



PRESS RELEASE

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Clarification on Judges' Authority to Restrict Media Access to Certain Court Matters

Kingston, Jamaica: In response to recent media reports regarding the lack of access to the proceedings before the Circuit Court Division of the Gun Court during Mr. Jolyan Silvera's first court appearance, the Judiciary of Jamaica seeks to provide clarification on this matter.

The Office of the Director of Public Prosecutions preferred an indictment against Mr. Jolyan Silvera charging him with two counts. The indictment was preferred in the Circuit Court Division of the Gun Court. Count 1 charges Mr. Silvera with using a firearm to commit a felony contrary to section 14 (2) of the Firearms (Prohibition, Restriction and Regulation) Act. Count 2 charges Mr. Silvera with murder. Section 14 (2) is in Part 2 of the Firearms (Prohibition, Restriction and Regulation) Act. Offences under Part 2 are firearm offences under the Gun Court Act; therefore, the Gun Court Act provisions apply.

Section 13 (1) of the Gun Court Act states:

In the interest of public safety or public order, no person shall be present at any sitting of the Court except -

- (a) members and officers of the Court and any constable or other security personnel required by the Court;*
- (b) parties to the case before the Court, their attorneys, and witnesses giving or having given their evidence, and other persons directly concerned with the case;*

(c)

(d) *such other persons as the Court may specifically authorise to be present.*

Section 13 (2) states that

In the interest of public safety, public order or public morality, the Court may direct that

(a) in relation to any witness called or appearing before the Court, the name, the address of the witness, or such other particulars concerning the witness as in the opinion of the Court should be kept confidential, shall not be published;

(b) no particulars of the trial other than the name of the accused, the offence charged, and the verdict and sentence shall be published without the prior approval of the Court.

This provision has been the basis of in-camera hearings of any type and trials in all divisions of the Gun Court since 1974. Since 1974, the judges presiding in the Gun Court have excluded members of the public from being inside the court when offences under the Gun Court Act are being addressed.

When persons are indicted and placed before the Circuit Court, there is a default presumption of ready access to the proceedings by members of the public including the media. On the other hand, when persons are charged and placed before any Division of the Gun Court (Parish Court Division of the Gun Court, the High Court Division of the Gun Court, and the Circuit Court Division of the Gun Court), the default position created by section 13 of the Gun Court Act is that members of the public including the media are excluded unless they come within the exceptions. The judge is required to give effect to the policy reflected in the statute which is to create an environment in which witnesses could attend and participate in the proceedings without their identities being made public or any information being made public that would enable them to be identified.

The Judiciary of Jamaica remains committed to upholding the Constitution of Jamaica and applying the statutes passed by the legislature.