

IN THE HIGH COURT OF BELIZE A.D. 2025

CLAIM No. CV690 of 2025

IN THE MATTER OF A CLAIM FOR JUDICIAL REVIEW PURSUANT TO PART 56 OF THE SENIOR COURTS (CIVIL PROCEDURE) RULES, 2025 TO CHALLENGE THE DECISION OF THE JUDICIAL AND LEGAL SERVICES COMMISSION TO DISMISS THE CLAIMANT'S COMPLAINT OF JUDICIAL MISCONDUCT AGAINST THE HONOURABLE JUSTICE TAWANDA HONDORA

BETWEEN:

JEREMY ENRIQUEZ

Claimant/Applicant

and

THE JUDICIAL AND LEGAL SERVICES COMMISSION

Defendant/Respondent

Appearances:

Mr. Anand Ramlogan SC, Ms. Sheena S. Pitts, Mr. Cecil Ramirez instructed by Mr. Godwin Haylock and Mr. Vishaal Siewasaran for the Claimant/Applicant
Mr. Douglas Mendes SC and Mr. Jose Alpuche for the Defendant/Respondent

2026: June 02nd;
October 7th.

JUDGMENT

Administrative claim – Judicial review of dismissal of complaint – Opportunity to be heard – Improper exercise of discretion – Reasonableness – Reasons and sufficiency of reasons – Senior Courts (Civil Procedure) Rules 2025 – Section 98(4) of the Belize Constitution, Chapter 4 R.E. 2022

- [1] **ALEXANDER, J.:** This is my judgment on the substantive claim for judicial review by Mr. Jeremy Enriquez (“the applicant”) against the decision of the Judicial and Legal Services Commission (“the Commission”) dated 20th October 2025 dismissing his complaint. The complaint alleged judicial misconduct on the part of a sitting judge of the Senior Courts of Belize (“the judge”). By its dismissal, the Commission effectively declined to refer the complaint to the Belize Advisory Council (“BAC”) for investigation.
- [2] The applicant seeks declarations that the Commission's decision was unlawful, irrational, procedurally unfair, and contrary to the principles of natural justice. He also seeks an order of certiorari to quash the Commission’s decision, an order remitting the matter to the Commission for reconsideration in accordance with the court’s findings, together with costs and such further or other relief as the court considers just.

Procedural History

- [3] On 17th November 2025, the applicant filed an application seeking leave to apply for judicial review, which was granted on the 14th January 2026. The applicant was permitted to rely on the affidavit filed in support of the said application together with the exhibits attached thereto in support of his claim.
- [4] The present dispute arises out of a constitutional claim commenced by the applicant and two co-claimants on 10th February 2025, in which they alleged that their constitutional rights had been infringed by the government’s failure to redefine the electoral boundaries of Belize in accordance with the proposals of the Elections and Boundaries Commission. On 11th February 2025, they filed two applications for urgent interim reliefs seeking to restrain the dissolution of Parliament and the fixing of a date for a general election. Those applications came on for hearing on 12th February 2025. The applicant was represented by his present attorney, Mr. Ramlogan.
- [5] During the hybrid hearing, at which the applicant appeared in person while his legal team participated by video link, it was alleged that, during the lunch break, the judge’s

microphone was unmuted and the judge was overheard, by a member of the applicant's legal team, stating that he had already made up his mind and was proceeding with the hearing only to "teach" them "a lesson". Upon the resumption of the hearing, Mr. Ramlogan raised the allegation, which the judge denied before proceeding with the hearing. On 18th February 2025, the judge delivered judgment dismissing the applications for interim reliefs sought. Subsequently, the judge ordered wasted costs against Mr. Ramlogan in the amount of one-half of the Attorney General's legal costs. The judge also made orders requiring Mr. Ramlogan to write to the registrar and provide information about his practice in the jurisdiction of Belize.

- [6] On 2nd May 2025, an application was made for the judge's recusal from presiding over any further hearings concerning the applicant's claim on the ground of bias. Despite this application, the judge presided over a hearing and issued several orders on 12th May 2025. The orders included requiring Mr. Ramlogan to file an affidavit disclosing with whom he had shared the court links for the hearing on 12th February 2025 and to provide the instructions issued to those persons. Mr. Ramlogan was also to indicate the availability of the recording made during the hearing, whether the recording had been published, and the action taken by him upon discovering that the judge's microphone had been left on. The judge also required further information from Mr. Ramlogan's practice in the jurisdiction.
- [7] Among these orders, the judge, in his written reasons, addressed the incident that had occurred on 12th February 2025. He stated that, during the break, he had consulted another judge of the High Court regarding that judge's decision in an unrelated electoral boundaries case, on which Mr. Ramlogan had relied, and that a copy of the decision had been provided to him by the other judge. The applicant contends that the decision relied upon was already before the court and had been the subject of extensive submissions; that the judge never informed the parties that he did not have a copy of the judgment; and that the copy obtained during the adjournment was not disclosed to the parties.
- [8] The applicant (or claimant) had filed two appeals in the electoral boundaries matter and an application for leave to appeal the orders and direction of the judge on 20th May 2025.

Upon the appeals and application coming on for hearing before the Court of Appeal on 10th October 2025, the court made the following orders:

- a. In BZ Civil Appeal No. 6 of 2025, concerning the dismissal of the claimant's application for interim relief, the appeal was struck out and declared a nullity on the basis that, at the time the notice of appeal was filed, the order appealed from had not been "signed, entered or otherwise perfected" within the meaning of section 202(1) of the Senior Courts Act 2022.
- b. In BZ Civil Appeal No. 9 of 2025, concerning the wasted costs order made personally against senior counsel Mr. Ramlogan, the appeal was struck out and declared a nullity on the basis that it had been filed without the requisite leave of the court.
- c. In BZ CV Application No. 3 of 2025, concerning the claimant's application for leave to appeal the orders made on 12th May 2025, leave was refused. The Court of Appeal found that the application constituted an abuse of process as the claimant had not first sought the variation or discharge of the orders from the judge in the lower court.

- [9] The applicant (claimant) later filed an application for special leave to appeal the decision of the Court of Appeal to the Caribbean Court of Justice ("CCJ" or "apex court") on 29th October 2025. On 23rd March 2026, the CCJ granted special leave to appeal and allowed appeals BZ Civil Appeal No. 6 of 2025 and BZ Civil Appeal No. 9 of 2025, ordering costs to the claimant in the CCJ and the Court of Appeal. BZ CV Application No. 3 of 2025 was, however, dismissed with costs to the respondent, Attorney General of Belize and interested party, the Elections and Boundaries Commission.

The Complaint

- [10] The present complaint to the Commission preceded the decisions of the Court of Appeal. It was made on 23rd April 2025, and was accompanied by the sworn declaration of Mr. Vishaal Siewasaran who stated that during the lunch break he had heard the judge uttering the following words:

“I have already made up my mind to dismiss the application. But I haven’t dismissed it as yet. I am just going through the motions because I want to teach them a lesson. But I will clamp down on him when I get back.”

[11] The Commission acknowledged receipt of the complaint by letter dated 28th April 2025. By letter dated 22nd May 2025, the applicant informed the Commission that the judge had declined to recuse himself and urged the Commission to take immediate action in relation to his complaint. The Commission acknowledged receipt of that correspondence on 29th May 2025. Thereafter, the applicant sent further correspondence to the Commission seeking updates on the status of his complaint.

[12] On 8th October 2025, the applicant filed an application seeking leave to bring a claim for judicial review challenging the Commission’s inaction, refusal or failure to issue a decision on his complaint. By letter dated 20th October 2025, the Commission informed the applicant that it had considered the complaint and determined that it did not meet the threshold warranting further action. The complaint was dismissed. The contents of the letter dated 20th October 2025 are as follows:

“...This serves to inform that the Judicial and Legal Services Commission (the Commission) has reviewed your complaint against Hon. Justice Tawanda Hondora, and his response to the allegations.

The complaint was dismissed on the grounds that the threshold basis was not met to warrant any further action by the Commission.

The Commission referenced the following cases: -

- *Meerabeaux v Attorney General (2001) 41*
- *Frazer v Attorney General*
- *Ayers-Caesar v The Judicial and Legal Service Commission (2025) UKPC 15*
- *Rees v Crane (1994) AC 173*
- *Boyce v Joseph (2018) CCJ 23 AJ*
- *Marabou v The Attorney General and the Bar Association of Belize*
- *Wilson v Attorney General (2010) NZHC1678*
- *Chief Justice of Gibraltar (Referral under s 4 of the Judicial Committee Act 1833 (2009) UKPC 43”*

- [13] The Commission's meeting minutes on 16th October 2025 were almost identical to the wording of the letter sent to the applicant. The Commission's decision rendered the first leave application (Claim No CV611 of 2025) moot and it was withdrawn.

Applicant's case

- [14] The present application seeks to judicially review the Commission's decision dated 20th October 2025, dismissing the complaint and declining to refer the matter to the BAC. The challenges are advanced on several grounds including that:

- a. The Commission failed to give proper consideration to the complaint and failed to provide reasons for its decision;
- b. The Commission failed to identify the threshold or standard it applied in determining whether the complaint warranted further action, and failed to disclose the material upon which it relied or indicate the weight it attributed to that material;
- c. The Commission failed to afford the applicant an opportunity to make representations before dismissing his complaint;
- d. The Commission failed to disclose to the applicant the response of the judge to the complaint and, consequently, failed to afford the applicant an opportunity to respond before reaching its decision;
- e. The decision was unreasonable and constituted an improper exercise of the Commission's discretion;
- f. The decision was arbitrary, disproportionate and manifestly unfair; and
- g. The Commission acted unlawfully in determining that the complaint did not meet the applicable threshold, when, on the applicant's case, the evidence was sufficient to warrant further action by the Commission.

- [15] The applicant seeks declarations that the Commission's decision to dismiss his complaint was unlawful, irrational, procedurally unfair, and contrary to the principles of natural justice. He also seeks an order of certiorari to quash the Commission's decision, an order

remitting the matter to the Commission for reconsideration in accordance with the court's findings, together with costs and such further or other relief as the court considers just.

Commission's case

- [16] In response, the Commission relied upon the affidavit of Mr. William Lindo, the then President of the Bar Association ("the Lindo affidavit"). The position advanced by the Commission was that the complaint was not of sufficient gravity to warrant a recommendation to the BAC. The Commission stated that its role was to determine whether the matters raised in the complaint were, on a prima facie assessment, sufficiently established on the facts and of such gravity as to warrant further investigation. Having considered the matters raised by the applicant, the complaint did not meet the required threshold.
- [17] In relation to the allegation of misconduct by the judge, Mr. Lindo stated that judges may, on occasion, be "*exacting, impatient or even rude*", but that such conduct does not, without more, justify an inquiry into whether a judge should be removed from office. The Commission further considered that it was not unusual for a judge to have formed a view of a matter before the conclusion of submissions, nor was it unusual for judges to consult with one another concerning matters actively before the court. Moreover, where a party is dissatisfied with a judge's decision, the ordinary remedy is by way of appeal.
- [18] As to the applicant's allegation that the conduct of the judge amounted to an invitation to obtain another attorney, the Commission did not accept that interpretation. It considered that the request made to Mr. Ramlogan to provide the registrar with details of the law firm in Belize responsible for the matter could not reasonably be interpreted as an invitation to the applicant to obtain different legal representation, particularly in circumstances where Mr. Ramlogan's law practice was outside the jurisdiction. The Commission, therefore, found no merit in that aspect of the complaint.
- [19] The Commission also considered the applicant's allegation of bias arising from the case management orders and recusal order. It concluded that there was insufficient evidence

of bias or other misconduct to warrant further investigation. The Commission considered that a judge must be afforded a degree of latitude in the management of proceedings, including proceedings involving an application for the judge's own recusal.

[20] Finally, Mr. Lindo addressed the applicant's complaint on the alleged non-disclosure of pending litigation, prior to his judgeship. In relation to the first matter, the Commission noted that the proceedings had commenced on 15th November 2023 and judgment was delivered on 15th June 2024, whereas the judge had been appointed on 17th January 2024. In relation to the second matter, the proceedings had commenced on 20th January 2024, and judgment was delivered on 4th September 2024. The Commission concluded that the circumstances surrounding the non-disclosure did not disclose conduct of sufficient gravity to warrant further investigation or consideration of the judge's removal from office.

[21] Having considered the various matters raised by the applicant, the Commission concluded that the complaint did not meet the threshold for further action and declined to refer it to the BAC.

[22] An affidavit of Mr. Rolando Zetina was also filed on 20th February 2026 on behalf of the Commission, setting out the chronology of events from the complaint to the Commission's decision. Annexed to this affidavit was the judge's written response dated 15th September 2025 to the complaint. In the response, the judge denied the allegations of judicial misbehaviour, corruption and bias and stated that the applicant's case was unfounded. He explained that, during the lunch break, he had spoken with another judge about a case which that judge had heard, after Mr. Ramlogan had repeatedly referred to the case during the morning session without providing a copy to the court. The judge stated also that consultation with another judge was not unusual and that, notwithstanding his conversation, the decision he ultimately reached was his own. He also denied the allegation attributed to him by Mr. Siewrsaran that he had already made up his mind to dismiss the application and intended to "teach" the applicant and his counsel a lesson.

Submissions

Applicant's

- [23] Mr. Ramlogan submitted on the absence of reasons by the Commission for its decision. He advanced that reasons were provided for the first time in the Lindo affidavit, and only in response to the present application. Accordingly, the reasons were not reflective of contemporaneous reasoning of the Commission at the time it considered and dismissed the complaint. He pointed to the disclosed minutes as not containing a record of any detailed consideration or deliberation on the complaint.
- [24] Describing the minutes as a record of the general outcome of the meeting with a number of authorities listed, he asserted that this did not constitute an evaluation of the evidence nor did it show how the Commission arrived at its conclusion. The absence of contemporaneous records was particularly significant in circumstances where the Commission subsequently sought, through affidavit evidence, to provide a detailed justification for its decision. Mr. Ramlogan also submitted that the defendant had a duty of candour to disclose all material to assist the court to arrive at a well-informed decision, and that an adverse inference ought to be drawn from this failure.
- [25] Highlighting these alleged failures, Mr. Ramlogan asserted that they demonstrate that the Commission had failed to appreciate the seriousness of the allegations made against the judge; that the judge's utterances constituted misconduct and demonstrated a hostile attitude towards the applicant and his counsel and an improper desire to use the authority of judicial office to punish them. The evidence demonstrated a sufficient degree of seriousness warranting further investigation. However, the Commission either failed to consider the applicant's evidence in its entirety (including the discrepancy) or, having considered it, reached a conclusion which was irrational and unreasonable. Alternatively, the Commission had improperly exceeded its constitutional function by effectively determining the credibility and ultimate merits of the allegations, rather than limiting itself to determining whether there was a sufficient prima facie basis and sufficient gravity to

warrant referral to the BAC. Further, the availability of an appeal did not provide an adequate answer to a complaint of judicial misconduct and did not relieve the Commission of its constitutional responsibility to consider the complaint and if the referral to the BAC was needed.

[26] Mr. Ramlogan stated with respect to the Wednesbury principle that modern courts have moved away from expressing irrationality in the most stringent terms. The modern approach does not require the court to determine whether a decision is so outrageous as to offend concepts of judicial “outrage”. He decried the Lindo affidavit as containing detailed reasoning that could not retrospectively establish what the Commission had actually considered at the time of its decision. In any event, the Lindo affidavit supports the applicant’s case that no reasonable decision maker could have reached the Commission’s conclusion using that reasoning on the facts alleged.

[27] Mr. Ramlogan maintained that the judge’s conduct constituted an abuse of the power of his judicial office for an improper purpose and was, therefore, capable of amounting to serious judicial misbehaviour. The conduct was not a legitimate or acceptable exercise of his judicial functions. The threshold for referral to the BAC was plainly met.

The Commission’s

[28] Mr. Mendes submitted for the Commission that the complaint about procedural fairness and the applicant’s alleged entitlement to receive and respond to the written response of the judge was misconceived. The right to be heard is not automatic in every administrative decision and that the content of procedural fairness depends upon the nature and circumstances of the particular decision.

[29] Mr. Mendes submitted further that there was no evidence that the applicant had suffered any penalty, adverse consequence, or deprivation of a remedy or redress as a result of the Commission’s decision. The Commission, pursuant to its constitutional mandate, was required to afford the judge an opportunity to be heard. Procedural fairness did not, in the circumstances, require the Commission to disclose the judge’s response to or afford the

applicant an opportunity to reply. The Commission's role was limited to determining whether the complaint disclosed sufficient grounds and gravity to warrant referral to the BAC. Having considered the complaint and the material before it, the Commission was entitled to conclude that the threshold had not been met. Accordingly, the Commission maintained that the procedure adopted was fair and the applicant had suffered no prejudice.

[30] As to the duty to give reasons, Mr. Mendes submitted that there is no general duty in the Constitution or at common law requiring an administrative body to provide reasons for every decision. Although there are circumstances in which a duty to give reasons may arise and the categories are not closed,¹ none of those circumstances arose in the present case. Accordingly, Mr. Mendes stated that there was no statutory right of appeal from the Commission's decision, no personal right of the applicant was affected by the decision, and the decision was not so unusual or exceptional as to require an explanation. Moreover, once judicial review proceedings were commenced, the Commission was entitled to explain the basis upon which the decision had been reached. This is exactly what the Commission did. The Lindo affidavit provided the court with the explanation of the Commission's reasoning, and the applicant was not prejudiced by the absence of more detailed reasons.

[31] As to rationality, Mr. Mendes submitted that the applicable test was the well-established **Wednesbury**² standard and that the threshold for intervention was high. The court should not substitute its own view for that of the Commission merely because it might have reached a different conclusion. Having regard to the constitutional allocation of the referral function to the Commission, the court should adopt a restrained approach and intervene only where the decision fell outside the range of reasonable decisions open to the Commission. This was not the case here. Counsel emphasised that the Commission was neither a mere conduit for complaints nor required to determine conclusively whether judicial misconduct had occurred. The Commission's task was to assess whether the

¹ R (Hanson) v Secretary of State for Trade and Industry [2008] EWCA Civ 1311.

² Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1948] 1 KB 223.

allegations were sufficiently established on a prima facie basis and of sufficient gravity to warrant referral for investigation. The Commission considered the allegations, the supporting materials, the audio recordings of the relevant proceedings and the judge's response. The applicant was not entitled to a full adversarial hearing at the consideration stage nor has, of right, to receive and respond to the judge's response. The Commission had complied with the requirements of natural justice applicable in the circumstances. Having subscribed to its statutory and constitutional remit, it concluded that the judge's conduct was not of sufficient gravity to warrant his removal. It was entitled to conclude that the threshold for referral was not met. This decision fell within the range of reasonable decisions open to the Commission.

[32] Mr. Mendes also advanced that the critique of Mr. Lindo's evidence was not accompanied by any attempt to cross-examine Mr. Lindo or otherwise challenge his evidence. Mr. Mendes pointed out that the minutes of the Commission's meeting of 16th October 2025 did not contradict Mr. Lindo's evidence. The fact that the minutes did not record the Commission's reasoning, did not establish that the Commission had failed to consider the complaints or apply the appropriate legal test.

[33] As to the duty of candour, the Commission accepted that an adverse inference may, in an appropriate case, be drawn from a public authority's failure to disclose relevant documents. However, the authorities relied upon by the applicant concerned cases in which there was evidence that relevant documents existed but had not been disclosed. In the present case, the relevant minutes were disclosed, and there was no evidence of any further minutes containing the detailed reasoning alleged by the applicant to be missing. Accordingly, there was no proper basis for drawing an adverse inference that the Commission had failed to give the complaint proper or lawful consideration.

Issues

[34] The question for this court is whether the Commission acted unlawfully, unfairly and unreasonably, in dismissing the complaint. This involves an evaluation of -

- i. Whether the Commission was required to disclose the response and afford the claimant an opportunity to make representation? **“Disclosure and Representation”**
- ii. Whether the Commission’s decision amounted to an improper exercise of discretion and was unfair, unlawful and unreasonable? **“Improper Exercise of Discretion”**
- iii. Whether the Commission was required to provide reasons? **“Reasons”**

Discussion

Disclosure and Representation

[35] The starting point is section 98(4) of the Constitution of Belize³ (“the Constitution”), which provides:

“98(4)- A justice of the Supreme Court may be removed from office if the question of his removal from office for **inability to perform the functions of his office** or for **misbehaviour** has been referred to the Judicial and Legal Services Commission in writing and the Judicial and Legal Services Commission, **after considering the matter**, recommends in writing to the Belize Advisory Council that the question of removal ought to be investigated.” [My emphasis]

[36] The constitutional role of the Commission was considered by the CCJ in **Boyce v JLSC**.⁴ The apex court explained the distinct functions of the JLSC and the BAC in the process for the removal of a judicial officer. At paragraph 33-34, the CCJ stated:

“33. [T]he JLSC’s role in the removal process is neither that of a mere conduit for complaints nor the decider on the merits of the complaint. The role of the Commission is to consider and recommend while the BAC’s role is to investigate and advise. The JLSC considers whether there is sufficient evidence of inability and/or misbehaviour to justify referring matters to the BAC; if referred, the BAC investigates and evaluates the merits of the evidence presented to it before reporting its findings and advice to the Governor-General. Meerabux and Rees are at one on this point. In

³ Chapter 4 R.E. 2022.

⁴ [2018] CCJ 23 (AJ).

Meerabux, which involved the question of the removal of a Supreme Court Judge under section 98 of the Constitution (which is similar in terms to section 102), Conteh CJ opined that the “validity, veracity or otherwise of the allegations is for the Belize Advisory Council...the fact-finding and reporting body charged with the responsibility of establishing the veracity or otherwise of the allegations by an enquiry into them” (*Meerabux v The Attorney General of Belize and The Bar Association of Belize Action No 65 (Supreme Court of Belize, 12 March 2001) (Conteh CJ)*). That being said, Conteh CJ, referring to the role of the Governor-General (now assumed by the Commission) in terms of the referral process, opined that:

“...there must be present some indicia of investigation by the Governor General into allegations levelled against a judge. It may not be the full blown battle royale of the adversarial process or one involving the forensic skills of a sleuth, but **in the process of considering whether the question of the removal of a judge ought to be investigated by referral to the Belize Advisory Council, the Governor-General must surely do some probing, some investigating to establish that the allegations are not merely fanciful or hopelessly groundless.** In this process, the Governor General must, in consonance with natural justice and fair play, hear from the judge or give him an opportunity to put his own side or version of whatever the allegations may be about. This requirement would be fulfilled if the Governor-General writes to or informs the judge about the allegations. This act itself is, in my opinion, investigatory.

But in my view, **this investigation** by the Governor-General at the consideration stage of the question of the removal of a judge **is not to establish the validity of the allegations, but I think to ensure that they are not fanciful or of the crack-pot variety or hopelessly groundless.**”

34. We agree with these observations. The comments made by the Privy Council in the case of Rees as to the requirement for representation by the Judicial and Legal Service Commission to the President of the Republic of Trinidad and Tobago of the question of removal are also apt. There their Lordships’ Board stated,

“The commission before it represents must, thus, be satisfied that the complaint has prima facie sufficient basis in fact and must be sufficiently serious to warrant representation to the President, effectively the equivalent of impeachment proceedings (*Rees v Crane* [1994] 2 AC 173, 193).”

[37] It is settled that the Commission cannot mechanically refer for investigation every complaint received. It must satisfy itself that the complaint is sufficiently serious and not merely fanciful or hopelessly groundless. That is to say, there must be a prima facie basis for an investigation by the BAC. In making this determination, the Commission must give

the judge an opportunity to respond to the complaint. Since **Rees v Crane**,⁵ this has become a basic requirement of natural justice.

[38] Here, the Commission notified the judge of the complaint and invited him to respond. The judge responded by letter dated 15th September 2025. The Commission was required by law to take those steps.

[39] The applicant's quarrel is that the Commission did not share the judge's response and give the applicant an opportunity to be heard in reply. However, there is no warrant in law for the Commission to take the further steps suggested by the applicant. At the Commission stage, natural justice requires that the judge be afforded an opportunity to respond to the complaints against him so that the Commission is provided with context, which has the potential to remove the sting of a standalone complaint. The rationale for seeking representations from the judge was captured by the Board at page 460 of **Rees v Crane** thus:

"... but a judge, although by no means uniquely, is in a particularly vulnerable position both for the present and for the future if suspicion of the kind referred to is raised without foundation. **Fairness, if it can be achieved without interference with the due administration of the courts, requires that the person complained of should know at an early stage what is alleged so that, if he has an answer, he can give it.**" [My emphasis]

[40] The Board went on to point out:

"It might be thought to be in the interest of the good administration of justice that such a course should be taken before unjustified charges are laid before the tribunal with its inevitable publicity, not just for the judge but for the court system as a whole. As it is put by Sir William Wade in *Administrative Law* (6 Edn), pages 496, 497: 'as the authorities will show, the courts took their stand several centuries ago on the broad principle that bodies entrusted with legal power could not validly exercise it without first hearing the person who was going to suffer... The hypothesis on which the courts built up their jurisdiction was that the duty to give every victim a fair hearing was just as much a canon of good administration as of good legal procedure.'

⁵ (1994) 43 WIR 444.

- [41] At the Commission stage, the applicant had his opportunity when he put the complaint to the Commission. Fairness demanded that the judge had an opportunity to respond. If the judge's response failed to address the allegations made by the applicant, then a full-blown investigation would ensue with the applicant's participation. But in this case, we are not concerned with that stage of the process.
- [42] It is the judge who was the victim of a complaint. That is to say, it is the judge "who was going to suffer" from the exercise of the Commission's power to initiate an investigation. Consequently, it is the judge who has the right to respond to the complaint. The applicant's participation at this stage was the tendering of his complaint, particularised to whatever degree of his choice. It is true that in the ordinary judicial process, a claimant is entitled to answer the defendant's reply to the claim. Proceedings for the removal of a judge is not the ordinary legal process. The regime for the removal of a judge is a *sui generis* constitutional procedure. A quintessential feature of this regime is that it requires that a judge against whom allegations are made to the Commission is given an opportunity to respond before the Commission comes to its decision on the fate of the complaint.
- [43] In this case, the Commission did what it was supposed to do when it sought and received an explanation from the judge. That the Commission did not take the further step of disclosing and seeking an answer to the judge's representations did not stain the constitutional procedure with impropriety.

Improper Exercise of Discretion

- [44] The applicant's case is that the Commission failed to appreciate the seriousness of the allegations made against the judge, particularly the allegation that the judge stated that he had already made up his mind and was proceeding with the hearing to "teach" the applicant and his counsel "a lesson". The judge's utterance coupled with his conduct could not properly be characterised as merely "*exacting, impatient and even rude*", rather, it demonstrated a hostile attitude towards the applicant and his counsel and an improper desire to use the authority of judicial office to punish them. The alleged statement together

with his subsequent conduct demonstrated a sufficient degree of seriousness warranting further investigation.

- [45] The applicant emphasised that by failing to properly consider the apparent discrepancy between the judge's initial denial of having discussed the matter with another judge and his subsequent acknowledgment of the conversation, the Commission either failed to consider the evidence in its entirety or, having considered it, reached a conclusion which was irrational and unreasonable. The judge had uttered a false statement in open court warranting further investigation. The availability of an appeal did not provide an adequate answer to a complaint of judicial misconduct nor relieved the Commission of its constitutional responsibility to consider whether the alleged conduct meets the threshold for referral. In these circumstances, the applicant contends that the decision was unlawful, irrational and unreasonable.
- [46] The Commission in exercising its discretion to not refer the complaint for investigation is subject to the standards of rationality and fairness under ordinary administrative law principles. A decision may be said to be unreasonable if it is so irrational that no reasonable decision maker could have reached it. In other words, the decision must be "Wednesbury unreasonable".
- [47] The Commission's decision whether or not to trigger an investigation involves a high degree of subjective judgment reviewable only on conventional Wednesbury grounds. The width of the discretion exercisable by the Commission is broad. This was confirmed in **R (Newman) v The Parliamentary and Health Service Commissioner**,⁶ where the court accepted that the commissioner (like the Commission in this case) had a broad discretion and that a challenge to the exercise of this discretion on the grounds that it was Wednesbury unreasonable faced a high hurdle. There is a distinction to be made between the existence of a prima facie case which is a low threshold to cross (as affirmed by the CCJ in **Boyce** at paragraph 36) and the threshold that an applicant for judicial review

⁶ [2017] EWHC 3336.

must cross to successfully challenge the Commission's decision whether or not to initiate the investigation.

- [48] The CCJ in **Boyce** sets out the Commission's role in the process and the legal standard to be applied:

[36] ... In *Wilson v A-G*, a case from New Zealand, the High Court considered in part the role of the Judicial Conduct Commissioner who was mandated by statute to inter alia receive complaints about judges, conduct preliminary examinations of such complaints and, where appropriate, recommend the appointment of a Panel to make inquiries into any matter or matters concerning the judge's conduct. The relevant statute requires the Commissioner to 'form an opinion as to whether ... the subject-matter of the complaint, if substantiated, could warrant consideration of the removal of the Judge from office; or ... there are any grounds for dismissing the complaint ...' Once the Commissioner forms an opinion, he or she may dismiss the complaint, refer it to the Head of Bench or recommend that the A-G appoint a Judicial Conduct Panel to inquire into the judge's conduct. In relation to the Commissioner's role as existed at the time of the legislation, the court found that:

[43] ... the Commissioner must form an opinion on the information that he has available to him following his preliminary examination. That opinion may result in the complaint being dismissed ...

[44] An opinion must be honestly held, reasonably open on the facts available and based on the correct legal standard. In this case the opinion must be that there is sufficient substance to the complaint to warrant the appointment of a panel; the Commissioner must believe both that the facts alleged in the complaint are sufficiently plausible to justify further investigation and that the conduct, if established, may be serious enough to warrant consideration of removal rather than referral to the Head of Bench. It is a low threshold ... but a definite one ...

[46] ... it is the Commissioner who must identify the matter or matters concerning the judge's conduct that warrant a panel inquiry.

[47] The matters about conduct that are thought to warrant further inquiry must be identified in the Commissioner's recommendation, which determines the initial scope of the panel inquiry ...'

Given the similarity in mandate between the New Zealand Commissioner and the Belize JLSC, we are of the view that the commentary of the High Court of New Zealand is instructive in this appeal.

[37] The authorities discussed are all *ad idem* as to the role and function of the Commission. Once a complaint is lodged with the Commission, its consideration process must be triggered. Put differently, once it receives a complaint, the JLSC must consider and assess whether the grievances outlined are of such gravity and are sufficiently established on the facts before it, that a referral for investigation is warranted so that the Council can then evaluate whether there actually is sufficient evidence to justify taking the matter further. The Commission is not a mere channel for transmitting complaints to the Council; it has an independent discretion to exercise. However, whereas there is a discretion as to whether the question of removal should be referred to the BAC for investigation; there is none as it relates to the requirement for proper consideration.

[49] The Commission must give proper consideration to the complaint. It must consider not only whether there is sufficient evidence to take the matter further but also whether the grievances are of such gravity to warrant an investigation. The latter is certainly a public interest consideration.

[50] To successfully challenge the Commission's decision to dismiss the complaint, the applicant must show that the Commission failed to give proper consideration to the same or that the decision was unreasonable. In **Braganza v BP Shipping Ltd**,⁷ the court stated:

"22 These authorities, together with *Ludgate Insurance Co Ltd v Citibank NA* [1998] Lloyd's Rep IR 221, 239–240, and *Gan Insurance Co Ltd v Tai Ping Insurance Co Ltd (No 2)* [2001] 2 All ER (Comm) 299, paras 64, 67, 73, are helpfully summarised by Rix LJ in *Socimer International Bank Ltd v Standard Bank London Ltd* [2008] Bus LR 1304. In his conclusion, at para 66, he substitutes the more modern term "irrationality" for unreasonableness:

"It is plain from these authorities that a decision-maker's discretion will be limited, as a matter of necessary implication, by concepts of honesty, good faith, and genuineness, and the need for the absence of arbitrariness, capriciousness, perversity and irrationality. The concern is that the discretion should not be abused. Reasonableness and unreasonableness are also concepts deployed in this context, but only in a sense analogous to

⁷ [2015] 1 WLR 1661.

Wednesbury unreasonableness, not in the sense in which that expression is used when speaking of the duty to take reasonable care, or when otherwise deploying entirely objective criteria: as for instance when there might be an implication of a term requiring the fixing of a reasonable price, or a reasonable time. In the latter class of case, the concept of reasonableness is intended to be entirely mutual and thus guided by objective criteria ... Laws LJ in the course of argument put the matter accurately, if I may respectfully agree, when he said that pursuant to the Wednesbury rationality test, the decision remains that of the decision-maker, whereas on entirely objective criteria of reasonableness the decision-maker becomes the court itself."

[51] The test of the reasonableness of an administrative decision, as adopted by Lord Greene MR in **Associated Provincial Picture Houses Ltd v Wednesbury Corporation**⁸ is:

"The court is entitled to investigate the action of the local authority with a view to seeing whether they have taken into account matters which they ought not to take into account, or conversely, have refused to take into account or neglected to take into account matters which they ought to take into account. Once that question is answered in favour of the local authority, it may still be possible to say that, although the local authority have kept within the four corners of the matters which they ought to consider, they have nevertheless come to a conclusion so unreasonable that no reasonable authority could ever have come to it."

[52] The impugned decision was contained in the letter of 20th October 2025 wherein the Commission advised the appellant that it *"has reviewed your compliant against Hon. Justice Tawanda Hondura, and his response to the allegations. The complaint was dismissed on the grounds that the threshold basis was not met to warrant any further action by the Commission."* This means exactly what it says. It means that the Commission considered the complaint. It considered the representations of the judge. Having done those things, the Commission dismissed the complaint. The rationale for their decision was that the complaint did not cross the threshold basis for further action namely a representation to the BAC to trigger an investigation. Threshold here must be given its ordinary meaning of "the point at which something starts to happen or change".⁹

⁸ [1948] 1 KB 223, 233–234.

⁹ Oxford Dictionary.

So we must understand the Commission to be saying that the complaint did not reach the point, or more precisely that trigger point, at which further investigation is required.

[53] At paragraph 54 of his affidavit filed on 17th November 2025, the applicant stated that the Commission's decision is challenged on the grounds that:

- i. The decision is unreasonable and amounts to an improper exercise of discretion;
- ii. It is illegal because the minimum threshold basis was in fact satisfied on the evidence and therefore warranted further action by the Commission;
- iii. It amounts to an exercise of power in a manner that is so unreasonable that no reasonable Commission could have so exercised the power; and
- iv. The decision is arbitrary, unreasonable disproportionate, and manifestly unfair.

In other words, the applicant alleges that the Commission's decision was Wednesbury unreasonable. The authorities as discussed above suggest that the burden on an applicant is high indeed to disgorge a decision arrived at in the exercise of a broad discretion on the basis of unreasonableness. In the absence of detailed reasons, resort must be had to the material that was before the Commission to assess whether the decision contained in the letter of 20th October 2025 was unreasonable. This exercise can be conducted without resort to the ex post facto reasons contained in the Lindo affidavit.

[54] Mr. Ramlogan submitted that the unreasonableness is made out because:

- i. The judge's comment that he was going to "teach them a lesson" and the implementation of that plan were an abuse of power;
- ii. The implementation of the plan involved interruptions and strong exchanges with counsel, issuing a highly critical judgment, launching an inquiry into counsel's professional conduct, refusing to recuse, denial of extensions of time, making a wasted costs order and accusing Mr. Siewasaran of falsifying evidence.

What Mr. Ramlogan has done is to convert a single event into a pattern of behaviour. I do not agree with that approach. What must be kept in view is that these events all unfolded in the course of the same proceedings. The complaint remains that the judge misconducted himself by abusing his power.

- iii. The Commission overstepped its role in coming to the conclusion that the applicant's complaint could not be believed.
- iv. The judge's outright rejection and denial are difficult to reconcile with his admission many months after that he did in fact have a conversation with another judge during the lunch break. This was a material non-disclosure that went to the degree of misconduct.
- v. An appeal does not disentitle an individual from making a complaint of judicial misconduct.

[55] All these matters were before the Commission either through the complaint or in the judge's response. The Commission's letter of 20th October 2025 makes clear that both were considered. The judge provided an explanation for every element of the complaint. It is the complaint read in light of those explanations which supplied the context for the Commission's decision. For the most part, Mr. Ramlogan's submissions take the complaint no further. At best, these submissions replicate the complaint. It does not demonstrate the unreasonableness required to vitiate the Commission's decision.

[56] The submission that the Commission came to the conclusion that the complaint could not be believed holds little force. To be clear, at paragraph 42(c) of the applicant's submissions filed on 24th April 2026 Mr. Ramlogan stated, "it is respectfully submitted that the JLSC ... illegally overstepped their role and (at the invitation of the Judge in his letter in response to the JLSC) came to a conclusion that the claimant's evidence could not be believed." That submission is without merits and indeed some distance from the decision letter of 20th October 2025 and, also, from the averments in the Lindo affidavit. In any event, it is the duty of the Commission to "*assess whether the grievances outlined are of such gravity and are sufficiently established on the merits*" (**Boyce**, paragraph 37). That process of analysing whether the grievances are sufficiently established entitles the

Commission to hold a view on whether the complaint or any part thereof was not well founded. That is what the Commission did in this case.

[57] Critically, even if the Commission formed the view that the complaint was sufficiently established on the facts, that complaint must be of such gravity to warrant a referral for investigation. Gravity is the second limb of the test to be applied by the Commission in determining whether to make a referral. Clearly, the Commission felt that whatever the vires of the complaint, the facts were not sufficiently grave to warrant further action. That conclusion undoubtedly forms part of the reasonable range of outcomes open to the Commission.

[58] Consequently, the applicant has failed to demonstrate that the Commission's exercise of discretion to not refer the complaint for investigation was tainted with unreasonableness and so unlawful. The Commission acted within the lawful scope of its independent discretion.

[59] Additionally, and for completeness, the applicant makes much ado about the absence of what he describes as contemporaneous evidence of the Commission's decision-making. The short point is that it is the applicant's case that the Commission ought to have provided reasons for its decision to alert him (the applicant) to the standard which the Commission decided was not met by the complaint in this case. Furthermore, that reasoning cannot be supplied ex post facto by affidavit evidence. While I will go on to consider the issue of reasons in detail below, in my judgment a failure of a decision maker to provide reasons does not handicap this court from reviewing the decision on usual administrative law grounds of unreasonableness, unfairness and illegality by considering the material that the Commission had before it which I have done.

[60] The court also pauses here to briefly address the issue of the judge's non-disclosure. Mr. Ramlogan submitted that the judge's involvement in litigation prior to his judgeship ought to have been disclosed and the failure goes towards assessing his credibility. I disagree. These were claims initiated by the judge against his former employer; they did not allege

(as here, misconduct or wrong done by the judge). In any event, these matters were resolved in the judge's favour.

Reasons

[61] Mr. Ramlogan submitted that the Commission did not give proper consideration to the evidence before it because no contemporaneous record of this reasoning was disclosed. According to him this absence of a contemporaneous record entitles the court to draw the adverse inference that the Commission failed to give the matter proper or lawful consideration. On the other hand, Mr. Mendes submitted that there is no provision in the Constitution or any other law requiring the Commission to provide reasons for its decision.

[62] Mr. Ramlogan relies on a number of cases including **Attorney General v Kenny Anthony**¹⁰, **National Bank of Anguilla (Private Banking and Trust) Ltd v Chief Minister of Anguilla**¹¹ and **Joan Chee v The Statutory Authorities Service Commission**.¹² All these cases deal with a public authority's duty of candour and disclosure in public law proceedings. But in this case, we are not concerned with a breach of the duty of candour or disclosure. The Commission in fact gave a reason for its decision in its letter of 20th October 2025 which was confirmed by the disclosure of the minutes of the Commission's meeting at which the decision was taken. All that had to be disclosed was disclosed. In the circumstances, I understand Mr. Ramlogan's submission to be that the reasons supplied were inadequate or non-existent.

[63] In **Ex parte Doody**, Lord Mustill stated at page 109:¹³

"I accept without hesitation, and mention it only to avoid misunderstanding, that the law does not at present recognise a general duty to give reasons for an administrative decision. Nevertheless, it is equally beyond question that such a duty may in appropriate circumstances be applied."

¹⁰ HCVAP2009/031.

¹¹ [2026] 1 All ER 1097.

¹² CV2016-04405.

¹³ *Doody v Secretary of State for the Home Department et al* [1993] 3 All ER 92, page 109.

[64] This approach was continued by the CCJ in **Zulfikar Mustapha v The Attorney General of Guyana et al.**¹⁴ At paragraph 49, the CCJ stated that, *“it is recognised that there is no general duty for a public authority to give reasons, unless that duty is imposed by some procedure, rule or statutory provision. It is accepted however that whether such a duty exists depends on the circumstances of the case.”*

[65] In this case, the Commission’s reason for dismissing the complaint was that *“the threshold basis was not met to warrant any further action by the Commission”*. Despite there being no constitutional or common law duty to give reasons, the Commission volunteered that rationale from the outset. Therefore, it is not necessary for me to carve out an exception to the general rule that reasons are not required for decisions of the Commission.

[66] The question, however, is whether the reason advanced by the Commission was sufficient. The leading authority on the sufficiency of reasons supplied by an administrative body is **South Bucks District Council v Porter**.¹⁵ At paragraph 36, Lord Brown stated:

“[36] The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the ‘principal important controversial issues’, disclosing how any issue of law or fact was resolved. Reasons can be briefly stated, the degree of particularity required depending entirely on the nature of the issues falling for decision. The reasoning must not give rise to a substantial doubt as to whether the decision-maker erred in law, for example by misunderstanding some relevant policy or some other important matter or by failing to reach a rational decision on relevant grounds. But such adverse inference will not readily be drawn. **The reasons need refer only to the main issues in the dispute, not to every material consideration...**” [My emphasis]

[67] In this case, the applicant clearly understood that his complaint was dismissed because the “threshold basis” was not met. That was the main issue for determination by the Commission. There is no proscription against reasons being briefly stated. The key is that the individual understands why the matter was decided as it was.

¹⁴ (2019) 96 WIR 468 or [2019] CCJ 9 (AJ), paragraph 49.

¹⁵ [2004] 4 All ER 775.

[68] Despite the Commission's brevity, the applicant was able to mount a substantial challenge to the rationality of the Commission's decision. The absence of the more detailed reasons did not disadvantage the applicant. As Lord Brown puts it in **Porter**, "**a reasons challenge will only succeed if the party aggrieved can satisfy the court that he has genuinely been substantially prejudiced by the failure to provide an adequately reasoned decision.**" [My emphasis] That is not this case.

Conclusion

[69] It follows that:

- i. The application for judicial review is dismissed.
- ii. The applicant shall pay the Commission's costs of the application to be assessed by the registrar in default of agreement.

Martha Lynette Alexander

High Court Judge