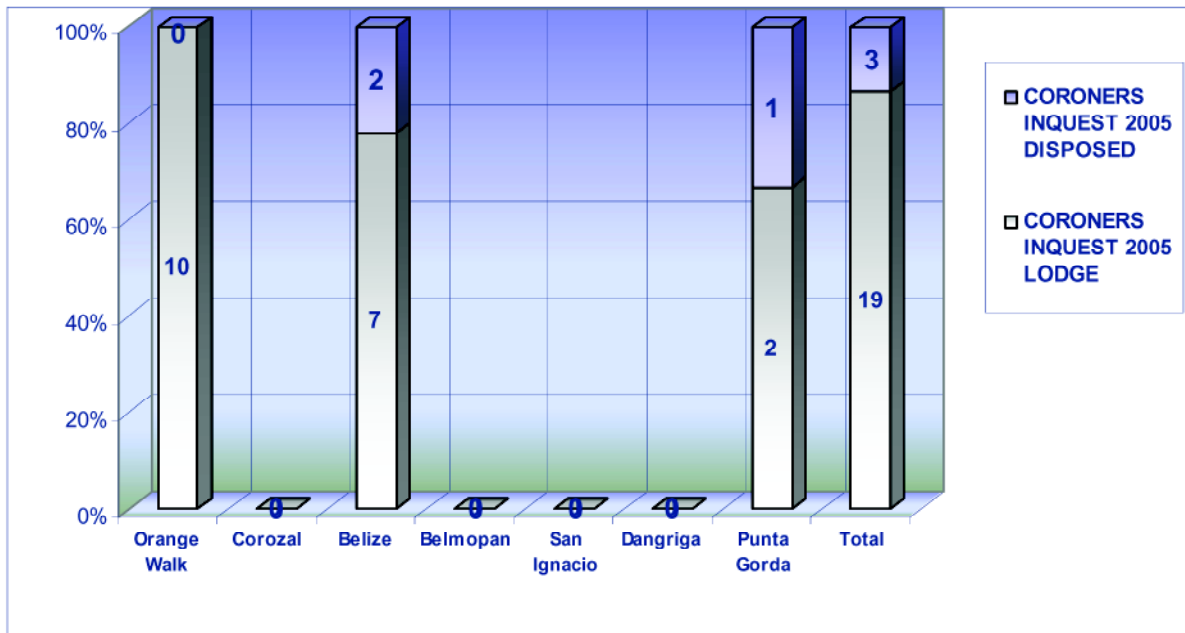
### CIVIL SUIT 2005

DISTRICTS	LODGE	DISPOSED
Orange Walk	506	450
Corozal	394	294
Belize	1699	1143
Belmopan	265	185
San Ignacio	739	702
Dangriga	405	432
Punta Gorda	196	177
<b>Total</b>	<b>4204</b>	<b>3383</b>



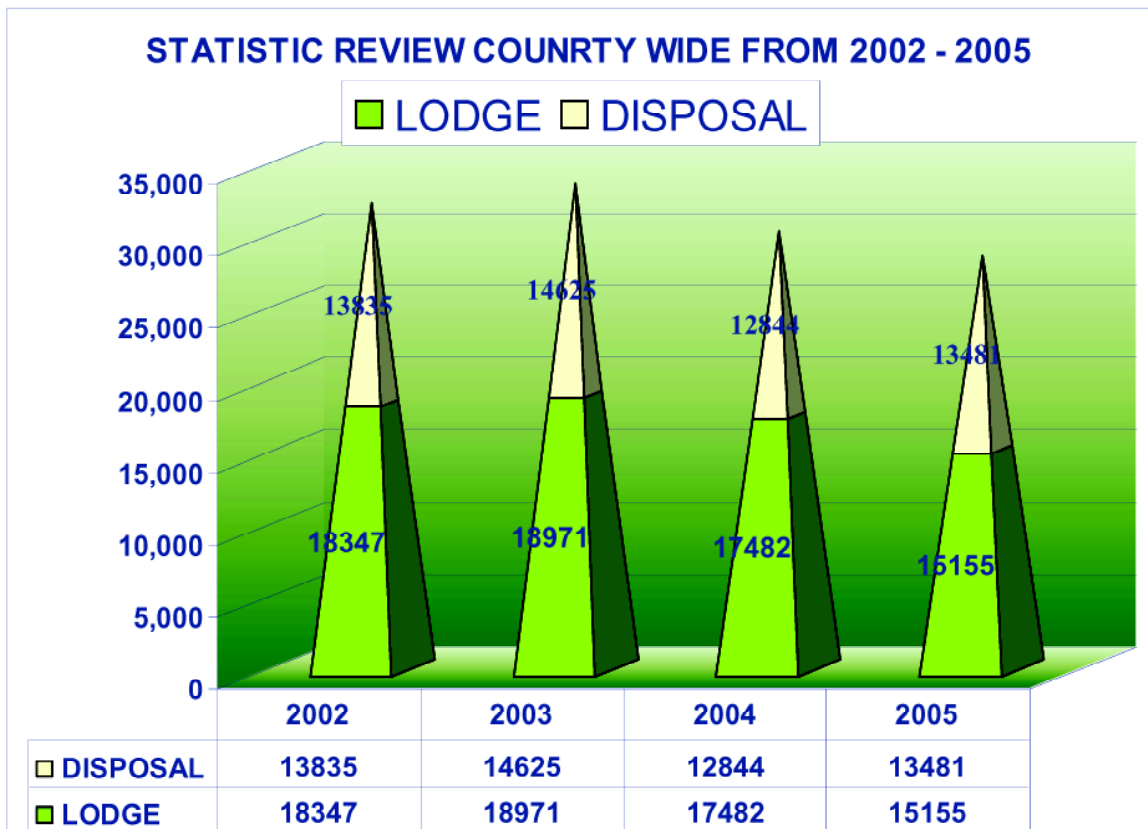
**CORONERS INQUEST 2005**

DISTRICT	LODGE	DISPOSED
Orange Walk	10	0
Corozal	0	0
Belize	7	2
Belmopan	0	0
San Ignacio	0	0
Dangriga	0	0
Punta Gorda	2	1
<b>Total</b>	<b>19</b>	<b>3</b>





YEAR	LODGE	DISPOSAL
2002	18347	13835
2003	18971	14625
2004	17482	12844
2005	15155	13481



STAFF OF THE MAGISTRATES' COURT

**BELIZE JUDICIAL DISTRICT**

<b><i>PRESENT POSITION</i></b>	<b>NAME</b>	<b>QUALIFICATIONS</b>
CHIEF MAGISTRATE	Herbert D.R. Lord O.B.E.	LLB (Hons.) CLE CPA (U.W.I)
SR. MAGISTRATE	Mrs. Dorothy Flowers	Cert Para Legal Studies, CPA
MAGISTRATE	Mrs. Margaret Gabb Mckenzie	LLB (Hons.) CLE (U.W.I) Cert Para Legal Studies
MAGISTRATE	Ms. Sharon Frazer	LLB CLE (U.W.I)
MAGISTRATE	Mr. Earl Jones	LLB (Wolverhampton) CPA (U.W.I)
MAGISTRATE	Mr. Harrison Hulett	Cert Para Legal Studies (A) Level Law
MAGISTRATE	Mr. Henry Usher	LLB University of Western Ontario BSC University of Louisiana Economics & Business Law Majors
MAGISTRATE	Mr. Roberto Ordonez	Cert Para Legal Studies Cert Social Work (UWI)
MAGISTRATE	Mrs. Aretha Ford (Municipal Court)	(M.Sc.) Criminology
MAGISTRATE	Mrs. Stephanie Gillett (Municipal Court)	Cert Para Legal Studies (A) Level Law, Literature, Advance Subsidiary English Language
MAGISTRATE	Mr. Richard Swift	LLB (Guyana) CPA Certificate Para Legal Studies On study leave at Norman Manley Law School (Jamaica)
Clerk of Court	Ms. Orleen Pitzold	High School Diploma
Ass. CLERK OF COURT	Mrs. Diana Hendy	High School Diploma

**COROZAL JUDICIAL DISTRICT**

MAGISTRATE	Mrs. Kathleen Lewis	Cert Para Legal Studies On study leave pursuing LLB in Guyana
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MAGISTRATE	Mrs. Emerita Ascoli	Cert Para Legal Studies
CLERK OF COURT	Mr. Ramon Escobar	High School Diploma

**ORANGE WALK JUDICIAL DISTRICT**

MAGISTRATE	Mr. Emmerson Banner	LLB (Guyana) Cert Para Legal Studies
CLERK OF COURT	Mrs. Hermelinda Mai	Associate Degree High School Diploma

**CAYO JUDICIAL DISTRICT**

MAGISTRATE	Mr. Leslie Hamilton	Cert Para Legal Studies Cert Accounting, Business Principles (On study leave, pursuing LLB in Guyana)
MAGISTRATE	Ms. Hettie Mac Stewart	Cert Para Legal Studies (A) Level Law
CLERK OF COURTS	Mrs. Lorlie Johnson	High School Diploma
MAGISTRATE Belmopan	Mr. Albert Hoare	Cert Para Legal Studies Cert Business Communications
CLERK OF COURT	Mrs. Violetta Chan	High School Diploma

**STANN CREEK JUDICIAL DISTRICT**

MAGISTRATE	Mr. Patrick Rosado	A- Level Law High School Diploma
CLERK OF COURT	Ms. Edna Tingling	High School Diploma

**TOLEDO JUDICIAL DISTRICT**

MAGISTRATE	Mr. Clive Lino	Cert Para Legal Studies On study leave pursuing LLB in (Guyana)
MAGISTRATE	Mr. Winston Carr	Cert Para Legal Studies Cert Social Work Cert - Sr. Labor Administrator
CLERK OF COURT	Ms. Leticia Sutherland	High School Diploma

**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. Leslie Hamilton**



**Mr. Clive Lino**



**Ms. Stephanie Gillett**



**Ms. Aretha Hyde**



**Mr. Albert Hoare**



**Ms. Hettiemaie Stuart**



**Mrs. Kathleen Lewis**



**Mrs. Emerita 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	Hettiema 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 significant 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 Family Courts Act states 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

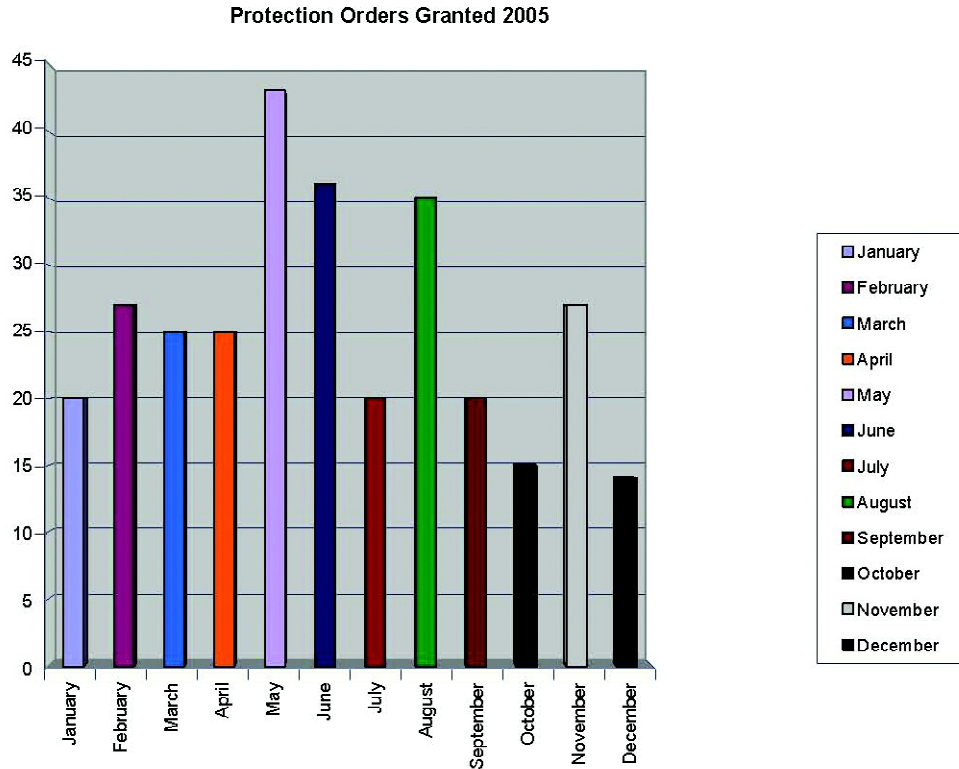
associated with the Court to assist in its effectiveness. This means that the Court is expected to encourage non-adversarial resolutions of problems in a manner, which serves the welfare of the parties. This is especially so for any children involved, in which case the child's welfare shall be the paramount consideration. The following are the programmes implemented by the Court in 2005

## **2.1 Domestic Violence**

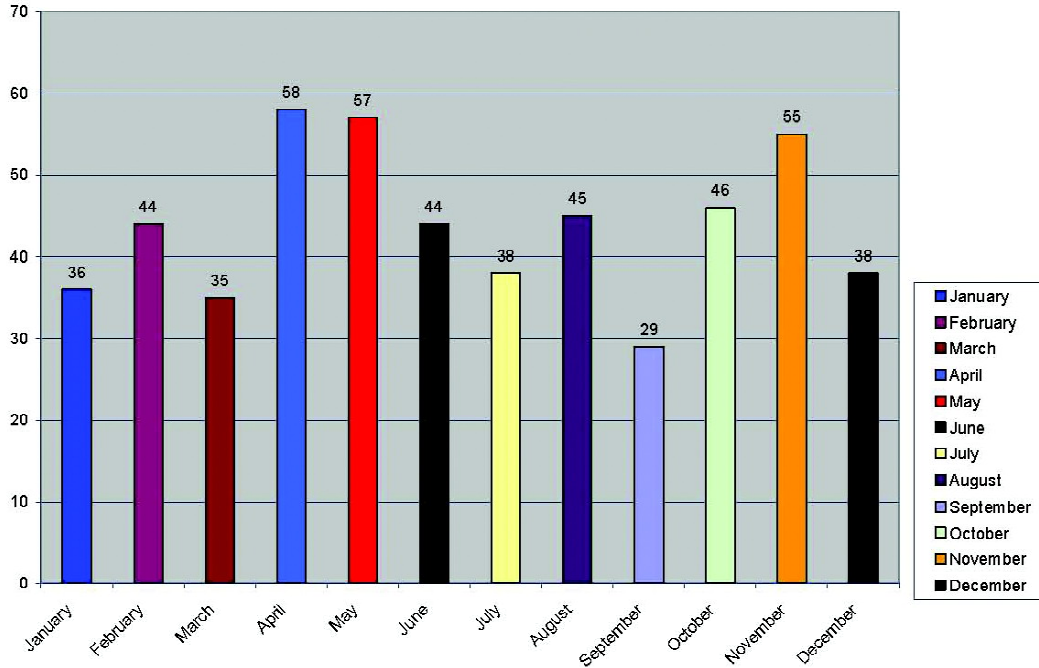
As was the case in 2004, domestic violence continues to be a major problem in Belize. In 2005 the court dealt with 675 applications; of these 525 applications were for protection orders and 150 were for occupation orders. Females continue to be the most affected, they made 564 applications while the number of males applying was 111, their ages between from 17 – 70 years. Statistics revealed that during this year, there were a decrease in the number of applications for occupation orders by both male and female. This may be as a result of the fact that many of the applicants do not live together. As reported in the 2004 annual report, in respect to the Male Intervention Program, to address domestic violence, the first meeting to develop the batters intervention program for Belize was held in September 2005, which resulted in the formation of a steering committee, and has the support of the Women's Department, Shelter for Battered Women, National Committee for Families and Children, Community Rehabilitation Department, Human Development Department, WIN Belize, BFLA, PAHO/WHO, Churches and Non- Governmental Organizations. It is hoped that this initiative will assist in the reduction of domestic violence cases brought before the Family Court.

The Counselling Center, Women's Department, and the Psychiatric Clinic continue to provide counseling services to victims and abusers. These services are key components in the Court's efforts to provide affordable, adequate and reliable services to all clients designed to create positive lifestyle changes.

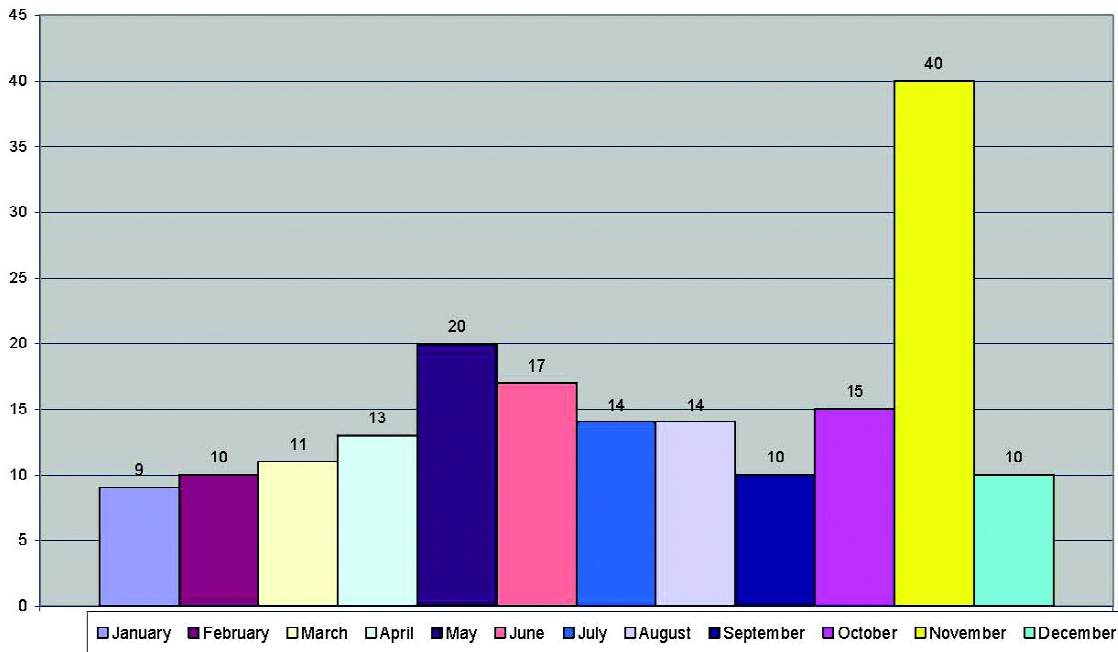
The Counselling Center, Women's Department, and the Psychiatric Clinic continue to provide counseling services to victims and abusers. These services are key components in the Court's efforts to provide affordable, adequate and reliable services to all clients designed to create positive lifestyle changes.



**Applications for Protection Orders 2005**

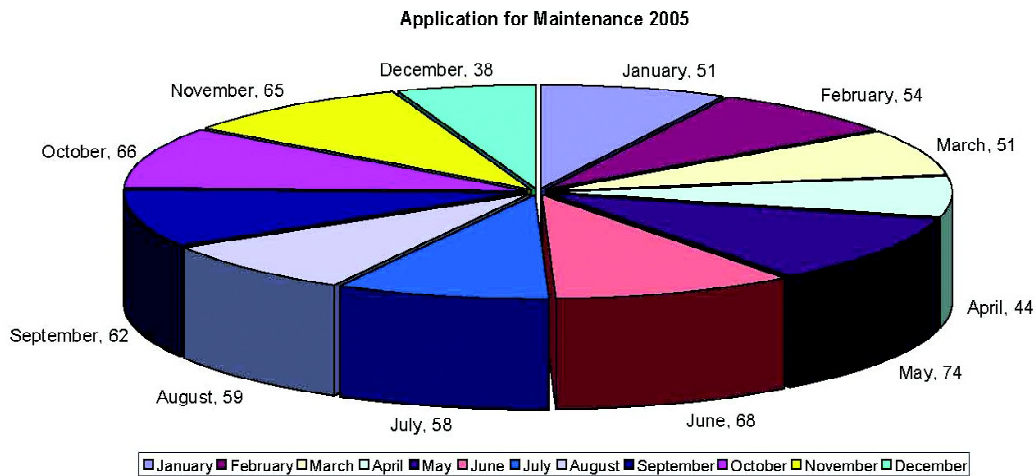


**Application for Occupation Orders 2005**



## 2.2 Maintenance

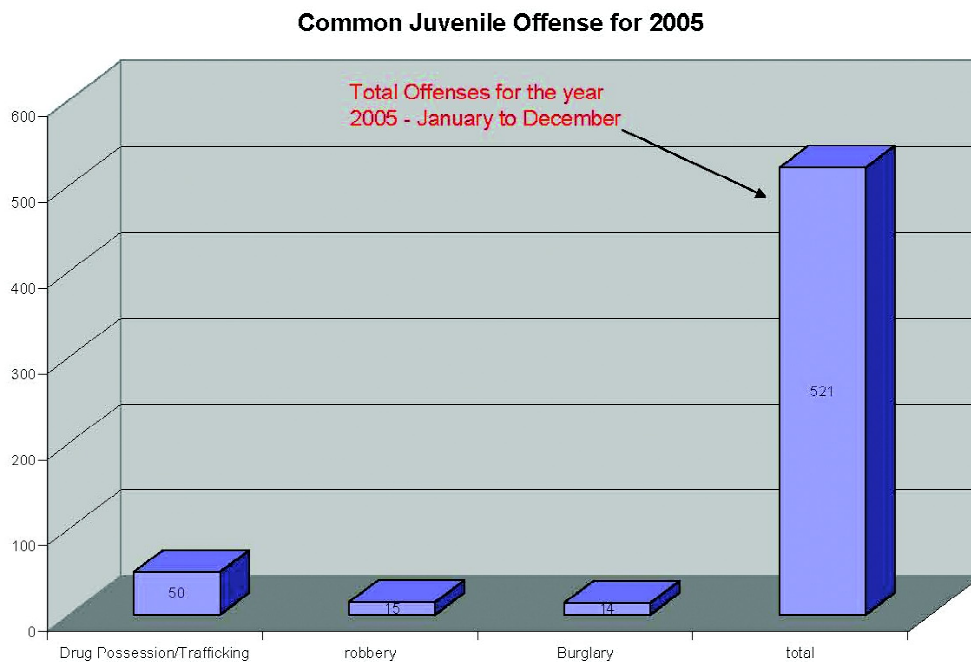
Maintenance continues to be an important component of the services/programs offered by the Belize Family Court. For the year 2005, there has been a slight increase in the number of maintenance applications. The total number of maintenance cases which the court handled during this reporting period amounted to six hundred and ninety one (691), of which five hundred forty eight (548) were disposed of by Magistrates. Sixty two (62) were done voluntary with the assistance of the Intake/Welfare Officers, and the remaining one hundred forty three (143) were abandoned, while others were asked to be put on hold by the client. Applicants' ages ranged from 18 to 67 years. Of the 691 cases forty eight (48) of these were made by males, and six hundred forty three (643) were made by females.



## 2.3 Juvenile

The court has observed yet an increase in the number of juvenile cases. In 2005, there were five hundred twenty one (521) cases that were lodged in comparison to 2004 which was four hundred ninety two (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. The Court is still not satisfied with the status of the Community Service Orders Programme as the Agency responsible is unable to secure the services of Relevant Officers.

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.



It must be noted that probation is being used as an alternative to custodial sentencing or fines, as it is believed that due to the conditions that are attached to the probation

including counseling the young offenders may change behavior and attitude as the parents are involved. While on the contrary, it was observed that the young offenders are reluctant to do community services, as it can only be ordered with the consent of the young person. Additionally, supervision of person doing community service may be unavailable due to lack of man power of the Community Rehabilitation Department.

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.

### **3.0 Alternative Dispute Resolution (ADR)**

The second training on Primary Dispute Resolution and advance mediation training for Magistrates, Intake/Welfare Officers, and other professionals in the related field of service to families and children was held on Thursday 17th and Friday 18th November 2005. The training was conducted by Professor Albert K. Fiadjoe LLB, PHD, with the assistance of Ms. Sharon Almerigi B.Sc, B.F.A, C.P.F, and sponsored by UNICEF.

This training was a follow up to the first held earlier in the year, where Family Court officers, and other stake holders are being professionally trained, and being prepared for the establishment of a Primary Dispute Resolution program in the Family Court.

Over the two days, an overview was given by Professor Fiadjoe on Family Legislation and basic mediation skills and the mediation process. Participants were given a number of handouts, which included a sample of the Model Standards of Conduct for Mediators prepared by the American Bar Association, American Arbitration Association, and Association for Conflict Resolution.

There were also two presentation; one on Spousal and Support Issues which was done by Attorney – at –Law Sondra Garoy, and the other Maintenance Taxes which was



done by Mr Kent Clare from the Income Tax Department.

The Belize Family Court and UNICEF as part of its ongoing training program to build capacity of Child and Family Protection officers conducted its first mediation training on the 14th – 15th November 2005 for twenty five Law Enforcement Officers at the Belmopan Police Academy. The evaluation revealed that the training was well received and the twenty Police Officers and five staff members from Kolbe Foundation all requested a follow up training as early as possible as the methodology applied in the training has broaden their out look on child and family protection issues. This training was also conducted by Professor Albert K. Fiadjoe and Ms. Sharon Almerigi.

#### **4.0 Other Activities**

Internship: The Belize Family Court continues to receive Law student from the University of the West Indies. During the course of the year, Ms Trina Young a Law student was placed at the Belize Family Court for the summer. Ms Young assisted in putting the Laws on power point, prepared several presentations for the Court, and did an assessment of completed cases for protection and occupation orders.

Public Lectures: Director and Magistrates from the Family Court also conducted presentations on Child Maintenance and Legal/financial responsibilities to fourth form students from several High Schools in Belize City and at other institutions. The purpose of these presentations were to provide a sound basis for students and the public to better prepare themselves before considering parenthood, and thus serve as deterrent for unwanted pregnancies and children. Feed back received from teachers and students showed a high degree of satisfaction and the Court has received requests to continue and expand this activity to other districts.

Fundraising: A fund raising Bar-B-Q was held in December by the male staff of the Belize Family Court under the name “Man against Domestic Violence” (MAD). From this initiative, two thousand dollars was donated to the Shelter for Battered Women. GOOD

WORK GUYS.

## **5.0 Staff Development**

### **5.1 Training**

The Belize Family Court continues to views training as an integral part of the organization. Presently, the Republic of Trinidad and Tobago Act No. 8 of 2004 to provide for mediation is being reviewed by the Magistrates and other personnel.

The training on Report Writing by Ms Judith Alpuche for Intake/Welfare Officers has been completed. With this training officers are better equipped with report writing skills and techniques.

Presently there is five 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.*

*Everal Day – Bailiff is presently pursuing A level Law at UWI – Belize City*

### **Significant Partnerships:**

The Belize Family Court continues to benefit from the kind assistance of UNICEF. They have donated furniture, computers and is in the process of seeing the relocation of the Family Court. This venture will enhance the image and services of the Belize Family Court as it continues to serve the public. UNICEF has also contributed financially to the training of Magistrates and Intake/Welfare Officers in Primary Dispute Resolution. Through this medium, the Director and staff of the Belize Family Court would like to acknowledge and thank UNICEF for their continued support and looks ahead to the good working

relationship.

## **5.2 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 trial.

### **Plan of Action 2006**

- ◆ Professor Albert K Fiadjoe LLB. LLM., Phd. Barrister- at- Law will complete training for the staff in Alternative Dispute Resolution.
- ◆ Relocation – Moving the entire operation to the new location situated at the former Treasury Building in Belize City.
- ◆ Upgrade of Computer System – The agreement with UNICEF has allowed for the writing of a software programme for the entire Court operations and establishment of a network. This will be operational within the context of the new location.
- ◆ Legislation – specialized training for Intake /Welfare Officers in domestic violence and child protection.
- ◆ Retreat – Family Court staff to receiving training teambuilding and good governance.

**Statistics on Domestic Violence for January to December 2005**

<b>Month</b>	<b>App. for Protection Order</b>	<b>Protection Orders Granted</b>	<b>Breach of Protection Order</b>	<b>App. for Occupation Order</b>	<b>Occupation Order Granted</b>
January	36	20	5	9	7
February	44	27	5	10	8
March	35	25	1	11	2
April	58	25	5	13	8
May	57	43	5	20	12
June	44	36	4	17	13
July	38	20	2	14	10
August	45	35	4	14	9
September	29	20	5	10	7
October	46	15	2	15	6
November	55	27	7	40	8
December	38	14	4	10	4
<b>Total</b>	<b>525</b>	<b>307</b>	<b>50</b>	<b>150</b>	<b>94</b>

**Statistics on Family Matters for January to December 2005**

<b>Months</b>	<b>Application for Access</b>	<b>Access Granted</b>	<b>Care Order</b>	<b>Care Order Granted</b>	<b>Custody</b>	<b>Custody Granted</b>
January	7	2	5	5	7	3
February	7	3	3	3	15	3
March	6	2	8	9	13	3
April	7	5	6	4	14	8
May	13	1	6	3	23	3
June	4	4	5	4	13	4
July	8	2	9	5	24	4
August	8	4	2	2	19	6
September	15	13	7	2	11	3
October	14	5	2	3	11	3
November	8	8	4	4	13	2
December	5	4	2	1	2	1
<b>Total</b>	<b>102</b>	<b>43</b>	<b>59</b>	<b>45</b>	<b>165</b>	<b>53</b>

<b>Months</b>	<b>Legal Separation</b>	<b>Legal Separation Granted</b>	<b>Application for Maintenance</b>	<b>Maintenance Granted</b>
January	9	8	51	11
February	8	6	54	10
March	9	4	51	13
April	11	2	44	34

Chief Justice's Annual Report On the Judiciary

May	18	3	74	42
June	15	6	68	46
July	8	8	58	54
August	14	11	59	50
September	7	4	62	35
October	16	8	66	26
November	12	4	65	34
December	3	1	38	30
Total	130	65	690	385

Summary of cases for the year January to December 2005

<b>Month</b>	<b>Completed Cases</b>	<b>Cases Withdrawn</b>	<b>Cases Dismissed</b>
January	57	17	24
February	57	7	25
March	47	20	24
April	67	7	48
May	70	27	51
June	93	23	52
July	104	15	36
August	95	17	51
September	75	21	32
October	51	23	33
November	99	17	42
December	112	10	28
Total	932	204	446

**STAFF OF THE BELIZE FAMILY COURT**

<b>POST</b>	<b>NAME</b>	<b>QUALIFICATIONS</b>
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

Chief Justice's Annual Report On the Judiciary

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	Alberta Lino	Primary School Certificate St. Peters Claver School certificate Belize Technical College Diploma R.S.A. Math & English
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 3 <sup>rd</sup> 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
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**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 2005**

### **Registrar**

The Registrar of the Supreme Court and Court of Appeal Ms Michelle Arana acted as a Judge of the Supreme Court as from February, 2005 to December, 2005. Thereafter, she was given tenure as a Judge of the Supreme Court.

Mrs. Minnet Hafiz-Bertam acted as Registrar of the Supreme Court from February, 2005 to December, 2005.

Mr. Edmund Pennil was on leave during the month of November, 2005 and Mr. Raymond Usher, Assistant Registrar acted as Deputy Registrar.

### **Changes in Registry Staffing**

Ms. Catherine Smith was transferred to the Companies Registry in Belmopan, with effect from 18<sup>th</sup> October, 2005.

Jose Leal, our Systems Administrator, died on 9<sup>th</sup> February, 2005 and Mr. Amilcar Vasquez, Systems Administrator joined us on 8<sup>th</sup> June, 2005.

Pauline Wright was transferred from the Director of Public Prosecutions Office to the Registry Department as from 1<sup>st</sup> November, 2005.

Mr. Albert Flowers, Assistant Marshall of the Supreme Court left us to pursue a Degree in Law at the University of Guyana.

### **Reclamation of two Departments**

As from October, 2005 the Companies Registry and the Belize Intellectual Property Office (BELIPO) which were privatized was handed over the General Registry. The Registrar of these Departments is the Registrar General.

**STAFF OF THE GENERAL REGISTRY**



**First Row L – R:** Ms. Marie Ysaguirre (First Class Clerk), Mr. Amilcar Vasquez (Systems Administrator), Mrs. Ermita Flowers (Trust Officer)

**Second Row L – R:** Mrs. Erlinda Leiva (Administrative Officer), Ms. Candice Flowers (Cashier), Ms. Elizabeth Humes (Legal Assistant), Mrs. Minnet Hafiz Bertram (Registrar General)

**Fourth Row L – R:** Mr. Evan Welch (Office Assistant), Mr. Raymond Usher (Assistant Registrar), Mr. Edmund Pennil (Deputy Registrar), Ms. Deborah Rabateau (Clerical Assistant)



### **Court Marshals**

**L – R:** Glen Banner, Lino Chan, Charles Humes (Deputy Marshal), Frank Mendez

**Missing:** Armand Lennan, Albert Flowers (attending Law School)



### **Court Stenographers**

**L – R:** Audrey Grinage, Irene Palacio, Melissa Rowley, Marie Coye, Elvia Cowo

**Missing:** Eloisa Bustillos

## THE VITAL STATISTICS UNIT REPORT



The Vital Statistics Unit under the sponsorship of the Social Security Board is undertaking a six-month Out-Reach Clinic in villages of the Southern Districts of Toledo and Stann Creek. This exercise is enabling these people to obtain their Birth Certificates and Social Security Cards as it is expected that this year the National Health Insurance Project will be accessible to them.

Social Security Board is contributing \$51,800.00 to the Vital Statistics Unit for this Project and the Honourable Attorney General has signed a Statutory Instrument to waive fees of Late Registration during this six-months period.

Vital Statistics Unit is offering all of its regular services in these Out-reach Clinics, with the exception producing the certificates. These are returned to them within one week. To date the following villages have benefited from this exercise:

- San Pedro Columbia
- Jalacte
- San Vicente
- Blue Creek
- Big Falls

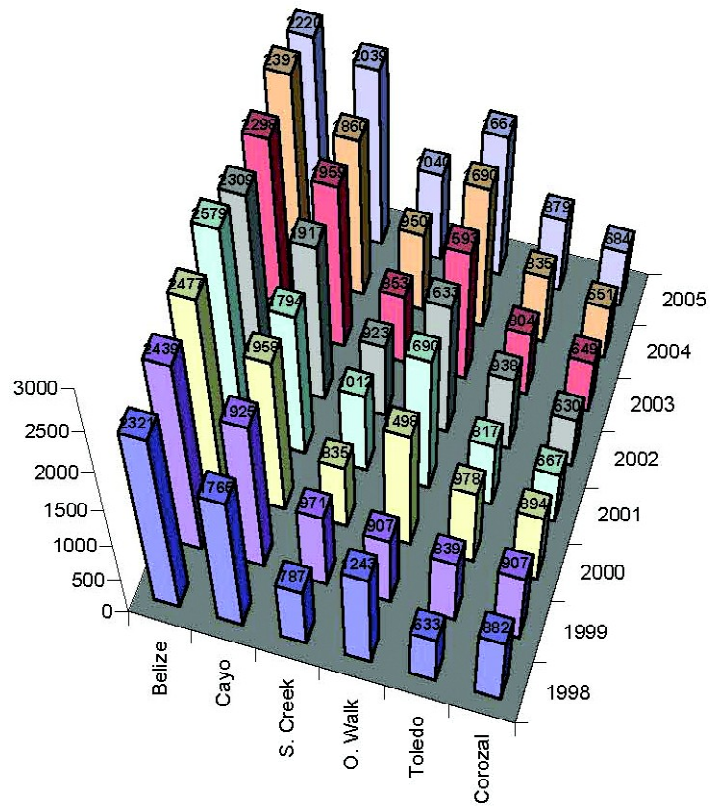
Registration for 2005 by district is as follows:

<u>District</u>	<u>Births</u>	<u>Deaths</u>
Stann Creek	1040	117
Belize	2220	462
Orange Walk	1664	124
Cayo	2039	180

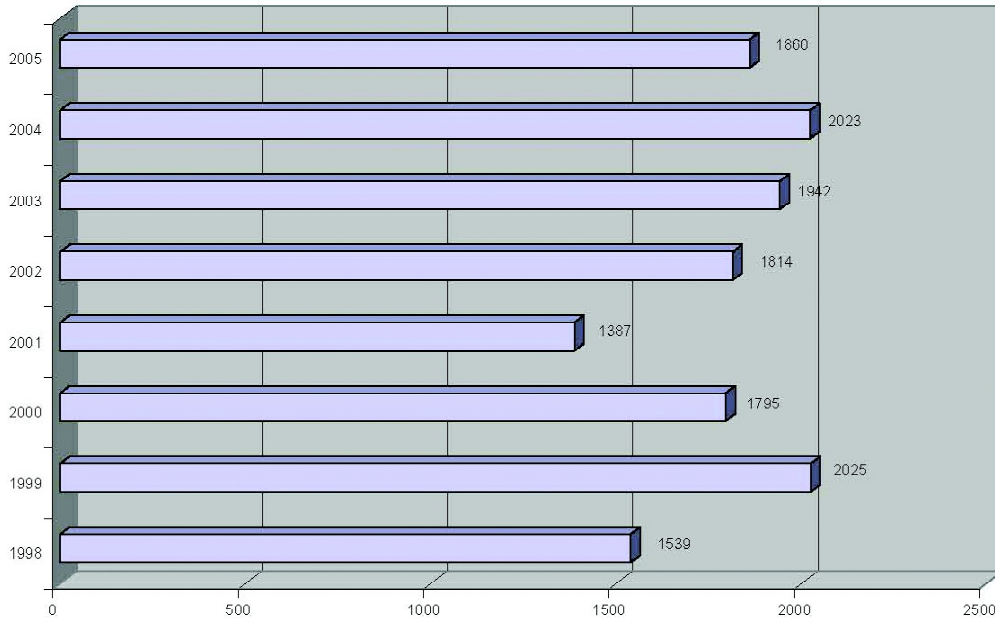
Corozal	684	111
Toledo	879	63
	<u>8,526</u>	<u>1,057</u>

Adoptions	40
Deed Polls	303
Marriages	1860

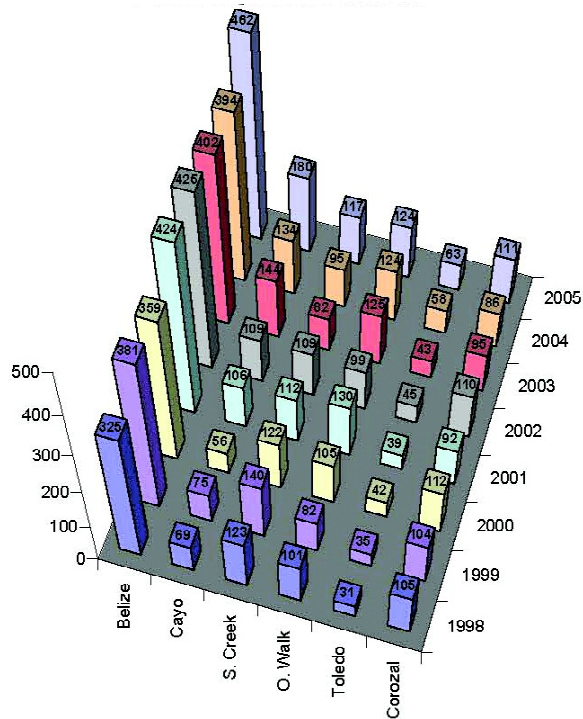
**Births Registration 1998-2005**



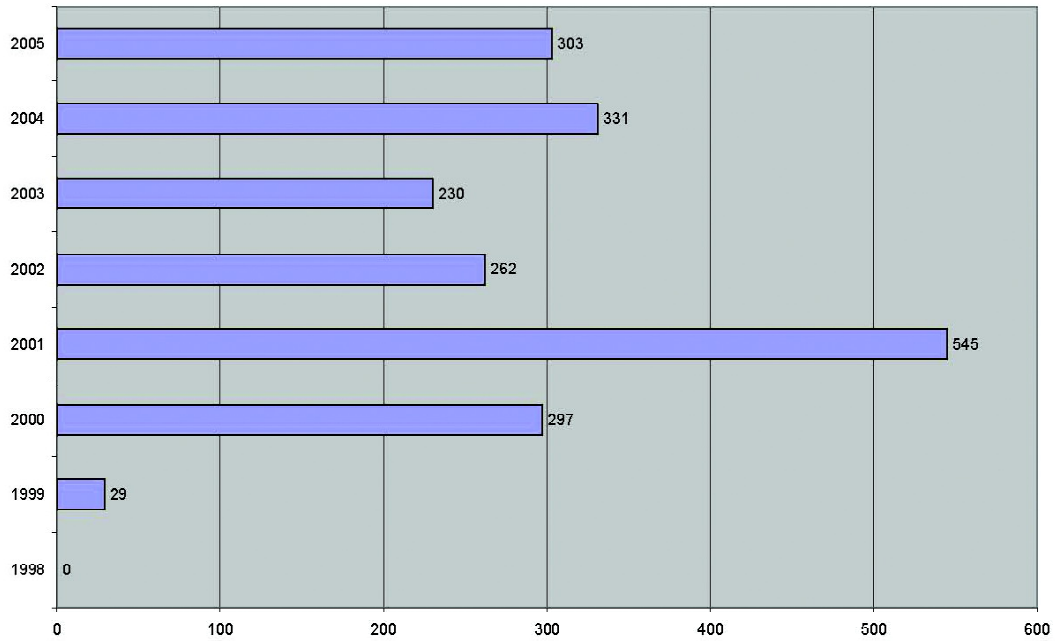
### Marriages 1998-2005



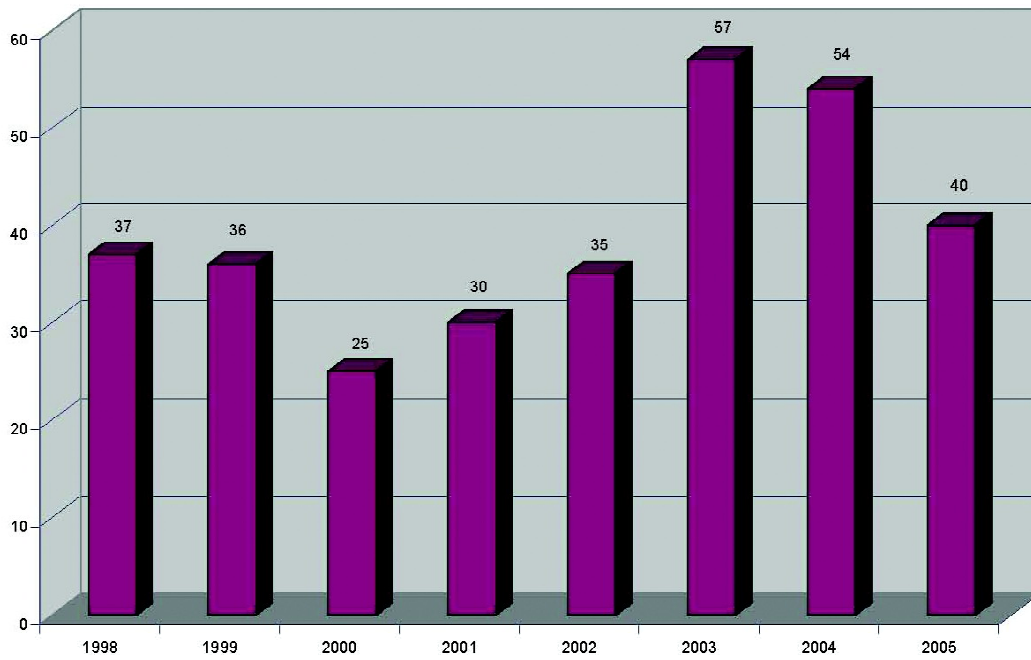
### Deaths Registration 1998-2005



### Deed Polls 1998-2005



### Total Registered Adoptions 1998-2005





## **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**

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. Mr. Richard Wilson Donated a book on Commercial and Mercantile Court Litigation Practice
- B. Mr. Ian Gray donated three books for students which include: Conflict of laws, Law Update 2005 and Public International Law.

### **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, Paralegals, A Level students and International Attorneys that come to Belize.

The Supreme Court Law Library had a successful year 2005. So far, the work of the library has increased every year and so it is certain that 2006 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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