



COURT  
ADMINISTRATION  
DIVISION



# THE COURT NEWSLETTER

## “MAKE GREATER USE OF BENCH TRIAL”-Chief Justice

### In This Issue:

- “MAKE GREATER USE OF BENCH TRIAL”- Chief Justice
- EU DONATION HELPS COURTS DURING COVID-19
- COURTS RESUME ON PHASED BASIS
- VIRTUAL COURT HEARINGS TO CONTINUE
- JUDGES SWORN-IN VIRTUALLY
- APPROX. 400 CALLS TO JUDICIARY CALL CENTRE
- STAFF ADHERING TO MASK-WEARING ORDER



Chief Justice, the Hon. Mr. Justice Bryan Sykes, addresses the audience at the handing over ceremony of \$85M worth of audio-visual equipment to the courts held at the St. Catherine Parish Court on June 26.

Chief Justice, the Honourable Mr. Justice Bryan Sykes OJ, CD, is encouraging defence attorneys to make greater use of bench trials, which is a trial by a judge alone, as opposed to a trial by jury.

The Chief Justice's plea comes amid COVID-19 restrictions at the nation's courts, where jury trials remain suspended, as juror boxes do not allow for physical distancing.

Under the Criminal Justice (Administration) Act, as amended by the Jury (Amendment) Act 2015, Section 11A (1) prescribes that the prosecution and the defence must agree in writing for the offence to be tried by a judge alone.

While noting that the law makes provision for the use of bench trials for most cases, Chief Justice Sykes said a number of defence attorneys are unwilling to use this provision in the Act.

“The only trial that still needs a jury is a murder trial where the death penalty is in issue. That is a small percentage of the cases now. Ninety-nine per cent (99%) of the cases that would involve a jury can be tried by a judge sitting without a jury. The dates are available but the lawyers are reluctant,” Chief Justice Sykes said.

Furthermore, Chief Justice Sykes said the reluctance of defence

attorneys to use bench trial could have a negative effect on the lives of their clients.

“I must use this opportunity to appeal to members of the private bar because unless they rethink some of the ideas they have, they are going to be actively involved in violating the constitutional rights of their clients, which is the right of a fair trial within a reasonable time,” Chief Justice Sykes said.

He is also urging defendants to ask their attorneys for information about bench trial to quickly resolve their matters before the courts so they can get on with their lives.

“If you're being told that your trial will not be until 2022 because there is no jury, you need to say to your lawyer but I hear the Chief Justice saying that I can get a trial without a jury.

## “MAKE GREATER USE OF BENCH TRIAL” – Chief Justice

How does that work? The lawyer will explain it to you how it works,” said Chief Justice Sykes.

He continued: “When you’re charged with a criminal offence, there are so many things that happen to you even if you’re on bail; travel is restricted because you have reporting conditions, you have difficulties with your employment obligation because you may have to be travelling where you have to report to and your employer may not be too pleased of the fact that you have been charged with a criminal offence and so you need to get this matter resolved one way or the other.”

Chief Justice Sykes was speaking at the official handover ceremony of audio-visual equipment to the justice sector held at the St. Catherine Parish Court on June 26.

## EU DONATION HELPS COURTS DURING COVID -19

Chief Justice the Honourable Mr. Justice Bryan Sykes said the audio-visual equipment installed in the courts through a partnership between the Ministry of Justice and the European Union (EU) have significantly helped to minimise the impact of COVID -19 on the operations of the courts.

“The technology comes along at a critical point and I am not making light of the persons who have suffered grievous illness and even in some cases death from COVID-19 but the coronavirus has brought about change that we have been speaking about for some time. Throughout history you will find that significant changes come amid a crisis,” Chief Justice Sykes said.

He was speaking at the official handover ceremony for more than \$85-million worth of audio-visual equipment to the courts held at the St Catherine Parish Court on June 26.



Minister of Justice, Hon. Delroy Chuck (left), observes as Head of the European Delegation to Jamaica, Ambassador Malgorzata Wasilewska (centre), presents audio-visual equipment to Chief Justice, the Hon. Mr. Justice Bryan Sykes, at the handover of audio-visual equipment to the courts during a ceremony held on June 26 at the St. Catherine Parish Court.

## EU DONATION HELPS COURTS DURING COVID-19 (CONT'D)



EU Ambassador Malgorzata Wasilewska engages Chief Justice Bryan Sykes in a discussion at the audio-visual equipment to the courts held at the St. Catherine Parish Court on June 26, 2020. (In the front row from right) Justice Minister Delroy Chuck, Director (Acting) at the Court Administration Division Mrs. Tricia Cameron-Anglin and Permanent Secretary in the Ministry of Justice Sancia Bennett-Templer.

Chief Justice Sykes added that the handover of the equipment "represents the ongoing commitment of the European Union to assisting Jamaica in enabling its legal system to become the best in the Caribbean in three years and among the best in the world in six years."

Meanwhile, Chief Justice Sykes said employees and stakeholders within the court system are embracing the idea of technology.

"As far as the courts are concerned, the debate that we have been having over the use of technology, nobody is even debating it anymore. The question is can we have more of it and how much more of it can we have," Chief Justice Sykes said.

The donation includes screens, microphones, cameras and supporting software for 78 courtrooms spanning 19 court houses islandwide. Some of these courtrooms have already been outfitted with the equipment.

They will facilitate testimonies from remote locations, affording vulnerable witnesses the opportunity to feel safe while they contribute to the process of justice. The equipment also makes it easier to view and play back electronic evidence in court; record court proceedings in real-time and digitize documents among other capabilities.

Minister of Justice, the Honourable Delroy Chuck expressed gratitude to the EU, noting that the event is a major milestone for the justice sector and shows the commitment of the Jamaican government to the courts.

"This is a clear signal that the Government of Jamaica is intent on providing the necessary resources to assist in achieving fair, timely and efficient resolution of cases, as we journey towards a first class justice system," the Minister stated.

In handing over the AV equipment, EU Ambassador Malgorzata Wasilewska said she is "proud of the steps taken by Jamaica and the EU to modernize the court system and enhance access to justice for the people of Jamaica", and lauded the Minister and staff at the Justice Ministry for gains made in the continual reform of the justice sector.

## EU DONATION HELPS COURTS DURING COVID-19 (CONT'D)



“Jamaica’s ongoing reform activities reflect commitment and consensus on the part of the Ministry and the Judiciary. This is an essential ingredient for success, so too is this partnership. The EU is delighted to accompany Jamaica on this journey to modernizing and transforming Jamaica’s justice system,” she said.

The equipment was given through the Justice, Security, Accountability and Transparency (JSAT) programme, which seeks to improve processes and capacities within the justice and security sectors, thereby facilitating the reduction of case backlog and corruption as well as improving prosecutorial capacity.

Permanent Secretary in the Ministry of Justice Sancia Bennett-Templer chaired the audio-visual handover ceremony at the St. Catherine Parish Court on June 26, 2020.



Some of the Audio-Visual equipment installed at the St. Catherine Parish Court.



## COURTS RESUME ON PHASED BASIS



Persons entering the court are subject to temperature checks by use of a handheld thermometer.

Court operations islandwide resumed on a phased basis with strict guidelines and health protocols to limit the spread of the coronavirus.

The phased resumption commenced on June 01 with the sittings of the circuit courts, the Circuit Court Division of the Gun Court for St. Catherine and Clarendon, the Western Regional Gun Court, and the High Court Division of the Gun Court for Clarendon.

Acting Director of Client Services, Communications and Information at the Court Administration Division Kadiesh Fletcher said “a health protocol for the entire court system has been developed and implemented, based on recommendations by the Ministry of Health and Wellness; these will guide the

daily operations of the courts.”

Among other things, the health protocol stipulates that there will be no ceremonial opening for any circuit court; there will be no trials involving a jury from June 1 to July 31, in any of the circuit courts and; trials which can be heard without a jury will proceed as scheduled, provided they can be conducted while observing the health protocols issued by the Ministry of Health and Wellness.

Mrs. Fletcher also announced that all jurors summoned for service in the aforementioned circuits are discharged without risk of penalty. She added that guilty pleas will be accommodated and criminal trials will not involve more than two defendants.

Mrs. Fletcher added that access to all court buildings will be limited to only those persons with matters before the courts until further notice. Nevertheless, Mrs. Fletcher said the Judiciary will seek to give effect to the fundamental principle of open justice where possible in the context of the COVID-19 pandemic.

“Efforts will be made, as far as possible, given the resource limitations, the need to preserve security and, the rules relating to privacy of certain matters, to facilitate public access to proceedings in open court by virtual technology,” she said.

Additionally, persons entering court buildings will be required to wear face covering, which should cover their noses and mouths; subject to temperature checks by use of a hand-held thermometer and to sanitise hands using the alcohol-based solvent provided at the entrance to each court building.

## COURTS RESUME ON PHASED BASIS (CONT'D)

Mrs. Fletcher said these measures will be strictly enforced. She is therefore urging members of the public to comply with the protocols in accessing the courts during this COVID-19 pandemic in an effort to contain the virus. The first phase will end on July 31.

### PHOTO HIGHLIGHTS- PHASED RESUMPTION OF COURTS



High-touch areas are regularly disinfected at courts in an effort to prevent the spread of the coronavirus.



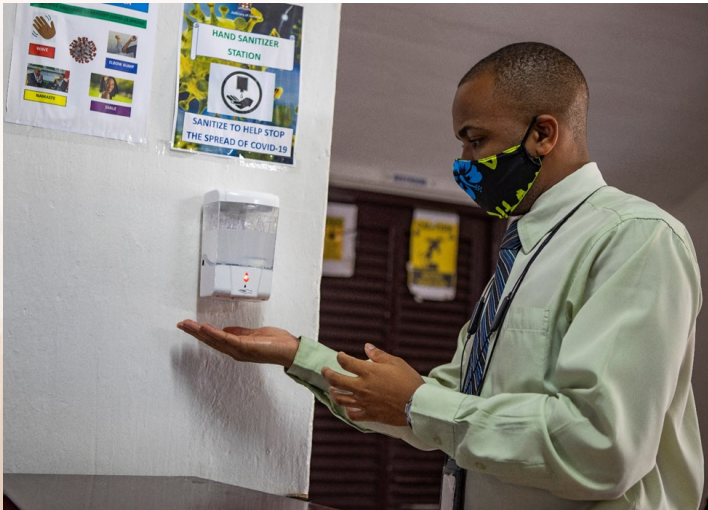
Floor markers have been placed at the require distance for easy reference.



COVID-19 safe distance signs have been placed on benches and chairs in courtrooms islandwide.



## PHOTO HIGHLIGHTS - PHASED RESUMPTION OF COURTS (CONT'D)



Telephone operator at the Supreme Court Stephan Cameron sanitizes his hands upon entering the courthouse. Staff members are also encouraged to wear a mask covering the nose and mouth.



Members of the Public are required to wear a mask to access our services in an effort to protect themselves and our staff from contracting the coronavirus.



Only a limited number of persons are allowed inside the court building at any given time in keeping with the Government's guidelines to promote physical distancing and discourage social gathering.



Flyers have been posted around the courts to continue the public education drive to limit the spread of the highly contagious respiratory coronavirus.

## JUDGES SWORN-IN VIA VIDEO CONFERENCING



From left: The Honourable Ms Justice Carole Barnaby, The Honourable Mrs Justice Natalie Hart-Hines, The Honourable Mr Justice Dennis Morrison, President of the Court of Appeal, The Honourable Mr Justice Bryan Sykes, Chief Justice, The Honourable Ms Justice Tricia Hutchinson, The Honourable Mrs Justice Grace Henry McKenzie and The Honourable Ms Justice Vivene Harris.

For the first time in Jamaica's history, five judges were sworn-in via video conferencing in April.

The swearing-in ceremony was simultaneously held at King's House and the Supreme Court in keeping with social distancing directives to contain the spread of the coronavirus.

Ms. Justice Vivene Harris was sworn-in to the Court of Appeal while Mrs. Grace Henry McKenzie and Ms. Tricia Hutchinson were appointed Puisne Judges to the Supreme Court.

Mrs. Natalie Hart-Hines and Ms. Carole Barnaby were sworn-in as Puisne Judge of the Supreme Court.

In his remarks, the Governor-General His Excellency the Most Hon. Sir Patrick Allen, ON, GCMG, CD, KSt.J encouraged the judges "to discharge your [their] responsibilities with thoroughness, balance, skill and the legal acuity which has characterized their careers."

He continued: "We look forward to your service as we continue to augment our jurisprudence and enhance the credibility of our legal system. So congratulations to each one of you and I wish you well as we continue to work towards achieving the vision of the Judiciary as articulated by the Chief Justice to be the best in the Caribbean in three years and among the best in the world in six years."



## JUDGES SWORN-IN VIA VIDEO CONFERENCING (CONT'D)

The Honourable Mr. Justice Bryan Sykes OJ, CD, Chief Justice of Jamaica, congratulated the judges on their appointments, adding that they are paragons of grit.

“The five judges who are being sworn-in are based on merit and not favour; ability and not sentiments. These judges exhibit important characteristics of a judicial officer in the context of the broader Judiciary,” Chief Justice Sykes said.

He added that the judges are always willing to serve and go beyond the call of duty.

“In various ways overtime, they have demonstrated collegiality and willingness to serve outside of normal judicial functions. Importantly, they do not stand on the sidelines and criticize. They jump into the game and participate to make us collectively better. They contribute to the coherent unity of purpose while maintaining their individuality,” Chief Justice Sykes emphasised.

Meanwhile, President of the Court of Appeal Dennis Morrison also congratulated the judges and expressed confidence in their abilities to execute the tasks ahead.

“I have had the great pleasure of knowing all these judges for many years and I can attest to their own readiness for this office,” President Morrison said.

Responding on behalf of the newly appointed justices, The Hon. Mrs. Justice Vivene Harris expressed gratitude for the unwavering support of family members and colleagues and voiced their commitment to service in these unprecedented times.



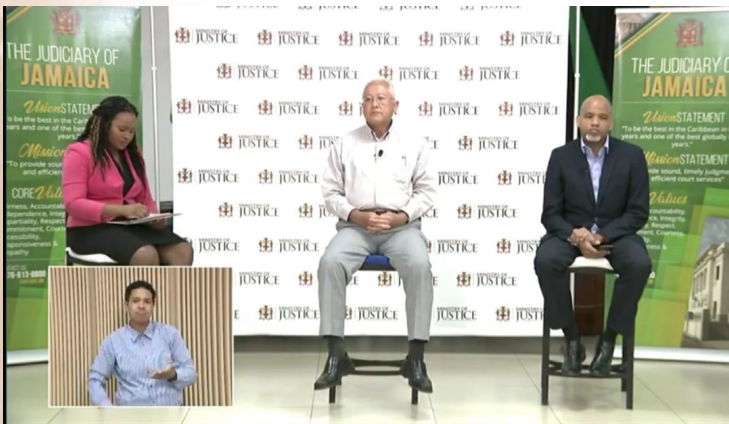
## SCRENGRABS FROM JUSTICE MINISTRY'S VIRTUAL TOWNHALL



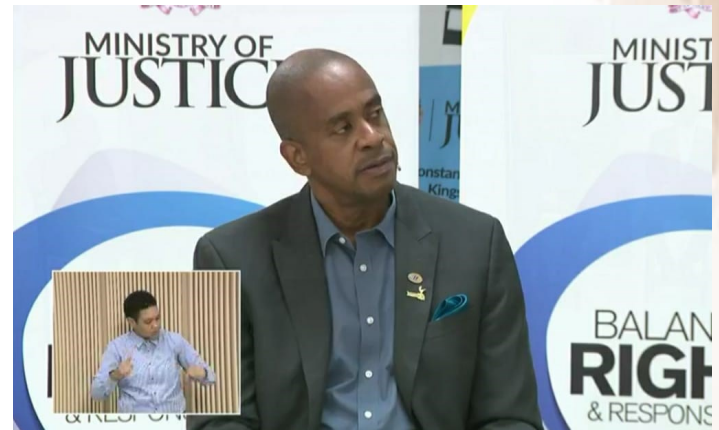
Chief Judge of the Parish Courts, His Honour Mr. Chester Crooks, participated in the Ministry of Justice's digital townhall examining the effects of COVID-19 on the Justice System held on April 24.



Acting Director of Client Services, Communications and Information at the Court Administration Division Mrs. Kadiesh Fletcher was one of the panelists at the Ministry of Justice's digital townhall entitled 'Access Justice Live'.



(From left) Acting Director of Client Services, Communications and Information Mrs. Kadiesh Fletcher, Justice Minister Delroy Chuck and Chief Judge of the Parish Court His Honour Mr. Chester Crooks the Ministry's digital townhall.



Attorney-at-Law and talk show host Andre Earle was the moderator for the Justice Ministry's digital townhall, which was viewed over nine thousand times on Facebook. The townhall was also streamed live on Twitter, the Minister's social media pages and the Ministry's websites.

## VIRTUAL COURT HEARINGS TO CONTINUE



File Photo: Acting Director of Client Services, Communication and Information at the Court Administration Division (CAD), Mrs. Kadiesh Fletcher

The Judiciary of Jamaica has signaled that it will continue to use virtual hearings in the courts to facilitate ease of access during the COVID-19 pandemic.

Acting Director of Client Services, Communication and Information at the Court Administration Division (CAD), Kadiesh Fletcher, said this forms part of efforts geared towards improving the efficiency of the courts by increasing the incorporation of technology in its processes.

“Virtual hearings, as far as is practical and practicable, will take place for persons who are in custody. We were able to do quite a few of them during the period of suspension, so it is something we are hoping to ramp up. Of course, we are partnering with the Jamaica Constabulary Force and the Department of Corrections, because those are holding facilities and we need the partnership with them, and that has been going quite well,” Mrs. Fletcher said.

In March, the Judiciary began facilitating bail hearings virtually through video-conferencing, in the parishes of Kingston and St Andrew, St James, and Trelawny.

At the time, implementation of the measure formed part of the Judiciary's attempt at continuing the administration of justice while preventing the spread of COVID-19.

### **Teleconference**

Meanwhile, the Judiciary continues to use other means of technology to reduce the impact off the COVID-19 pandemic on the administration of justice.

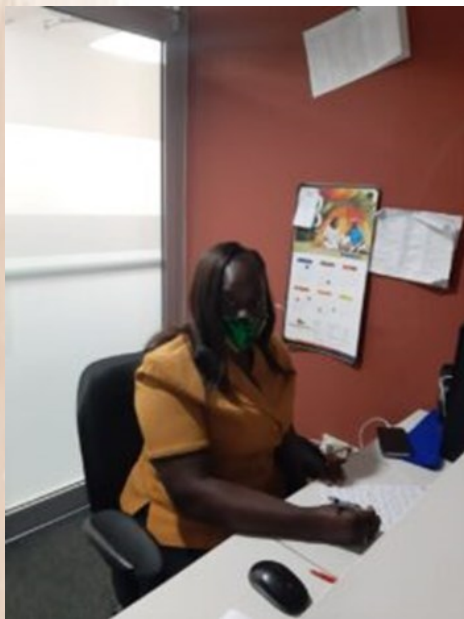
Forty-eight (48) written judgments were delivered via teleconference by the Court of Appeal from April 3 to June 18 2020 in keeping with Government guidelines on public gathering due to the COVID-19 virus. Judges at the Court of Appeal telephoned the attorneys in these matters to inform them of their decisions. The platform allows the attorneys to interact with the judges.

## STAFF ADHERING TO MASK-WEARING ORDER

Employees at the Court Administration Division (CAD) and courts islandwide have been compliant with the Government's order which requires every Jamaican to wear a mask in public spaces to prevent the spread of the coronavirus also called Covid-19.

In explaining the rationale for the order, the Ministry of Health said members of the public are at highest risk of exposure to droplets emitted by infected persons in crowded situations and where these situations cannot be avoided, wearing a mask will decrease the likelihood of exposure.

As a result, the Honourable Mr. Justice Bryan Sykes, OJ, CD, Chief Justice of Jamaica, said each staff member was given two cloth masks, adding that "these should be worn at work and in public spaces at all times."



Ms. Lisa Walters, Office Attendant, wearing her mask to protect herself against the spread of the coronavirus.

Chief Justice Sykes also urged members of the public to adhere to the Government's guidelines to protect themselves and staff.

Ms. Lisa Walters, Office Attendant at the CAD, said initially the mask was uncomfortable but she has adjusted to wearing it.

"At first, I felt like I was stifling but after a few days I adjusted to wearing the mask. It is important that we understand that while some of these measures to limit the spread of the coronavirus will make us uncomfortable, it is in the best interest of public health," Ms. Walters said.

Court Administrator at the Manchester Parish Court, Gianna Hacker, said "more than 80% of court users adhere to the mandatory wearing of masks directive. For those who are not compliant, we do not extend our services to them because that would be putting our staff and other court users at risk," Miss Hacker said.

### Usage and Disposal of Mask

In a video conference sensitisation session for staff in March, Head of the Department of Microbiology at the University of the West Indies, Mona, Dr. Sandra Jackson, said persons wearing masks must know how to use it and dispose of single-use masks properly. She explained that improper usage and disposal could spread the coronavirus.

Dr. Jackson explained that persons should first wash their hands with soap and water before putting on a mask.

"Secondly, put on the mask by only touching the loops that fit either at the back of the head or behind the ears. Thirdly, ensure your mouth and nose are covered and make sure there are no gaps between your face and the mask," Dr. Jackson said.

As it relates to removing the mask, Dr. Jackson said persons should take off the mask by grasping the loops that are either at the back of the head or behind the ears and pull it forward and away from the face.

"Do not touch the front of the mask. You should discard the used mask immediately in a closed bin and wash

## STAFF ADHERING TO MASK-WEARING ORDER CONT'D

your hands,” Dr. Jackson explained.

She also stressed that persons should “replace the mask with a new one as soon as it is damp and not re-use single-use masks.

In the meantime, the World Health Organization (WHO) said masks are effective only when used in combination with frequent hand-cleaning with alcohol-based hand rub or soap and water.

The WHO is also urging persons who are coughing and sneezing to wear a mask as well as those persons taking care of an individual with suspected COVID-19.

## APPROX. 400 CALLS TO JUDICIARY’S CALL CENTRE



The Judiciary of Jamaica has established an Emergency Covid-19 Call Centre in response to the novel coronavirus.

The call centre, which is staffed by four persons, was established on March 18 to provide information to members of the public on the operations of the court

Acting Director of the Client Services, Communications and Information at Court Administration Division (CAD), Kadiesh Fletcher, said the call centre receives approximately 400 calls on a weekly basis.

“When the call centre first began we were getting calls from across the island. We still do. However, a number of calls do come in for the Supreme Court, the Corporate Area Parish Court (Criminal Division), the St. Catherine Parish Court and St. James,” said Mrs. Fletcher.

She said the callers are members of the public including attorneys.

“The persons who call are seeking information on their matters. Some matters are still being heard and persons want to make arrangements to have them go ahead. We also have queries from persons whose matters were scheduled during the period in which the court operations have been reduced and they are checking for the new dates. We also have persons who are seeking updates on matrimonial and probate matters,” Mrs. Fletcher said.

A flyer was designed for the Judiciary’s COVID-19 Emergency Call Centre and published in Jamaica’s major newspapers. It was also used as a popup on our websites. It was also posted to the Ministry of Justice’s social media pages and website.

## JUDICIARY SADDENED BY THE PASSING OF NOEL CHAMBERS



File Photo: Chief Justice the Honourable Mr. Justice Bryan Sykes OJ, CD

The Judiciary of Jamaica is deeply saddened by the passing of Noel Chambers. We are further saddened by the fact that systemic challenges within the Judiciary could have contributed to this tragedy. We express our sincerest sympathies and apologise to his family, friends, community and by extension every Jamaican. It is clear that many institutions, including the courts failed in their duty to safeguard the right of Mr. Chambers to life, liberty, and a fair trial within a reasonable time before a properly constituted and impartial court. Mr Chambers was victimized several times. The failure to have him before the courts at regular intervals resulted in him being overlooked which ended in his death. This is not to happen again.

Section 25D of the Criminal Justice (Administration) Act makes provision for a monthly report to be tabled with the court on persons adjudged not fit to plead and are remanded in custody, and also for a register to be kept by the court of these persons. Not all information is available on the case of Mr Chambers, but at this stage it is reasonable to say that this did not happen. The systemic failure is compounded by the fact that in 2001 the Honourable Mr Justice Lensley Wolfe OJ, Chief Justice issued a Practice Note on March 5, 2001 that mandated that a register be kept of persons in custody with mental illness. The Note indicated that monthly report should be made to the court.

This systemic failure, and particularly that of the courts, highlights the need for a change of culture. On the part of the courts, this means that all judges must accept that the courts are responsible to manage all cases, civil or criminal, in a manner that they are disposed of within the twenty-four month time standard that has been established. We are not yet there, but significant work is being done to get to this standard.

In response to the publication of the INDECOM report, the Chief Justice has established a Mental Health Task Force that is to look at the present law, practice, policies, and procedures relating to persons in custody with mental illness. The report of the Task Force is expected within the next one hundred and twenty (120) days. In the meantime, all the cases involving persons in custody with mental illness will be reviewed and appropriate decisions, within the law, will be made. The review will commence immediately. In this regard, the courts will

## JUDICIARY SADDENED BY THE PASSING OF NOEL CHAMBERS (CONT'D)

be working closely with the Department of Corrections and the Office of the Director of Public Prosecutions.

This case highlights the need for an adequate records and information management system within the courts. This is a priority area for the Judiciary and was included in the strategic plan as an area in need of improvement if we are to become one of the best Judiciaries in the world. The Judiciary must be provided with the necessary resources to bring about the transformation that all Jamaicans wish to see.

Finally, Chief Justice Sykes has reiterated to the judges at all levels of the courts their role in the management of cases from entry into the court system to disposal and their duty to ensure a fair trial for all, within a reasonable time. This is the right of every litigant.

The Judiciary of Jamaica is committed to continually improving the service that we provide to Jamaicans and all court users.



Chief Justice the Honourable Mr. Justice Bryan Sykes OJ, CD shared a message of hope to Jamaicans as the nation battles with COVID-19. It was published in the Sunday Gleaner on June 07, 2020.



MINISTRY OF  
**HEALTH &  
WELLNESS**

# **CORONAVIRUS DOESN'T HAVE A FACE**



## **CUT THE HATE DON'T DISCRIMINATE**

**Let's Unite to Beat COVID-19**

888-ONE-LOVE (663-5683)  
888-754-7792 | 876-542-5998 |  
876-542-6007 | 876-542-6006

Email: Covid19@moh.gov.jm  
Jacovid19@gmail.com

**#endCOVID19stigma**

[jamcovid19.moh.gov.jm](https://www.jamcovid19.moh.gov.jm)

@themohgovjm



**C**OURT  
**A**DMINISTRATION  
**D**IVISION

8th Floor, 25 Dominica Drive

Kingston 5

Jamaica W.I.

Tel: 876-613-8800

[www.cad.gov.jm](http://www.cad.gov.jm)

Email: [customerservice@cad.gov.jm](mailto:customerservice@cad.gov.jm)