

# Editorial Committee

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**Librarian – Supreme Court Law Library**

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**System Administrator**

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## **Vision Statement**

The Supreme Court of Belize in its mandate to serve the people of Belize aspires to:

1. Provide a system of justice that is accessible to all members of the public.
2. Provide comfortable, confidential and customer-friendly service to the public.
3. Provide a judicial service grounded on integrity, accountability, fairness and justice.

## **Mission Statement**

The Supreme Court of Belize in its mandate to serve the people of Belize aspires to:

1. Create a judiciary that affords access to justice by members of the public.
2. Uphold the high ethical standards of judicial office and maintain a judiciary that is independent, free from bias and devoid of corruption engendering public confidence and trust.
3. Dispose of cases in a fair, expeditious and efficient manner.
4. Provide a well-trained and motivated staff equipped for effective management of the judiciary.
5. Adapt to the changes of society.

# INTRODUCTION

During the course of the year 2011 and continuing up to the present, the Judiciary and Magistracy and Alcalde Courts of Belize have strived to live up to the Constitutional mandate by dispensing justice to citizens and litigants in all walks of life in Belize.

The Courts have endeavoured to maintain their independence and to seek to build trust and confidence in their operations in the minds of the community at large.

The Annual Report of the Judiciary of Belize for the period 2011 to 2012 is intended to give an account of the working of the various departments of the judiciary, to highlight achievements and to dispense information useful to users of the Courts and the Registries. Be that as it may, helpful suggestions are always welcome as the thrust is to provide quality, efficient and timely service in the justice sector.

**CHIEF JUSTICE’S ANNUAL ADDRESS DELIVERED AT THE FORMAL OPENING OF THE COURT COMMENCING THE 2012 LEGAL YEAR OF THE SUPREME COURT OF BELIZE ON MONDAY JANUARY 16, 2012.**



In Photo: First Row (Left to Right) - Justice Legall, Justice Hafiz-Bertram, Justice Lucas, Justice Awich, Hon. Chief Justice Kenneth Benjamin, Justice Arana, Justice Lord, Justice Gonzalez, Justice Hanomansingh  
Second Row (Left to Right) - Ms. Audrey Grinage – Head Stenographer, Mr. Edmund Pennil – Deputy Registrar, Ms. Alberta Perez – Deputy Registrar, Ms. Velda Flowers – Registrar General, Ms. Marcia Mohabir-Assistant Registrar, Mr. Charlie Humes – Deputy Marshall

The year 2011 represented the changing of the guard in the office of the Chief Justice bringing to end the inter-regnum that had existed since August 2010. I am here referring to the ending of the acting appointment of His Lordship the Honourable Mr. Justice Samuel Awich as Chief Justice and the swearing-in of your humble servant as Chief Justice on September 15, 2011. Although I have already done so from this very seat, I believe it is fitting and appropriate that I repeat the sentiments of gratitude to Justice Awich for having kindly acted as the gate-keeper. His Lordship’s efforts made for a smooth, seamless transition in this high office. Thank you, Justice Awich.

It follows that having had a short period of four months at the helm, the learned curve was a sharp one. I am pleased to acknowledge the willingness to impart information demonstrated by my colleague Judges, the President of the Court of Appeal, the Hon. Attorney-General, the Solicitor-General, the Registrar-General, the staff of the Supreme Court Registry and Senior Attorneys.

I laud and embrace the significance of this occasion, the opening of Legal Law Year of the Supreme Court. It presents an opportunity for the judicial arm of Government to render

stewardship by reporting on events of the past year and signalling initiatives to be undertaken in the year at hand. Be assured that this event is entrenched in the legal landscape and will continue to take place on the Monday closest to the end of the Christmas vacation of the Supreme Court.

It is a well-known fact that the Constitutional arrangements do not allow for the judiciary to have a direct voice in Parliament, although provision is made for the Attorney-General's Ministry to make budgetary requests and provide reports to the electorate in relation to the Judiciary at large, including the Supreme Court, the Court of Appeal and the Magistrate's Court.

### **BUDGETARY PROVISION**

The allocation of financial resources continues to be a constraining influence on the work and development of the Supreme Court. Indeed, the justice sector competes with the other critical areas of education, health, infrastructure, human and economic development and the all-pervading servicing of debt obligations.

The approved allocation by Central Government to the Judiciary during the fiscal year 2011-2012 stands at \$7,891,108.00. Against a National Budget of \$729,553,334.00, the Judiciary shares in 1.08% of the same. This represents a slight increase over previous years. However, given the projected demands I will outline in due course, a plea for a larger allocation would not be misplaced.

The Judiciary is charged with the Constitutional responsibility of upholding the rule of law.

For the Judiciary to fulfil this important mandate adequate funding is a necessity.

### **JUDICIAL COMPLEMENT AND REGISTRY STAFF**

The complement of Judges continues to stand at nine Judges inclusive of the Chief Justice. There are four Supreme Court Judges assigned to the Criminal Division and an equal number assigned to the Civil Division. It is anticipated that the assignment will remain unchanged during 2012. However, for a reason which will become apparent as I read on, the Chief Justice will be undertaking the hearing of certain criminal cases in the course of 2012 and beyond.

The establishment makes provision for an additional Judge to be appointed. This appointment will not be made in the coming year and will be informed by the data that will

emerge from a comprehensive statistical assessment of the case-load and case disposal rate in both the Criminal and Civil jurisdictions.

In the year 2011, the Registry has been strengthened by the appointment of a Deputy Registrar and an Assistant Registrar. Ms. Alberta Perez has been appointed as the Deputy Registrar with responsibility for appeals. Ms. Perez has migrated from the family Court where she sat for several years and is an Attorney-at-Law with 12 years of call to the Bar. We welcome Ms. Perez and recognise that she will have the added responsibility of appeals to the Caribbean Court of Justice.

In the latter months of 2011, the vacant position of Assistant Registrar in the Supreme Court Registry was filled by Ms. Marcia Mohabir, a recent graduate of the Hugh Wooding Law School. Her training as a volunteer officer of the Belize Defence Force and her staunch religious upbringing augur well for anticipated good work performance. Her performance thus far has not disappointed.

## **REGISTRY REFORM**

In October 2010, the Supreme Court Registry hosted a short-term assignment under the auspices of the Commonwealth Fund for Technical Co-operation of the Commonwealth Secretariat. In December 2010, the Consultant, Mr. Peter Secombe, submitted a report which registered observations and made recommendations for the re-organization of the Registry.

This initial assessment phase has now advanced to the implementation of the recommendations. To this end, there is now in place in the Supreme Court Registry a consultant in the guise of a Temporary Court Administrator. Mr. David Beling hails originally from Sri Lanka and for the last 41 years from New South Wales in Australia. He comes with considerable experience at all levels of court administration. In addition he has carried out consultancies in Lesotho, Tonga and Swaziland. His assignment will span the period of January to September 2012. His remit as reflected in the terms of reference is to: 1. Assess the current systems in place at the Registry; 2. Implement a system for the efficient functioning of the Registry; and 3. Build the capacity of Registry personnel to sustain new systems and procedures that are established and implemented.

Mr. Beling has commenced the project and he will be assisted on a day-to-day basis by the newly-appointed Assistant Registrar. The Supreme Court welcomes Mr. Beling and looks forward to benefitting from his vast knowledge and experience. We are grateful to the Commonwealth Secretariat for the ongoing assistance in this critical area.

## **CASE MANAGEMENT**

### **Court Management Software**

The underpinning of the Supreme Court (Civil Procedures) Rules 2005 is the utilization of the concept of case management as a technique for the just, efficient, economical and timely disposal of civil cases. However, the assessment of the impact of these Rules from a statistical perspective has been difficult restricting the capacity for case flow management. The manual extraction of statistical data has proven to be time-consuming, tedious and often inconclusive. In past years, efforts have been made to address the acquisition of case management software for installation and use by the Registry. Such efforts have been stultified by budgetary constraints. Under my direction, the Registrar has opened exploratory contact with a local software developer with some experience in court management software solutions, for the development of a programme purposely designed for the use of the Registry of the Supreme Court of Belize. This potential collaboration is in its initial stages and during the course of 2012, it is my fervent hope that a suitable case management programme can be devised. Fortuitously, this aspect of computerization lies within the terms of reference of the Commonwealth Consultant/Temporary Court Administrator and his input will be invaluable to the development of the software.

## **RULES REVIEW COMMITTEE**

At the sitting of this Honourable Court on September 23, 2011, I announced my intention to convene a Rules Review Committee comprised in the first instance with the original members of the Rules Committee chaired by Chief Justice Abdulai Conteh. In furtherance of this intent, formal invitations have been issued to those Senior Counsel. I have since received suggestions as to other resource persons and these persons will be invited to be members of the Committee.

Shortly, a general invitation will be issued to members of the Bar to make submissions for the consideration of the Rules Review Committee.

The Committee will act as the advisory body to inform the Chief Justice as to necessary amendments to the Civil Procedure Rules and as to the issuance of Practical Guides and Practice Directions.

## **MEDIATION**

The overriding objective of the Supreme Court (Civil Procedure) Rules 2005 mandates that the Court must actively manage cases. Included among the powers given to a Judge is the discretion, in appropriate cases, to encourage the parties to embark upon a process of



alternative dispute resolution, such as mediation. The Rules go further to require the Court to facilitate such procedures by accommodating deserving adjournment. Faithful to the Rules, Judges have been encouraging settlement discussions and have often times assumed the role of mediator.

In fulfilment of the purport and intent of the overriding objective, the time has come for the Supreme Court to adopt the multi-door approach to the resolution of disputes by offering to litigants, mediation services under its auspices. For such an undertaking to be successful, the Court must be vigilant in offering a process that is imbued with efficiency and integrity. Her Ladyship Madam Justice Hafiz-Bertram has kindly consented to give of her valuable time to shepherd the creation and implementation of a system of mediation. I am aware that Her Ladyship has been examining designs operative in other jurisdictions and she will be co-opting suitable personnel from the Judiciary, the Bar and from the community to assist in developing a structured approach to mediation that is consistent with the mores and societal demands of the litigating public in Belize. In this regard, the Bar is encouraged to lend its support to this pioneering initiative.

Within the coming week I will be meeting with the President of the University of Belize to discuss, among other matters, the possibility of collaboration in the training of court-sponsored mediators.

## **WEBSITE DEVELOPMENT**

It is critical and imperative for the development of the jurisprudence in Belize that there be timely and ready dissemination of decisions of the Supreme Court. The launching of the website for the Supreme Court of Belize was indeed intended to address this demand. Regrettably, the website has fallen into desuetude and no longer serves to provide ready access to court judgments.

In order to correct this deficiency, the Systems Administrator has been tasked with providing a blue-print for the modernization and updating of the website to address the restoration of its original purpose.

## **CRIMINAL DIVISION**

The Criminal Justice System continues to be challenged by the volume of cases involving violent crime. The Court lists for all the Judicial Districts have grown to the point where the ability of the Courts to dispose of cases has been effectively outstripped. This state of affairs has compromised the capacity of the criminal justice system to dispose of all cases in an expeditious time-frame.

In an effort to explore at least one option, it is my intention to resuscitate a committee, commissioned by my predecessor-in-office, to devise rules for the introduction of case management techniques; complete with time-lines, for the disposal of cases in both the Inferior Courts and the Supreme Court.

Faced with an escalating crime rate, it is not an option for the Judiciary to proceed as if it is business as usual. Contrarily, there must be a well-considered, robust response which meets the expectations of the community while preserving the rights of the accused person as guaranteed at law and under the fundamental rights provisions of the Constitution. Victims and families of victims of crime have the same right to justice as have the alleged perpetrators of crime.

The number of cases of murder has become a cause for alarm. However, the ability of the Judges of the Criminal Division to try capital cases has been significantly hampered by the paucity of lawyers available to be assigned to represent accused persons at the expense of the State. The consensus among the Judges was that the tariff was set too low and hardly compensated counsel in some cases for travel costs, far less for accommodation expenses should the trial be one in the Northern or Southern Districts. Accordingly, a proposal has been taken on board to amend the relevant Order to increase the present level of honorarium. But this will not provide a complete alleviation of the problem. A call goes out to practitioners of criminal law to render themselves available to assist the Court to take cases of murder to trial.

As of August 1, 2011, all new cases of murder-related offences committed for trial after that date are triable by a Supreme Court Judge sitting alone without a Jury. Such trials are expected to commence during this term of the legal year. I have indicated to the Judges in the Criminal Division that I will be sitting in that Division to assist with the trials by a Judge without a Jury. This type of trial upon indictment represents a significant departure from the previous standard of trial by Jury. As a by-product of this development, the emerging phenomenon of Jury intimidation and timidity would be obviated.

#### **COURT SITTINGS IN THE NORTHERN DISTRICT**

In the latter part of 2011 visits were made to Courts in the Northern District. It was immediately apparent in both Corozal and Orange Walk that there being only one Courtroom, the sitting of the Supreme Court precluded the sitting of the Magistrate's Court. This state of affairs is obviously untenable. To address this undesirable situation, steps are being taken to identify and outfit suitable premises for the sitting of the Magistrate's Court, paving the way for simultaneous sittings at both levels.

In this way, sittings of the Supreme Court in Orange Walk are scheduled to resume in the near future.

## **APPEALS**

The Court of Appeal continued its periodic scheduled Sittings during the year 2011 and disposed of ten (10) criminal appeals and ten (10) civil appeals. During the year a total of seventy eight (78) appeals were lodged.

Since the accession by Belize to the appellate jurisdiction of the Caribbean Court of Justice, three (3) cases have been lodged with one case being heard and determined. There remain three (3) cases pending before the Judicial Committee of the Privy Council.

For the first time of the jurisprudence of Belize, two (2) interlocutory applications were heard before the Caribbean Court of Justice by video conference. I am pleased to say that the hearings proceeded almost flawlessly. In this regard, the Systems Administrator, Ms. Avril Bennett, must be congratulated for her professionalism and technical efficiency.

Later in the current month, it is expected that the newly appointed Deputy Registrar Ms. Perez, will be attending a one-week work visit and training exercise for Sub-Registry Staff at the Caribbean Court of Justice Headquarters in Port-of-Spain, Trinidad.

It would be remiss of me if I failed to acknowledge on behalf of the bench of the Supreme Court the appointment of His Lordship Mr. Justice Douglas Mendes, SC of Trinidad and Tobago Bar as a Judge of the Court of Appeal. Justice Mendes brings to the appellate bench considerable experience as a civil practitioner in his native Trinidad and Tobago.

## **MAGISTRACY**

At end of September 2011, Mrs. Margaret Gabb-McKenzie retired as Chief Magistrate after a long and distinguished career. The position was immediately filled by Ms. Ann-Marie Smith, a native of Jamaica. Ms. Smith comes with seven (7) years prior experience in the Magistracy of Saint Lucia. We welcome the new Chief Magistrate and wish her well in her new endeavour, while we express our gratitude to Mrs. Gabb-McKenzie for her years of service to the Bench.

The Magistracy is in a dynamic state of development to address the desirable policy of being staffed by legal qualified Attorneys-at-Law. At this moment, there are five (5) Magistrates on study leave and receiving tutelage at the Norman Manley Law School in Jamaica. A sixth Magistrate is undergoing the Law Vocational Course in the United Kingdom. This augurs well for improved standards in the Magistracy and we look forward to the return of these six Magistrates to the Bench in Belize.

During the year 2011, Mr. Linbert Willis, Ms. Merlene Moody and Ms. Shona Griffith were appointed as Senior Magistrates and assigned to the Cayo, Orange Walk and Stann Creek Judicial Districts. The complement of Magistrates was further strengthened by the appointment of Ms. Sherigne Rodriguez and Mrs. Nardia Morgan. The number of sitting Magistrates therefore now stands at fifteen (15).

I am pleased to announce that a new Magistrate's Court is poised to be opened at Independence. The Courtroom and offices are in an advanced state of completion and furnishings are being awaited. This development will address the needs of the larger population at Independence and its environs, obviating the need for witnesses, Police Officers, defendants and litigants to travel to Dangriga on Tuesdays and Thursdays.

I have been advised by the Chief Magistrate that she has implemented an orientation programme for newly-appointed Magistrates. This approach is good news for the Magistracy going forward. In addition, in keeping with the practice in other Commonwealth countries, there will be compiled for the use of Magistrates, a benchbook as a reference manual to assist in the efficient performance of Magisterial duties.

## **JUDICIAL EDUCATION**

It has become an undeniable fact that judicial education is indispensable to the competent administration of justice. In this regard, the higher and lower Judiciary in Belize is in the somewhat disadvantageous position of not having a formal structure for the dispensing of programmes for the training of judicial officers. It is therefore of high priority that a body tasked with judicial education be developed albeit on a volunteer basis at its inception.

Her Ladyship Madam Justice Arana is a Fellow of the Commonwealth Judicial Education Institute, of which I have the honour of being a Patron and also a Fellow. Justice Arana has been given the assignment of establishing a judicial education body for Belize.

Notwithstanding the absence of a structure, judicial education has continued during 2011. In July 2011, the International Governance and Risk Institute (GovRisk) facilitated training for Magistrates and Prosecutors in trans-national crime. This exercise was followed during the last week. On January 9 and 10, 2012, GovRisk in collaboration with the Rule of Law Initiative of the American Bar Association and the British High Commission conducted further sensitization and training in anti-money laundering and fraud for the Magistracy and Police prosecutors. On the day following, January 11, 2012, a sensitization session was conducted for Supreme Court Judges. The exercise was led by Hon. Mr. Justice Nicholas Browne-Marke, a Court of Appeal Judge from Sierra Leone. It is fair to say without reservation that these training initiatives were as timely and relevant as they were well-received by the participants. It is my fervent hope that this collaboration continue in the future.

In order to enhance the capacity of the Judiciary to deliver judicial education, arrangements are in the making for one Judge to attend the annual programme for Judicial Educators at Commonwealth Judicial Education Institute in May 2012 at Dalhousie University, Halifax Nova Scotia in Canada. This of course is dependent on funding being available.

## **BENCH-BAR RELATIONS**

Traditionally, the Bar has always played the role of protector of the Bench. Under our inherited system of law, whenever the Bench has come under attack, the Bar has come to its aid as a counter-measure to preserve the integrity of the judicial system. This symbiosis has long been in place and ought to be as alive today as it has been before.

It is on this note that the Bench-Bar Committee will be fully activated in 2012. In this regard, the Bench will continue its role in ensuring the viability of the practice of law for all Attorneys-at-Law who are prepared to abide by the established ethical standards.

Mde. President of the Bar, I invite the Bar, through your good self, to enter into meaningful dialogue to put past misunderstandings away and to initiate a new beginning.

I believe that a harmonious existence can only enure to the tremendous benefit of the litigating public whom we all serve.

## **CONCLUSION**

This presentation is the precursor to the Annual Report which will be published within the next few weeks. The compilation will set out in detail the work of the Courts and the Supreme Court Registry. For that reason, I have refrained from enumerating statistical data.

During 2011, the Judiciary has endeavoured to fulfil its Constitutional mandate. On behalf of the Judiciary, I wish to express gratitude to all those who contributed in one way or another to the administration of justice. In particular, I wish to say thanks to the Registrar-General, Deputy Registrar-General, the clerical and janitorial staff of the Supreme Court Registry and the Supreme Court Library for their toil and industry during the last year.

This morning's proceedings were arranged by the staff of the Registry guided by the Assistant Registrar. We are truly grateful to the team that organized today's proceedings with such thoroughness.

The Church Service truly set the stage for the Legal Year by showing respect for God's omnipotence. The Service was dignified and uplifting. We wish to thank Rev. Goff, the Wesley

Church and the members of the Clergy whose participation and prayers will keep us enlightened in 2012.

To the Acting Commissioner of Police and his officers who provided security to the Judges and Courts during the year last past we say thank you.

I wish to thank the security personnel assigned to the Courts, the Judges' Police orderlies.

On behalf of the Chief Magistrates, past and present, I extend gratitude to the Magistrates, Prosecutors and staff of the Magistrate's Courts.

Prior to this Sitting, the Belize Police Department mounted an outstanding parade. We congratulate and thank Inspector Gerald Jones, the Officers of the Special Patrol Unit from Belmopan on parade and the Police Band for the fine turnout and attendant pomp and ceremony.

On a personal note, I would like to thank all those ordinary citizens who took the time in the street, in the Court corridor, in the supermarket among several places to welcome me to Belize and wish me well. The warm welcome was truly uplifting.

Finally, from the time I occupied the Chief Justice's Office, I leaned heavily on my secretary, Ms. Julie Staine, and she did not disappoint. She rapidly became my strong right arm and I thank her for her support.

Mr. Attorney, it is fitting that you should have the last word and move the adjournment. Your Ministry ably managed by the learned Solicitor General has continued to support the Courts. Thus far, I am pleased with the symbolic relationship we are enjoying.

Without further ado, I now declare the Leal Year of 2012 open.

Mr. Attorney, you may now address the Court and move the motion for the adjournment.

## OPENING OF THE LEGAL YEAR OF THE SUPREME COURT OF BELIZE 2012



# CARIBBEAN COURT OF JUSTICE

The Caribbean Court of Justice (CCJ) was established in 2001 in Port of Spain, Trinidad and Tobago. It has two jurisdictions: An original jurisdiction and an appellate jurisdiction. In its original jurisdiction, the CCJ is an international court with compulsory and exclusive jurisdiction in respect of interpretation and application of the revised Treaty of Chaguaramas.

In its appellate jurisdiction, the CCJ hears appeals as the final court in both civil and criminal matters. Member states who have acceded to it as their final court as of 2011 are Barbados, Belize and Guyana (Prior to the CCJ, Belize's final court was the British Privy Council).

In 2009, a constitutional amendment was introduced in the Legislature of Belize providing for its accession to the appellate jurisdiction of the Caribbean Court of Justice. The amendment was passed and Belize has now acceded to the appellate jurisdiction of the CCJ with effect from June 1, 2010.

On July 23, 2010, the first matter on appeal to the CCJ was Florencio Marin and Jose Coye vs The Attorney General (AL 4/2010). Since then 5 civil appeals and 5 other applications were filed. The first judgment was delivered on the June 27, 2011. This judgment is Civil Appeal #5/2010 – Florencio Marin and Jose Coye vs. the Attorney General and has been published in the West Indian Reports Volume 78 WIR 5. Another recent judgment delivered by the CCJ is the matter of Dean Boyce vs The Attorney General and British Caribbean Bank Ltd. vs. The Attorney General (Civil Appeals CCJ CV4 and CV6/2011 jointly heard).



The Table below shows the number of matters from Belize which have been filed, determined or pending during the period June 1, 2010 to December 31, 2011.

June 1 to December 31, 2010	No. of matters filed	No. of matters determined	No. of matters pending decision/ judgment	No. of matters pending to be listed
Applications for special leave to appeal	4	1	--	3
Civil/ constitutional Appeals	1	--	1	--
January 1 to December 31, 2011				
Applications for special leave to appeal	2	5	--	--
Civil/constitutional appeals	4	1	2 (interlocutory Appl'ns)	4

Prior to the CCJ becoming Belize's Final Court of Appeal, the British Privy Council was the final court. Though the Privy Council is no longer Belize's Final Court of Appeal there still remains a few pending matters (four civil and one criminal).

## JUDGES OF THE CARIBBEAN COURT OF JUSTICE



**Back row (L to R): The Hon. Mr. Justice Jacob Wit, The Hon. Mr. Justice Winston Anderson, The Hon. Mme. Justice Desiree Bernard, The Hon. Mr. Justice David Hayton. Front Row (L to R): The Hon. Mr. Justice Rolston Nelson, The Rt. Hon. Mr. Justice Dennis Byron - CCJ President, The Hon. Mr. Justice Adrian Saunders**

# COURT OF APPEAL



The Court of Appeal of Belize was established under section 94 of the Constitution of Belize, and Chapter 4 of the Laws of Belize, Revised Edition, 2000. It exercises an appellate jurisdiction with power to hear and determine appeals in both civil and criminal matters.

The court held its first sitting in Belize on March 25, 1969 and now sits three times a year in March, June and October. The duration of each session depends on the number of matters scheduled for hearing in a particular session. Presently each session lasts three weeks with the dedication of the first two weeks of the session primarily to the hearing of criminal appeals. A panel of three judges presides at any one time upon the hearing of any civil or criminal matter.

There are currently five judges of the Court of Appeal which comprises of the President, who presently is a resident Belizean and four other visiting judges from the Commonwealth Caribbean.

For this year the Belize Court of Appeal sittings are:

## **COURT OF APPEAL SITTINGS 2012**

Monday 19 March, 2012 to Friday 30, March 2012

Monday 11 June, 2012 to Friday 29 June, 2012

Monday 8 October, 2012 to Friday 26, October 2012

#### **NO. OF APPEALS LODGED in 2011**

Criminal Appeals	33
Criminal Appeals disposed of	11
Civil appeals	50
Civil appeals disposed of	13

#### **MAGISTRATE COURT (NOTICES OF APPEAL LODGED 2011)**

133 cases

30 cases disposed of

## **JUDGES OF THE COURT OF APPEAL**



**Mr Justice Manuel Sosa**  
**President of the Court of Appeal**



**Mr Justice Dennis Morrison**



**Mr Justice Duke Pollard**



**Mr Justice Douglas Mendez**



**Mr Justice Denys Barrow**



# SUPREME COURT OF BELIZE



The Supreme Court of Belize is duly constituted under section 94 of the Constitution of Belize. The Court has jurisdiction to hear civil and criminal matters as well as appeals from the lower Courts. The Court is headed by the Chief Justice and currently consists of 8 other Justices of which 4 are assigned to the civil division (includes matrimonial and family matters) and 4 to the criminal division of the Court. The Chief Justice sits in both criminal and civil divisions.

The Registrar of the Supreme Court is also in charge of the Supreme Court Registry. The Registrar whose functions are both judicial and administrative is assisted by the two Deputy Registrars and an Assistant Registrar.

The civil division of the Court also has jurisdiction to deal with matrimonial and family matters including property rights, divorce proceedings (and other matters ancillary thereto) and adoptions.

## **IMMEDIATE FUTURE OBJECTIVE**

The Court is currently working towards introducing case management software to aid in the effective management of cases in an effort to enhance, promote and aid in the effective administration of justice. This effort commenced with the introduction in January 2012 of a database system which the Court was able to put into effect with the assistance of a consultant with expertise in Court Administration provided to the Court under the auspices of the Commonwealth Secretariat. It is expected that before year end the Court would introduce the first phase of a more sophisticated software system currently being developed.

## **A HIGHLIGHT ON ADOPTION PROCEDURE**

An application for the adoption of an infant is made by originating summons and is heard primarily by the Registrar and at times by a Judge. Several adoptions take place annually. The law and rules which govern adoptions are embodied in the Families and Children, Act Cap 173 of the Laws of Belize (FACA) and the adoption rules in the Subsidiary Laws. Under the laws of Belize the only person who can be considered for adoption is a person who has never been married and is under the age of 18 years at the time the adoption order is expected to be finalized (“an infant”). Once the applicant /joint applicants, are ready to adopt there are certain procedures that must be followed and criterion that must be met. Note that in order to be able to make an application to the Court, the applicant, or in the case of joint applicants, one of the applicants has to be 21 years of age and at least 12 years older than the infant. *(Note the Court has a discretion where the applicant and the infant is within the prohibited degrees of consanguinity)*

The application is made by filing an originating summons which is supported, at this initial stage, by at least an affidavit which exhibits a statement by the applicant and other relevant documents. The rules prescribe what matters should be included in the statement. These include the marriage certificate of the applicants (in the case of joint applicants), the infant’s birth certificate, the consent of the biological parent(s) or person with legal custody and a medical report from a certified medical practitioner on the medical condition of the infant. The

summons must be served on the infant as well as on the Human Development Department which is required under the FACA to provide a home study report and or social enquiry report on the applicant and the biological parent(s) or legal guardian as the case may be. The next step thereafter is the filing of several documents as prescribed by the rules. Once all the above have been accomplished and a social service's report has been obtained and filed, the applicant can then set the application down for hearing. However, before the matter is heard the applicant must first obtain a final consent from the biological parent(s) or the person or authority with custody of the infant. Note however that where the applicant resides out of the jurisdiction (non-resident) additional steps must be taken. The additional requirements depend on whether the applicant resides in the United States of America (United States) or another foreign jurisdiction. If the applicant resides in the United States, the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption must be strictly complied with and in particular the applicant must obtain the "Article 5" letter from the United States Central Authority indicating its approval of the adoption by the applicant and that the infant will be authorized to enter and reside in the United States. A requirement which applies to all non-resident applicants is the submission by them of a current recommendation of their suitability to adopt a child from a competent authority (includes a certified social services practitioner) of the particular jurisdiction where they currently reside. If the Court, in the case of a local adoption application, is satisfied that the applicant is a suitably qualified person to adopt the infant and that the adoption is in the best interest of the child, it would make a final adoption order. However, where the application for adoption is made by a non-resident, the Court upon being so satisfied will only make a provisional order which may be made final upon the filing of satisfactory quarterly reports prepared by a duly qualified social services practitioner from the country where the applicant resides with the infant.



Identification of Prospective Infant

|

Obtaining Social Services Report

|

Filing of Applications  
(Originating Summons, etc.)

|

Hearing of Application  
(for appoint of a Guardian Ad Litem)

|

Setting down Application for Hearing  
(Adoption Application)

|

Filing Final Consent

|

Hearing

|

Granting of Adoption/Interim Order or Provisional Order  
(Domestic Adoption)      (International Adoption)

|

Filing of 4 Quarterly Reports

|

Setting Down  
(Hearing for Provisional Order to be made Final)

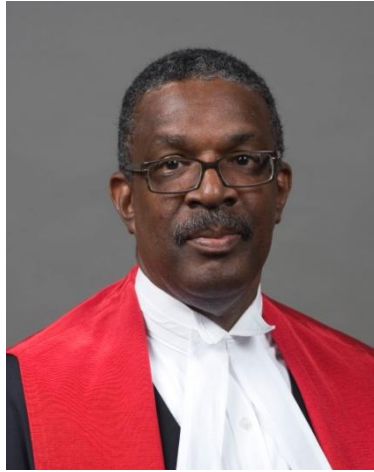
|

Hearing

|

Granting/Refusing Final adoption Order

# JUDGES OF THE SUPREME COURT



## **HON CHIEF JUSTICE KENNETH BENJAMIN**

The Hon. Chief Justice Kenneth Benjamin is a national of Guyana and Antigua. He received his legal training from the University of the West Indies and the Hugh Wooding Law School in Trinidad and Tobago. He returned to Guyana where he practiced privately. He also served as a Magistrate and Assistant Judge Advocate for the Guyana Defence Force. He has served on the Court of Appeal in the Eastern Caribbean Supreme Court sitting in both St. Lucia and St. Vincent. He also served as the Presiding Judge for the Criminal Division of the High Court in St. Lucia. He has served as a High Court Judge in Antigua, British Virgin Islands and Grenada. He served as Chief Magistrate in Antigua and Barbuda. He was appointed as Chief Justice of Belize on September 15, 2011. He is a member of the Commonwealth Magistrates and Judges Association, a former Rotarian and a former cricket executive in Antigua. The Hon. Chief Justice Kenneth Benjamin is a Fellow of the Commonwealth Judicial Education Institute.



**HON MADAM JUSTICE MINNET HAFIZ**

Justice Hafiz-Bertram is a Guyanese-Belizean national. She received her legal training from the University of Guyana and the Hugh Wooding Law School in Trinidad and Tobago. She was then admitted to private practice in Trinidad and Guyana. She later served as a Crown Counsel at the AG Chambers in Belize for several years and later as Registrar General of the Supreme Court of Belize. Justice Hafiz-Bertram was appointed a Supreme Court Judge in Belize in December, 2006.



**HON JUSTICE TROADIO GONZALEZ**

Justice Gonzalez is a national of Belize. He received his Bachelors of Law from the University of the West Indies and Certificate in Legal Education from the Norman Manley Law School in Jamaica. He has held positions such as Crown Counsel for the DPP's Office, Director of Public Prosecution and Chief Magistrate and also Acting Chief Justice. He also did a stint at Crown Prosecutor office in England. He was also a member of the Advisory Committee for UWI's

School of Continuing Studies and a lecturer at University of Belize. He also assisted in spearheading the para-legal program at the University of Belize. Justice Gonzalez was appointed a Supreme Court Judge on April 1, 1993.



**HON JUSTICE HERBERT LORD**

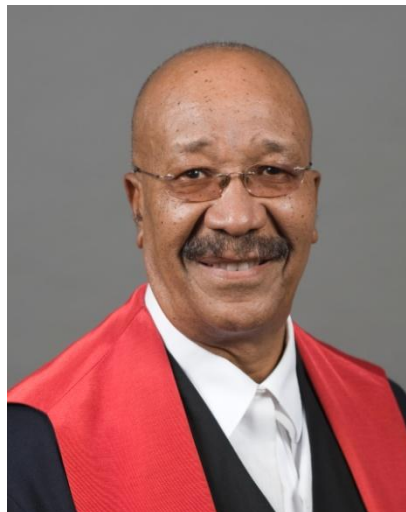
Justice Herbert Lord is a Belizean national. He received his legal training from the University of the West Indies (UWI) (LLB-Honors) and the Norman Manley Law School in Jamaica. Justice Lord also obtained a Certificate in Public Administration from UWI in 1976. He has held appointments of Senior Magistrate, Chief Magistrate, and Justice of the Supreme Court. He enjoys reading, cycling and dancing. Justice Lord was appointed as a Supreme Court Judge in Belize on January 1, 2007. Justice Lord holds the rank of Commander of the British Empire (CBE).



**HON MADAM JUSTICE MICHELLE ARANA**

Justice Arana is a Belizean national. She received her legal training from the University of the West Indies and the Norman Manley Law School in Jamaica. Justice Arana also holds a

Bachelors of Science Degree in English and Masters of Law Degree (LLM-with Merit) in Commercial Law. She has held positions such as Magistrate, Crown Counsel in the DPP's office, Legal Advisor to the Social Investment Fund and Registrar General of the Supreme Court and Court of Appeal in Belize. Justice Arana also has experience as an attorney in private practice for the Offshore Financing Consulting Firm. She has lectured in Business Law at the University of Belize and presented at international seminars on offshore finance in Belize. Social engagements by Justice Arana include membership in the National Women's Commission and legal representative of Youth Enhancement Services. Justice Arana was confirmed as a Justice of the Supreme Court of Belize in 2006. She is also a Fellow of the Commonwealth Judicial Education Institute. She is also a recipient of the Alumni Achievement Award from SJCJC being recognized as someone who has fulfilled a high level of achievement throughout her professional career. Justice Arana was appointed a Supreme Court Judge on the January 1, 2006. Justice Arana is the Belize's first appointed female judge.



**HON JUSTICE OSWELL LEGALL**

Justice Legall is a Guyanese national. He received his legal training from the University of the West Indies (UWI) and the Hugh Wooding Law School in Trinidad and Tobago. He also holds a Masters of Law Degree (LLM) in Public Law and Legislative Drafting. He has held appointments as Prosecutor in Guyana, Senior Crown Counsel in Tortola, Solicitor General in St. Lucia and High Court Judge in Guyana. He was also in charge of legislative drafting in the Turks and Caicos Islands and has also been in private practice. He enjoys jogging and listening to good music. Justice Legall was appointed as a Supreme Court judge in Belize on February 16, 2009.



**HON JUSTICE SAMUEL AWICH**

Justice Awich is a Ugandan national. He received his legal education in Acholi Luo, Uganda at the Mackere University, Africa. Thereafter he was admitted and enrolled as an advocate in Uganda. He was later appointed as a Judge of the High Court in the Solomon Islands. Justice Awich was appointed a Supreme Court Judge on April 2, 2001.



**HON JUSTICE DENIS HANOMANSINGH**

Justice Hanomansingh is a Guyanese national. He received his legal training from Queens University of Belfast Northern Ireland and was called to the Utter Bar at Honourable Society of Middle Temple in London. He has held appointments of Acting Magistrate, Senior and Principal Magistrate, Director of Public Prosecutions and High Court Judge in Guyana. He has also served as Principal Crown Counsel in the Solicitor General Chambers in Barbados. Justice Hanomansingh is also a member of the New York Bar. Justice Hanomansingh was appointed a Supreme Court Judge in Belize on December 6, 2010.



**HON JUSTICE ADOLPH LUCAS**

Justice Lucas is a Belizean National. He received his training from the University of the West Indies and Certificate in Legal Education from the Norman Manley Law School in Jamaica. He has served as Crown Counsel and Senior Crown Counsel in the Director of Public Prosecutions Office. He has also served as Chief Magistrate, Director of Public Prosecutions and practiced law privately. Justice Lucas loves sports such as basketball, football, track and field. Justice Lucas was appointed a Supreme Court Judge in Belize on June 23, 2003.

# SUPREME COURT LAW LIBRARY

The Law library is an integral part of Belize's Judiciary. It operates to provide information and materials from the West Indies and the Commonwealth to various sectors of the legal profession.

## **MISSION**

To ensure access and make our resources useful to the judiciary and legal community of Belize.

## **GOALS:**

- ✓ Provide a legal reference service for practitioners and researchers in general.
- ✓ Continue to provide legal information through printed and electronic resources.
- ✓ Promote a library of quality that will meet every user's needs.
- ✓ Acquire, preserve, and provide access to the library's facilities which is a fundamental need of all courts in particular by Magistrates and Judges.

## **COLLECTION DEVELOPMENT**

The Law Library has access to a few electronic databases that contain legal materials and cases sorted by jurisdiction, date, title and citation. In addition, the Law Library subscribes to various legal reports that are available to our users. The Law Library has many early sets of reports and statutes from England.

There is a need for more recent editions of legal texts.



## **STAFF**

Currently, the Library is staffed by a Librarian Mrs. Errolin Grinage and an Assistant Librarian Ms. Angela Flowers



Ms Angela Flowers (Assistant Librarian), Mrs Errolin Grinage (Librarian)

## **STAFF DEVELOPMENT**

The 25<sup>th</sup> Caribbean Association of Law Librarians (CARALL) was held in Trinidad and Tobago from July 1 to July 5, 2011. Belize was unable to attend due to financial constraints.

Law Libraries play a vital role in the legal profession therefore, staff development and training is critical for us to flourish. Funding is essential for staff training.

While most law librarians experience development and growth through on the job training, a need exists for formal continuing education opportunities.

The Caribbean Association of Law Librarians (CARALL) is the vehicle for regional members to discuss common problems relating to the collection and organization of legal information and the distribution of legal information within the region. In this way acquisition policies and problems and opportunities for greater co-operation amongst the regional libraries could be achieved.

## SERVICES

- Reference enquiries
- Assistance with Research
- Online searches of our available electronic sources
- Access to a computer and the Internet by legal professionals
- Wi-Fi access to the Judiciary and members of the Legal community
- Reading facilities
- Photocopying of relevant legal materials
- Loan of materials on an overnight basis

## BOOKS PURCHASED IN 2011

Name of Book	Author/Editor
Black's Law Dictionary 9 <sup>th</sup> Ed.	Bryan A. Garner
Archbold: Criminal Pleading, Evidence and Practice 2011	James Richardson
Clerk and Lindsell On Torts 20 <sup>th</sup> Ed.	Michael A. Jones
Bullens and Leake and Jacob's Precedents of Pleadings 16 <sup>th</sup> Ed. With 1 <sup>st</sup> Supplement	The Right Honorable Justice Blair (Editor)
Blackstone's Criminal Practice 2011 with Supplements 2 and 3	The Right Honorable Lord Justice Hooper, David Ormerod
Cross and Tapper on Evidence 12 <sup>th</sup> Ed.	Colin Tapper
McGregor on Damages 18 <sup>th</sup> Ed. with 1 <sup>st</sup> Supplement	Harry McGregor
Gatley on Libel and Slander 11 <sup>th</sup> Ed. with 1 <sup>st</sup> Supplement	Patrick Milmo
Tristram and Coote's Probate Practice: 30 <sup>th</sup> Ed. with 3 <sup>rd</sup> Supplement	Roland D' Costa
The Caribbean Civil Court Practice 2 <sup>nd</sup> Ed. 2011	David di Mambro
Osbron's Concise Law Dictionary 11 <sup>th</sup> Ed.	Mick Woodley
Pleadings Without Tears: A Guide to Legal Drafting Under the Civil Procedure Rules 7 <sup>th</sup> Ed.	William Rose
Bennion on Statutory Interpretation 5 <sup>th</sup> Ed. with 1 <sup>st</sup> Supplement including Replacement Index	Francis A. R. Bennion, Oliver Jones

# **GENERAL REGISTRY**

## **SUPREME COURT AND GENERAL REGISTRY STAFF**



**Ms Velda Flowers – Registrar General**



**Mr Edmund Pennil – Deputy Registrar**



**Ms Alberta Perez – Deputy Registrar  
Appeals**





**Ms Marcia Mohabir – Assistant Registrar**



**Ms Shawna Swift – Legal Assistant**



**Supreme Court Stenographers**

Front row l-r Ms Pamela Joseph, Ms Lavern Staine, Ms Melissa Rowley, Ms Carol Fisher,  
Back row l-r Ms Pauline Wright, Ms Audrey Grinage – Head Stenographer, Ms Eloisa Bustillos  
(missing Ms Elvita Cowo)





#### **Supreme Court Marshalls**

Front row l- r Mr Roy Waight, Mr Hershell Crawford, Mr Ernest Ferguson, Mr Charles Humes (Deputy Marhsall),

Back Row l-r Mr Frank Mendez, Mr George Lightfoot, Mr Fitzroy Alvarez



#### **General Registry Staff**

Front row l-r Ms Karima McKoy, Ms Esther Vaughan, Mr Dervin Gillett, Ms Elisa Leslie, Mrs Carolyn Baptist, Ms Shari Lopez, Ms Avril Bennett

Back row l-r Ms Deborah Robateau, Ms Natalie Pitterson, Ms Joycelyn Williams, Ms Merlene Antonio



**SUPREME COURT AND GENERAL REGISTRY STAFF CHRISTMAS PARTY**



## **BELIZE COMPANIES AND CORPORATE AFFAIRS REGISTRY**

The Belize Companies and Corporate Affairs Registry (BCCAR) was established sometime in the late 1800's with its office being located, at that time, at the General Registry of Belize. However, as of July 2003, the section of Belize Companies and Corporate Affairs Registry was departmentalized and relocated to the Capital of Belize, Belmopan.

The Belize Companies and Corporate Affairs Registry is under the charge of the Registrar General who is assisted by the Deputy Registrar and the Assistant Registrar of the Supreme Court of Belize.

The BCCAR functions as the national registry that performs the duty of registering, accepting filings and when necessary advising government departments and members of the public as it relates to Business Names governed by the Business Names Act, Chapter 247 of the Laws of Belize, Revised Edition 2003. Companies (this includes local and overseas companies) are governed by the Companies Act, Chapter 250 of the Laws of Belize, Revised Edition 2000-2003. Limited Liability Partnerships (LLP) are governed by the Limited Liability Partnership Act, Chapter 258 of the Laws of Belize, Revised Edition 2003.

BCCAR consists of a small but very competent staff of six members, which includes; The Assistant Registrar, Cashier/Receptionist, Registry Clerk, (2) Data Entry/Research Clerks, and the Office Assistant.

BCCAR has come a long way since it first opened its doors sometime in the late 1800's in Belize City. In 2003 when the department of BCCAR was moved to Belmopan City where it currently operates, all the files were upgraded electronically and registration information was migrated to a Database, which is much more convenient, efficient and enables quicker access of the files and data to the staff and the public. However, it must be said that due to the vast increase in the number of registrations we have been receiving and the necessity for better technology, our present database is in dire need of upgrading in order to be able to meet the demands of a very technological world.

Also BCCAR very shortly hopes to start, in collaboration with CARICOM and nine other CARICOM Countries, an on-line database of all files listed and registered here at the Registry to assist with the harmonization of legislation and registration of the regime the Right of Establishment.

Furthermore, BCCAR every year along with other government departments that are involved with the starting of a business in Belize participates in a survey "Doing Business". The survey is conducted by the World Bank and International Financial Corporation (IFC) and economies are ranked on their ease of doing business, from 1 – 183. A high ranking on the ease of doing

business index means the regulatory environment is more conducive to the starting and operation of a local firm. This index averages the country's percentile rankings on 10 topics, made up of a variety of indicators, giving equal weight to each topic.<sup>1</sup> We are happy to report that Belize was ranked no. 16 in the 2011 survey. We hope to improve in the near future.

#### **NUMBER OF REGISTRATION OF LLP, 250 COMPANIES & BUSINESSES NAMES FOR THE YEAR 2011**

<b>250 COMPANIES (LOCAL)</b>	<b>550</b>
<b>250 COMPANIES (OVERSEAS)</b>	<b>449</b>
<b>LIMITED LIABILITY PARTNERSHIP</b>	<b>1</b>
<b>BUSINESS NAMES</b>	<b>1648</b>

#### **QUICKFACTS**

##### **1) What do I need to register a business name?**

In order to register a business name the following are needed:

- a) Identification card (either social security card, voter's ID, Belizean passport or permanent residence documentation) and
- b) A copy of the appropriate form issued by the companies registry

##### **2.) What is the cost to register a business name?**

The cost to register a business name is \$25.00.

##### **3) Can a foreigner register a business name?**

A foreigner can register a business name as long as he or she is either 1. a permanent resident of Belize or 2. in business partnership with a Belizean.

##### **4) Is registering a business name a one-time registration?**

Registering a business name is a one-time registration unless a change has been made such as a change of name or ownership etc.

##### **5) What do I need to register a company?**

In order to register a company a copy of the company's Memorandum and Articles of Association must be presented (NB – these documents can be obtained from an Attorney).

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<sup>1</sup> Doing Business, Economy Rankings, <http://www.doingbusiness.org/rankings>, January 24, 2012



**6) What is the cost to register a company?**

The cost to register a company is \$584.00 as long as the share capital does not exceed \$10,000.00.

**7) What do I need to file in order to keep my company in good standing?**

Once a company is formed, Annual Returns must be filed for the company every year around the same time that the company was formed. (Please note that a penalty fee is charged if the company does not file its annual returns).

**8) What is the cost to file an Annual Return?**

The cost to file an Annual Return is \$50.00.

**9) What are the advantages of registering a business?**

Registering a business entitles that business to, among other things, open an account under that business name and to secure that business name.

**10) What are the advantages of registering a company?**

The advantages of registering a company include, among other things, indefinite duration, easy transferability of shares and limited liability.



**Mrs Patricia Rodriguez - Ag Assistant Registrar**



**Staff of Belize Companies Registry**  
I-r Ms Miriam Montero, Ms Deomedes Flowers, Mr Emilio Sosa, Mrs Jennylyn Armstrong, Ms Loreno Giron

## **THE BELIZE INTELLECTUAL PROPERTY OFFICE (BELIPO)**

The Belize Intellectual Property Office (BELIPO), which became operational on July 2, 2001, was established under Part II of the Patents Act (Chapter 253), Revised Edition 2000, and is the National Intellectual Property Registry for Belize, Central America,

### **MISSION STATEMENT**

To build a modern intellectual property system that values and protects the vibrant, creative culture of Belize.

### **VALUES**

Commitment, customer service, efficiency, quality and continuous improvement.

### **FUNCTIONS**

The functions of BELIPO are to administer:-

The Patents Act, including the registration of patents and utility models, and to serve as a National and PCT Receiving Office

The Trade Marks Act, including the registration of trademarks, collective marks and certification marks (geographical indications and appellations of origin)

The Industrial Designs Act, including the registration of industrial designs

The New Plant Varieties Act, including the registration of new plant varieties

The Protection of Layout Designs (Topographies) of the Integrated Circuits Act, including the registration of integrated circuits.

### **INTELLECTUAL PROPERTY LEGISLATION**

The Legal Framework: Belize's Intellectual Property laws became TRIPS compliant since June, 2000. The following Statutes and subsidiary legislation governs the intellectual property legal framework of Belize.

#### Statutes

Copyright Act, Cap 252

Patents Act, Cap. 253

Industrial Designs Act, Cap. 254

Protection of New Plant Varieties Act, Cap. 255

Protection of Integrated Circuits (Topographies) of Layout Designs Act, Cap 256

Trademarks Act, Cap. 257

#### Subsidiary Legislation

Patents Regulations, Cap. 253S

Protection of New Plant Varieties Regulations, Cap. 255S

Industrial Designs Regulations, Cap. 254S

Protection of Layout Designs (Topographies) of Integrated Circuits Regulations, Cap. 256S

Trade Marks Rules, Cap. 257S.

#### Membership of International Treaties (Trademarks/Patents) Administered by the World Intellectual Property Organization (WIPO) & World Trade Organization (WTO)

Treaty	Date Joined
Paris Convention for the Protection Of Industrial Property (1883)	2000
Patent Cooperation Treaty (1970)	2000
The Agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPS) (1994)	2000
The Hague Agreement	2003

## **QUICKFACTS**

### **What is Intellectual Property?**

Intellectual property refers to creations of the mind such as trademarks, patents, industrial designs and copyright.

### **What is a Trademark?**

A trademark is a sign which is capable of distinguishing the goods or services of one undertaking from those of other undertakings.

### **What is a Patent?**

A patent is the exclusive right to make, use, or sell an invention for a specified period of time.

### **What is an Industrial Design?**

An industrial design is the ornamental or aesthetic qualities of a product.

### **What is Copyright?**

Copyright is the legal protection given to creators of literary and artistic works.

## STAFFING

The Belize Intellectual Property Office (BELIPO) is headed by a Registrar who is assisted by a Deputy Registrar, Sr. Assistant Registrar and an Assistant Registrar. The other employees are Registry Officers (3), an Accounts Officer, a Second Class Clerk, and an IT technician, who is responsible for our database system.

Currently, the post of the Deputy Registrar is vacant and the Sr. Assistant Registrar has been holding over since mid-May, 2011.



**Staff of BELIPO**

Front row, left to right: Adelita Ake, Teresita Quischan, Norla Belisle  
Back row, left to right: Jamir Guitierrez, Koreen Flowers, Deron Thompson

## **TRAINING/SEMINARS, STUDY VISITS and OTHER ASSISTANCE/PUBLIC EDUCATION**

Training and Other Assistance: The World Intellectual Property Organization (WIPO) has provided valuable assistance to Belize over the past years in a number of areas, particularly in the area of training. This training which has been in the form of both in-service training and also training for Attorneys and the Judiciary, has helped tremendously to improve the service in Intellectual Property, offered here in Belize.

### **TRAINING AND SEMINARS**

With the support of WIPO and the United States Patent and Trade Marks Office (USPTO), staff training was held on July 29, 2011, in the area of the NICE Classification of goods and services.

With the aim of further developing Belize as an advanced Intellectual Property Rights jurisdiction in the Caribbean, a one-day training program in Opposition Procedure and the NICE Classification of goods and services was also held on January 21, 2011, at The Radisson Fort George Hotel, for the members of the Bar Association and their paralegals. The Registrar from St. Kitts and Nevis, Ms. Claudette Jenkins, was also present with us for the training at our office and with the Bar Association.



The opening remarks were delivered by the Registrar, Ms. Velda Flowers. She thanked both the participants and the attorneys from USPTO who were present to do the training, and also WIPO for assisting over the years from the inception of BELIPO, with training, seminars and meetings. The presentations, especially the one on the NICE, were very interactive, and participants left with a clearer understanding of ‘classifying,’ for example, how to make a determination as to what class is proper when language is ambiguous, why it is important to classify precisely, proper use of round brackets and square brackets and the importance of the proper use of punctuations, among other topics.

## OTHER STAFF TRAINING

Sr. Assistant Registrar, Mrs. Koreen Flowers, attended a training session on the Patent Cooperation Treaty (PCT) organized by the World Intellectual Property Organization (WIPO), in cooperation with the Canadian Intellectual Property Office (CIPO). This took place from July 4 to 6, 2011 in Gatineau, Ottawa, Canada. The purpose of the training was to provide some guidelines on how to process PCT applications, both as receiving Office and as designated/elected Office. For us here at BELIPO, it was really a well appreciated refresher course, as Belize is one of the very few countries in the Caribbean that has been processing Patent applications; and, BELIPO also acts as a receiving office for PCT applications.

The IT technician, Deron Thompson, attended a week's training held in Jamaica from July 8-10, 2011. It was sponsored by WIPO and it addressed the new WIPO IPAS/Java database system. The purpose of such training was to learn to install, test and administer the new IPAS Java database system. This version of the IPAS is very user-friendly and runs in Internet Explorer. The link to this new system can easily be shared over private network and can even be accessed remotely. It is also equipped with a public version, which can be made available for the members of the public to do unofficial searches.

From November 8 to 10, 2011, Assistant Registrar, Ms. Adelita Ake attended a seminar, at the invitation of the Mexican Institute of Intellectual Property and sponsored by WIPO, on the topic "Harnessing Intellectual Property to Protect and Promote Traditional Arts and Crafts".

The three-day Conference was attended by mainly representatives of the indigenous communities from various countries, such as Panama, El Salvador, Mexico, Costa Rica, Guatemala, and Belize; also there were some Mexican Government representatives. The Speakers included representatives from United States Patent Office (USPTO), Mexican Intellectual Property Office (IMPI), International Intellectual Property Institute (IIPI), Organization of American States (OAS), Inter-American Association of IP Lawyers (ASIPI), artists and artisans from the various indigenous communities, and non-governmental agencies, among others.





The main focus of the conference was the importance of the protection of the arts and culture of the artists and artisans of the communities in the different countries: how to protect such works, through registration at the Intellectual Property Office in their respective countries.

The topics varied from 'The Preservation of Traditional Arts and Crafts,' 'Empowering Indigenous Women through Intellectual Property Protection,' 'The Role of Intellectual Property in Protection and Promoting Traditional Arts and Crafts,' 'Forming an Arts and Crafts Cooperative to Create Better Marketing Opportunities,' 'Financing the Production of Traditional Arts and Crafts,' 'Marketing Through Festivals,' etc.

The Assistant Registrar, Ms. Adelita Ake, also attended a one week training programme in Kingston Jamaica from December 5 to 10, 2011. This program was aimed at providing skills to the trainees of the Maroon and Rastafari Communities on how to create intellectual property assets from their cultural heritage through digital photographs, video recording, and audio recordings and to have control over the use of such recordings by third parties.



## **STUDY VISITS**

BELIPO, over the years, has also accommodated a few member countries in the area of study visits. The study visits covered several subjects, such as an overview of the organizational structure of the Intellectual Property Office, general review of the existing legal framework for trademarks and patents, processing of trademark applications from receipt to issuance of certificates, practical exercises in handling trademark applications from receipt to issuance of certificates, and the automated systems for patent and trademark operations.



## PUBLIC AWARENESS

With the assistance of WIPO, BELIPO launched its Public Awareness Campaign from April 10 – 13, 2011. For this purpose Mary Ann Richards, the regional consultant and coordinator of WIPO was present. The outreach was launched with its opening at the University of Belize's campus in Belize City. The Head of the University, members of faculty and staff, and BELIPO staff members were present for this opening. The Attorney General gave the opening remarks. The topic was "Exporting Intellectual Property, Research and Innovation". Ms. Richards was the key note speaker for all these meetings. She was also interviewed by the Government Press Office. She and our then Deputy Registrar appeared on the major radio and TV stations in Belize on their morning talk shows. Meetings were also held at the Belize Chamber of Commerce for small and medium size businesses, for members of the Bar Association, and the Ministry of Foreign Affairs and Foreign Trade. A town hall style presentation on Culture and IP was also held for the general public at the Bliss Theater for the Performing Arts. This launch also coincided with book week and Mary Ann Richards emphasized the importance of protecting one's intellectual property rights. She said *"Everybody in the world is either a creator of intellectual property or a user of intellectual property. So you need to build the awareness of their knowledge of it: if they own it, how they protect it, how they exploit it-because very often it has financial implications. You can make a living now because it is knowledge –based, you can actually make a living from the skills and talents that you have."*

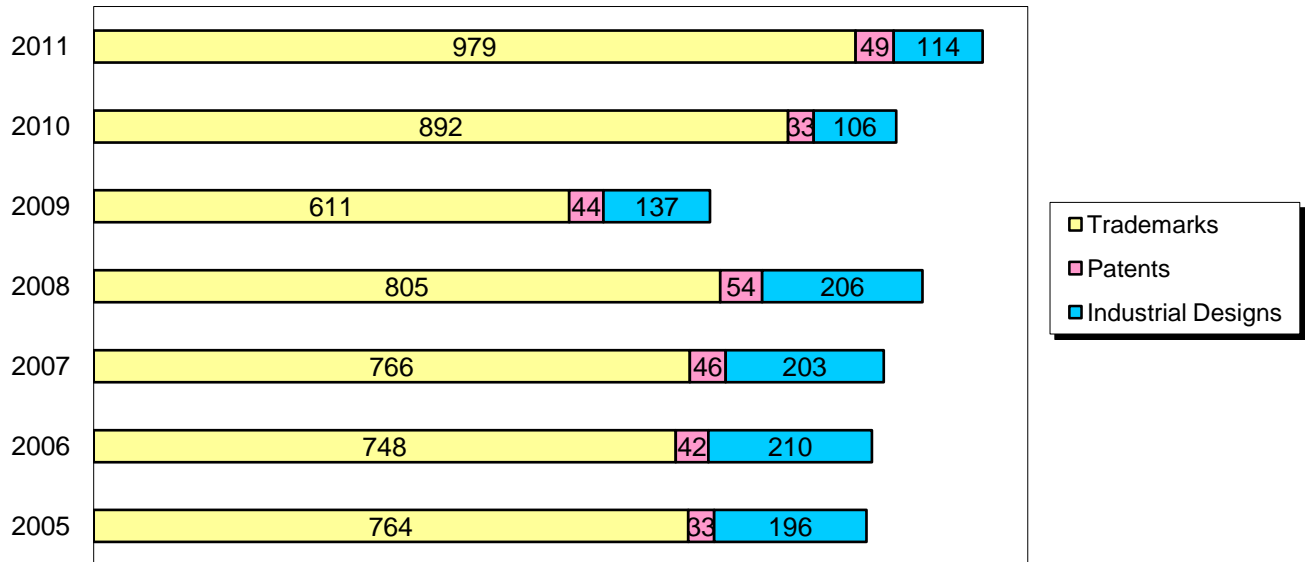


BELIPO was invited to participate in Public Service Day on May 16, 2011. This event was held as part of National Public Service Day which was observed on June 23, 2011. In Belize City, different Government departments mounted an all-day exhibition at the Charles Bartlett Hyde Compound. The aim of the exhibition was to create awareness of the services that the different government departments provide to the public, and the target audience was made up of students of different age groups and the general public, who seemed eager to gain the information provided. BELIPO took this opportunity to share with them vital information on the importance of protecting their intellectual property rights by way of registering their trademarks, patents, industrial designs and the deposit of their copyright into our Library.

BELIPO's booth showcased posters on trademarks, patents, industrial designs and copyright, and also included samples of the different locally registered trademarks in Belize, industrial designs from a Maya group that designed purses and books which were deposited as copyrighted works. BELIPO also had 'giveaways' to be earned by the viewers ( the public ) if they gave the correct answers to different questions asked after BELIPO employees shared information on the protection of Intellectual Property Rights. Our booth got the attention of two of the local television stations to the extent that we were interviewed by both Love TV and Channel 5, which, respectively, aired what we shared on their newscast,

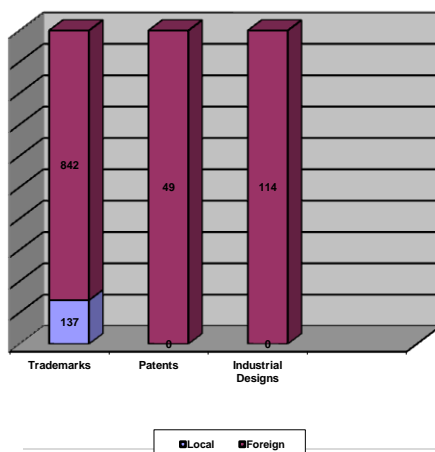
## STATISTICS

### Trademarks, Patents, Industrial Designs received for the periods 2005-2011

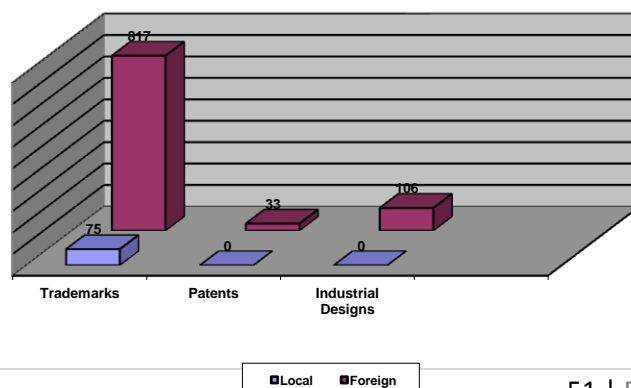


The year 2011 was a record breaking year for BELIPO in the area of Trademark applications and records, both in the area of national applications and international applications.

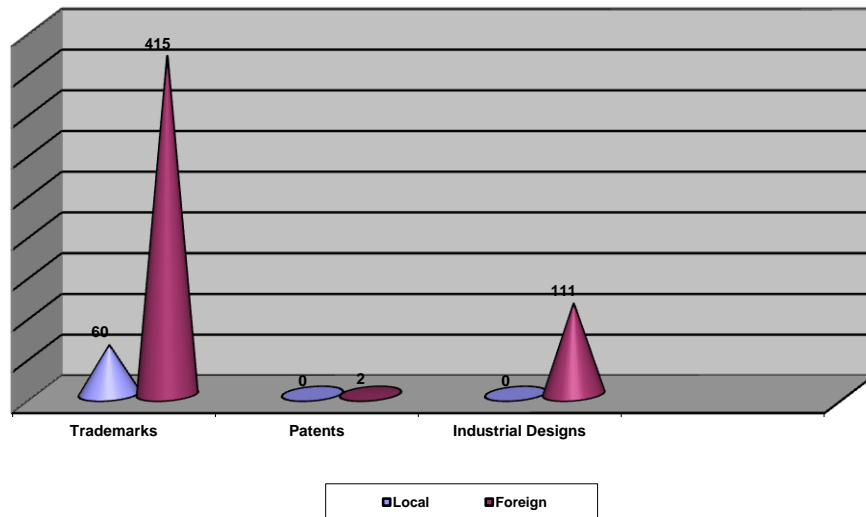
### Trademark, Patents, Industrial Design Applications received in 2011



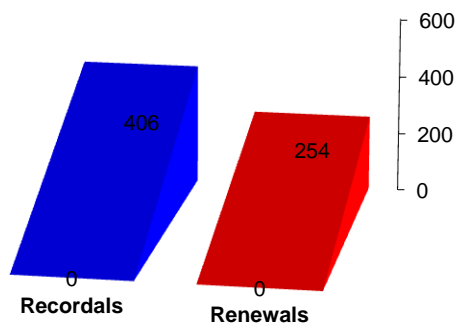
### Trademark, Patents, Industrial Designs applications received in 2010



### Trademark, Patents, Industrial Designs registered in 2011



### Trademark Renewals and Records received in 2011



## QUALITY MANAGEMENT SYSTEM

BELIPO launched its Quality Management System in September 2007. The introduction of a quality management system was born out of the desire to continually improve the services offered by BELIPO, thereby optimizing customer satisfaction.

The quality management system is based on a Quality and Procedures Manual developed for the office. It encompasses BELIPO'S quality policies, objectives and checklists which governs workflow, customer relation management, human resource management, as well as work practices. Below is a table of our quality assurance (Client Service Standards) for the year 2011.

SERVICES	CLIENT SERVICE STANDARDS	RESULTS
<b>TRADEMARKS</b>		
<ul style="list-style-type: none"><li>• issue filing date stamp for trade mark applications meeting filing requirements</li></ul>	within 2 weeks of filing date	98%
<ul style="list-style-type: none"><li>• approve acceptable applications/issue first examination reports for unacceptable applications</li></ul>	within 2 months of filing date	98%
<ul style="list-style-type: none"><li>• issue a trademark registration certificate</li></ul>	within 6 months of filing date	87.36%

SERVICES	CLIENT SERVICE STANDARDS	RESULTS
<b>PATENTS</b>		
<ul style="list-style-type: none"> <li>issue filing date stamp for patent applications meeting filing requirements</li> </ul>	within 4 weeks from date of receipt of application	99%
<ul style="list-style-type: none"> <li>issue confirmation of national entry for PCT applications meeting entry requirements</li> </ul>	within 8 weeks from date of receipt of application	0%
<ul style="list-style-type: none"> <li>first substantive examination action (including all known objections to patentability)</li> </ul>	within 24 months from date of receipt of application	within 24 months
<ul style="list-style-type: none"> <li>issue a patent registration certificate</li> </ul>	within 30 months from date of receipt of application	within 30 months

SERVICES	CLIENT SERVICE STANDARDS	RESULTS
<b>INDUSTRIAL DESIGN</b>		
<ul style="list-style-type: none"> <li>issue filing date stamp or issue report indicating application is incomplete</li> </ul>	within 4 weeks from receipt of application	98.54%
<ul style="list-style-type: none"> <li>examine application to assess the registrability of the design: allow the design or issue first examiner's report</li> <li>issue a certificate of registration</li> </ul>	within 6 months from receipt of application	86.56%
<b>INFORMATION SERVICES</b>		

• respond to search request	within 24 hours	98%
• respond to telephone enquiries	within 24 hours	97%
• respond to email/general correspondence	within 5 working days	within 5 working days

## CONCLUSION

It was a very challenging year for the staff of BELIPO; we had a record breaking number of applications filed, but we were short staffed. In mid-May we saw the departure of our Deputy Registrar who had been with us for one year. Nonetheless, with the remaining team here at BELIPO, we were able to get the job done. We are still faced with the issue of the backlog of patent applications as can be seen from the statistics of the Quality Management System, since we are in need of an officer solely dedicated to Patents.

For the upcoming year 2012, one of our objectives is, with the help of WIPO, to finish the upgrading of our database system to the new IPAS Java database. At present, we are in the process of upgrading our website to give it an entirely new face, which we expect to launch in the first week of February 2012. Also, we plan to achieve more public awareness, training for the staff and seminars for the Bar Association and their paralegals, with help from WIPO.

## VITAL STATISTICS UNIT

### OUTREACH PROGRAM

In 2011, the Vital Statistics Unit embarked on an out-reach program designed to improve birth registration country- wide. The program was financed and supported by UNICEF. The theme chosen was ***“Make Your Child Count”*** focusing on children up to 18 years of age. This venture had the support of The Belize Social Security Board (SSB), Organization of American States (OAS), Ministry of Health, Special Envoy for Women and Children, The Toledo Association for Children and Adolescents (TOLCA), Productive Organization for Women in Action (POWA) and the National Committee for Families and Children (NCFC).



The purpose of this project was to:

- ✓ Increase Birth Registration
- ✓ Promote Birth Registration as a fundamental right
- ✓ Create awareness among Stake Holders and Community Leaders with emphasis on parents
- ✓ Strengthen the Birth Registration System at National and Community level and
- ✓ Ensure that 100% of registered children receive a Birth Certificate

The project commenced in February 2011 in the Toledo District.



There were five groups. Most villages were visited over a period of three days. Each district was visited three times. A total of one hundred and ten (110) villages were visited in the districts of Toledo, Stann Creek and Corozal.





As a result of this project approximately ten thousand (10,000) certificates were delivered. This affected persons who did not have a birth certificate and possibly were not able to otherwise obtain one because of financial reasons or their distant locality. Three hundred and fifty two (352) late registration cases were completed and the services offered included correction of errors. The project is also expected to move on to the other districts shortly.

#### **HIGH SCHOOL REGISTRATION PROJECT**

UNICEF also funded the employment of three additional staff members for the High School Project. VSU assisted the SSB and the Ministry of Education in ensuring that all High School Students are registered with Social Security. This was a three-month project which commenced in November 2011 and ended in January 2012.

#### **REGISTRATION CONFERENCE**

UNICEF in its continued commitment to VSU sponsored Assistant Registrar, Ms. Lovinia Daniels and Mr. Andrew Bennett, Crown Counsel from the Attorney General's Ministry to attend a two-day conference in Panama City, Panama. The conference's main focus was to emphasize the importance and necessity of complete birth registration by 2015 worldwide.



### **STAFF WORKSHOP**

A workshop was also held for staff and involved the participation of user agencies such as the SSB, Statistical Institute of Belize and Ministry of Health.



## **NEW PROGRAM**

The OAS assisted VSU by providing a programmer, Mr. Abdul Sanderson, to upgrade the present system. Mr. Sanderson has been attached to the office since July 2011. The OAS also remains committed to assisting VSU with computers and scanners to digitize all the records. Six staff members will be provided for this project which is expected to be completed by May. To date the program has been updated with a new server that was donated by SSB. A manual was also written for the program. The program has been simplified, which should minimize clerical errors.

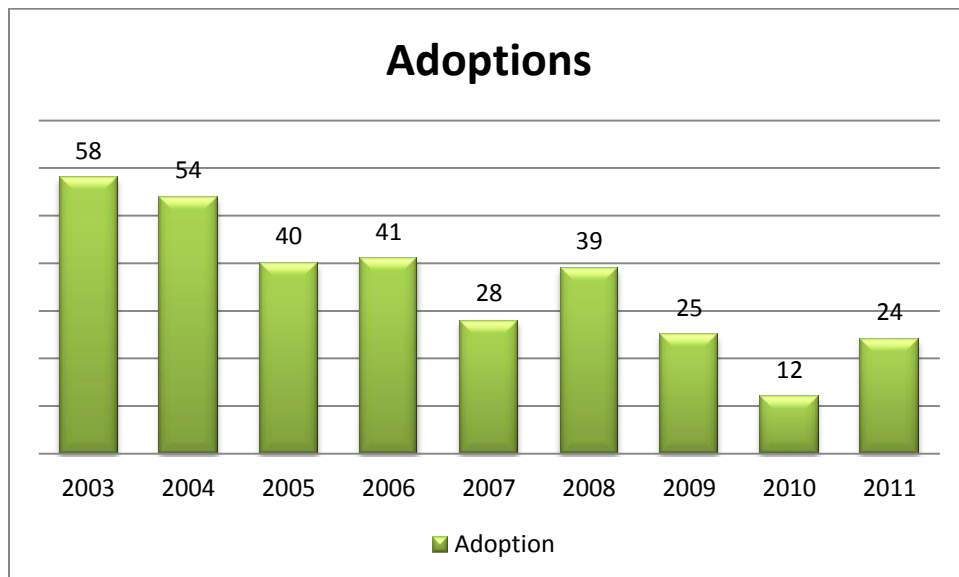
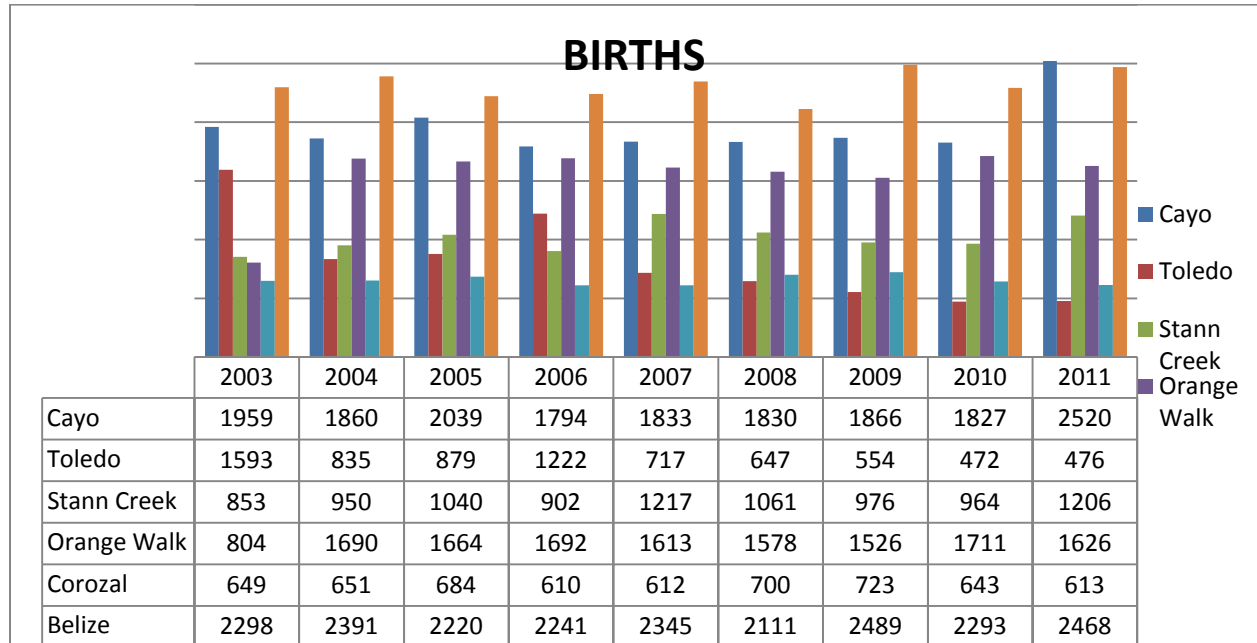
## **DONATIONS**

RC Imports Ltd. of Belize City joined the Birth Registration Campaign in June. Gift Certificates were given to mothers of all new born babies throughout the country at the time of registration. These were redeemed at participating supermarkets for a pack of Dry kids Fun Diapers. Some 2000 Mothers benefited from this project, and it is expected that the project will continue to June, 2012.

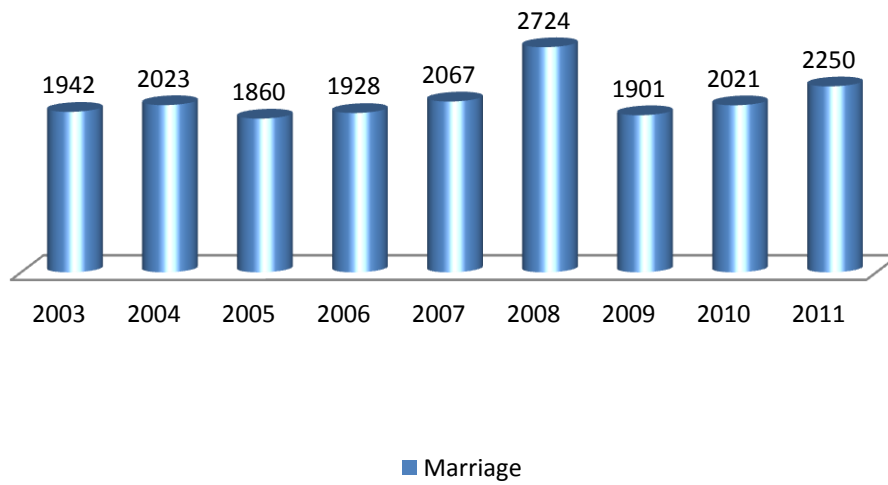
Vital Statistics Unit thanks all sponsors and looks forward to their continued support.



## STATISTICS

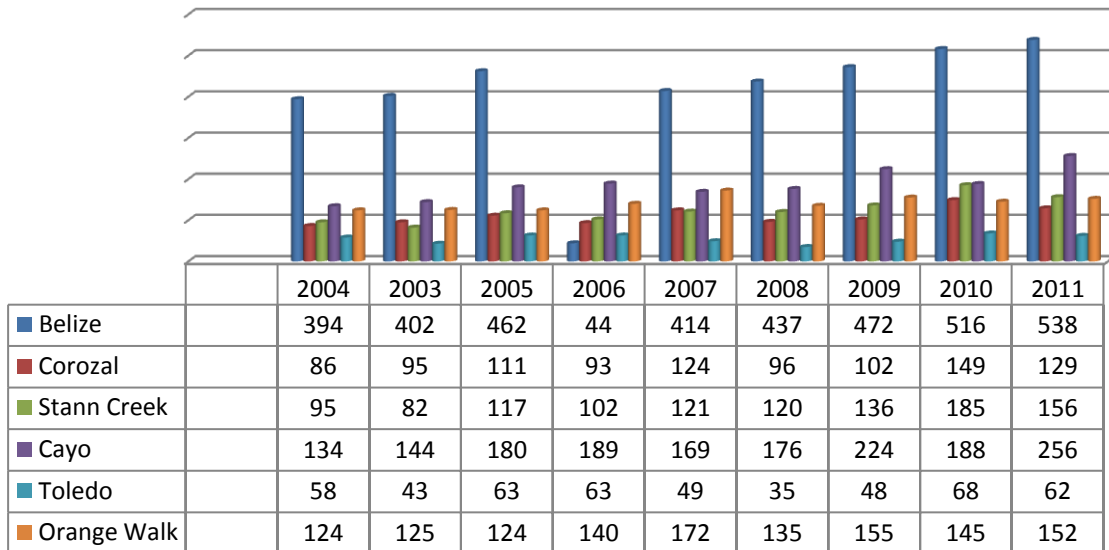


## Marriages



Year	No of Deed Polls
2011	662
2010	465
2009	418
2008	374
2007	214
2006	411
2005	303

## Deaths





**Vital Statistics Staff**



# MAGISTRATES' COURT

## ESTABLISHMENT OF THE MAGISTRATES COURT

Section 3 (1) of The Inferior Courts Act (Chapter 94 of the Laws of Belize) sets out the constitution of the Magistrates' Courts into the following Judicial Districts:

- (a) The Belize Judicial District
- (b) The Toledo Judicial District
- (c) The Stann Creek Judicial District
- (d) The Cayo Judicial District
- (e) The Orange Walk Judicial District
- (f) The Corozal Judicial District

The Belize Municipal Court is also under the authority of the Inferior Courts Act authorizing it to do or perform any act or function.

## MISSION STATEMENT

The Mission of the Magistrates Courts 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.

## STAFFING

During the last year, the following new members joined the magistracy:

Ms. Shona Griffith, appointed as Senior Magistrate posted to Toledo Judicial District

Mr. Linbert Willis appointed as Senior Magistrate posted to Belmopan

Ms. Merlene Moody, appointed as Senior Magistrate posted to Orange Walk Judicial District

Ms. Sherigne Rodriquez was appointed as Magistrate and assigned to the Fast Track Court Belize City and the Municipal Court

Mrs. Nardia Morgan was appointed as Magistrate posted to Cayo Judicial District

The former Chief Magistrate Mrs. Margaret Gabb-Mackenzie retired and was replaced by Ms Ann-Marie Smith. We thank Mrs. Mackenzie for her sterling service to the Magistracy and the public service in general.

## TRANSFERS

Ms. Hettie Mae Stewart was transferred from the Municipal Court to Belize City, Magistrate Albert Hoare was transferred to The Municipal Court and Ms. Stephanie Gillett was transferred to the designated new Civil Court/Traffic Court sitting at North Front Street, Belize City.

Magistrate Ed Usher left the magistracy for the Solicitor General's Chambers for a short stint but he is back with us. Magistrate Usher is now based in Dangriga. Magistrate Richard Bradley resigned from the Magistracy in January 2012. In addition, Magistrate Dorothy Flowers has retired. We take this opportunity to thank both of these magistrates for their hard work, service, and wish them both well in their future endeavors.

The following Magistrates are on study leave pursuing vocational training:

Dale Cayetano

Aretha Ford

Hurl Hamilton

Kathleen Lewis

Emmerson Banner

Leslie Hamilton

## POSITIVES

- **The Republic of China on Taiwan, Scotia Bank, The Women's Department and Senior Counsel Denys Barrow** made donations of computer hardware. The Taiwanese Ambassador David Wu donated \$15,000 worth of computers, printer and back-up equipment. The machines are sorely needed as we strive to move forward in our aim to get the district courts online with the Case Management System. The American Embassy and the British High Commission have also pledged and provided assistance in the area of training.



r-I Chief Magistrate Ms Ann Marie Smith, Hon Chief Justice Kenneth Benjamin, Taiwanese Ambassador David Wu



Staff of Magistrates's Court

- A screen for shielding vulnerable witnesses was generously donated by **Superintendent Grinnage** and we are working assiduously in obtaining screens for the districts until the video link programme is up and running. We are currently working towards getting screens for the district courts.
- We currently do not have a designated court for revenue matters. The Chief Magistrate is currently hearing these matters with the assistance of all Magistrates. Shortly, a Coroner's Inquest Court will be set up to address the many outstanding inquests to be disposed of.
- **Justice Murray Shanks** of the Snaresbrook Crown Court, London, England and **Mr. Gavin Howie** of the Manchester Crown Prosecution Service also donated legal texts. These books have been distributed to the districts.
- Three new designated courts were set up with plans to set up a new court in Independence in the very near future. The **Fast Track Court** sits in Belize City and is served by Magistrate Rodriguez. This court 'fast tracks' misdemeanors, simple matters and matters where a guilty plea is anticipated.
- There is now a designated **Civil Court** as well as a **Traffic Court**. Both courts sit at the former Court 8 and are located at North Front Street. The Traffic Court and The Civil Court are both served by Magistrate Stephanie Gillette. The Civil Court sits from Monday to Wednesday, while the remainder of the week is dedicated to the growing number of Traffic cases. The feedback from the public regarding the designated Civil Court has been very positive and kudos must be given to Magistrate Stephanie Gillette and the three bailiffs (Mr. Gabriel Casey, Mr. Gerold Fritz and Mr. Leslie Smith) for driving this new initiative forward in a positive way.

- Remedial work has started on the old treasury building in Dangriga and it is being used as an additional court room. With the additional space, we envisage that a kitchen and a witness room can be provided. Plans are afoot in Orange Walk and Corozal to identify additional buildings to ease the pressure of space especially when the Supreme Court sits in these judicial districts. Air condition units were purchased for the San Pedro and the San Ignacio courts and have now been installed. Anyone who has ever attended the San Ignacio Court will agree that the noise from the street made hearing the magistrates and the litigants virtually impossible. This situation has now been alleviated.
- The Belize City Court's main building got a well-needed facelift in the form of painting with paint kindly donated by Mr. Ralph Feinstein and Mrs. Dylcia Feinstein of Bennys. Prisoners from the Kolbe Foundation carried out the painting and we are extremely grateful for the assistance of Mr. Earl Jones and Mr. John Woods.

## **CHALLENGES AND NEW INITIATIVES**

- We are very keen to acquire video link equipment to deal with vulnerable witnesses and to counteract witness intimidation. In addition to this, it is envisaged that a witness room will be established, as currently witnesses have nowhere to sit and wait until their cases are called. We are currently working with Assistant Commissioner Elodio Aragon on this initiative. On a rainy day, it is most uncomfortable for witnesses and currently unacceptable for witnesses to wait outside at the mercy of the elements!
- The physical condition of the courts remains a challenge in particular at Punta Gorda and the Municipal Court. The Senior Magistrate of Toledo and the Chief Magistrate are working on trying to get funds allocated to carry out remedial work for Punta Gorda.
- The Magistracy continues to generate a large amount of work, which is of an administrative nature. A proposal was sent to the Minister of Finance for the implementation of a Court Administrator Post.
- The Magistrates recently visited with the senior management of The Kolbe Foundation at Hattieville. The visit was enlightening and we left the facility extremely impressed with the drug rehabilitation programme and the farm and the woodwork shop. We are committed to working with the Foundation to bring down the remand population and to get cases through the system at a quicker rate.
- Discussions have been held with support staff to see where and how their level of motivation can be lifted and enhanced. Further studies and Spanish classes have been discussed with them and these are new initiatives that we intend to actively pursue in 2012-2013.
- The British High Commission and The American Bar Association have kindly and generously sponsored an all-inclusive Staff Retreat for magistrates and all Support staff. The retreat took place at the Chaa Creek in San Ignacio from April 19 to April 21, 2012.

This was the first ever staff retreat in the history of the Magistracy and we thank the British High Commission and the American Bar Association for this opportunity.

- 



In Picture: British High Commissioner, Mr. Gavin Howie, Mrs Antoinette Moore, Ms. Jackie Brown and Magistrates

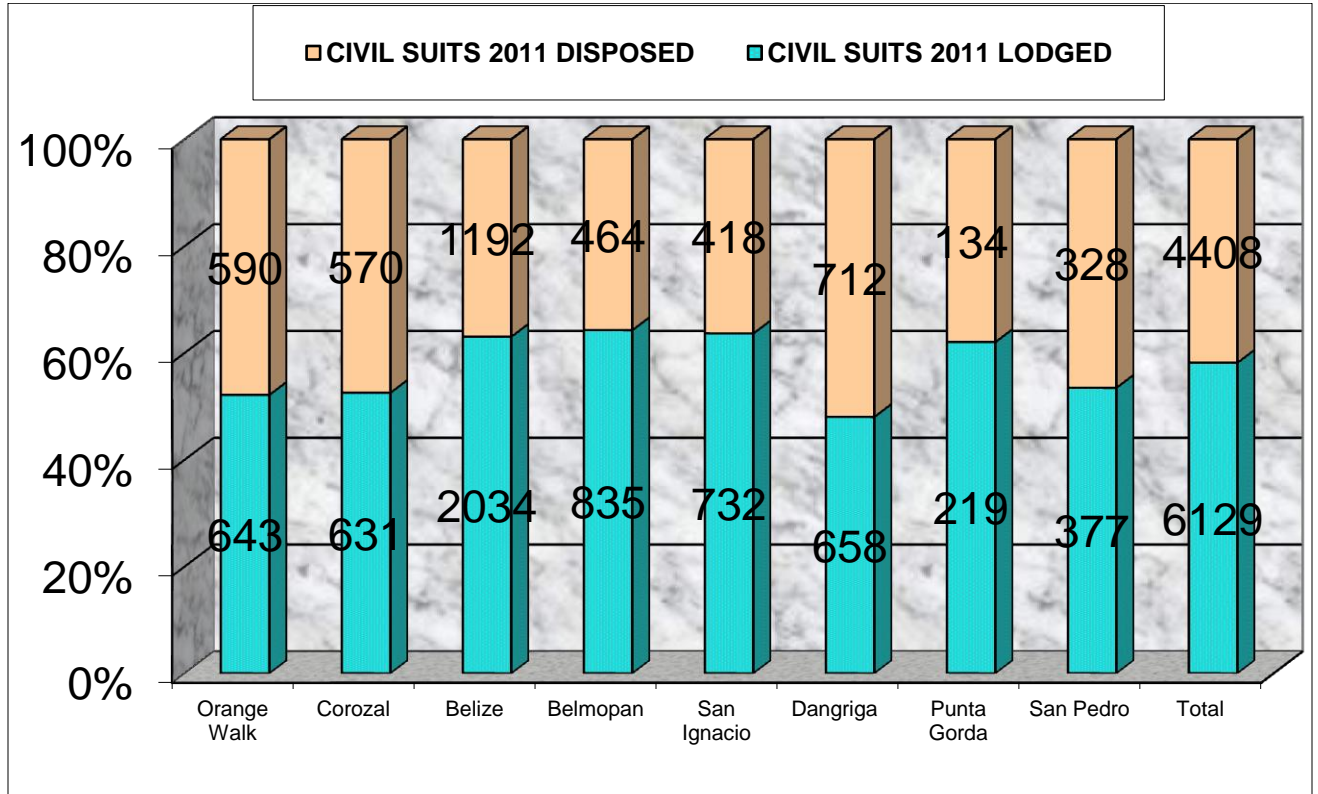
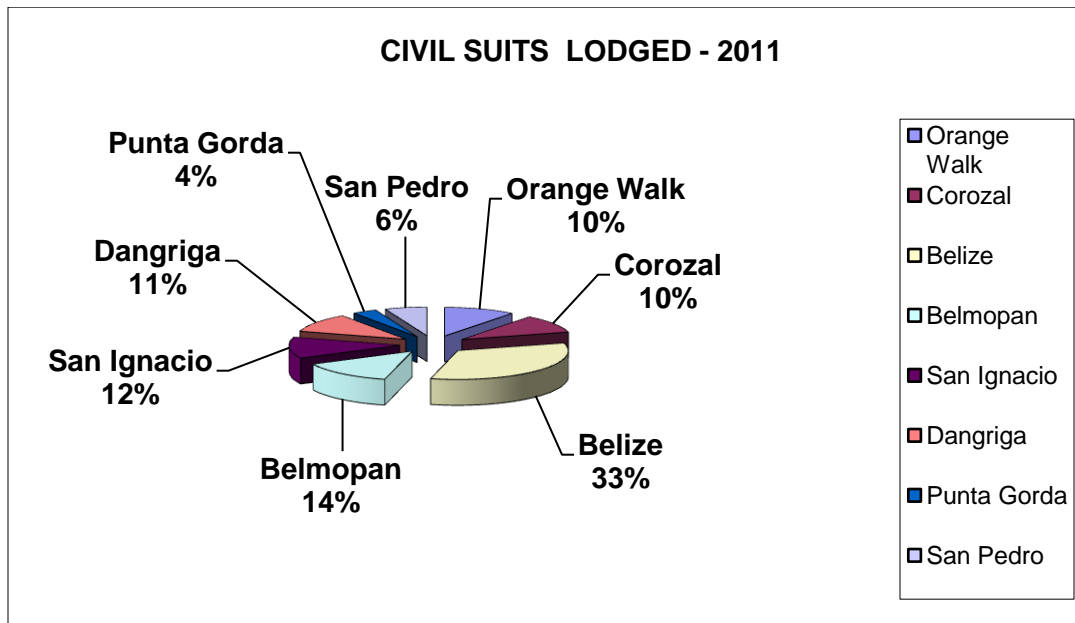
- Similarly, more training will be embarked upon for the Magistrates and in particular new Magistrates joining the bench. A training manual has been produced with the kind assistance of Magistrates Rodriguez and Griffith. This will be forwarded to all new Magistrates and to those returning from study leave.

## CONCLUSION

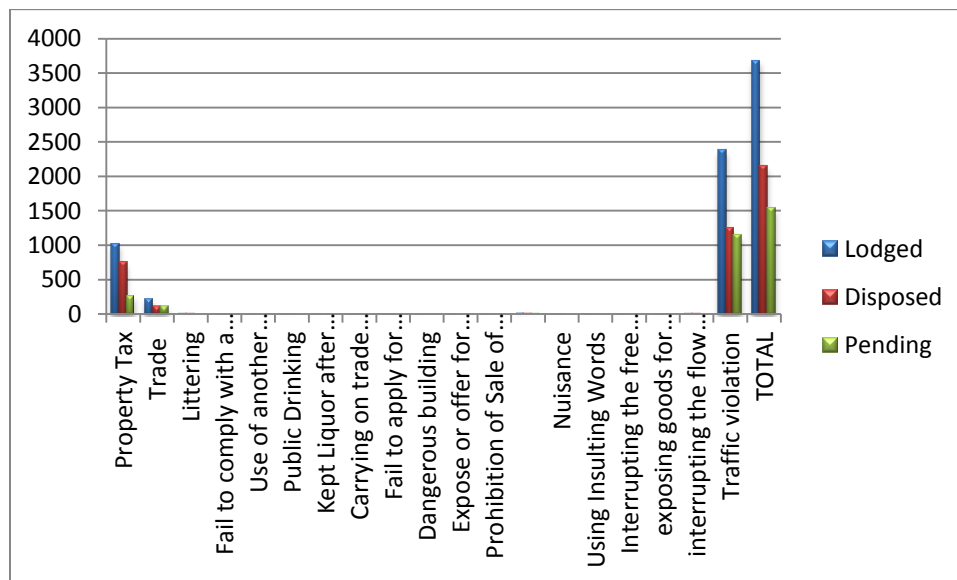
- In the New Year, we look forward to making strides in making the Magistracy more effective and productive. As already stated, we intend to collaborate with funding agencies and other governmental departments such as the Police, the American Bar Association and The Women's Department to realize some of our goals.

## STATISTICS

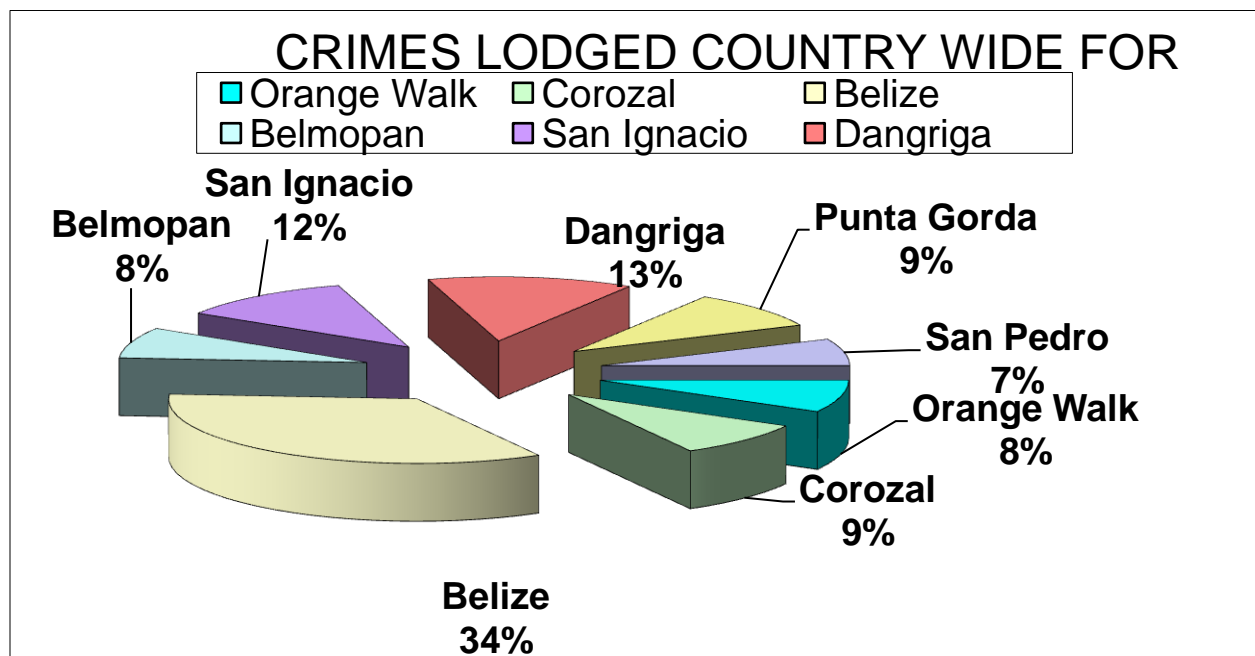
### CIVIL STATISTICS



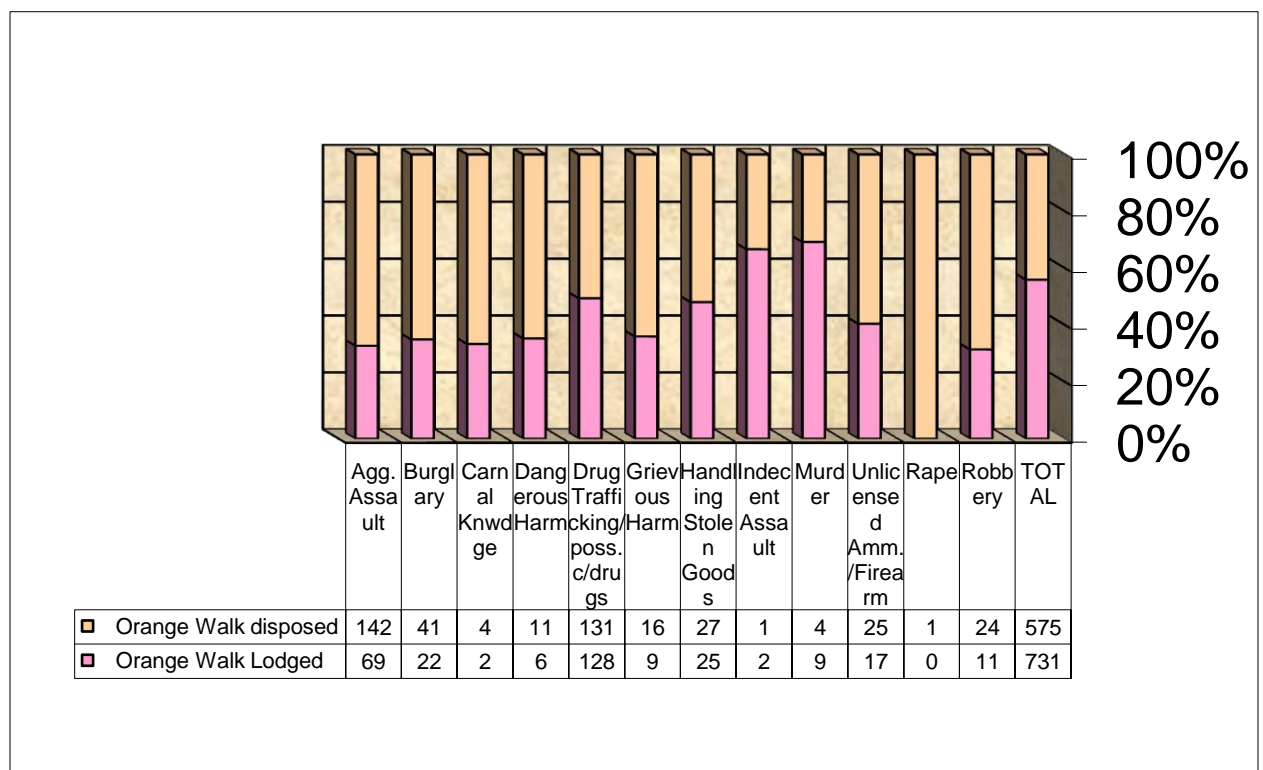
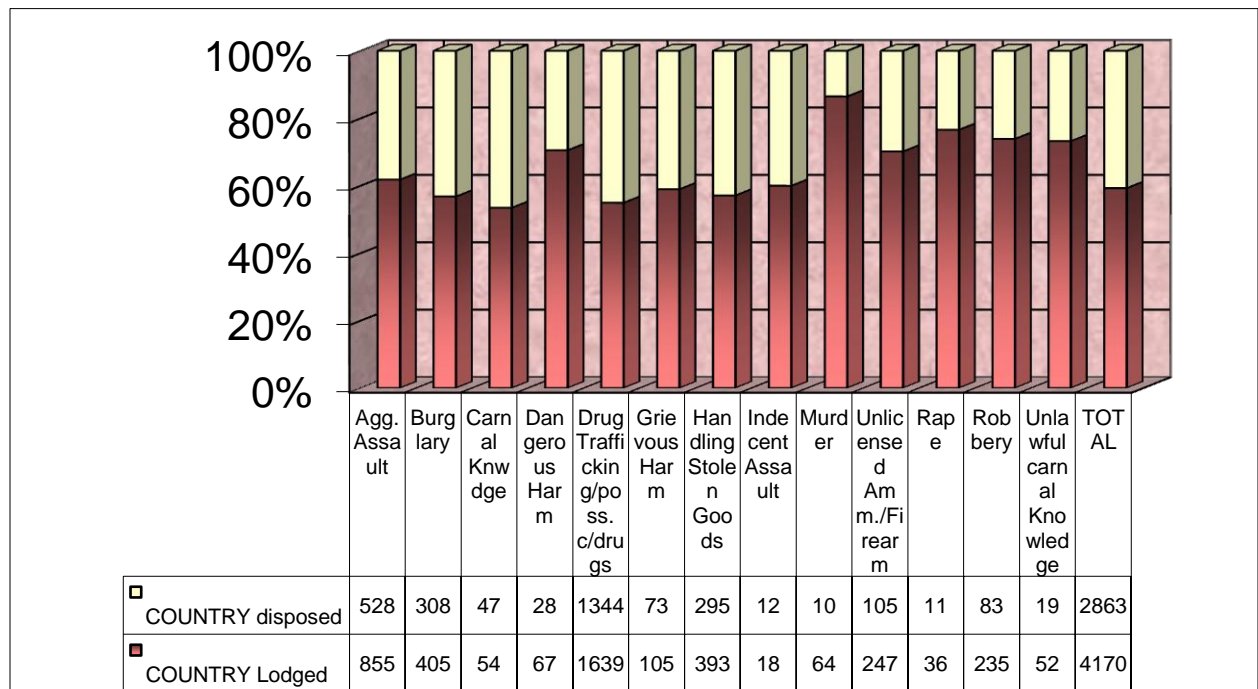
## MUNICIPAL COURT STATISTICS

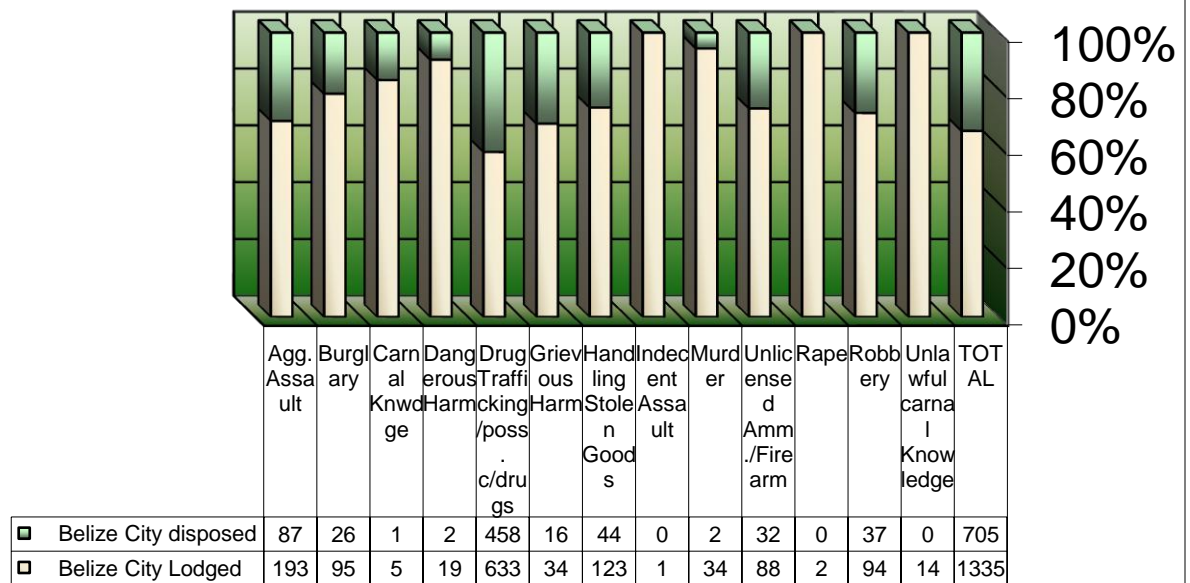
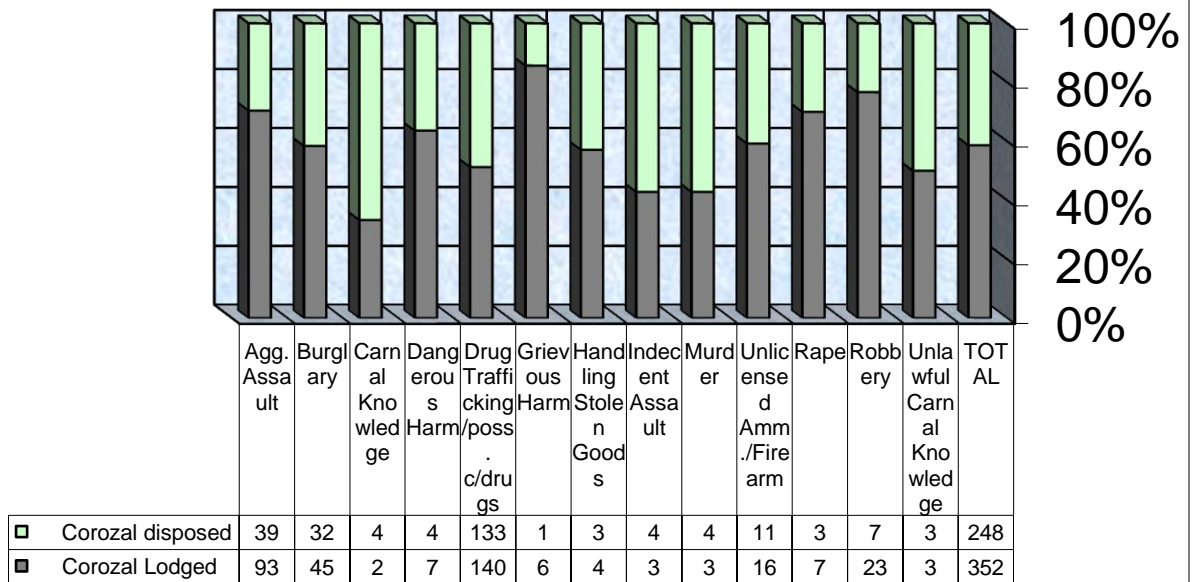


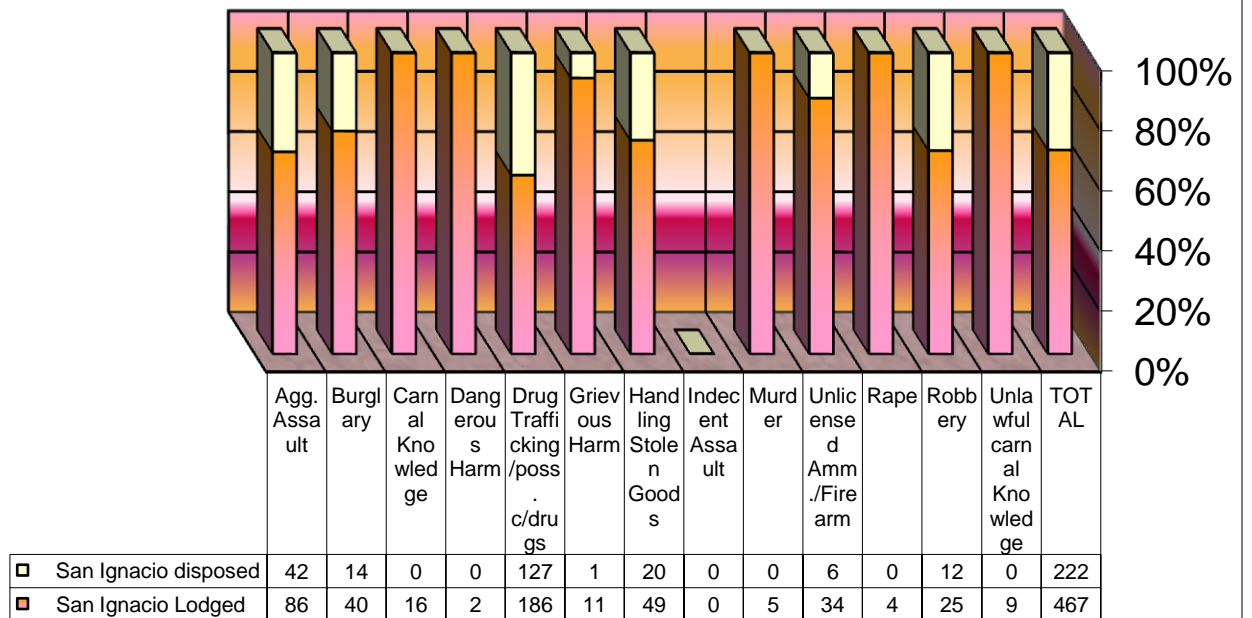
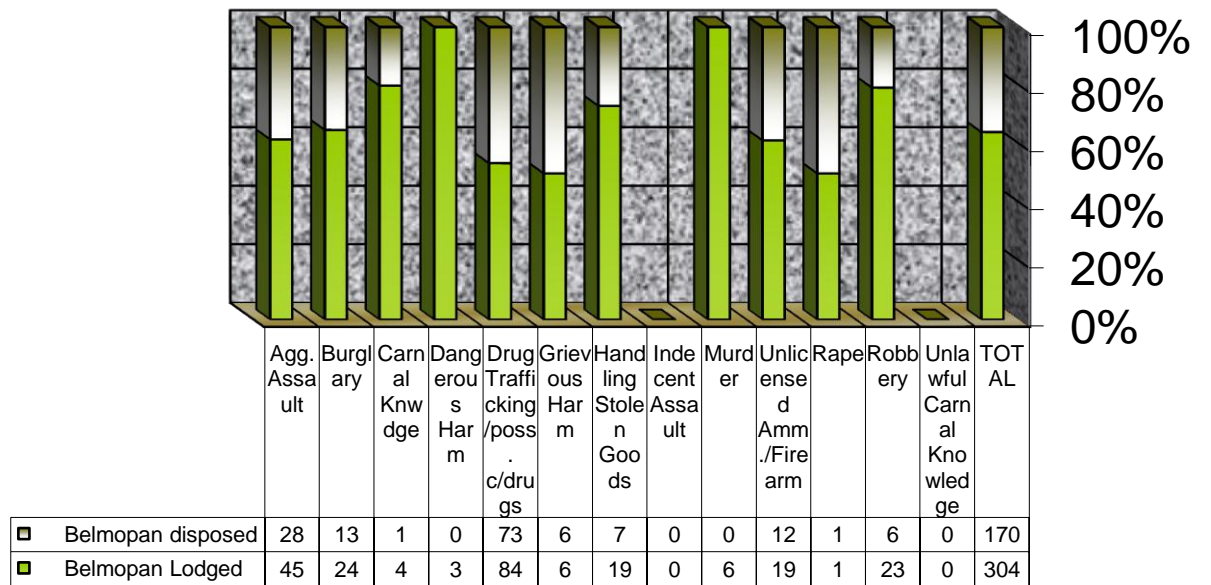
## CRIMINAL STATISTICS

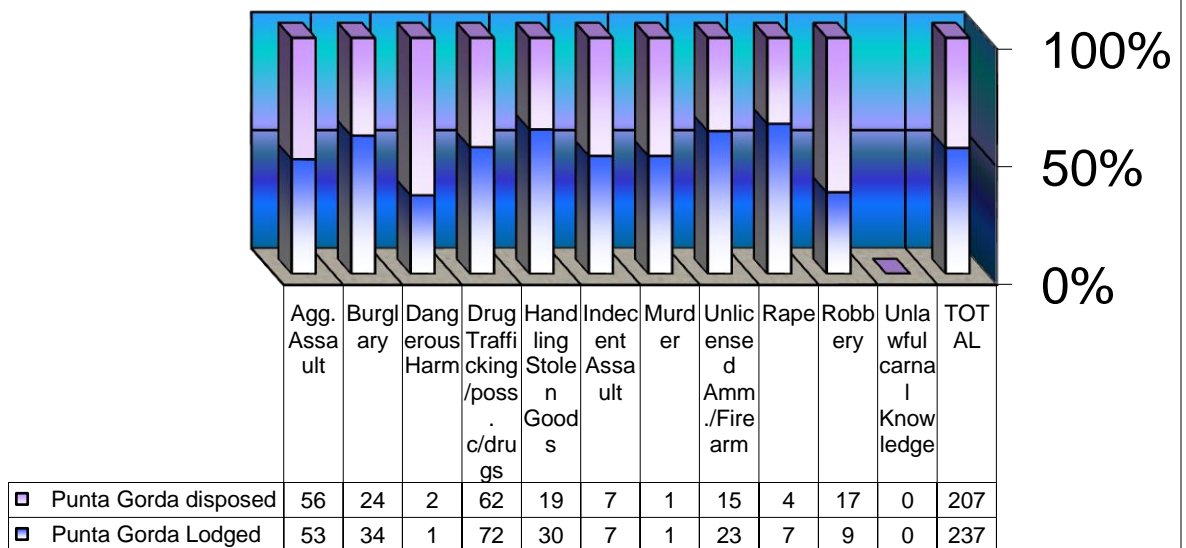
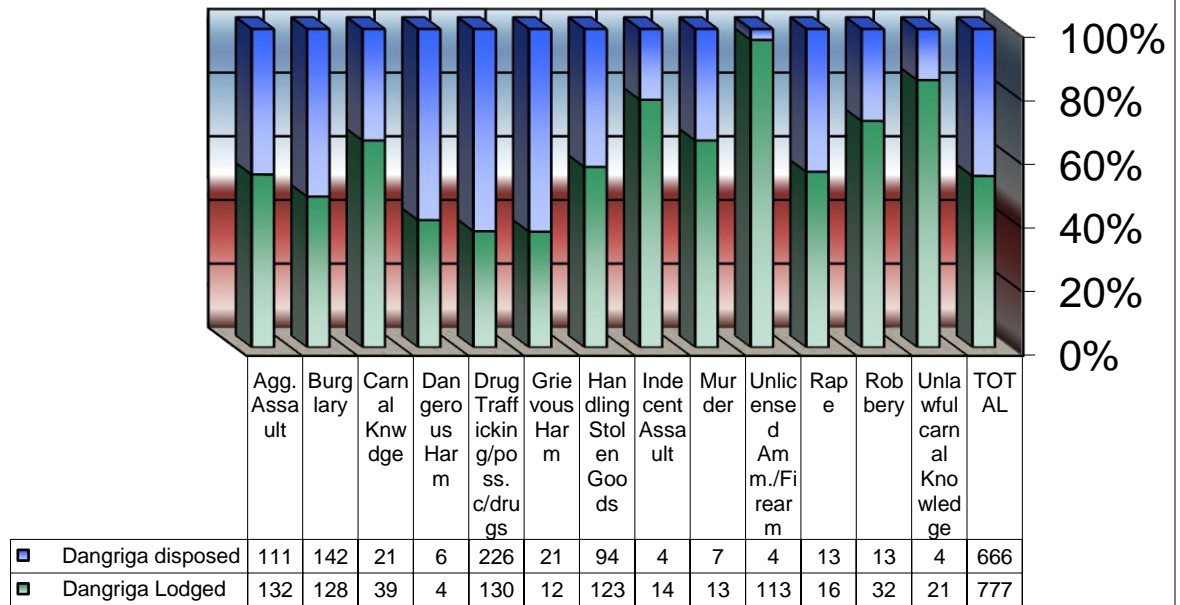


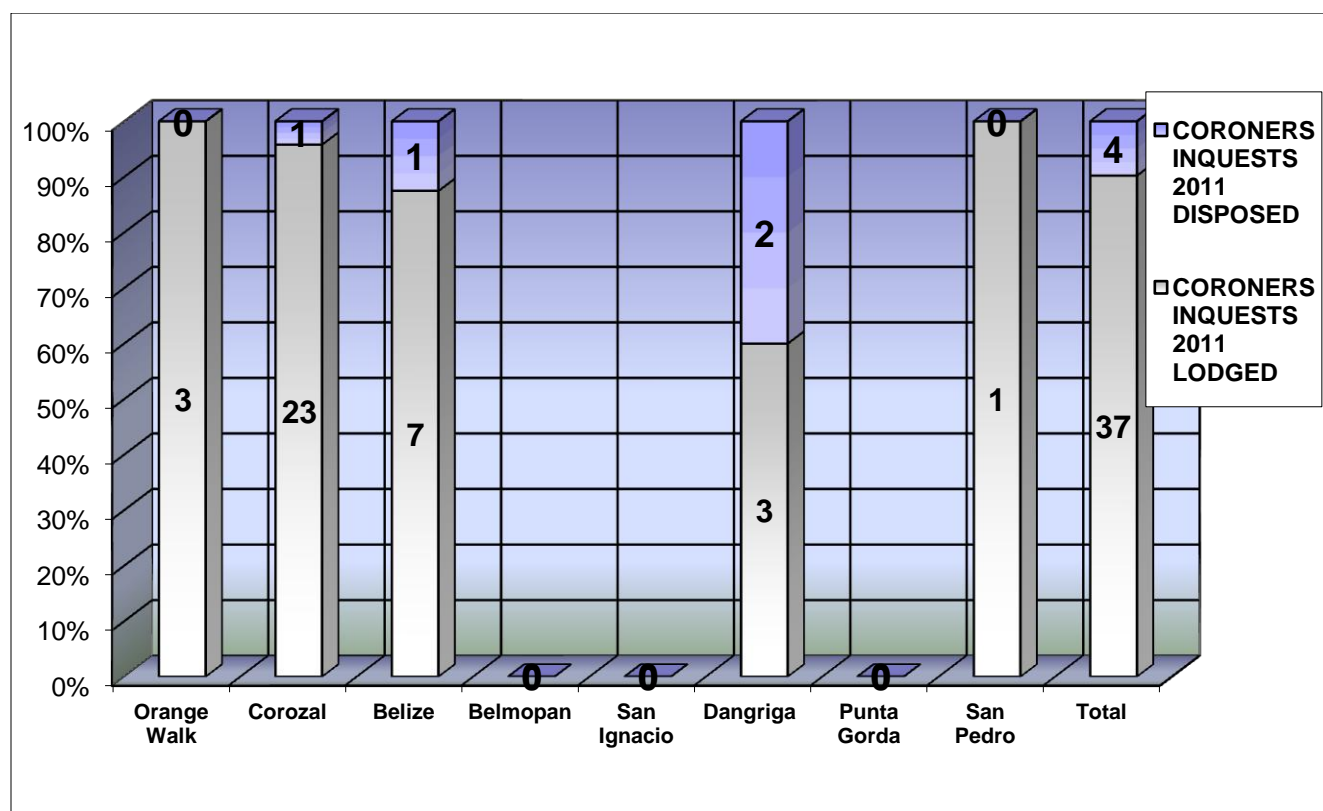
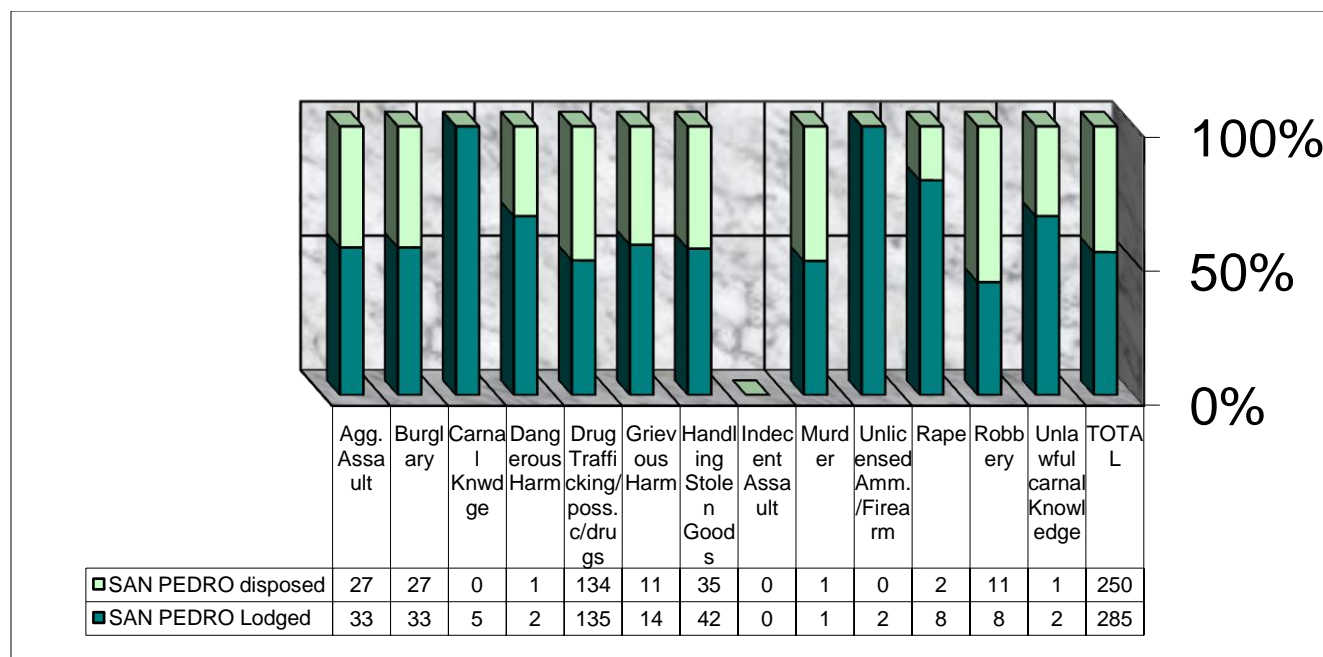






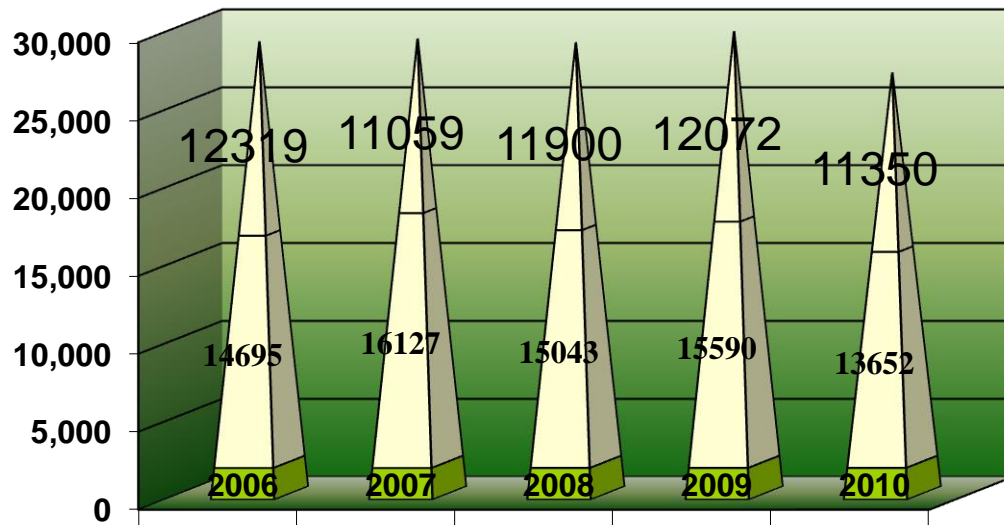






# **CRIMINAL STATISTICS REVIEW COUNTRY WIDE FROM 2006 - 2011**

■ YEAR   
 ■ LODGED   
 ■ DISPOSAL



	1	2	3	4	5
DISPOSAL	12319	11059	11900	12072	11350
LODGED	14695	16127	15043	15590	13652
YEAR	2006	2007	2008	2009	2010

	Orange Walk		Corozal		Belize City		Belmopan		San Ignacio		Dangriga		Punta Gorda		San Pedro		COUNTRY	
	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	Lodged	disposed	lodged	disposed
Aggravated Burglary	3	0	4	2	13	4	2	0	9	0	16	13	4	3	4	0	55	22
Aggravated Assault	69	142	48	47	193	87	68	42	92	24	111	134	60	31	27	29	810	536
Arson	1	2	0	0	3	1	2	0	4	0	3	1	4	5	0	0	19	9
Attempt Rape	0	0	0	0	3	0	4	1	0	0	4	3	0	0	1	0	12	4
Attempt Murder	3	6	7	4	36	4	15	8	6	0	8	4	10	1	4	1	95	28
Attempt Robbery	1	0	0	2	5	1	0	0	3	1	3	5	0	0	0	0	12	9
Burglary	22	41	34	28	95	26	33	15	35	11	78	138	17	17	39	28	394	304
Carnal Knowledge	2	4	1	1	5	1	2	0	6	0	10	17	10	17	13	4	53	44
Claiming Upon a Forged Doc.	0	8	0	5	1	0	2	0	0	0	0	6	0	0	0	0	11	19
Dangerous Harm	6	11	6	6	19	2	5	0	0	0	4	6	5	1	10	4	66	30
Drug Trafficking	13	32	20	19	136	52	9	3	19	4	26	57	10	8	13	13	278	188
Escape	1	8	5	4	2	2	7	4	8	3	17	6	14	9	0	6	62	42
Forgery	0	1	10	0	5	0	0	0	0	0	2	6	0	10	4	0	22	17
Grievous Harm	9	16	11	12	27	6	7	2	15	3	8	29	5	2	12	14	110	84
Handling Stolen Goods	25	27	35	21	127	47	42	22	53	17	66	123	25	26	24	30	424	313
Incest	0	0	0	1	7	4	1	0	0	0	3	0	4	4	9	8	24	17
Indecent Assault	2	1	0	0	1	0	0	0	0	0	0	3	8	3	3	1	15	8
Kidnapping	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0
Maim	0	1	1	2	3	1	0	0	0	0	3	0	1	0	0	0	9	4
Manslaughter	2	2	0	0	2	0	1	0	0	0	0	0	1	0	0	0	8	2
Murder	9	4	2	2	30	1	4	0	5	0	6	0	1	0	2	1	63	8
Poss. Controlled Drugs	115	99	120	114	497	406	75	70	167	123	104	169	62	54	122	121	1361	1156
Poss. Unlicensed Ammunition	7	15	8	4	53	17	11	7	14	3	14	2	14	9	2	0	138	57
Poss. Unlicensed firearm	10	10	8	7	35	15	8	5	20	3	9	2	9	6	0	0	109	48
Rape	0	1	4	5	11	2	4	0	2	0	3	0	3	4	5	1	33	13
Robbery	11	24	15	19	75	21	17	5	38	4	20	6	17	4	10	12	227	95
Theft	50	85	32	37	145	69	77	35	47	21	80	136	19	45	40	62	575	490
Unlawful carnal Knowledge	3	2	0	0	22	8	7	1	8	0	3	2	0	0	4	3	49	16
Unnnatural Crime	0	0	3	0	2	0	2	0	3	0	2	0	0	0	0	0	12	0
OTHER	643	940	617	606	2708	1484	554	397	881	592	1066	1276	869	640	490	620	7828	6555
TOTAL	1007	1482	991	948	4262	2261	959	617	1435	809	1669	2144	1172	899	838	958	12333	10118
CIVIL SUITS	643	590	631	570	2034	1192	835	464	732	418	658	712	219	134	377	328	6129	4408
CORONERS INQUESTS	3	0	23	1	7	1	0	0	0	0	3	2	0	0	1	0	37	4

MAGISTRATES' COURT CRIMINAL STATISTICS FOR THE YEAR 2011



# MAGISTRATES



**Ms Ann Marie Smith - Chief Magistrate**



**Mrs Dorothy Flowers – Senior Magistrate**



**Ms Sharon Fraser– Senior Magistrate**



**Mr Clive Lino**



**Mr Roberto Ordenez**



**Ms Hettiemae Stuart**



**Ms Stephanie Gillett**



**Mr Linbert Willis**



**Ms Sherigne Rodriquez**



**Mr Albert Hoare**



**Ms Merlene Moody**



**Mr Adolph Lucas**



**Mr Dale Cayetano**





**Magistrates' Court Staff**

# FAMILY COURT

## LEGAL AUTHORITY

The Belize Family Court has the authority to operate by virtue of the Family Court Act Chapter 93 of the Laws of Belize Revised Edition 2003. The Belize Family Court was established on April 1, 1989 and has been in operation for the past eighteen years.

## JURISDICTION

The Belize Family Court is a specialized Court and determines civil and juvenile criminal matters. The following legislation constitutes the remit of the court:

- |   |                                   |
|---|-----------------------------------|
| • Families and Children Act                       | Chapter 173 of the Laws of Belize |
| • Domestic Violence Act                           | Chapter 178 of the Laws of Belize |
| • Married Person Protection A                     | Chapter 175 of the Laws of Belize |
| • Juvenile Offenders Act                          | Chapter 119 of the Laws of Belize |
| • Certified Children Reformation Act              | Chapter 121 of the Laws of Belize |
| • Probation of Offenders Act                      | Chapter 120 of the Laws of Belize |
| • International Abduction Act                     | Chapter 197 of the Laws of Belize |
| • Penal System Reform (Alternative Sentences Act) | Act No. 41 of 2001                |

## 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.***

## OBJECTIVE

***The Belize Family Court provides an environment where family and juvenile matters are handled in a holistic manner in order to provide alternative methods for reconciliation, protection, rehabilitation, growth and development in conjunction with other relevant organizations.***

## ROLE AND 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.*

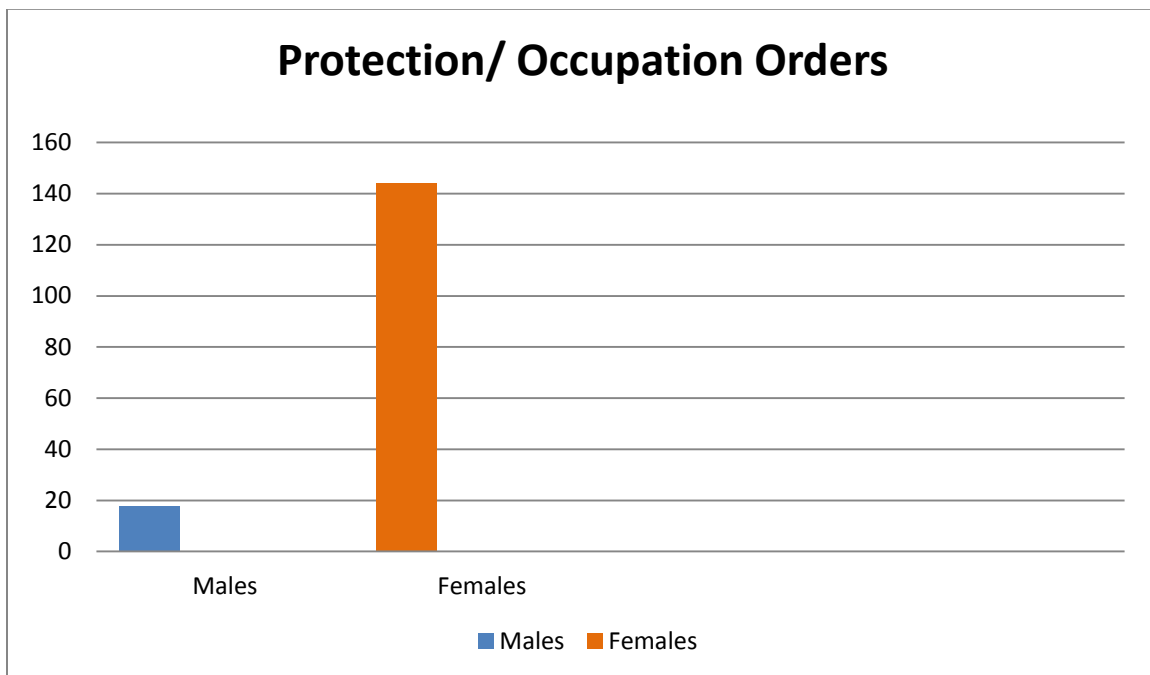
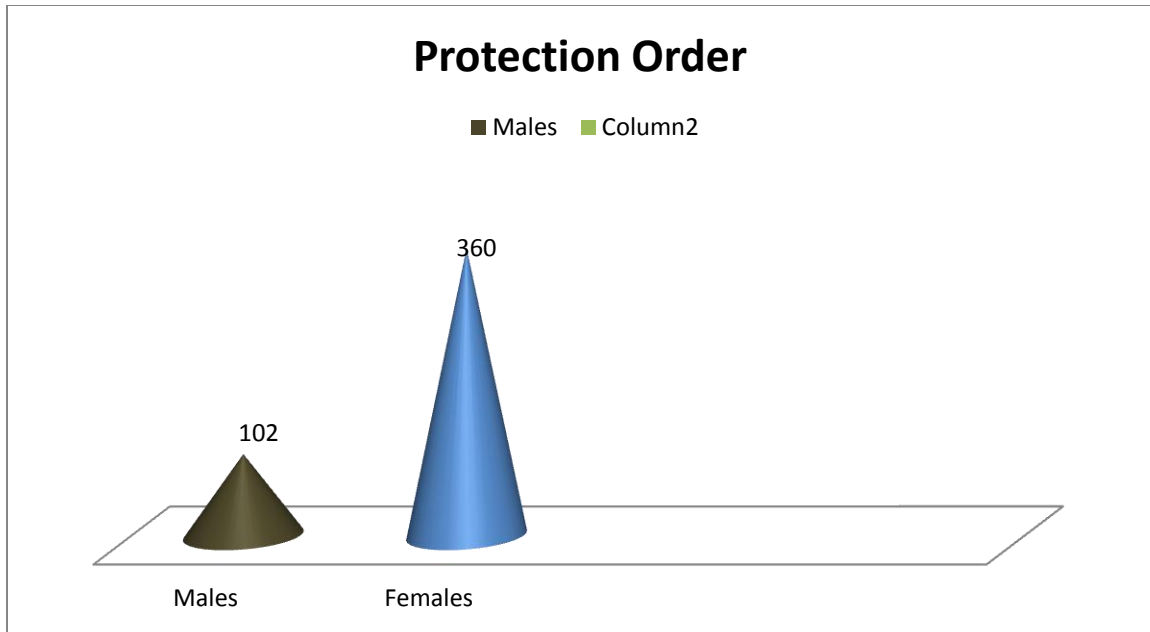
*The Belize Family Court continues to oversee the administration of justice for family and juvenile justice matters. It also continues to see the rise in domestic violence and maintenance cases. The Family Court has a very demanding task. Throughout the years the court has seen a significant increase 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, the majority falling within the areas of Maintenance and Domestic Violence.*

## DOMESTIC VIOLENCE

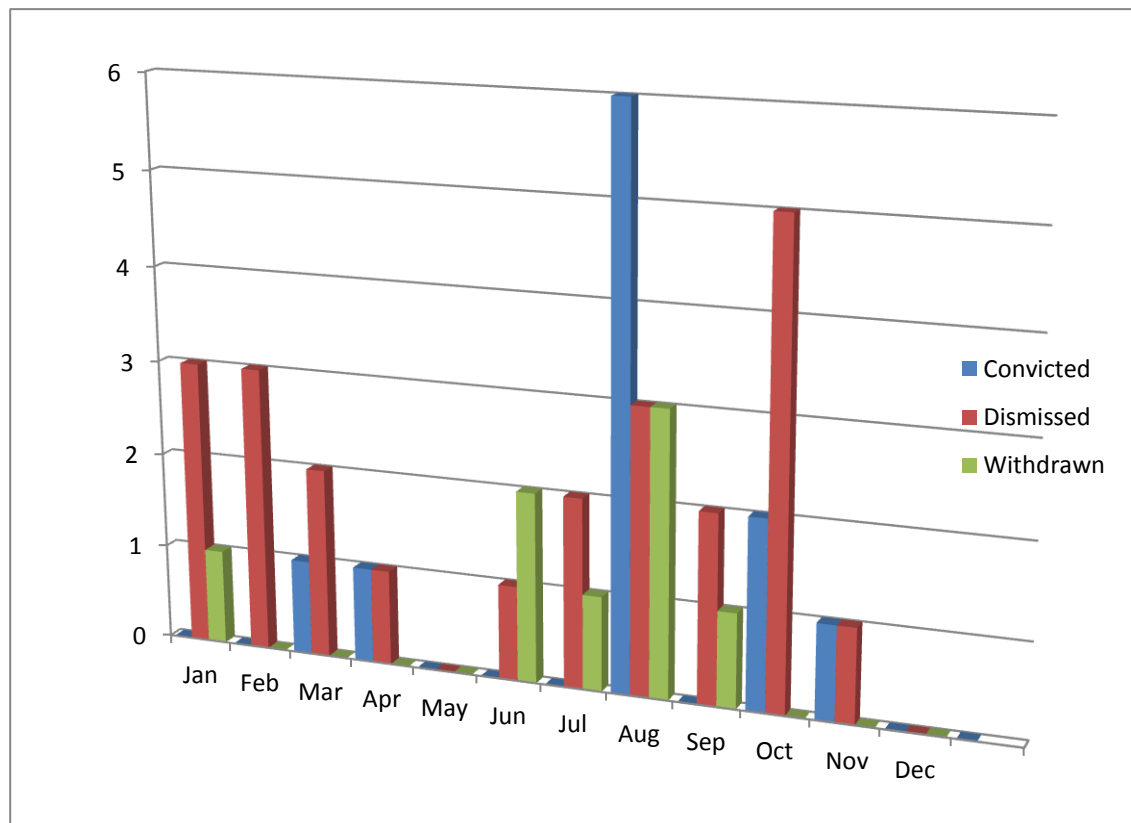
The Domestic Violence Act #19 of 2007 to a large extent provides greater protection and assistance for victims of domestic violence. It has increased the power of the Court:

- By increasing the duration of the orders from 12 months to 3 years
- By including provisions for applicants in visiting relationships
- By providing for officers of the Women's Department as well as experienced and qualified Social Workers to make applications on behalf of victims
- To direct a respondent to relinquish to the Police any firearm or other weapon which he/she may have on his possession or and which has been used in domestic violence.
- To direct the respondent, applicant, child or any other person to receive professional counselling or therapy.

The sad reality is that domestic violence is a pervasive act in our society which continues to plague and erode the very fabric of our families. Consequently this has adversely affected our society since financial resources have to be allocated to the health care system, support agencies, enforcement agencies, government agencies to provide for education and protection of the victims of domestic violence. While the incidents of domestic violence are prevalent among women and children, men also encounter incidents of domestic violence.

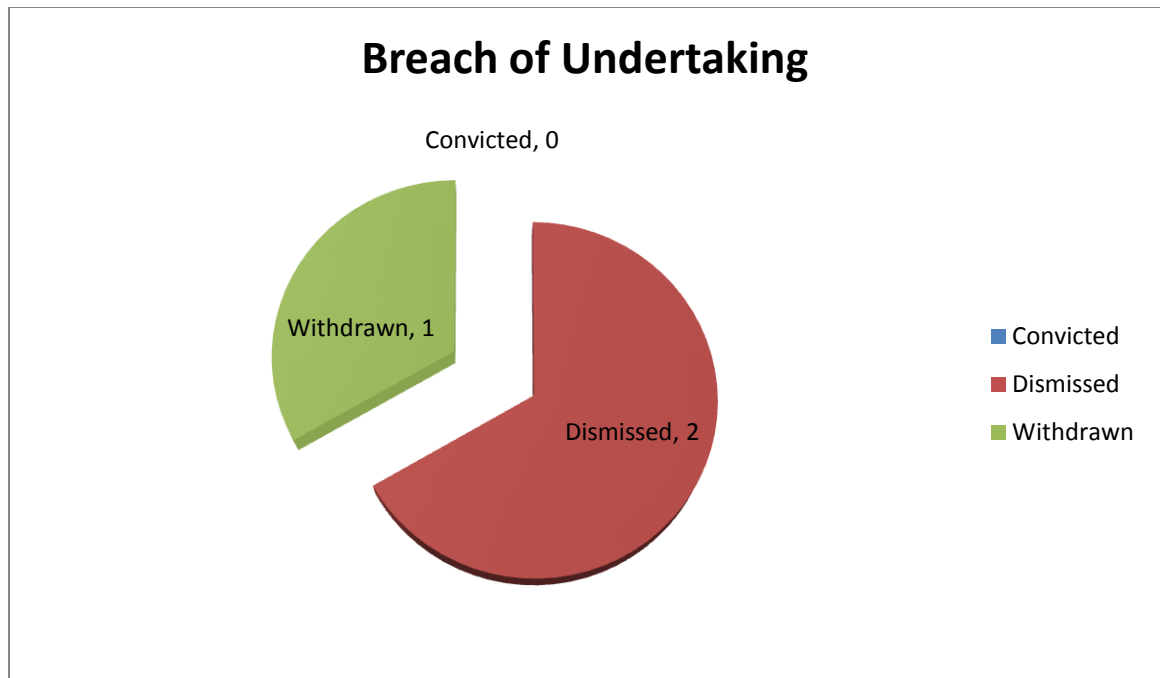






### BREACH OF PROTECTION ORDERS

A total of 42 Breach of Protection Order cases were brought before the Court in 2011. As illustrated in the graph, 23 cases or 54.8% were dismissed, 8 cases or 19% of the cases were withdrawn and 11 cases or 26.2% had convictions.



## STAFF DEVELOPMENT

### RESTORATIVE JUSTICE CONFERENCE:

The Director - Margaret Nicholas accompanied by Family Court Magistrate Natalia Carter and others travelled to Costa Rica on April 24, 2011 to receive Specialized Training in Restorative Justice.

- The purpose of the training was to expose a cadre of stakeholders to Restorative Justice as an alternative within the Criminal Justice System and in particular for Juvenile Offenders.
- Restorative Justice involves a tripartite participation of victims, offenders and the community directly affected by crime, exploring solutions that target reconciliation and restoration of peace in the community.
- Restorative Justice also seeks to compliment the traditional adversarial justice system, by attempting to divert the young offender from formal judicial proceedings and the imposition of punitive and harsh treatment.

A fundamental characteristic of restorative justice is that it empowers the affected community and increases its capacity to recognize and respond to community based crime. This affords the opportunity to respond to crime with respect, dignity and equality to facilitate and promote

harmony between victims, offenders and communities. This encourages collaboration and reintegration rather than coercion, isolation and imprisonment.

Stakeholders were engaged in a discourse over the broad spectrum of dispute resolution process such as mediation, diversion, victim offender conferencing, negotiation and restorative justice in compliance with United Nations Conventions signed and ratified by Belize. For this purpose an assessment of the Juvenile Justice System was utilized. It was recognized that there was a need for alternatives for the treatment of young offenders.

A Restorative Justice program is most welcome because “it compliments rather than replace the criminal justice system”. It can be utilized at anytime in the criminal justice process even though there may be a need for amendment to existing legislation. The basic thrust of the movement for restorative justice is one of accountability and fairness in the criminal justice system as between offenders, victims, families and the society at large.

As a follow up of the visit to Costa Rica, the Belize Family Court in collaboration with the Community Rehabilitation Department conducted a two day workshop on Restorative Justice on November 21 and 22, 2011 where 25 persons were trained including the Chief Magistrate, Magistrates, Police, Prosecutors, persons from the Community Policing, Belize Central Prison, Restore Belize and Community Rehabilitation Department.

The workshop was facilitated by Mr Miguel Tello from the International Institute for Restorative Justice Practices 11RP and Ms Anne-Julie Daniels from Ilanud. The workshop was sponsored by the Government of Belize and Ilanud.

## **ACTIVITIES**

A two day workshop in connection with the 16 days of activism was held by the Women’s Department. On the first day of the conference the Director Margaret Nicholas delivered a presentation on Domestic Violence in Belize.

- The presentation highlighted specific provisions of the Domestic Violence Act No. 19 of 2007, discussed the policy, procedures and protocols for domestic violence and detailed the support services available.
- The Director also shared data which revealed that domestic violence continues to be a major problem throughout the country of Belize, despite the many interventions that are in place such as the Domestic Violence Unit (Police), Batters Intervention Programme, The Counseling Centre and the Psychiatric Clinic.

The Belize Family Court also conducted a one day consultation on Juvenile Justice which was held on January 28, 2011 at the UNICEF Conference Room. It was chaired by the Director and facilitated by Justice Adolph Lucas and Justice Troadio Gonzalez.

Mr John Flowers – Social Planner of the Ministry of Human Development and Social Transformation did a presentation on the Convention that underpins the Management of Juvenile Justice.

The general objective of the training was to improve the services offered by the Family/District Courts in the Management of Juvenile Cases.

### **SPECIAL OBJECTIVE**

- To foster a greater understanding of the Juvenile Offenders Act Chapter 119 in relation to other related legislation namely the Misuse of Drugs Act, Firearm Act, Crime Control Act and the Criminal Code.
- To foster a greater appreciation of the Conventions ratified that underpin the Management of Juvenile Offenders: namely Convention on the Rights of the Child (Articles 37, 39, 40 (1) (2) (3) and (4)), Tokyo Rules, Beijing Rules and the Riyadh Guidelines.

### **CHANGES IN STAFF**

In August 2011, Ms Alberta Perez - Magistrate was transferred to the General Registry as Deputy Registrar (Appeals). She was replaced by Ms Danae Grant, Attorney-at-Law. Mrs Natalia Carter is presently pursuing her Certificate in Legal Education at the Norman Manley Law School in Jamaica.

### **CHALLENGES**

- Privacy continues to be a problem as the court rooms are not sound proof.
- The court is still struggling to meet the needs of the public with only four Intake/welfare Officers in Belize City despite the increasing rate of social problems country wide.
- The Court faces serious difficulties in referring clients to counseling as the Belize Counselling Centre is the only Government Institution that provides professional counseling for those experiencing difficulties in their relationship or with their children.

## PLAN OF ACTION FOR 2012

- Continue to advocate for the Passage of the Mediation Act
- Formation of Mediators Association
- Staff Retreat
- Continued upgrading of Computer Systems
- Specialized training in Legislation for Intake/Welfare Officers/ and support staff

## JUVENILE STATISTICS

CHARGE	SEX M F		AGE RANGE	CONVICT ED	DISMISSE D	WITHDRA WN	NUMBER Of CASES
Aggravated Assault	11	-	13-17	1	6	4	<b>11</b>
Allowed Self To Be Carried on a Bicycle	1	-	15	1	-	-	<b>1</b>
Assaulting a Police Officer	-	1	14	-	1	-	<b>1</b>
Attempt Damage to Property	1	-	17	-	1	-	<b>1</b>
Attempt Murder	3	-	16-17	-	2	1	<b>3</b>
Attempt Robbery	2	-	15	-	2	-	<b>2</b>
Burglary	18	-	12-17	5	7	6	<b>18</b>
Caused Bicycle to Proceed Up a One Way Street	1	-	15	1	-	-	<b>1</b>
Common Assault	4	5	14-17	<b>2</b>	5	2	<b>9</b>
Damage to Property	5	2	16-17	2	1	4	<b>7</b>
Dangerous Harm	1	-	16	-	-	1	<b>1</b>
Disorderly Conduct	-	1	17	1	-	-	<b>1</b>
Drove Motor Vehicle Without a Valid Driving License	2	-	17	2	-	-	<b>2</b>
Drove Without Due Care and Attention	1	-	16	-	1	-	<b>1</b>
Drug Trafficking	5	-	14-17	2	2	1	<b>5</b>
Escape	1	-	14	1			<b>1</b>

**JANUARY – DECEMBER 2011**

<b>CHARGE</b>	<b>SEX</b> <b>M</b> <b>F</b>		<b>AGE</b> <b>RANGE</b>	<b>CONVICTE</b> <b>D</b>	<b>DISMISSE</b> <b>D</b>	<b>WITHDRA</b> <b>WN</b>	<b>NUMBER</b> <b>Of CASES</b>
Failed To Produce Driving License	1	-	17	1	-	-	<b>1</b>
Handling Stolen Goods	8	-	15-17	4	2	2	<b>8</b>
Harm	6	3	14-17	4	2	3	<b>9</b>
Insulting Words	2	2	14-17	2	2	-	<b>4</b>
Kept Ammunition Without Gun License	2	-	16	2	-	-	<b>2</b>
Kept Firearm Without a Gun License	5	-	15-17	4	1	-	<b>5</b>
Kept Imitation Firearm	1	-	16	1	-	-	<b>1</b>
Mischievous Act	1	1	16-17	2	-	-	<b>2</b>
Possession of Controlled Drugs	26	2	13-17	27	1	-	<b>28</b>
Prohibited Firearm	1	-	14	1	-	-	<b>1</b>
Robbery	16	-	14-17	5	9	2	<b>16</b>
Theft	8	-	14-17	3	4	1	<b>8</b>
Threatening Words	3	-	16-17	-	2	1	<b>3</b>
Use of Deadly Means of Harm	1	-	16	-	-	1	<b>1</b>
Use of Motor Vehicle Not Covered By Third Party Risk Insurance	3	-	17	2	-	1	<b>3</b>
Use of Unlicensed Motor Vehicle	1	1	16-17	-	1	1	<b>2</b>
Using Obscene Language	2	2	15-17	2	2	-	<b>4</b>
Willful Breach of Rules	-	1	15	1	-	-	<b>1</b>
Wounding	4	2	15-17	1	5	-	<b>6</b>
<b>Grand Total</b>	<b>14</b> <b>7</b>	<b>2</b> <b>3</b>		<b>80</b>	<b>59</b>	<b>31</b>	<b>170</b>

**Number of Convictions** **80**

**Number of Cases Dismissed** **59**

**Number of Cases Withdrawn** **31**

**Total Number of Cases** **170**

# **BELIZE FAMILY COURT REPORT**

**INTAKES FOR : January - December 2011**

**NO. OF CASES: 2919**

<i>CASES</i>	<i>MALES</i>	<i>FEMALES</i>	<i>MIN/MAX AGES</i>	<i>PENDING</i>	<i>IN COURT</i>	<i>OUT COURT</i>
ACCESS/VISITATION	103	9	18 - 54	24	84	4
ATTACHMENT	0	42	21 - 54	9	33	0
CARE ORDER	10	74	22 - 40	0	84	0
CONTEMPT OF COURT ORDER	13	0	18 - 48	0	12	1
CONTINUANCE OF PAYMENT	0	15	33 - 50	2	13	0
DECLARATION OF PARENTAGE	18	2	19 - 50	3	17	0
DISCHARGE OF ACCESS ORDER	1	6	20 - 52	1	6	0
DISCHARGE OF CUSTODY ORDER	0	3	38 - 63	2	1	0
EXCLUSION ORDER	0	2	28 - 33	0	2	0
FAMILY ISSUES	53	70	18 - 64	48	0	75
GUARDIANSHIP	2	10	21 - 52	1	10	1
LEGAL CUSTODY	91	66	19 - 62	48	95	14
LEGAL SEPARATION	56	121	20 - 65	25	141	11
MAINTENANCE	61	617	16 - 66	75	537	66
MISAPPLYING OF MAINTENANCE	0	0		0	0	0
PARENTAL RESPONSIBILITY	0	0		0	0	0
PRODUCTION OF CHILD	0	0		0	0	0
PROTECTION ORDER	102	360	16 - 72	50	408	4
PROTECTION/OCCUPATION ORDER	18	144	17 - 64	8	150	4

*January 30, 2012*

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<i>CASES</i>	<i>MALES</i>	<i>FEMALES</i>	<i>MIN/MAX AGES</i>	<i>PENDING</i>	<i>IN COURT</i>	<i>OUT COURT</i>
PROTECTION/TENANCY ORDER	0	1	32 - 32	0	1	0
RECOVERY OF ARREARS	8	372	18 - 56	159	217	4
RELINQUISHMENT	2	10	25 - 55	3	9	0
REMITTANCE OF ARREARS	17	9	19 - 54	3	23	0
REVIVAL OF MAINTENANCE ORDER	0	17	19 - 46	1	16	0
REVOCATION OF ATTACHMENT ORDER	1	0	29 - 29	0	1	0
REVOCATION OF LEGAL SEPARATION	1	1	39 - 43	1	1	0
REVOCATION OF MAINTENANCE ORDER	71	55	19 - 63	20	105	1
REVOCATION OF PROTECTION ORDER	4	9	19 - 47	1	12	0
REVOCATION OF PROTECTION/OCCUPATION ORDER	0	1	41 - 41	0	1	0
REVOCATION OF PROTECTION/TENANCY ORDER	0	0		0	0	0
SUPERVISORY ORDER	6	19	22 - 40	0	25	0
UNCONTROLLABLE BEHAVIOR	10	36	26 - 60	8	31	7
VARIATION DECREASE	79	2	21 - 59	9	71	1
VARIATION INCREASE	0	59	19 - 50	8	51	0
VARIATION OF ACCESS ORDER	16	14	21 - 65	5	25	0
VARIATION OF CUSTODY ORDER	10	9	23 - 53	3	16	0
VARIATION OF MAINTENANCE ORDER	7	1	29 - 50	1	7	0
VARIATION OF PROTECTION ORDER	2	1	23 - 48	0	3	0
VARIATION OF PROTECTION/OCCUPATION ORDER	0	0		0	0	0
VARIATION OF PROTECTION/TENANCY ORDER	0	0		0	0	0
<b><i>TOTAL:</i></b>	<b>762</b>	<b>2157</b>		<b>518</b>	<b>2208</b>	<b>193</b>
<i>January 30, 2012</i>						
<i>Page 2 of 2</i>						

# **FAMILY COURT STAFF**

## **MAGISTRATES**



**Ms Margaret Nicholas**  
**Director**



**Mrs Sandra Arnold**



**Ms Danae Grant**



**Coordinator and Intake Welfare Officers**

Front Row l-r Miguel Ico, Paul Ferguson

Back Row l-r Faye Usher, Tami Hamilton, Lisa Griffith



**Support Staff**

Front Row l-r Candie Brown, Karen Moguel, Kayla Tingling, Tanya Craig

Back Row l-r Carmontella Brown, Geraldine Garbutt, Doreen Lino



**Support Staff**

Front Row l-r Cordel Clarke, Danny Mesh, Everal Day

Back Row l-r Raymond Belgrave, Asuncion Bol

# CRIMINAL TRIALS BY JUDGE SITTING WITHOUT JURY

By the Indictable Procedure (Amendment) Act No. 5 of 2011, assented to on July 5, 2011 and brought into force by order of the Prime Minister, provision has been made by Parliament for the trial of certain criminal cases by a Judge sitting alone without a jury. To enable this procedure to be carried out, appropriate amendments have been made to sections 16 and 36 of the Juries Act, Chapter 128.

The new procedure of trial by Judge without a jury is to be found in the newly enacted section 65A of the Indictable Procedure Act, Chapter 96. With effect from August 1, 2011, the procedure applies to the following offences:

- (1) Murder;
- (2) Attempted murder;
- (3) Abetment of murder; and
- (4) Conspiracy to commit murder

All persons charged alone or jointly with others for one or more of these offences must now be tried without a jury.

The Indictable Procedure Act also now includes a new section 65B which allows for the prosecution to apply to the Court for an indictable matter to be tried before a Judge without a jury on the following grounds:

- (a) that in view of the nature and circumstances of the case, there is a danger of jury tampering of jurors or witnesses; or
- (b) that a material witness is afraid or unwilling to give evidence before a jury; or
- (c) that the case involves a criminal gang element and would be properly tried without a jury; or
- (d) that the complexity of the trial or the length of the trial (or both) is likely to make the trial so burdensome to the jury that the interests of justice require that the trial should be conducted without a jury.

Section 65B goes on to permit an accused indicted for an offence for which trial without a jury is not mandated by section 65A, to apply to the trial Judge for trial without a jury on the

ground that he is not likely to be afforded a fair trial by jury in the light of pre-trial publicity attracted by the case.

It is for the trial Judge to consider the representations made by both the Crown and by or on behalf of the person charged before making a determination as to whether the ground has been satisfactorily made out.

The Judge is required at the end of the trial to render a written judgment setting out his reasons for the conviction or acquittal of the accused person or persons.

By virtue of the Judge sitting without a Jury, he or she shall be required to make all findings of fact which would have been left to the jury.

This new approach to the trial of criminal cases is intended to enable speedier trials and to relieve juries of the more complicated trials. The more obvious purpose is to eliminate the possibility of jury tampering and jury intimidation.

It is relevant to note that trial without a jury has existed in Northern Ireland, and other Commonwealth countries including more recently in the Cayman Islands and the Turks and Caicos Islands.

# JUDICIAL EDUCATION

## **Judicial Education in Belize 2010 to 2012**

On October 22, 2010, the Judges of the Supreme Court attended a seminar on Judgment Writing presented by His Lordship Hon. Mr. Justice Adrian Saunders at the Fort George Hotel in Belize City. Hon. Justice Saunders shared one of his essays entitled “Judgment Writing” after which His Lordship gave a Power Point presentation examining some of the features and ingredients of good judgment writing. It was emphasized that “the ultimate goal, from a literary perspective is to communicate ideas accurately and simply.”

There were no conferences or seminars held for Supreme Court Judges in Belize in 2011.

On January 11<sup>th</sup>, 2012, a seminar on anti-money laundering was held for judges at the Radisson Fort George Hotel in Belize City. The seminar was organized by the American Bar Association, through Ms. Antoinette Moore S.C., Director of the Rule of Law Initiative in Belize in collaboration with the International Government and Risk Institute. Hon. Mr. Justice Browne-Marke gave us the benefit of his expertise in a lively presentation on anti-money laundering from a Sierra Leone perspective. His Lordship displayed various sections of the Anti-Money Laundering Act on a power point presentation and provided anecdotes from his experience as a judge in Sierra Leone to illustrate the practical challenges in the application and interpretation of the sections of the law from a judicial standpoint.

The Judges of the Supreme Court attended a seminar on Human Trafficking on May 3 and 4, 2012 in Belize City sponsored by the International Organization for Migration (IOM) through the US State Department. The goal was to provide specialized training to Judges since the proposed amendment to the Prohibition of Trafficking in Persons Act will place jurisdiction for hearing offences involving trafficking in persons in the Supreme Court. The presenter was Paul Holmes Q.P.M., internationally recognized expert and consultant on Counter Trafficking and Law Enforcement in many countries including the United Kingdom, the United States and the European Union.

Honorable Madame Justice Arana has been tasked by His Lordship the Chief Justice Hon. Kenneth Benjamin with setting up a Judicial Education Committee to organize training for the Judges of the Supreme Court. In the past, the training and education for judges has occurred on an ad hoc basis. In this regard the Committee will implement a more formal system of training for judges based on the format of the Commonwealth Judicial Education Institute in order to develop a substantive program of continuing education for the judiciary in Belize.



