



EASTERN CARIBBEAN
SUPREME COURT



2023-2024

ANNUAL REPORT

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MESSAGE

from the Chief Justice [Ag.]

It is my honour and my pleasure to present to you the 2023-2024 edition of the Annual Report of the Eastern Caribbean Supreme Court (ECSC) and to update you on the exciting developments that have occurred within the ECSC during the last reporting period. Reflecting on our achievements and challenges is a key component of our growth and development as an organisation. It is the means by which we are able to identify the strategies that have worked, along with those that have failed, so that we may hold steadfast or pivot accordingly in the future. It would be remiss of me not to express my gratitude to you, our stakeholders, for your continued interest in the evolution of the ECSC. Your investment in the Court's advancement is invaluable and drives the strengthening of the

judiciary as a co-equal arm of government. In my introduction, I can give but a mere snapshot of the past year's seminal activities, however, I encourage you to take a moment to peruse this Report in its entirety for a more in-depth look at the various projects and initiatives undertaken by the Court during the period under review, and the strategies which the Court has employed to ensure improvement of the efficiency and accessibility of its services.

In keeping with its ongoing technological trajectory, the ECSC has made several strides in leveraging technology to make its processes more effective and efficient. One of the more notable highlights of the Court's technological growth was the completion of phase two and the commencement of phase three of the E-Litigation Portal (ELP) Project. Phase two of the ELP Project focused on the implementation of the Family module, while phase three introduced the rollout of the Criminal module in both the High Court and Magistrate's Court. With phase three being the final stage of implementation of the ELP Project, the ECSC is excited to be on the cusp of a complete roll-out of its electronic filing and case management system. Having all levels of the court (including the Magistrates Court) and all case types being finally onboarded will certainly allow for a more cohesive and accessible experience in the filing and case management process. I expect that future Annual Reports of the Court will reflect the positive impact of the complete implementation of the ELP Project.

The ECSC has also implemented speech-to-text transcription technology within select courts across its Member States and Territories. This is intended to streamline transcript production,

significantly reducing the turnover period of processing transcripts and ultimately allowing litigants to pursue their matters at all levels of the court in a timelier manner. I must take this opportunity to extend my thanks to the hardworking members of the ELP implementation team and the Information Technology Department of the Court as a whole. Their efforts have indeed propelled the Court into a modern standard of operations that align with the highest contemporary expectations of justice administration.

During the year under review, the Court has also undertaken several initiatives geared toward justice reform. One such initiative is the Revised Criminal Procedure Rules which have been circulated by the Court's Criminal Proceedings Rules Committee for public consultation. It is expected that these revised rules will improve the efficiency of criminal justice procedures and further safeguard the rights of all parties to criminal proceedings. The feedback anticipated from our stakeholders, including legal professionals, judicial officers, law enforcement agencies and civil society organizations, will be a key factor in ensuring that these rules are beneficial to the varying legislative frameworks of all the Member States and Territories.

Other justice reform initiatives include the ECSC's Mediation Programme. The Court's Civil Mediation Programme has been recognized for its achievements in reducing the court's backlog, lowering costs for litigants and preserving relationships between parties, among other benefits. The ECSC's Mediation Programme has engaged in several workshops and other training programmes to strengthen

the skills of court appointed mediators. The Court has also launched a Student Artist Poster competition and a Peer Mediation Programme to promote and raise awareness of the benefits of conflict resolution among the youth. However, the initiative I am most excited about under the ECSC's Mediation Programme, is the future implementation of a Criminal Mediation Programme. The work has already begun toward finalising the ECSC's Court Connected Mediation Practice Direction (Criminal Division). Criminal mediation offers several benefits to individuals and to the justice system more broadly, including victim empowerment and healing, offender accountability and rehabilitation, personalised and restorative outcomes between victim and offender, lowered court costs and case backlog reduction. It is anticipated that the Criminal Mediation Programme will be particularly effective in reducing the backlog for minor criminal cases and will create alternative sentencing and diversionary measures for child and youth offenders.

I must also take a moment to commend the ECSC for its improved performance in terms of the clearance rates for matters filed in the courts and the rate of delivery of judgments in matters heard by the courts. During the period of review, the High Courts collectively achieved a clearance rate of over 100%, which means that they are hearing more cases than are being filed. This is a promising indication that we have begun to reduce the case backlog. Like in the High Court, there is currently a more than 100% clearance rate of matters filed in the Court of Appeal. It is also evident that there is a very heavy case load dealt with by the Court of Appeal, which is very significant given the

relatively small size of the appellate bench. I would credit the upward trend in the overall clearance rates, at least in part, to the impact of the implementation of the first 2 phases of the ELP across all of the Member States and Territories. Most certainly, this is a further reason for me to anticipate an even better performance by the Court in the future upon the complete roll out of all 3 phases of the ELP.

Again, my message to you is but a synopsis of the achievements of the Court for the 2023-2024 period. I urge you to read the complete Report to gain a fuller appreciation of the Court's impact and growth.

As I close this, I must express my sincerest gratitude to all the Judicial Officers, Magistrates, Registrars, management and staff at the various court offices of the ECSC for their hard work and unwavering commitment to service. On behalf of the judges, management and staff at the Eastern Caribbean Supreme Court Headquarters and the High Court Offices across the Member States and Territories, and on my own behalf, I wish also to thank you, our external stakeholders, for the support you have shown to the Court over the years. I am hopeful that the ECSC will continue to grow from strength to strength. The Court has continued to affirm its commitment to providing the citizens of the Eastern Caribbean with an accessible, transparent, fair and efficient system of justice. As we embark on a new chapter, let us not feel content with our achievements thus far, but rather be inspired to do more and be more in the years to come.

**His Lordship, the Hon. Mr. Mario Michel
Chief Justice (Ag)**





MESSAGE from the Court Administrator

Over the past year, the Eastern Caribbean Supreme Court (ECSC) has achieved significant progress in refining its processes and practices to ensure that justice remains fair and accessible to all individuals, irrespective of their circumstances. This ongoing endeavour requires continuous evaluation and adaptation, and we are resolutely committed to enhancing our systems for future years.

The outlook for the ECSC is promising as we embark on a new chapter. Throughout the Organization of Eastern Caribbean States (OECS), both judiciary and judicial support staff members have exhibited a strong commitment to effectively addressing the substantial transformations occurring within the

legal landscape. These changes are specifically designed to better accommodate our external stakeholders' diverse needs and expectations, including citizens, legal practitioners, and the wider community. Despite encountering financial challenges, the Court has made considerable strides in facilitating access to a justice system characterised by efficiency and equity for the citizens and residents of the OECS sub-region.

Outlined below are several key initiatives in which the Court has made notable advancements during the reporting period.

During the year under review, the Information Technology Department successfully completed phase two of the e-litigation portal implementation. This phase introduced the family module which will streamline the processes in family law matters, and it was deployed across all the Member States with dedicated Family Courts. In the other Member States and Territories without a dedicated Family Court, the team implemented the full civil module in the Magistrates Courts, which would include proceedings related to family issues, thereby ensuring that these cases received adequate attention and resources.

Phase three of the e-litigation portal implementation commenced in the second quarter of the reporting period, focusing on the rollout of the Criminal module in both the High Court and the Magistrates Court. This new component seeks to enhance the electronic management of criminal proceedings, thereby improving efficiency and access to justice within our judicial system. This ongoing development represents a significant advancement in the

modernisation of court operations, ensuring effective management of all cases on the ECSC e-litigation portal.

Furthermore, the adoption of speech-to-text technology in select courts forms part of our digital transformation strategy, reinforcing our commitment to service excellence. This initiative aims to streamline the creation of transcripts, which can be accessed online thereby rendering the process both quicker and more efficient. The technology can produce an initial electronic transcript of the court proceedings within 10 minutes of the spoken word with approximately 95% accuracy.

The ECSC Mediation arm continues to provide exemplary service, offering citizens in the Member States and Territories a valuable alternative to the litigation process. However, ongoing financial constraints have hindered the ECSC's training initiatives in this area. Notwithstanding these challenges, we successfully conducted a mediation refresher training workshop in Dominica, and proposals are being made for similar workshops in other Member States and Territories in the forthcoming year.

Through the initiatives of the Judicial Education Institute and the Human Resource Department, the ECSC remains dedicated to ensuring that judicial officers and administrative staff participate in relevant continuing education. This commitment enables them to remain informed about the latest developments in the law, changes in court administration, and new methodologies for delivering court services. The Judicial Education Institute also hosted its Annual Judicial Conference from August 5 to 7, 2024, in Saint Lucia, which focused on



Constitutional and Administrative Law.

The Human Resource Department at the Court's Headquarters has successfully acquired a Human Resource Information System (HRIS) designed to streamline the Court's human resources functions. This development indicates the Court's intention to leverage technology to enhance compliance and oversight of HR services. I encourage all stakeholders to review the complete report to gain a comprehensive understanding of the Court's activities and the progress made over the past year.

In conclusion, I wish to extend my sincerest gratitude to the judges, masters, registrars, and all staff members working at the Court's headquarters and in each Member State and Territory. Your unwavering support, dedication, and hard work throughout the past year have proven invaluable. I am optimistic about our capacity to address the challenges ahead and look forward to enhancing our collaboration and achieving more tremendous success in the forthcoming year.

Gregory Girard
Court Administrator

APPELLATE JURISDICTION- Caseflow Management

Introduction

The Court of Appeal Registry, or the Central Registry as it is also known, can be thought of as the engine room of the court. This reference is apt because the Central Registry is responsible for the processing and managing of appeals from decisions of the Magistrates' Courts and High Courts in the nine Member States and Territories, and from decisions of the Labour Tribunals in Montserrat and Antigua and Barbuda.



This report will inform the composition of the Central Registry and will deliver a snapshot into the work done by the department during the period under review.

Staff Complement

The department is headed by the Chief Registrar who is assisted by the Deputy Chief Registrar. Case Managers are responsible for the day-to-day processing of appellate matters as these are progressed from filing to hearing and disposition. Judicial Research Assistants play an integral role in the management of cases as they work closely with the Chief Justice and Justices of Appeal assisting with a number of functions including, head noting and vetting judgments, research, preparation of draft orders, draft judgments and the digests of decisions after each sitting.

At the end of the period under review, the total staff complement of the department was seventeen (17) broken down as follows:

- 1 Chief Registrar
- 1 Deputy Chief Registrar
- 7 Case Managers
- 8 Judicial Research Assistants

Staff Changes

We are pleased to appraise you of the following staffing changes in the Court of Appeal Registry.

Resignations

We said farewell to Ms. Desiree Valentine who resigned from her position as a Judicial Research Assistant on 28th June 2024.

Ms. Valentine was an integral part of the department and a tremendous asset. We

remain grateful to her for her hard work and diligence and wish her every success in her future endeavours.

Appointments

During this period, the department was also strengthened with the increase in its complement in the following persons:

Case Managers

Ms. Chante Phillipe and **Ms. B'Knelli St. Cyr** who joined on 16th October 2023.

Judicial Research Assistants

Mr. Jason Barnes who joined on 1st February 2024

Workload

There were 454 appeals filed in total in the High Courts and Magistrates Courts during the calendar year 2023. This represents an increase from the 417 cases which were filed in 2022.

There was a slight increase in the number of civil appeals filed from the High Court and Magisterial Courts in 2023 making a total of 235 civil appeals filed, compared to 190 such appeals which were filed in 2022.

There was also an increase in the number of criminal appeals filed in 2023 from the previous year, making a total of 175 criminal appeals filed compared to 135 criminal appeals filed in 2022.

There was however a decrease in the number of commercial appeals filed, bringing the number from 85 in 2022 to 35 in 2023.

There was also a slight decrease in the number

of appeals filed in the Industrial Court/ Labour Tribunal, bringing the number of filings down by 1, from 10 in 2022 to 9 matters filed in 2023.

A detailed analysis of the case load for 2023 can be found in the section of this report on court performance.

Court Sittings

In 2023 a total of 1223 appeal matters were heard via Full Court sittings, Chamber Hearings, Case Management hearings and Status Hearings broken down as follows:

- There were twenty-one (21) full court sittings conducted for the year 2023 where 317 matters were heard. Antigua and Barbuda, Territory of the Virgin Islands and Saint Lucia had three (3) sittings each; St. Kitts and Nevis, Grenada, St. Vincent and the Grenadines, Anguilla, Montserrat and The Commonwealth of Dominica had two (2) sittings each.
- There were 5 Case management hearings.
- There were 9 extraordinary full court sittings held for the year.
- Since the onset of the COVID-19 Pandemic, and the constraints attendant to it, such as challenges with inter-regional travel and the need for legislated physical distancing requirements, the Court of Appeal had largely heard all Full Court sittings virtually via Zoom. However, in 2023 the Court did some of its Sittings in person, the aim being to hold at least one in-person sitting for each Member State and Territory for the year.
- There were eleven (11) scheduled Chamber Hearings, conducted on average at least once a month for the purpose of case

management and dealing with interlocutory applications. There were also a number of other matters heard in Chambers outside of the scheduled Chamber Hearings. The matters scheduled for consideration in Chambers were largely dealt with as paper hearings. This led to the hearing of 506 such matters for the year.

- A total of twenty-one (21) Status Hearings were held, conducted by the Chief Registrar where 400 matters were heard.

Delivery of Judgments

There were 97 written judgments delivered by the Full Court in 2023. These written judgments included 8 oral judgments where written reasons for decisions were provided by the court.

The judgments of the Court continue to be published on the Court's website once delivered, unless the Court specifically orders that the judgment should not be.

In 2023, the Full Court also delivered 473 oral judgments or decisions. These decisions have been captured in the digests of decisions produced by the Court. The digests of decisions records summaries of all matters heard at sittings of the Court and written judgments which were delivered. In addition to the oral decisions given, the digests also provide information on the issues dealt with in a matter, the order made, and the reasons given for the order. All digests, once approved, can also be found on the Court's website and prove to be a very useful research tool, especially where there are no written judgments.

Highlights

Case Management / Scheduling Conferences

The Court continued to conduct case management or scheduling conferences of matters listed on the preliminary cause lists at least three to four weeks prior to a scheduled sitting. This allows the court office to sift through matters which are not ready to be heard or, in some cases, where the parties agree to an adjournment due to lack of readiness or some other reason. This exercise allows the Court to only list for hearing matters that are ready. It also allows the court to allocate the required amount of time for the hearing of each matter.

Legal Internship Program 2024

The Legal Internship Program continues to be a prominent feature on the Court's calendar, where a 10-week legal internship program, is offered to two students from the regional Law Schools during the months of June and August of every year. The court was pleased to partner with the regional law schools, once again, to provide this internship.

The legal internship program ran from 3rd June – 9th August 2024. The successful students were Ms. Danika Bourg a student at the Norman Manley Law School and Mr. Paul Mc Burnie, a student at the Hugh Wooding Law School. During the internship, in addition to attending court sittings, the students were exposed to a number of tasks including preparing digests, writing legal opinions, preparing draft orders, head noting and vetting judgments. The full

account of the internship from the students' perspectives can be read in this annual report.

Significant Judgments Delivered

Although over the 2023 calendar year the Court delivered 97 written judgments, the following judgments are worthy of mention:

The Attorney General v Neil Cave et al ANUHCVP2022/0011

Delivered on 10th March 2023

Coram: Thom, Price Findlay and Ward JA

Civil appeal – Company law – Companies Amendment Act 2020 – Section 564(1)(a) of the Companies Act 1995 – Automatic stay - Whether the learned judge misconstrued the Act when she held that the automatic stay imposed by section 564(1)(a) of the Act was unconstitutional – Whether automatic stay infringed on the doctrine of separation of powers Section 15(8) of Constitution of the Antigua and Barbuda Constitution Cap 23 Order 1981- Whether automatic stay unduly restricted the right to access the court

In July 2020, the Parliament of Antigua and Barbuda enacted the **Companies Amendment Act, 2020** (the "Act") to amend the **Companies Act 1995**, to 'provide for the rehabilitation of an insolvent corporate debtor and other incidental and connected matters. Upon the enactment of the Act, the Minister of Finance of Antigua and Barbuda, filed a petition for a rehabilitation order under section 556 of the Act, indicating that the airline carrier LIAT (1974) Limited ("LIAT"), was insolvent and unable to pay its debts and was a 'systematically important

company' under section 551 of the Act. The court subsequently granted the rehabilitation order which provided for the appointment of an administrator and stayed all steps, actions or proceedings taken by LIAT, its shareholders, directors, officers, or creditors to wind up or liquidate it.

The respondents, former employees of LIAT, had in 2015 filed a claim in the High Court ("2015 proceedings") against LIAT seeking to recover pension funds which had been automatically stayed by virtue of section 564(1) (a) of the Act. The respondents subsequently instituted proceedings against the appellant seeking a declaration that section 564(1)(a) of the Act was in contravention of section 15(8) of the Constitution of Antigua and Barbuda. The respondents contended that section 564(1) (a) of the Act limited the respondents' right to access the court and had infringed on the doctrine of separation of powers.

The learned judge in her judgment found favour with the respondents' contentions and determined that section 564(1)(a) was unconstitutional as it infringed on the right to access to the court and the doctrine of separation of powers doctrine. The appellant being dissatisfied with the judgment of the learned judge has appealed. The appellant has filed 4 grounds of appeal which can be condensed into one issue, that being, whether the learned judge misconstrued the law when she held that the automatic stay imposed by section 564(1)(a) of the Act was unconstitutional, as it infringed on the doctrine of separation of powers and unduly restricted the right to access the court.

Held: allowing the appeal; setting aside the order of the learned judge; ordering that the respondents pay the appellant's costs on this appeal to be assessed by the court below at no more than two-thirds of the costs awarded in the court below, that:

1. Automatic stays created by Parliament are not by virtue of their nature, de facto unconstitutional. To determine the constitutionality of an automatic stay, such as the automatic stay prescribed by section 564(1)(a) of the Act, the court must look at the nature of the automatic stay – the permanence or indefiniteness of the stay and/ or whether it removes judicial oversight from the hands of the court. In this case, section 564(1)(a) of the Act does not remove judicial oversight from the hands of the court as the court is empowered to hear an application for relief from the automatic stay pursuant to section 564(4) of the Act and make a determination as to whether the criteria thereunder has been satisfied. Further by virtue of section 564(5) of the Act, 30 days after the request for relief under section 564(4) is made, the automatic stay would be terminated unless the court, after notice and hearing, orders that the stay remain in effect. When reading the entirety of section 564, it is clear that the automatic stay does not oust the court from providing relief. The learned judge therefore erred in her determination that section 564(1)(a) is unconstitutional as it infringes the doctrine of separation of powers doctrine.

Section 564(1)(a) of the Companies Amendment Act, 2020 Act No. 17 of 2020 Laws of Antigua and Barbuda applied;

Hinds and others v The Queen [1976] 1 All ER 353 applied; **Cerise Jacobs v Minister of Tourism** ANUHC VAP2019/0011 (delivered 24th May 2022, unreported) applied; **The Superintendent of Prisons and another v Hamilton** [2016] UKPC 23 applied; **Ritzen Grp., Inc. v Jackson Masonry, LLC** 140 S. Ct. 582, 205 L. Ed. 2d 419 (2020) considered; **Stone Street Capital Limited v The Attorney General of Trinidad and Tobago** CV 2012 – 04383 distinguished; **Nicholas v The Queen** 193 CLR 173 applied; **Bourne and others v Charit-Email Technology Partnership LLP (in liquidation)** [2009] EWHC 1901 (Ch) applied.

2. Section 15(8) of the Constitution of Antigua and Barbuda provides the right to access to the court. This right to access is not absolute. However, if a person seeks to challenge undue restrictions on their right to access, the court must engage the test of justifiability to determine whether the right has been infringed. The test of justifiability requires the court to ask itself: whether: (i) the legislative objective is sufficiently important to justify limiting a fundamental right; (ii) the measures designed to meet the legislative objective are rationally connected to it; and (iii) the means used to impair the right or freedom are no more than is necessary to accomplish the objective.

Section 15(8) of the Constitution of Antigua and Barbuda Cap 23 Order 1981 applied; **De Freitas v Permanent Secretary of Ministry of Agriculture, Fisheries, Lands and Housing** [1999] 1 AC 69 applied; **Re Alpha Natural Res. Inc** 544 B.R. 848, 855 (Bankr. E.D. Va. 2016) considered; **Ritzen Grp., Inc. v Jackson Masonry, LLC** considered 140 S.

Ct. 582, 205 L. Ed. 2d 419 (2020) considered; **Stone Street Capital Limited v The Attorney General of Trinidad and Tobago** CV 2012 – 04383 distinguished.

3. In this case, while the imposition of a temporary automatic stay to maintain the status quo of a company significant to the economic well-being of Antigua and Barbuda would be sufficiently important to justify limiting the right to access to the court, the respondents' right of access to the court is not impaired and the respondents may at any time under section 564(4) of the Act apply for relief from the automatic stay or under section 568(1) of the Act file a proof of claim or interest.

The learned judge therefore erred in her determination that the respondents had their right to access the court unduly restricted by the imposition of the automatic stay and she erred in finding that the court's adjudicatory power was usurped by Parliament. Section 564(1)(a) of the Companies Amendment Act 2020 is constitutional and does not unduly restrict the right to access the court.

Lunan Pharmaceutical Group Corporation v Zhao Long and Others
 BVIHC VAP2021/0007
 Delivered on 27th April 2023
 Coram: Pereira CJ, Ward and Webster JA

Application for a stay of execution - Rules 26.1(2)(a), 62.19 & 62.20(1) of the Civil Procedure Rules

2000 - Rule 30(1) of the Court of Appeal Rules 1968 - The principles from C-Mobile Services Limited v Huawei Technologies Co. Ltd - Whether Lunan ought to be granted of a stay of execution of the Ancillary Judgment - Applications for an extension of time - Anti-suit injunction - Interim payment - Whether the reasons advanced by Lunan for its purported inability to comply with the anti-suit injunction and the interim payment order are satisfactory - Applications for unless orders - Parts 26 & 62 of the Civil Procedure Rules 2000 - Whether the case management powers in Part 26 that are given to the Court of Appeal can only be exercised in relation to an appeal of which the court is seised and not in relation to the proceedings below - Whether Lunan should be debarred from prosecuting its appeal given its alleged contempt in failing to comply with orders made by the BVI Commercial Court

On 31st August 2021, Lunan Pharmaceutical Group Corporation (“Lunan”) appealed a judgment of Jack J dated 20th July 2021 (“the Main Judgment”), which concerned competing claims arising in 2017 as to the entitlement to the shares in Endushantum Investments Co. Ltd (“Endushantum”), a Territory of the Virgin Islands (“BVI”) company, and Endushantum’s minority shareholdings in certain Peoples’ Republic of China (“PRC”) companies (“the PRC Shares”). Endushantum held the PRC Shares until 9th February 2021, when Lunan transferred them to two Hong Kong companies: Berpu Technology Co. Ltd (“Berpu”) and Provision Investment Co. Ltd (“Provision”) (collectively the “Hong Kong Companies”). This transfer was pursuant to a judgment of the People’s Intermediate Court of Linyi City (the “Linyi Judgment”) in April 2020. The Hong Kong Companies were incorporated on



5th January 2021 and are controlled by Zhang Guimin, who is Lunan’s Chairman and the sole shareholder and director of the Hong Kong Companies. The Linyi Judgment and the transfer of the PRC Shares held by Endushantum to the Hong Kong Companies were only disclosed mere weeks before the trial was scheduled to commence before Jack J. The judge found this to be a deliberate breach of Lunan’s disclosure obligations and a breach of undertakings given by Endushantum’s lawyers in 2017 that they would not part with the 2017 PRC Shares. On 14th September 2021, Jack J ordered Lunan to make an interim payment of US\$2 million on account of Ms. Zhao Long (“Ms. Zhao”)’s legal costs of the main claim (the “Interim Payment”) on or before 8th October 2021. The deadline

was subsequently extended until 1st February 2022. Lunan failed to meet that deadline, and on 4th February 2022, the court made a final order for the payment by 31st March 2022.

A second judgment which Lunan challenges (the “Ancillary Judgment”) arose in the following way. Flowing from the judge’s findings on the Main Judgment, on 14th September 2021, Endushantum sought and obtained leave to bring an ancillary claim against Lunan for knowing receipt, based on breach of fiduciary duty by Endushantum’s director in transferring the PRC Shares to the Hong Kong Companies, which are acknowledged to be Lunan’s nominees, and with the aim of procuring the transfer of the PRC Shares from the Hong Kong Companies to Endushantum. Jack J gave leave and ordered Lunan to file a defence (without being taken to submit to jurisdiction). The judge also suggested that Endushantum could seek summary judgment on the return date. An application for summary judgment was duly filed by Endushantum on 7th January 2022. For its part, Lunan filed a draft defence but also filed an application to set aside leave to issue and serve the ancillary claim, contesting the court’s jurisdiction. Judgment on the ancillary claim was delivered on 17th March 2022. Jack J dismissed Lunan’s jurisdiction application and granted summary judgment in favour of Endushantum, finding that Lunan was a knowing recipient of the PRC Shares and that it holds and exercises all rights it has in respect of the PRC Shares as trustee for Endushantum. Accordingly, on 17th and 31st March 2022 he made consequential orders requiring, inter alia, Lunan to cause or procure the PRC Shares held by the Hong Kong Companies to be re-conveyed to Endushantum

and within 28 days thereafter take, and cause Shandong New Times Pharmaceutical Co. Ltd (sometimes referred to as Shandong New Age) (“Shandong NT”) and Lunan New Times Biotech Co. Ltd (“Biotech”), two of the PRC companies, to take all steps necessary to record on appropriate registers and at appropriate regulatory bodies that the Lunan shares are held by Endushantum.

Meanwhile, certain developments on the litigation front in the PRC would subsequently lead to Jack J granting an anti-suit injunction order, which also forms the subject of an application to stay by Lunan. In August 2021, Ms. Zhao launched proceedings in the PRC to revoke or annul the Linyi Judgment. In January 2022, a group of Lunan shareholders filed a claim to recover dividends paid to Ms. Zhao from around 2017 which they claimed she had misappropriated (the 107 proceedings). They did so on the basis of the Linyi Judgment, which declared that the shares belonged to Lunan and not to her father. Meanwhile, Lunan also launched two sets of proceedings in the PRC. The first was against Shandong NT with Provision, Ms. Zhao and Endushantum named as third parties (the 108 proceedings) and the second against Biotech, with the same third parties named (the 109 proceedings). Proceedings 107, 108 and 109 will be referred to as “the new PRC proceedings”. The new PRC proceedings were scheduled for trial in August 2022 in the PRC. In an apparent attempt to forestall this, Endushantum sought and obtained an ex parte anti-suit injunction. Paragraph 3 of that order required Lunan to take active steps to stay the new PRC proceedings. On the return date on 23rd August 2022 a final order was made.

Before this Court are Lunan's applications for a stay of execution of the Ancillary Judgment and an extension of time to comply with the Interim Payment order and the anti-suit injunction. These are met with cross-applications by Endushantum and Ms. Zhao for unless orders debarring Lunan from pursuing its appeals unless it complies with: (i) the orders for the re-conveyance of the PRC Shares to Endushantum, (ii) the anti-suit injunction order; and (iii) the Interim Payment order in favour of Ms. Zhao.

The issues for consideration may be summarised as: (i) whether Lunan ought to be granted a stay of execution of the Ancillary Judgment; (ii) whether the reasons advanced by Lunan for its purported inability to comply with the anti-suit injunction and the Interim Payment order are satisfactory; (iii) whether the case management powers in Part 26 that are given to the Court of Appeal can only be exercised in relation to an appeal of which the court is seised and not in relation to the proceedings below; (iv) whether Lunan should be debarred from prosecuting its appeals given its alleged contempt in failing to comply with orders made by the BVI Commercial Court.

Held: dismissing Lunan's applications for a stay of execution and an extension of time, and making the orders set out at paragraph [90] of this judgment, that:

1. The court, on an application for a stay, is essentially engaged in performing a balancing exercise which requires it to consider a number of factors: (i) the court must take into account all the circumstances of the case; (ii) a stay is the exception rather than the general rule; (iii) a party seeking a

stay should provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted; (iv) in exercising its discretion the court applies what is in effect a balance of harm test in which the likely prejudice to the successful party must be carefully considered; and (v) the court should take into account the prospects of the appeal succeeding but only where strong grounds of appeal or a strong likelihood the appeal will succeed is shown (which will usually enable a stay to be granted).

C-Mobile Services Limited v Huawei Technologies Co. Ltd BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) followed.

2. Endushantum and Ms. Zhao have undertaken, through counsel, that were the shares to be re-conveyed, they would not exercise any voting rights in respect of the PRC Shares save to reverse any changes to the Articles of the PRC companies since 2001 and not to take or rely upon any arguments before the Court regarding a change of the *lex situs* of the PRC Shares as a result of the reconveyance. With such clear undertakings being placed on the record, the risks which had so excited Lunan would be considerably mitigated if not eliminated. In these circumstances, Lunan's position would not be prejudiced by a refusal of the stay application nor would the appeal be rendered nugatory in circumstances where the status quo is preserved. If Lunan prevails in its appeal, the position reverts to what it was prior to the Main Judgment. These factors weigh against the grant of a stay as these undertakings would serve to hold the

ring sufficiently pending the determination of the appeal. Further, in circumstances where much of Lunan's challenge to the Ancillary Judgment centers on findings of fact by the trial judge, this is not a case where it can be said that it has been shown that there are strong grounds of appeal or a strong likelihood the appeal will succeed. On balance, the risk of prejudice is greater to Endushantum and Ms. Zhao should the stay be granted as the prospects of Lunan re-conveying the PRC Shares if it were unsuccessful on the appeal are not encouraging. Having regard to all of these circumstances, Lunan's application for a stay of execution pending appeal is dismissed.

C-Mobile Services Limited v Huawei Technologies Co. Ltd BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) considered; Fage **UK Ltd v Chobani UK Ltd** [2014] EWCA Civ 5 considered.

3. The reasons advanced by Lunan for its purported inability to comply with the anti-suit injunction and the Interim Payment order are unsatisfactory. Furthermore, it seems ironic that while the PRC courts will not recognise the BVI judgment and court orders, this Court is being asked to defer to those proceedings by permitting Lunan to continue to disregard the orders of the BVI court so as not to impede its prospects in the PRC matters. This is a completely untenable expectation. The anti-suit injunction properly serves to hold the ring pending the determination of the appeal before this Court and nothing placed before this Court is persuasive that the time for compliance with it should be extended. Similarly, this

Court is not persuaded that there is a proper basis on which the time for making the Interim Payment should be extended. Accordingly, both applications are dismissed.

4. There is no warrant for construing the rules as confining the jurisdiction to make unless orders to breaches of the rules or orders of the Court of Appeal itself. Such a construction would mean that although the Court of Appeal is alive to multiple, wilful breaches of orders of the court below, it would be powerless to impose conditions in relation to the prosecution of the appeal arising from those proceedings. That would seem to fundamentally undermine the overriding objective of the Civil Procedure Rules 2000. On a proper construction of the rules, the Court of Appeal has the jurisdiction and discretion to impose conditions for the prosecution of an appeal before it, in the face of an ongoing and wilful failure by an appellant to comply with consequential orders made in the court below, whether or not there has been a formal finding of contempt by the court below.

Parts 1, 26 and 62 of the **Civil Procedure Rules 2000** applied; **Michael Baptiste v Yoland Bain-Joseph** Grenada HCVAP2006/026 (delivered 7th February 2008, unreported) considered; **Astro Exito Navegacion SA v Southland Enterprise Co Ltd and Nan Jong Iron and Steel Co. Ltd, The Messiniaki Tolmi** [1981] 2 Lloyd's Rep. 595 considered; *Hadkinson v Hadkinson* [1952] 2 All ER 567 considered.

5. While there is a general rule that a court will not hear an application for his own benefit by a person in contempt unless

and until he has first purged his contempt, there is an established exception to that general rule where the purpose of that application is to appeal against, or have set aside, on whatever ground or grounds, the very order disobedience of which has put the person concerned in contempt. That exception is itself subject to qualifications including: (i) there may be cases where an appeal by a party in contempt against the very order, disobedience of which has placed him in contempt, can be shown to be, for one reason or another, an abuse of the process of the court; and (ii) cases where disobedience to the order impedes the course of justice. In such cases, the exception may be disapplied.

6. The current approach is not to take as a starting point the proposition that the court will not hear a party in contempt and then ask if the instant case falls within an exception to that general rule. It is to ask whether, in the circumstances of an individual case, the interests of justice are best served by hearing a party in contempt or by refusing to do so. The court is required to carefully consider the factual circumstances of the case to determine whether the interests of justice are best served by hearing or refusing to hear a party in contempt, and not merely refuse to hear him because he is in contempt; or entertain him because he is appealing the very order that has placed him in contempt. The peculiar circumstances of the case must be analysed to determine what the interests of justice dictate.

Astro Exito Navegacion SA v Southland Enterprise Co Ltd and Nan Jong Iron and Steel Co. Ltd, The Messiniaki Tolmi [1981] 2 Lloyd's Rep. 595 considered; **Hadkinson v Hadkinson** [1952] 2 All ER 567 considered; **Motorola Credit Corp v Uzan and others (No. 2)** [2004] 1 W.L.R. 113 considered; **X Ltd v Morgan-Grampian (Publishers) Ltd** [1991] 1 AC 1 considered; **Arab Monetary Fund v Hashim and others; Arab Monetary Fund v Bahiraluloom and others** [1997] Lexis Citation 2080 considered.

7. Lunan's breach of the ancillary claim order is deliberate, and the explanations proffered relate to its desire to not compromise its position in parallel legal proceedings in the PRC; and not because it is impossible to comply. Further, Lunan has no assets within the jurisdiction and has signalled that it does not intend to comply with the BVI court orders even if the appeal goes against it, while at the same time seeking to secure the advantage of being able to maintain their appeals. This constitutes an abuse of the process of the court and an impediment to justice as, assuming the respondents are successful on appeal, it would be a pyrrhic victory only as there would be no means of enforcing the judgment, given that the shares are located in the PRC, where it has been said repeatedly in these proceedings, BVI court orders are not recognised. These particular circumstances, make this a case where it is appropriate to disapply the general exception.

Cheryl Bertrand v The Attorney General

SLUHC VAP2021/0014

Delivered on 22nd May 2023

Coram: Webster, Henry and Wallbank JA

Civil appeal – Intestacy – Succession – Entitlement of children born out of wedlock to inherit from their deceased father’s estates on intestacy – Constitutional law – Fundamental rights and freedoms – Whether Article 579 of the Civil Code of Saint Lucia infringed sections 6, 10 and 13 of the Constitution of Saint Lucia – Standing to bring a constitutional claim for breach of fundamental rights and freedoms – Whether appellants had standing to bring a claim for breach of their fathers’ rights to freedom of expression and to protection from discrimination – Chose in action – Whether Article 579 deprived the appellants of the right to succession to property or interest in property to which their deceased fathers were entitled – Application to amend a statement of case after the first case management conference – Rule 20.1 of the Civil Procedure Rules 2000 – Whether the learned judge erred by refusing leave to the appellants to amend their statements of case

The appellants, Shakira Francis (suing by her mother Kara Maria Francois as next friend) and Cheryl Bertrand (together “the appellants”) were both children fathered out of wedlock by married men. Their fathers died without making a will and they both claimed that they were entitled to a share in their deceased fathers’ estates on intestacy. By fixed date claims and supporting affidavits filed on 12th August 2020 in the High Court, the appellants contended that Article 579 of the Civil Code of Saint Lucia (“the Civil Code”) deprived them of the

right to succession to their respective fathers’ property; and to protection of the law and equal treatment under sections 1 and 6 of the Constitution of Saint Lucia (“the Constitution”).

They pleaded that the impugned Article discriminated against their fathers and constituted a breach of their fathers’ freedom of expression. They also asserted that by virtue of the circumstances of their birth they had suffered direct loss by reason of these alleged constitutional breaches. They sought, inter alia, declarations that Article 579 was unconstitutional and costs. During the trial in the lower court, the appellants loosely articulated an application to amend their statements of case to assert that their rights (as opposed to their fathers’ rights) under section 13 of the Constitution to protection from discrimination had been violated and consequently their constitutional right to property had been infringed, by virtue of their fathers’ status as married men and their fathers’ exercise of their freedom of expression. In a judgment delivered on 30th June 2021, the judge refused leave to amend the claims and ultimately dismissed both claims.

Being dissatisfied with the judge’s ruling, the appellants appealed. The appellants submitted 5 grounds of appeal but the two main issues which arose on appeal were: (i) whether the learned judge erred by not granting leave to the appellants to amend their statements of case and (ii) whether the judge erred by holding that Article 579 of the Civil Code did not infringe sections 6, 10 and 13 of the Constitution and was therefore not unconstitutional.

Held: dismissing the appeal, affirming the judgment made in the lower court and ordering that each party shall bear their own costs of the appeal, that:

1. After the first case management conference, a party may change its statement of case only with leave of the court. The guiding principle is that amendments ought to be made if essential to the resolution of the real question in controversy and where the justice of the case so requires. When considering an application to amend a statement of case, the court should have regard to all relevant factors including how promptly the application was made, the stage of the proceedings, the prejudice or advantage to parties if the application is granted or refused, whether the opposing party may be compensated in costs, the effect on the trial date and the administration of justice. Ultimately, the court should aim to achieve fairness to the parties and further the overriding objective.

Rule 20.1 of the **Civil Procedure Rules 2000** applied; **George Allert (Administrator of the Estate of George Gordon Matheson, deceased) et al v Joshua Matheson** GDAHCVAP2014/0007 (delivered 24th November 2014, unreported) followed.

2. An examination of the trial judge's ruling reveals that she had regard to CPR 20 when considering the application to amend the statements of case. She considered the stage of the proceedings and the likely prejudice to the respondent. However, the judge's decision appeared to be predicated primarily on the fact that the application was not in writing. She

therefore failed to have proper regard to other material considerations including the interest of justice, whether the respondent could have been compensated in costs, the impact granting the order would have had on the progress of the proceedings, the loss of judicial time and how it would impact the administration of justice. The judge further failed to consider that the application qua submission was made on the trial date or the procedure regarding how an amendment is formally effected. In so doing, the judge erred by failing to consider all the relevant substantive and procedural factors and the application to amend the statements of case fell to be considered afresh by the Court of Appeal.

Rule 20.1 of the **Civil Procedure Rules 2000** applied; **George Allert (Administrator of the Estate of George Gordon Matheson, deceased) et al v Joshua Matheson** GDAHCVAP2014/0007 (delivered 24th November 2014, unreported) followed; Paragraphs 2 and 3 of **Practice Direction No. 5 of 2011** applied.

3. On the facts, no application was made to dispense with the need for a written application and no order was made dispensing with that requirement. Moreover, the appellants failed to present to the court or the opposing party a draft with the wording of the proposed changes to the statements of case. The fact is that the application was made at an advanced stage of the proceedings and the respondent would have been taken by surprise. Further, any order granting leave would have had to include consequential

orders for the statements of case to be re-verified and re-filed and the corresponding changes to the evidence would have been necessary. This would have likely led to a deferral of the trial date. Whilst it was arguable that the respondent could have been compensated in costs, a preliminary assessment of the appellants' prospects of success if the amendments were permitted suggests that their intended allegations were likely to fail. Thus, the relevant procedural and substantive factors weighed heavily against the appellants and the Court found that it was in the interest of justice to deny the oral application for leave to amend the statements of case.

4. Section 16 of the Constitution confers a cause of action for breach of section 10 of the Constitution exclusively on the person who claims that his right to freedom of expression has been, is being or is likely to be infringed. Only such a person may maintain an action for breach of such rights in relation to himself. On the facts, neither appellant had the requisite legal standing to maintain a claim for breach of her father's constitutional right to freedom of expression by virtue of Article 579. Consequently, their contention that they were directly affected by reason of their inability to inherit from their fathers' estates on intestacy did not forge a connection between their fathers' enjoyment of their rights and any purported constitutional or other right of either appellant to inherit such property or interest in the same. The judge therefore did not err in holding that the appellants had no legal standing to pursue a claim for infringement of their fathers' constitutional rights to

freedom of expression and that those as well as the incidental claims therefore failed.

Section 16 of the **Constitution of Saint Lucia** Cap. 1.01 of the Revised Laws of Saint Lucia, 2020 applied.

5. The learned judge however, did not go on to consider the other aspects of the appellants' freedom of expression case, i.e. that the breach of those rights of their fathers directly affected their 'right of succession to property', to 'an interest in property' of their fathers, or their 'ability to inherit property forming part of their fathers' estates'. With the appellants' freedom of expression claims having failed, so too would the claim for declaratory relief in relation to them. Thus, there being no breach of the fathers' rights to freedom of expression under section 10 of the Constitution, there was no corresponding breach of the appellants' right under section 6 not to be subjected to compulsory deprivation of property without adequate compensation. Moreover, even if the learned judge had considered the decision in **Vermeire v Belgium** and/or granted leave to amend the appellants' statements of case as requested, this would not have changed the outcome, that Article 579 of the Civil Code did not deprive the appellants of their right to succession to property or an interest in property to which their deceased fathers were entitled.

Vermeire v Belgium [1991] ECHR 12849/87 distinguished.

6. A chose in action is a term used to describe all rights of property which can be claimed or enforced only by action and not by

taking physical possession. The appellants' use of the terminology 'right of succession to property or interest in property to which [the] deceased father is so entitled' and 'right to succession of property or interest in property of [the] father' signified that the declaratory relief sought was not limited to 'an interest in property' but also extended to a 'right to succession of property' which qualified as a chose in action. In her ruling, the judge did not address her mind to the issue of whether the appellants made out their claim to choses in action and in so doing, she erred, and it fell to the Court of Appeal to make a determination on the issue.

Flat Point Development Limited v Mary Dooley ANUHCVP2015/0029 (delivered 13th March 2019, unreported) followed.

7. Section 6 of the Constitution prohibits the compulsory acquisition not only of physical tangible things such as land, but also trust, contractual and beneficial contingent rights, provided that they are capable of being owned or held in possession. A chose in action would fit into this description if it is capable of being owned. On the facts, the appellants had not identified any chose in action owned by them. Moreover, neither appellant alleged that the Crown had transferred the avowed chose in action to another person or that Article 579 had that effect. Consequently, neither appellant established that they had the requisite standing to pursue a claim for a breach of section 6 and they failed to prove that Article 579 had the effect of compulsory acquisition of any right of theirs to pursue a claim for an interest in their fathers' estates,

being the choses in action to which they claimed ownership.

8. Constitutional provisions such as section 1 of the Constitution are introductory and prefatory in nature, are unenforceable and not justiciable. Notwithstanding, to the extent that they are declaratory of rights, regard is to be had to them in construing justiciable provisions in the Constitution. On the facts, the learned judge examined section 1 and its import in relation to the appellants' contention that it was justiciable. Although a judge is not expected to expressly analyze every possible legal point that is a spin-off from the main issues in a case, the appellants' contention that the learned judge failed to have regard to the declarations in section 1 in construing section 13 was not borne out by the contents of the judgment.

Olivier and another v Buttigieg [1966] 2 ALL ER 459 considered; **Matadeen v Pointu** [1998] UKPC 9 considered; **Jay Chandler v The State (No 2)** [2022] UKPC 19 considered.

9. Section 13(4)(c) of the Constitution makes an exception for the enactment of laws which afford different treatment to individuals in matters pertaining to devolution of property on death. An examination of section 13(4) of the Constitution demonstrates that the clause 'reasonably justifiable in a democratic society' qualifies only paragraph (d). It has no applicability to paragraph (c). Construing paragraphs (c) and (d) as disjunctive, better accords with the practice within courts of Commonwealth common law jurisdictions, including this Court. The learned judge was therefore correct to conclude that it was not necessary for her to examine whether

Article 579 was 'reasonably justifiable in a democratic society.' Consequently, she did not err when she held that section 13(4)(c) and (d) do not have to be read conjunctively but disjunctively, and that section 13(4)(c) permits the enactment of a discriminatory law in certain exceptional instances, including in relation to devolution of property on death, as happened with Article 579 of the Civil Code.

Magaya v Magaya [1999] 3 LRC 35 considered.

Conclusion

The Court of Appeal Registry department prides itself in the service rendered to the citizens of the Member States and Territories of the Eastern Caribbean. Although in this report we have only provided a snapshot of the workings of the department, we hope that the highlights provided have allowed for greater comprehension of the work done by the Court of Appeal registry.

Mention must be made of our hard-working and diligent team who work above and beyond the call of duty to ensure that the Court achieves its mandate through professionalism and excellence.

We place on record our profound thanks to the Registrars, Deputy Registrars and staff of the High Court and Magistrates courts in the Member States and Territories for the assistance

which they have provided during the period. The work we do is truly a team effort, and there is no doubt that our team extends to the Registries and Magistrates Court Offices throughout the Member States and Territories. We are grateful for the support that they provide which is pivotal to us achieving our goals. We also extend our gratitude to counsel, litigants and all court users.

Heartfelt thanks are extended to our outgoing Chief Justice, Dame Janice M. Pereira, for her steadfast leadership and guidance which has charted our course for the past 12 years. We wish Her Ladyship a restful, well-deserved retirement filled with God's continued bountiful blessings.

It is said that the only constant is change. At the ECSC we can attest to this. Over the past through years in particular the Court has experienced what can best be referred to as a roller coaster of changing circumstances. Yet, despite it all, we have continued to achieve our mandate to serve you our users by providing access to a system of justice that is accountable and independent, and administered by officers in a prompt, fair, efficient and effective manner. As the court continues to chart its way forward, we wish to reassure our users of our commitment to our role in the dispensation of justice and remain grateful for your continued confidence in us as a Court.

COURT Project

Criminal Division

The ongoing reform and modernization of criminal justice procedures within the OECS Member States have made significant strides over the past year. As part of these efforts, the draft Revised Criminal Procedure Rules are now in circulation for public consultation. These rules represent a major step towards enhancing the efficiency, accessibility, and fairness of criminal justice proceedings across the region.



The revised rules aim to streamline criminal procedures, addressing the complexities of the judicial process from the institution of cases in the Magistrates' Courts to the conclusion of trials in the High Court. Their core purpose is to ensure that criminal justice procedures are more efficient while safeguarding the rights of all parties involved in criminal proceedings, including defendants, victims, and witnesses.

An essential feature of the revised rules is their flexibility. They are designed to accommodate the varying legislative frameworks within Member States and Territories, ensuring that the rules can be effectively integrated into existing national criminal procedure laws. This approach allows for consistency in the administration of justice while respecting the unique legal traditions of each jurisdiction.

Currently, the draft rules are being circulated for public consultation, a vital phase that allows stakeholders—such as legal professionals, judicial officers, law enforcement agencies, and civil society organizations—to review and provide feedback. The input received during this consultation will be carefully considered to refine and finalize the rules, ensuring they are both practical and in line with best international practices.

Following the public consultation, any necessary revisions will be made, and the final version of the revised Criminal Procedure Rules will be ready for promulgation. This marks an important milestone in the process, after which the rules will be adopted for use across all Member States. The promulgation of these revised rules will establish a unified framework for criminal procedure throughout the region,

fostering consistency, transparency, and the protection of fundamental rights in criminal justice proceedings.

The final phase will involve supporting Member States with the necessary training and resources to implement the new rules effectively, ensuring a smooth transition and continued improvements in the administration of criminal justice.

Overall, the progress made towards the promulgation of the revised Criminal Procedure Rules reflects the Court's commitment to advancing justice in the OECS, creating a system that is fair, efficient, and aligned with modern legal standards. The forthcoming final version of the Rules will be a cornerstone of criminal justice reform in the region, contributing to a more responsive and effective judicial system for all.

COURT-CONNECTED

Mediation

‘People are not as enthusiastic about mediation as the Government, the judges, and the mediation community think they ought to be’ (Randolph, 2010, p. 499)

Mediation in the OECS and particularly the 9 Member States and Territories (MSTs) under the remit of the Eastern Caribbean Supreme Court (ECSC) has indeed grown since being fully instituted in 2003.



The ECSC's Civil Mediation Programme, governed by its detailed, re-issued Practice Direction, No.6 (and No. 7) of 2020, has promulgated a well-structured ADR process which has received commendations and is recognized in the Caribbean region as worthy of duplication. Notwithstanding these achievements, no good process shuns opportunities for incremental improvement. The search for incremental growth and development has been an ongoing and at times up-hill endeavour. One such challenge to growth of the ECSC's Mediation Programme is dictated in the opening salvo and expanded upon in the lines which follow.

While the time and backlog reducing, cost and relationship saving, party empowering and power imbalance removing, benefits of mediation are more widely known today than they have ever been, the support and

enthusiasm expected of the key players to the mediation process are often time fickle at best.

Mediation cancellations and adjournments due to unavailable legal counsel across jurisdictions, occur at too great a frequency to go unnoticed. It is high time, and our desire for improvement to our Mediation Programme demands, that the wanton irreverence and brazen disregard displayed toward the court-connected mediation process and the Mediators who facilitate it, by some who should know better and are called upon by Codes of Ethics and perhaps their own sense of integrity and moral compasses, must certainly do better. The evident lack of proper preparation of represented parties, the failure, and in some cases refusal, to complete electronic evaluation forms, marked by a preponderance of attendance compromised by pre-determined outcomes, intended only to avoid cost or other sanctions on the return date, are vigorously discouraged. With the commencement of the last quarter of the law year still fresh upon us, let us forge ahead in the spirit of unity, collaboration and a genuine desire to see our (because it is ours) Mediation Programme flourish. The power is in our hands, and we are the ones who must do it!

That being said, let us turn our attention to the Mediation Report for the 2023/2024 period.

Harmonised Mediation Fees - Re-Issue

Harmonised or near-harmonised mediation fees were introduced to the MSTs on 14th November, 2022.

The introduction of harmonised fees was designed

to address the challenge of diverse mediation fee structures which existed in the respective MSTs for the performance of the same service.

The implementation of revised mediation fees was expected to:

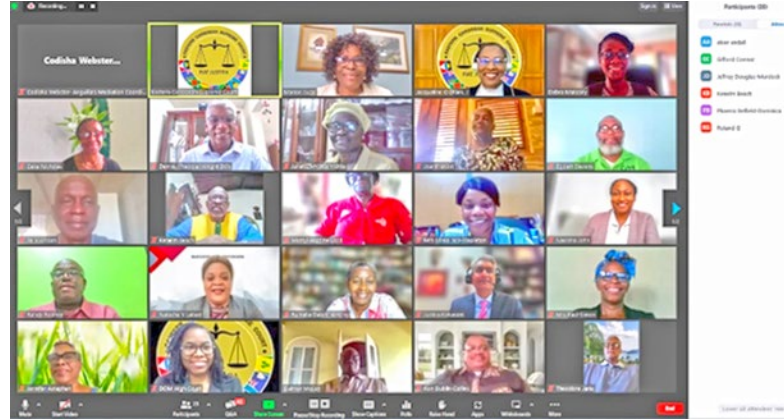
- Provide a more equitable structure for payment to Mediators;
- Better support the sustainability, proper management of and improvements to the civil mediation programme; and
- Ensure that mediation fees are transparent, reasonably economical and not unduly disparate across MSTs.

However, an evaluation of the new fee regime several months later revealed that the intended outcomes were not being realised in some cases. There was inconsistent application of the revised fee schedule across the various MSTs. Consequently, the revised fee schedule was reissued to provide guidance on the proper application and interpretation of the revised fees, in an effort to ensure consistency across the MSTs and to safeguard the harmonisation thrust. From all accounts, the reissued fee schedule has been working well.

Workshops for Mediators and Legal Practitioners - Dominica

The national Mediation Committee for the Commonwealth of Dominica, led by its Chairman, Justice Jacqueline Graham, embarked on a training initiative designed to bolster the work of court appointed mediators.

Two workshops were held virtually on 8th and 28th May, 2024 utilising the Zoom platform. The workshop on 8th May, 2024 was led by



Hon. Justice Kokaram, 4th from left, 4th row. Hon. Justice Graham, 4th from left, 1st row is flanked by a few of the participants.

Ms. Debra Maloney, ECSC Regional Mediation Coordinator. Ms. Maloney undertook a detailed review of pertinent parts of the Court-Connected Mediation Practice Direction (Re-Issue), No. 6 of 2020 and apprised mediators of significant developments of which they should be aware. On 28th May, 2024 we were privileged to have His Lordship Justice Vasheist Kokaram, Justice of Appeal, Judiciary of Trinidad and Tobago, well known and held in high esteem for his advancement of peace jurisprudence, who facilitated two (2) distinct sessions, the first for mediators only and the second, for mediators and legal practitioners. Adopting his usual comfortable but adept and passionate delivery style, Justice Kokaram delivered his exposition entitled 'Tips and Traps of Mediation'. The Mediation Committee graciously extended an invitation to mediators from the other eight (8) MSTs to join in the discourse intended for mediators only. The sessions were met with enthusiasm, were engaging and interactive and left mediators poised to forge ahead with renewed vigour.



At the launch of the 'Stop! Listen! Relate! Communicate!' Conflict Resolution Programme



Alixcia Stoute winner of the conflict resolution art poster competition—primary school section

Student Artist Poster Competition & Launch of Peer Mediation Programme – Antigua and Barbuda

During the month of September, 2023 the National Mediation Committee for Antigua and Barbuda invited students between the ages 7 through 16 to participate in its student artist poster competition under the theme: **Stop! Listen! Relate! Communicate!**

The Committee's objective for hosting the art contest was to raise awareness about conflict resolution among the youth. Young persons were encouraged to be a part of the solution, not the problem.

Entries were canvassed from both primary and secondary schools across Antigua and Barbuda. Students were challenged to create and submit a poster related to the theme. The competition was divided into two categories:

- Primary – Between the ages 7 through 11
- Secondary – Between the ages 12 through 16

The submission phase was intended to run from 7th to 22nd September, 2023 followed by the selection phase from 1st to 14th October 2023. The winning posters in both categories were incorporated into the Schools' Conflict Resolution Programme which was launched on 14th March, 2024. The winner of both categories along with their schools were awarded prizes.

Ms. Alixcia Stoute of Old Road Primary School won the contest at the Primary Schools level. She was awarded a Samsung Galaxy iPad A8 and \$500 for her school during the launch of the Committee's Conflict Resolution Programme. Ms. Summer Goodwin of the Christ the King High School was the selected winner of the "Stop, Listen, Relate, Communicate" secondary school art competition, and was the recipient of a laptop while her school received a small cash prize.

Fresh on the heels of the launch of its Conflict Resolution Programme, Antigua and Barbuda's Mediation Committee was at it again. This



Antigua and Barbuda National Mediation Committee



Students and Peer Counsellors engaged in mediation training

time, its unwavering dedication to its mandate to keep mediation fresh on everyone's minds, took the form of the launch of the Committee's Peer Mediation Training Programme. From 26th to 30th August, 2024 teachers, students, peer counsellors and others who regularly engage with school children, were exposed to 40 hours of peer mediation training, designed to introduce mechanisms to improve conflict resolution techniques, geared toward a reduction in youth violence particularly amongst school

children. The training was held at the UWI Five Islands Campus and facilitated by Mrs. Ann Diaz, International Mediator and Trainer. Peer Counsellors were trained as trainers so that the impact of this initiative would not end with the initial activity. It was stated during the opening ceremony that 'The training aims to equip students with essential conflict resolution skills, enabling them to become ambassadors in the fight against crime. It focusses on teaching empathy, active listening, and mutual respect as alternatives to violence in resolving conflict.'

The High Court and the Ministry of Education expressed hope that the pilot programme would be replicated throughout the school system and would represent a crucial step in fostering a culture of peace while providing young people with valuable life skills to navigate conflicts effectively.

ECSC Mediation Programme: outside of the OECS

Mediation promotion continued in the Member States and Territories. Notable efforts were made to keep mediation fresh on the minds of citizens by the respective Mediation Committees. During the reporting period, the St. Lucia Mediation Committee initiated plans to develop a mediation jingle, designed to reinvigorate mediation as an ADR mechanism to the 'man on the street'. The ECSC's Mediation Programme was once again showcased outside of the OECS sub-region. On this occasion, Ms. Debra J. Maloney, Regional Mediation Coordinator, was requested to present at two (2) sessions of the Hugh Wooding Law School's (HWLS) ADR Webinar Series. The first presentation was under the theme 'ADR and Civil Litigation: A Regional

Perspective'. The second presentation was based on the subject 'ADR and the Criminal Justice System'. The ADR Webinar Series was designed to expose the HWLS's Year 2 Legal Education Certificate (LEC) students to the various aspects of ADR and to equip them to support the various ADR methodologies which they would encounter as legal practitioners.

**On the Horizon
Criminal Mediation**

Work continues on the finalisation of the ECSC's Court-Connected Mediation Practice Direction (Criminal Division). The impetus toward the introduction of the ECSC's criminal mediation programme is a call toward the path of restorative justice as well as a thrust to more meaningfully engage and positively impact on the child and youth justice platforms established throughout the Eastern Caribbean. The ECSC's criminal mediation programme will primarily focus on an all-round collaborative approach to criminal justice. It will seek to reduce the Court's backlog of minor criminal cases, actively explore alternative sentencing

and introduce diversionary measures for child and youth offenders.

Mediation Training

Discussions have begun regarding the possibility of hosting the ECSC's 40-Hour Mediation Training Workshop in St. Lucia, likely to be held early, 2025. Over the coming months, the National Mediation Committee for St. Lucia will undertake activities geared first toward confirming the feasibility of hosting the workshop and thereafter toward planning the event. It is expected that training may also be held in Antigua and Barbuda and Saint Vincent and the Grenadines.

Reports from Member States and Territories

Statistical data received from the Member States and Territories has been captured in the table below to provide a brief synopsis of mediation activities for 2023.

THE JUDICIAL Educational Institute

Introduction

This Annual Report encapsulates the significant activities and training initiatives executed by the Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC) during the period of September 2023 to August 2024. The report highlights the key conferences and training programs that aimed to enhance the knowledge and skills of judicial officers and support staff within the OECS region.



I. Magistrates Conference 2023

Date: October 10 – 12, 2023

Location: Sheraton Miami Airport Hotel



Participants at the 2023 Magistrates Conference

The JEI successfully hosted the Annual Magistrates Conference for all Magistrates of the OECS. This in-person gathering marked a key follow-up to the virtual training conducted in 2021, with a focused agenda that revolved around essential themes: Case Management, Ethics, and Sentencing.

Highlights:

Case Management:

Facilitated by the Rt. Honourable Sir Dennis Byron and Ms. Myrtene Cenac, this training equipped Magistrates with effective techniques in case flow management for criminal cases. Emphasis was placed on the quality of data to be compiled throughout a case's lifecycle and the establishment of performance standards to assess each Magistrate's effectiveness.

Judicial Ethics:

Led by Dr. Dianne Douglas from Douglas and Associates, this session allowed participants to engage with hypothetical scenarios underscoring the critical importance of maintaining high ethical standards within the judicial system, which, in turn, enhances public trust and confidence in courts.

Sentencing:

Conducted by Justice Vivian Taylor-Alexander and Justice Iain Morley, this session tackled existing inconsistencies at the Magistrates level. The training provided a comprehensive overview of the new Sentencing Guidelines to support just and informed sentencing.

Paperless Conference:

A notable highlight was the implementation of a paperless conference model, employing an app to disseminate the agenda, announcements, conference materials, and attendee information.

2. OECS Law Conference 2023

Date: October 13 – 14, 2023

Location: Sheraton Miami Airport Hotel

The JEI partnered with the OECS Bar Association to deliver a session on Judicial Settlement Conferencing during the OECS Law Conference. Led by Hon. Mr. Justice Vashiest Kokaram, Justice of Appeal of the Supreme Court of Trinidad and Tobago, this session introduced attorneys to the judicial settlement conference (JSC) process and outlined effective practices for managing these conferences. The training emphasized how these skills could be transferred to improve case management under the Civil Procedure

Rules (CPR).

3. Magistrates Court Staff Training

Locations: St. Lucia, Dominica

Dates: April 4-5, 2024 (St. Lucia); May 27-28, 2024 (Dominica)



Magistrates' Court Staff of Saint Lucia

As part of its ongoing commitment to enhancing the capabilities of Magistrates Court staff, the JEI commenced training sessions focusing on critical soft skills and Case Flow Management.



Magistrates' Court Staff of Saint Lucia

Focus Areas:

Soft Skills:

Training included emotional intelligence, team building, and interpersonal skills, aimed at fostering effective communication and collaboration among staff. This soft skills component was facilitated by Dr. Dianne Douglas, Clinical Psychologist from Trinidad and Tobago.

Case Flow Management:

Facilitators Justice Ermin Moise and Master Tamara Foster presented on effective strategies to manage case flow efficiently, ensuring timely and just outcomes in the court system.

The training sessions in both St. Lucia and Dominica received positive feedback from participants, who expressed appreciation for the relevance and necessity of the training provided.

4. Annual Judicial Conference 2024

Dates: August 5 – 7, 2024

Location: Coco Palm Resorts, Saint Lucia



Participants at the Annual Judicial Conference

The Eastern Caribbean Supreme Court convened its judges, masters, and judicial research officers for the Annual Judicial Conference 2024, themed around Constitutional Law and Administrative Law.

Key Aspects of the Conference:

Opening Ceremony:

The conference commenced with remarks from His Lordship Hon. Eddy Ventose, Chair of the JEI, acknowledging the contributions of former Chief Justice Dame Janice Pereira and the support of the Attorney General of Saint Lucia, Hon. Leslie Mondesir.



Justice of Appeal Vashiast Kokaram delivering an engaging presentation at the Annual Judicial Conference, 2024.

Expert Panels:

Attendees benefitted from an impressive lineup of facilitators, including Justices from the Caribbean Court of Justice and the Supreme Court of Jamaica. The conference offered in-depth analysis on critical areas of law and facilitated rich discussions on the complexities inherent in constitutional and administrative law cases.



Hon. Bryan Sykes, Chief Justice of Jamaica and AJC 2024 Facilitator

Engagement and Feedback:

Participants engaged actively in discussions and debates, reflecting on the challenges and nuances of administering justice within the constitutional framework. Justice Vashiast Kokaram's remarks on the transition of judicial responsibility resonated deeply with attendees, underscoring the importance of upholding constitutional integrity.

5. Leadership Development

- **New Appointment:** In January 2024, JEI appointed Justice of Appeal Eddy Ventose as the new Chairman, succeeding Her Ladyship Hon. Gertel Thom. This transition signifies continued commitment to high standards in judicial education.

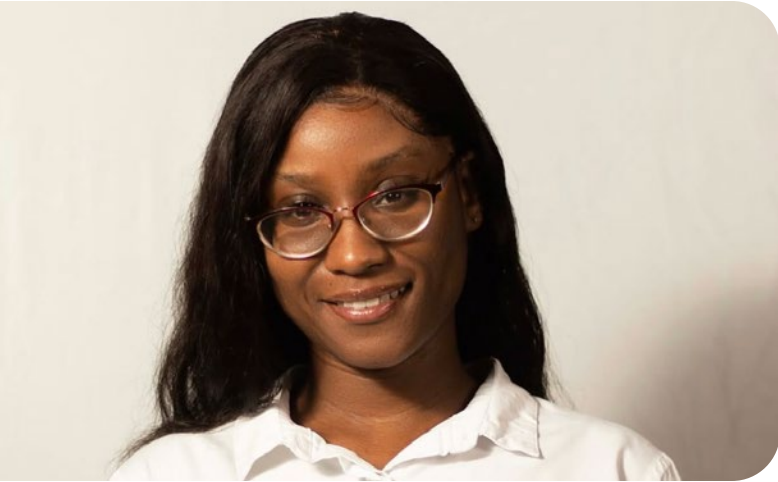
Conclusion

The period from September 2023 to August 2024 featured a robust framework of training initiatives that significantly enhanced the capabilities and understanding of judicial officers and court staff within the OECS region. The JEI's commitment to fostering an educated and effective judiciary remains central to its mission, with impacts that strengthen the integrity and efficacy of the judicial system.

LEGAL INTERNSHIP Programme

“This internship was an incredible opportunity to bridge the gap between academic theory and practical application, for me it was a beautiful blend of observing “the bench” and “the bar” all in one place. It has reaffirmed my passion for law and my aspiration to contribute to the legal field in meaningful ways.”





Danika Bourg

His Lordship, the Hon. Mr. Mario Michel, Chief Justice [Ag.] and Justices of Appeal, Chief Registrar, Deputy Chief Registrar and other staff members, I count it a signal honour and privilege to be called upon to convey my reflection on my time at the Eastern Caribbean Supreme Court ('ECSC').

My time as an intern with the Eastern Caribbean Supreme Court (ECSC) was an incredibly enriching and transformative experience. The opportunity to work within such a distinguished judicial system allowed me to gain invaluable insights into the intricate workings of the Court and further develop my legal acumen.

One of the most memorable aspects of this journey happened to be the people I've had the privilege of working with. The ECSC staff, known for their warmth, professionalism, and curiosity, truly embodies the values of excellence and dedication. I am especially grateful to the Chief Justice, the Chief Registrar and the Deputy Chief Registrar, whose leadership and guidance left a lasting impression on me. Their deep knowledge and commitment to the administration of justice were both inspiring and motivating. The Judicial Research Assistants and the Executive Legal Assistant to the Chief Justice also played a pivotal role in my experience, always willing to share their expertise and provide thoughtful feedback, which significantly enhanced my research and analytical skills.

In addition, I was impressed by the Human Resources department, in particular Mrs. Natasha Fitz-Christophe. Her seamless coordination and genuine commitment to ensuring a positive and supportive environment

for interns was remarkable. The department's role in facilitating my onboarding process and providing continuous support throughout my tenure made me feel welcomed and valued as a part of the ECSC team. Their professionalism and approachability left a lasting impression, exemplifying the importance of human connection and organizational excellence.

Beyond the professional aspects of my internship, immersing myself in the vibrant culture of Saint Lucia was an equally rewarding experience. Visiting the island's stunning beaches, tasting the incredible local cuisine, and witnessing the country prepare for its colorful and lively carnival were unforgettable highlights. Exploring key aspects of the island's culture allowed me to appreciate the rich heritage and warm hospitality of the people of Saint Lucia. These experiences not only broadened my perspective but also deepened my connection to the island, making my time there even more special.

Learning from the judges was an extraordinary privilege. Observing Court proceedings offered a firsthand look at the practical application of legal principles and the art of delivering fair and reasoned judgments. Engaging in in-depth legal research for rulings and judgments was equally rewarding, as it allowed me to contribute meaningfully to the Court's work while honing my research and writing skills. These experiences solidified my understanding of the judicial process and deepened my respect for the legal profession.

A key highlight of my internship was being invited to attend the two-day Annual Judicial

Conference, organized by the Judicial Education Institute. This event was an incredible learning opportunity, offering valuable insights into various judicial matters and emerging legal trends. Attending the conference enhanced my understanding of the judicial process and provided a broader perspective on the region's legal challenges and advancements. Following the conference, I participated in a networking function, where I had the privilege of interacting with judges from across the region outside of the courtroom. This experience allowed me to observe their perspectives in a more personal setting and build connections that will undoubtedly shape my legal journey.

This internship was an incredible opportunity to bridge the gap between academic theory and practical application, for me it was a beautiful blend of observing "the bench" and "the bar" all in one place. It has reaffirmed my passion for law and my aspiration to contribute to the legal field in meaningful ways. I left the experience with a renewed sense of purpose, a wealth of knowledge, and a profound appreciation for the ECSC and its vital role in the administration of justice and my own personal and professional life.

Finally, I would like to express my heartfelt gratitude to the entire ECSC team for their unwavering support and encouragement throughout my internship. Your warmth, professionalism, and dedication made the journey truly remarkable. Thank you for providing me with such an incredible opportunity to grow both professionally and personally.

Saint Lucia is my home away from home.



Paul Mc Burnie

It seemed to be only a few weeks ago that I first walked through the doors of the Eastern Caribbean Supreme Court (ECSC), ready, excited and anxious to conquer the tasks and challenges of a new environment. I still vividly remember Monday 3rd June 2024 – my first day at the ECSC's headquarters. Wearing a black blazer with a briefcase slung over my left shoulder and a water bottle firmly gripped in my right hand, I stepped onto the 2nd Floor of the Heraldine Rock Building. The icy blast of the air conditioning hit me instantly, making it clear that bringing a jacket to the office would be an absolute necessity. Nevertheless, the cold temperature was soon overtaken by the warm and kindhearted greetings of the staff, which I experienced every day throughout my time at the Court.

As I look back on my time spent at the ECSC, I am reminded of the proverbial phrase, 'nothing ventured, nothing gained.' My experience at the Court provided me with a wealth of knowledge and allowed me to form meaningful relationships to last a lifetime. Prior to interning at the Court, I had only been exposed to the inner workings and operations of boutique law firms. As such, I was anxious to learn and adapt to this new environment, the judiciary.

Within the first week I was exposed to intense training sessions conducted by the Judicial Research Assistants who provided me with deep insight and guidance into the drafting process of various judicial documents. These included proofreading, vetting and head noting High Court and Court of Appeal judgments; the preparation of Digests for Court of Appeal Sittings and Chamber Hearings; and the preparation

of Chamber Hearing Orders for applications determined on paper. Notably, I was also able to hone familiar skills such as conducting legal research to assist the Justices of Appeal with the writing of judgments, and the preparation of case summaries on important matters of law.

The experience also allowed me to gain practical exposure to concepts which I only knew in theory. For example: (1) the standing of applicants in administrative law proceedings is a crucial hurdle that must first be surmounted before any action can be entertained by the Court; (2) reductions in sentences should be applied where there are delays in hearing appeals, especially where the delay was no fault of the appellant; and (3) a trial judge becomes *functus officio* once he/she has imposed a sentence, and therefore has no power to reopen it. Additionally, I gained preliminary exposure to concepts in commercial and environmental law matters as well as an understanding of the Justices of Appeals' analytical determination of applications for leave to appeal, interim injunctions, stays of execution, etc. I was even given the opportunity to draft substantial parts of a judgment determining an appeal against conviction. I was deeply grateful for this challenge and the valuable feedback and guidance received from the Justice of Appeal who developed the final product for publication.

It would be remiss of me if I failed to highlight how extremely pleasant and easy it was to work with the staff of the ECSC. The Chief Registrar, Deputy Chief Registrar, Human Resource Officer, Office Manager, Executive Legal Assistant to the Chief Justice and Judicial Research Assistants, all of

whom I closely interacted with, provided useful guidance and tips for maneuvering around the office and accomplishing tasks. They were always ready to help and provided clarity when needed. Outside of the office, these individuals also provided me and my internship colleague with the opportunity to immerse ourselves in St. Lucia. We visited popular sites and attractions such as the iconic twin peaks – the Pitons, Marigot Bay, Rodney Bay, Sugar Beach and local food spots.

Overall, my experience at the ECSC was truly edifying and fulfilling and will remain forever etched in my memory as a cornerstone of my legal career journey.

SUPPORTING The Court

“The greatest asset of a company is its people.” - Jorge Lemann

Human Resource Department

The Human Resource Department plays a pivotal role in supporting the Eastern Caribbean Supreme Court’s overall mission in attracting and developing talent while fostering a positive and inclusive workplace culture. Over the past year, our department has committed to enhancing the employee experience and aligning HR initiatives with the evolving needs of our dynamic workforce.



Year In Review



Our focus remains on optimizing talent management processes, promoting diversity and inclusion in and leveraging technology to elevate the HR Function. As a department, we look forward to adopting new ways by providing valuable insights to senior leaders and working in response to fulfilling human aspects such as engaging employees and recruits through a physical and virtual space. By doing so, we can make informed decisions that support the organization's strategy and planning activities. Continuous investment in technology and modern infrastructure is key to achieving this objective. HR is committed to developing and expanding our software for workforce analysis and planning, which is a strategic innovation that aligns with the ECSC's innovation and digital agenda.

International Women's Day

The ECSC hosted an International Women's Day event for all our female employees to celebrate their achievements, promote gender equality, and foster a supportive work environment.

The High Tea event aimed to recognize the contributions of women in the workplace, provide opportunities for networking, and empower employees through inspiring discussions and activities. Our guest speaker Mrs. Shermalyn Sidonie a seasoned brand strategist and marketing guru highlighted the role of Women and understanding your personal brand in the workplace. This event aligned with the organization's commitment to diversity, equity, and inclusion, reinforcing the importance of supporting female talent and creating a culture of respect and opportunity for all employees.

Breast Cancer Awareness

The ECSC Human Resources Department observed Breast Cancer Awareness Month to emphasize the significance of early detection, prevention, and support for individuals affected by breast cancer. This initiative aimed to inform staff about breast cancer, encourage regular screenings, and facilitate discussions and awareness within the organization. By promoting a sense of community and solidarity, the HR

Department reaffirmed its commitment to the health and well-being of employees, providing essential resources and fostering a culture of care and support.

Administrative Professionals Day

The ECSC hosted an Administrative Professionals Day training to recognize the vital contributions of administrative staff and enhance their professional development. The event provided valuable skills training, fostered a sense of appreciation, and empowered employees with tools to improve efficiency and effectiveness in their roles. By investing in the growth of administrative professionals, the organization reinforced its commitment to supporting staff development and creating a culture of respect and recognition for all employees.

Employee Recruitment

The Eastern Caribbean Supreme Court (ECSC) has seen notable growth in its workforce over the period, with the addition of several new staff members across various departments. Three individuals were welcomed into the Court of Appeal Registry, while one new staff member joined the Accounts Department. Additionally, the Judiciary saw the appointment of two High Court Judges and three Masters, further strengthening the Court's judicial capacity. The retirement of three judicial officers marks a significant transition for everyone involved. Their contributions will be greatly missed, and we wish them all the best in this new chapter of their lives.

The newly appointed staff members bring fresh expertise and energy to their roles and

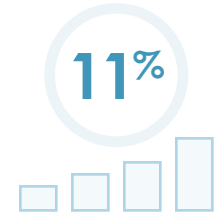
are expected to uphold the highest standards of professionalism, contributing to the Court's mission of providing fair and accessible justice. With the increased capacity, the ECSC aims to further its commitment to improving operational effectiveness and enhancing the overall client experience.

Top Benefits of Onboarding Programmes

Increase retention by



Improve employee performance by up to



ECSC Legal Internship Program

Every year, the ECSC welcomes a new cohort of legal interns to its ten-week legal internship program. This year, the program featured participation from two remarkable students: Ms. Danika Bourg from Jamaica and Mr. Paul McBurnie from Grenada.



Employee Departure

The ECSC formally acknowledged the departure of two employees from the organization over the course of the year, indicating a transition in their respective roles. These departures were managed with professionalism, including the conduct of exit interview reporting to obtain valuable feedback and insights.

HR Management System

The installation of the Orange HR portal streamlined our human resources processes and enhanced accessibility for ECSC staff. This new platform offers a user-friendly interface for all ECSC employees to easily manage personal information, request time off, track attendance,

and access important HR documents. By centralizing our HR functions, the portal improves our efficiency, reduces administrative burdens, and provides staff with greater autonomy and transparency in managing employment details. This upgrade aligns with the ECSC's commitment to leveraging technology to improve the employee experience and support organizational growth.

In the upcoming year, the Human Resources department will transition to a performance management competency-based online system.



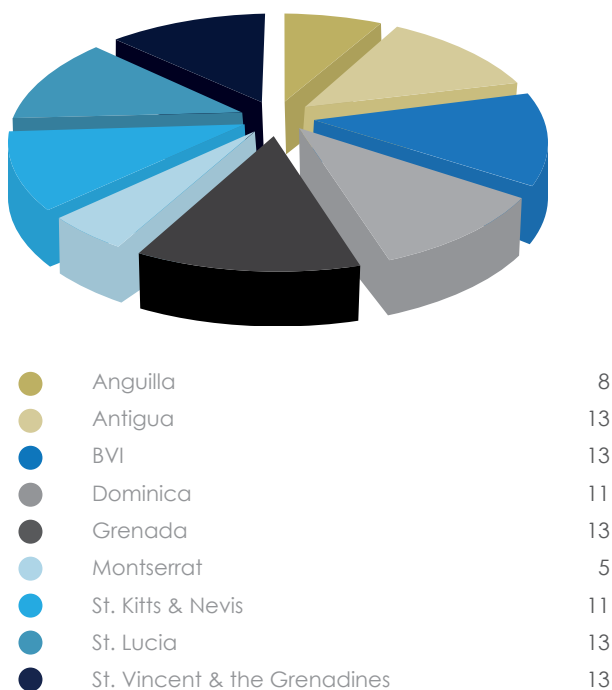
Funding of the Eastern Caribbean Supreme Court

The Eastern Caribbean Supreme Court (ECSC) is primarily funded by contributions from the nine members of the Organization of Eastern Caribbean States (OECS), based on an agreed percentage of the approved annual budget. The percentage allocation is established by agreement between the Governments of all member countries.

Several factors influence the percentage contribution required from each Member country. These include the number of resident judges assigned to each state and the frequency of Court of Appeal sittings scheduled within each Member State and Territory.

Currently, the percentage contribution rates in effect for each Member State and Territory are as follows:

Member States Contributions (Percentage)



Budget Preparation

The financial year of the Court spans from September 1 to August 31 of the following year. As part of its core responsibilities, the Accounts Department prepares the Eastern Caribbean Supreme Court's (ECSC) annual budget. This budget is then submitted by the Chief Justice to the Heads of Government of the Organization of Eastern Caribbean States (OECS), also known as the Authority, for their review and approval.

Before receiving the Authority's final approval, the ECSC's annual budget undergoes a rigorous, three-stage process of development, review and refinement.

Stage One: Preparation

The initial draft of the budget is prepared by the Financial Controller, guided by both the Chief Justice and the Court Administrator. This stage involves analyzing historical financial data and integrating input from the Department Heads at ECSC Headquarters, based on their respective departmental work plans and the Court's overarching strategic goals. Once the draft is completed, it is reviewed at the ECSC level, discussed in detail, and signed off by the Chief Justice.

Stage Two: Committee Review

In this stage, the budget is presented to the Budget Committee, which comprises budget officers and/or financial secretaries from each Member State and Territory. The Committee conducts a thorough review, discussing key budgetary items and offering recommendations or adjustments to refine the proposal. The Court considers these suggestions before proceeding to the final approval stage.

Stage Three: Final Approval by the Authority

In the last stage, the Chief Justice formally presents the budget to the Heads of Government of the OECS (the Authority). The Authority reviews and discusses the critical aspects of the budget, and any necessary adjustments are made to ensure it meets the collective expectations. A unanimous decision by the Authority is required to finalize and approve the budget.

Once approved, the budget becomes a binding treaty obligation for each Member State, requiring them to pay their respective contributions according to the predetermined percentages mentioned earlier. Contributions are due on September 1 each year, though the Court accommodates Member States and Territories (MSTs) by offering flexible payment options, allowing contributions to be made on a monthly, quarterly, or annual basis, paid in advance if desired.

Below are the approved budgets for the current financial year under review and the previous financial year:

The ECSC presented a budget with a 4.09% increase for the 2023/2024 period, primarily aimed at funding essential initiatives and supporting daily operations. This increase was attributed to the following key areas:

- ECSC Courtroom Technology Enhancement Project:** Continued funding was allocated to enhance courtroom technology, including the installation of advanced systems for seamless video conferencing, effective digital recording integrated with Courtroom PA Systems, and electronic presentation of evidence and documents, across the MSTs.
- Replacement of IT Equipment:** Funds were allocated for upgrading essential IT infrastructure, including computer servers in selected MSTs, replacement of outdated laptops for Judges and Staff at the ECSC Headquarters and in MSTs, and new printers for ECSC Headquarters.
- Procurement of New HR Software:** The budget provided for the acquisition of new HR software aimed at offering a more user-friendly, reliable and cost-effective solution for the ECSC.

Cost Centre	Approved Budget 2022/2023	Presented Budget 2023/2024	Percentage Increase/ (Decrease)
Personal Emoluments	14,037,921	14,120,480	0.59%
Administrative Expenses	1,989,377	2,444,187	22.86%
Capital Expenditure	264,200	429,000	62.38%
Judicial Education	542,879	534,358	-1.57%
Judicial and Legal Services Commission	148,668	150,425	1.18%
Total	16,983,045	17,678,450	4.09%

- **Hosting of the Magistrates Conference:** Set for September 2023, this conference marks the first Magistrates training in four years, covering Judicial Leadership/Judicial Conduct, Case Management, Sentencing, and Family Law.
- **Magistrates' Courts Staff Training Program:** The provision for a series of training programmes for Magistrates' Courts Staff in four of the MSTs as part of the three-year training plan of the JEI. This training will be replicated in each island to ensure that all staff within the department receive training. The focus of the training will be on soft skills, such as team building, interpersonal skills, and trust. In this budget cycle training will be carried out for the islands of Dominica, Grenada, Saint Lucia, and St. Vincent and the Grenadines.
- **Cybersecurity Enhancements:** In the 2023/2024 financial year, the ECSC will prioritize a robust cybersecurity strategy that includes procuring essential hardware and software and conducting user awareness and training initiatives to enhance security across the ECSC for Judicial Officers and staff.
- **In-Person Court of Appeal Sessions:** Provisions were also made to resume some in-person sittings of the Court of Appeal in MSTs where travel logistics permits.

Despite the budget increase not fully covering the growing demands, the Court successfully executed numerous programs this financial year. This achievement was made possible through consistent contributions from some

of the MSTs and support from friendly donors, all of which eased cash flow challenges. Key achievements included:

Judicial Education

Joint Symposium 2023

The Joint Symposium, an integral part of the Annual OECS Bar Association Law Fair, was held in Miami in October 2023. The ECSC covered participation costs for the JEI staff and sponsored a subject-matter expert to lead discussions on this topic, enhancing the symposium's value to attendees.

Magistrates Conference 2023

In October 2023, the JEI hosted the Magistrates Conference in Miami, for Magistrates.

Magistrates Court Staff Training

The JEI launched a series of professional development sessions for Magistrates and their court staff. In this budget cycle, training sessions were successfully conducted for staff in Saint Lucia, Dominica, and Grenada.

Information Technology

Electronic Litigation Portal (ELP) Implementation

As ECSC nears the completion of the fifth and final year of the initial contract with the developers of the ELP, substantial progress has been made in its implementation across the Courts of the OECS MSTs. The ELP is now operational in the Magistrates Courts of all MSTs for handling Civil matters, including Family matters. In MSTs with dedicated Family Courts, namely Antigua & Barbuda, Saint Lucia, and St. Vincent & the Grenadines, these Family

Courts have been integrated onto the ELP. The implementation of the Portal to support electronic filing and management of criminal matters in most Magistrates and High Courts has already started and is anticipated to be completed early in the next financial year.

Speech-to-Text Technology Pilot

The IT Department has piloted Speech-to-Text technology in four Courtrooms within the MSTs. This pilot includes the evaluation of two different applications, FTR Justice Cloud and Microsoft Azure AI technology, designed to expedite the production of court transcripts and enhance the efficiency of court proceedings.

Information Services

International Conference and Professional Development

The Information Services Manager attended two key international conferences. The International Federation of Library Associations (IFLA) conference in Rotterdam, partially funded by the Court, and the International Association of Law Libraries (IALL) course in Geneva, fully funded through an IALL bursary.

Mediation Training

MBBI 10th International Peace Congress

The Mediators Beyond Borders International (MBBI) Congress in Nairobi, Kenya, offered high-level training on Restorative Practices, Trauma Informed Peace Building and Creating Communities of Belonging. The event was attended by the Regional Mediation Coordinator with her participation funded by MBBI.

Human Resources

New HR Software Procurement

ECSC procured a new HR software system, enhancing user experience and reliability, and delivering a cost-effective solution for managing human resources effectively.

Judiciary

Court of Appeal Sessions

Some in-person Court of Appeal sittings resumed during this financial year, enhancing access to judicial services in MSTs where logistics permitted.

Timely Funding

The Court continues to face challenges with the timely payment of contributions from certain MSTs. Despite improvements in the consistency of contributions from MSTs that regularly support the Court, delayed payments from other MSTs remain a significant concern.

As the new financial year begins, MSTs with outstanding arrears are encouraged to establish regular payment schedules to settle these dues. Additionally, we urge compliance with the ECSC's proposed supplementary payments for some of the MSTs, prepared following the Authority's decision at their 72nd Meeting in October 2022, to better support the Court's operational needs.

Our Information Resources

Records Management Unit

During the review period, the Records Management Unit (RMU) successfully operated with one staff member shortly after the retirement of the Records and Archives Manager. Despite this, we continued to excel in managing the Court's records effectively.

Correspondence Management

In the post-pandemic landscape, we have adapted to significant changes in mail reception at the Court, particularly with the increased volume of electronic submissions. As a result, the RMU is processing notably less mail than in previous review periods, which allows us to focus on providing even better service.

Active Records Management

Our active records management activities are robust and ongoing, ensuring that business continuity records are consistently up-to-date and readily accessible to all stakeholders. We

are diligently reducing the volume of stored emails by harvesting necessary records and enhancing our management of the Court's electronic records.

Inactive Records Management

Despite space constraints and limitations, the RMU has maintained effective service to the Court throughout this review period. While we currently cannot accept additional records at the Records Centre, we remain unwavering in ensuring prioritised access to inactive records for all stakeholders. When needed, we have gotten the assistance of staff members from other departments to help meet this goal. Looking ahead, we are poised for a more streamlined Records Centre and an efficient, effective Records Management System that will allow us to deliver exceptional service to the Court and its stakeholders.



Law Library

During the reporting period, the library played a vital role in supporting the court's work by significantly enhancing its collection—both physical and digital. This enhancement was driven by the identification of prevalent legal topics as well as direct requests from a diverse range of users, including judicial officers, research assistants, attorneys, and court staff. Recognizing the importance of access to comprehensive legal resources, the team actively leveraged our Caribbean and international networks to request materials that were not found within our existing collection.

The library continues to develop a comprehensive digital repository that includes judgments from the High Court and the Court of Appeal, in addition to important legislation from the court's Member States and Territories. This information is made available through the diligent work of the Registrars of the High Courts. Notably, by the end of 2024, the library successfully received the complete list of 2024 Acts for Montserrat, which was provided by the Attorney General's Chambers in Saint Lucia. Furthermore, articles and documents sent via post are scanned and stored in a digital format, ensuring that they can be easily accessed for future reference.

Throughout the 2023-2024 period, the library received an average of four requests per month from both local and international legal practitioners seeking various services, including legal searches, copies of documents, and access to legal authorities. To facilitate these requests efficiently, we utilised our digital holdings, maintained a well-organized physical

collection, and held subscriptions to essential legal research tools such as LexisNexis and vLex. Among our users, judicial research assistants emerged as the most frequent patrons of the physical collection, indicating a high reliance on the library's resources for their research needs.

In addition to collection development, the library has been tasked with the critical responsibility of preserving and digitizing judgments issued by the Eastern Caribbean Supreme Court (ECSC). This ongoing initiative is of utmost importance to the library, as it aims to keep pace with the continuous flow of newly rendered judgments.

The Library Team also actively engaged with the wider international and regional law library community. We had the privilege of representing our interests at the 38th Conference and Annual General Meeting of the Caribbean Association of Law Libraries (CARALL), which took place in Georgetown Guyana in July 2024. During this event, the Information Services Manager attended the conference in person, contributing valuable insights and fostering connections with other law library professionals in the Caribbean region and beyond.

Information and Communications Technology

ECSC E-Litigation Portal Implementation

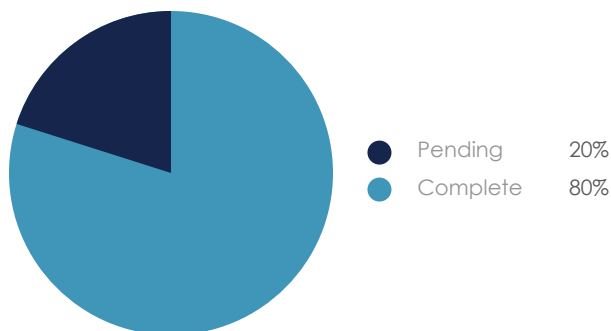
Staff within IT Department under the guidance of the Court Administrator along with the Chief Registrar commenced the implementation the Criminal Module of the ECSC E-Litigation Portal in for/in both the high courts and magistrates in the Member States and Territories (MSTs) in March of 2024. The Implementation was done through the continued configuration of and training in use of the Criminal module of the ELP. Implementations of that Module took place firstly in the Territory of the Virgin Islands and was followed by Grenada, Saint Vincent & the Grenadines, Saint Lucia and Dominica.

Criminal Module of the ECSC E-Litigation Portal

- Territory of the Virgin Islands
- Saint Lucia
- Grenada
- Dominica
- Saint Vincent & the Grenadines

The end-users of the Criminal Module of the Portal have been extended to Police Prosecutors within the various member states and territories. Plans for implementation of the Criminal Module of the ELP in Courts in Antigua & Barbuda, Saint Kitts-Nevis, Anguilla and Montserrat are in-train and should be completed by the end of 2024. These latter implementations will signify the complete implementation of the ELP in

all member states for the electronic filing and management of all case types.



On completion of the Portal implementation focus will be placed on (i) the provision of assistance to MSTs with migration of all court matters (both from physical files and the JEMS system) to the Portal, (ii) ensuring that Court staff and Offices are equipped with adequate hardware (including upgraded local Computer Servers) to utilize the portal and (iii) working with CrimsonLogic to develop enhancements to the portal that would lead to further efficiency in the operations of stakeholders of the Portal. The case migration process will begin with Court of Appeal Matters from the Legacy JEMS application.

ECSC Transcription Preparation Program

The ECSC approved for implementation of two Speech-to-Text transcription systems in order to effectively manage the production of transcripts within High Courts of the Sub-Region, as a pilot project for the ECSC. The Court started the implementation of Speech-to-text technology in four Courtrooms within the MSTs as a pilot. One of the applications is FTR Justice Cloud

which develops transcripts almost in real time (within 15 mins of the spoken word), with up to 95% accuracy. The FTR system has been implemented in courtrooms in St. Kitts-Nevis, Grenada, Saint Vincent and the Grenadines and Dominica. The second Speech-to-Text transcription system utilizes Microsoft Azure AI technology and is being used to address the backlog of Liberty Digital recordings from Courts in the MSTs and provides a text transcript with up to 80% accuracy. The IT Department will evaluate those implementations in terms of their utility to facilitate the quicker generation of transcripts within the Judicial system and with the goal of making the technologies available in all Courtroom in the High Courts.

The ECSC is still seeking to complete the development of a revised **COA Online Transcript Request Portal** (accessible from the ECSC website) with several new features, and which will allow for greater involvement of Registrars in requests made for transcripts by parties and litigants.

Jury Management System

The implementation of electronic Jury Management is still on the “cards” for the Court. A phased approach to implementation of this technology is being explored in Member States and Territories (MSTs) where appropriate legislative changes now allow for its use particularly in the Jury Selection process. The Territory of the Virgin Island recently updated its legislation associated with Jury selection and management and is being considered as the first country for implementation of an electronic Jury Management system, We are

currently assessing the product – Avenu | Jury by Avenu Insights & Analytics. The ECSC hosted a planned demonstration of the Avenu | Jury Management Solution to all Registrars in the MSTs and received positive feedback of the product.



TVI Magistrates Court Staff at Criminal Module ELP Training



Section of Participants in St. Kitts Criminal Module Training



Section of Grenada Magistrates Court Staff at Criminal Module ELP Training

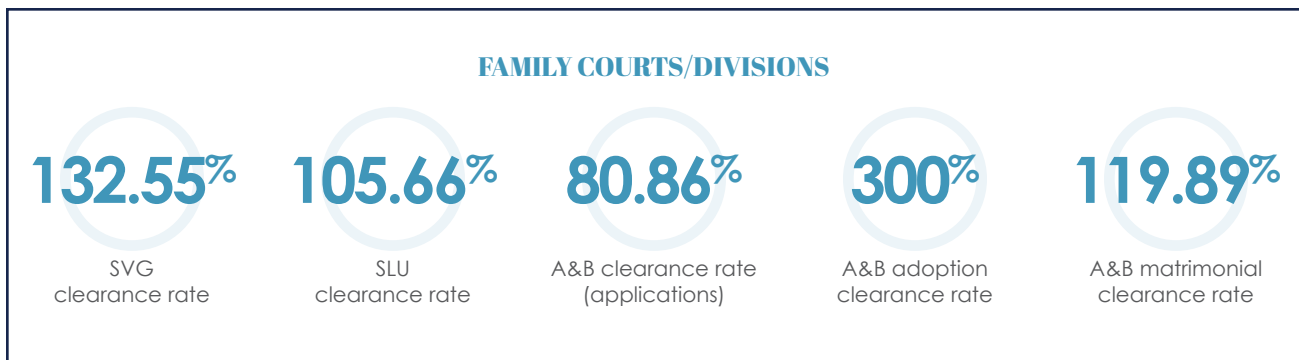
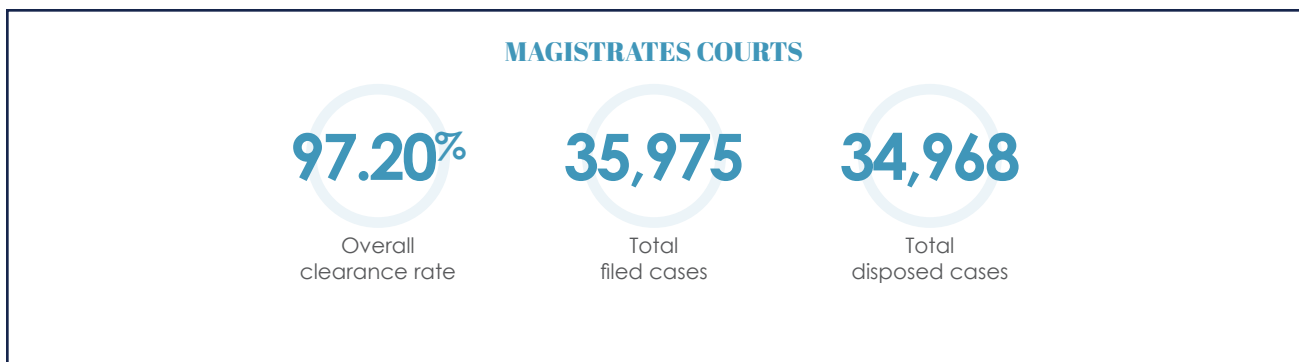
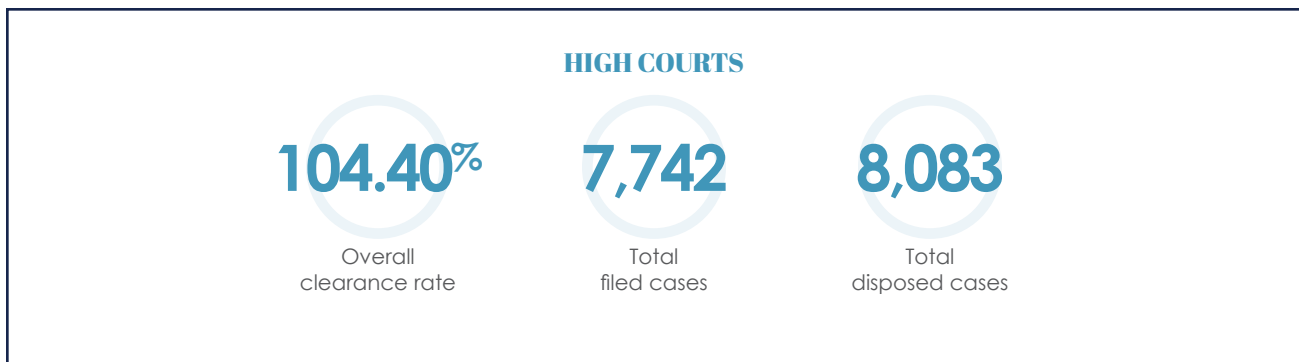
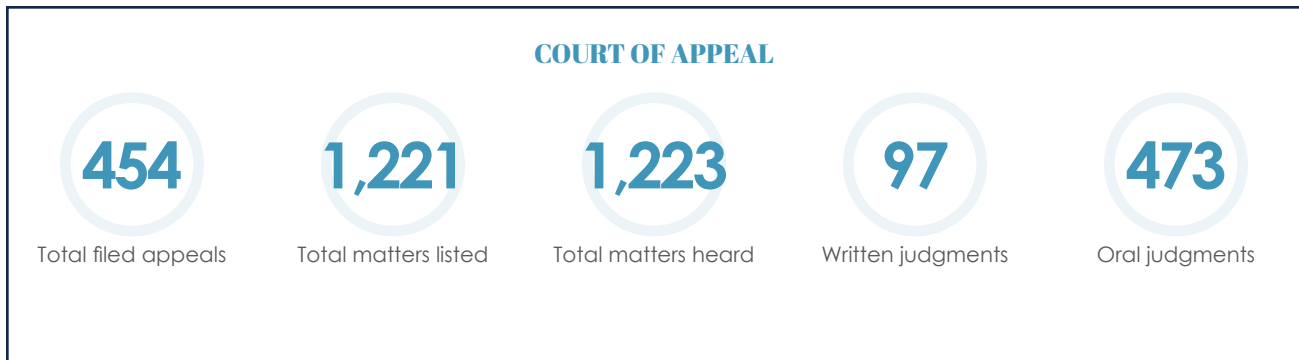
COURT Performance

Synopsis

This report highlights information on the caseload of the Eastern Caribbean Supreme Court for the calendar year 2023 including cases filed and disposed of as well as clearance rates, time to disposition and pending cases. The flowchart below gives a snapshot of the volume of cases managed at the various levels of the ECSC.



Eastern Caribbean Supreme Court: 2023 Performance at a glance



Section I Court of Appeal

There were 454 appeals filed in total in the High Courts and Magistrates Courts during the year 2023 for which the breakdown is shown below:



An examination of the data in Table 1 (a) shows that total filed appeals trended upwards from 2021 to 2023. Over the 3-year period, Civil and Criminal appeals were on average 50.96% and 33.92% respectively of total filed appeals. The figures also show that Civil appeals were much more frequently filed in the High Courts than Criminal appeals, but the opposite was true for the Magistrates Courts where Criminal appeals were more prevalent, albeit to a lesser degree.

Table 1 (a) Total Appeals Filed by Case Type, 2021 to 2023

Type of Appeal	2021			2022			2023		
	High Court	Magistrates Court	Total	High Court	Magistrates Court	Total	High Court	Magistrates Court	Total
Civil Appeals	176	36	212	163	27	190	176	59	235
Criminal Appeals	61	53	114	78	57	135	92	83	175
Commercial Appeals	53		53	82		82	35		35
Industrial/Labour	0		0	10		10	9		9
Total	290	89	379	333	84	417	312	142	454

Figure 1a: Total Appeals Filed by Case Type, 2021 to 2023

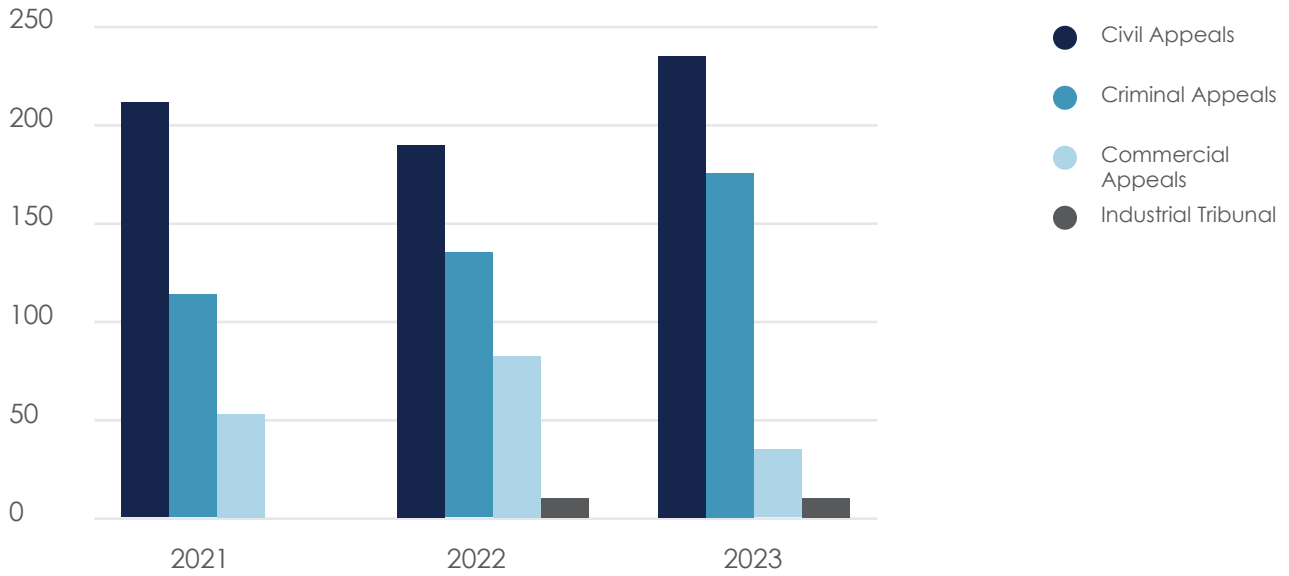
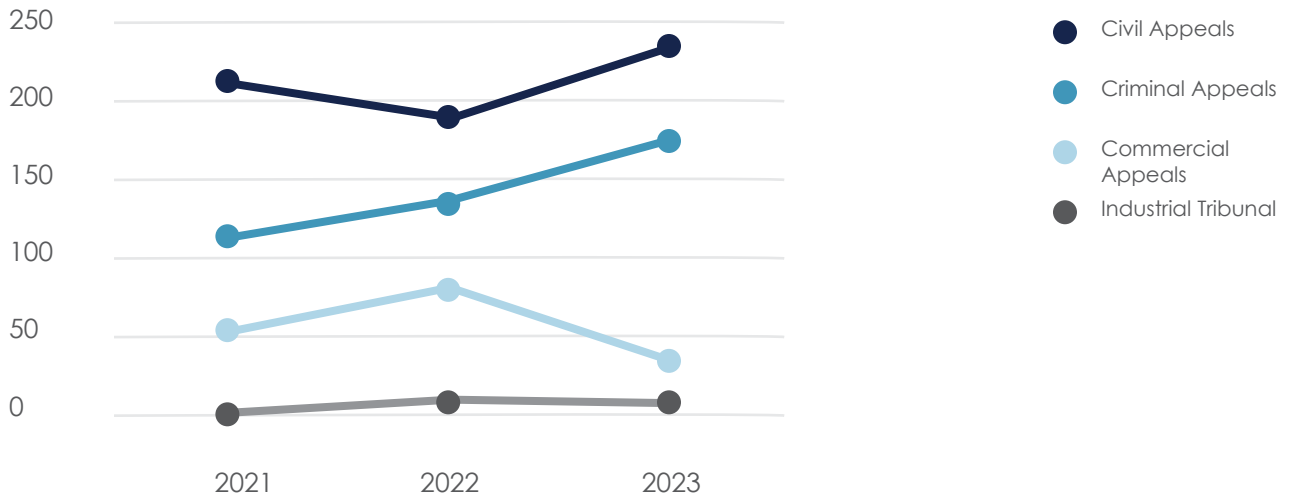


Figure 1b: Total Appeals Filed by Case Type, 2021 to 2023



Tables 1(b) to 1(g) show the numbers of filed appeals by case type for the various Member States and Territories from 2021 to 2023.

1(b) High Court Civil Appeal Cases Filed from 2021 to 2023

High Court Civil Appeal Cases Filed	2021	2022	2023
Anguilla	11	4	9
Antigua and Barbuda	27	28	41
Commonwealth of Dominica	13	3	13
Grenada	42	30	37
Montserrat	12	25	10
Saint Lucia	17	22	29
Saint Vincent and the Grenadines	15	3	6
St. Kitts and Nevis	29	33	25
Territory of the Virgin Islands	10	15	6
Total	176	163	176

1(c) High Court Criminal Appeal Cases Filed from 2021 to 2023

High Court Criminal Appeal Cases Filed	2021	2022	2023
Anguilla	0	5	0
Antigua and Barbuda	12	13	10
Commonwealth of Dominica	2	1	5
Grenada	17	19	22
Montserrat	4	6	2
Saint Lucia	7	7	5
Saint Vincent and the Grenadines	11	15	28
St. Kitts and Nevis	8	7	15
Territory of the Virgin Islands	0	5	5
Total	61	78	92

1(d) High Court Commercial Appeal Cases Filed from 2021 to 2023

High Court Commercial Appeal Cases Filed	2021	2022	2023
Territory of the Virgin Islands	48	74	31
Saint Lucia	5	8	4
Total	53	82	35

I(e) High Court Industrial/Labor Appeal Cases Filed from 2021 to 2023

High Court Industrial/Labor Appeal Cases Filed	2021	2022	2023
Antigua and Barbuda (Labor Tribunal)	0	10	9
Total	0	10	9

I(f) Magisterial Court Civil Appeal Cases Filed from 2021 to 2023

Magisterial Court Civil Appeal Cases Filed	2021	2022	2023
Anguilla	0	0	1
Antigua and Barbuda	6	6	14
Commonwealth of Dominica	3	2	12
Grenada	0	2	3
Montserrat	2	1	3
Saint Lucia	4	1	0
Saint Vincent and the Grenadines	8	4	8
St. Kitts and Nevis	13	8	14
Territory of the Virgin Islands	0	3	4
Total	36	27	59

I(g) Magisterial Court Criminal Appeal Cases Filed from 2021 to 2023

Magisterial Court Criminal Appeal Cases Filed	2021	2022	2023
Anguilla	1	1	2
Antigua and Barbuda	4	2	6
Commonwealth of Dominica	14	11	14
Grenada	8	2	13
Montserrat	4	2	2
Saint Lucia	2	3	3
Saint Vincent and the Grenadines	13	24	29
St. Kitts and Nevis	3	7	10
Territory of the Virgin Islands	4	5	4
Total	53	57	83

The total number of written judgments, shown in Table 1 (h) following, continuously increased from 2021 to 2023 and more than doubled from the start to the end of the 3-year period. These written judgments included oral judgments reduced to writing and reasons for decisions. There were 103 of these written judgments delivered by the Full Court in 2023. The bulk of written judgments over the years were for the Territory of the Virgin Islands.

Table 1(h): Written Judgments delivered by the Court of Appeal by Member State, 2021 to 2023

Total Written Judgments Delivered (including oral judgments reduced to writing and reasons for decisions)						
Member States	2021 Total	2021 (%)	2022 Total	2022 (%)	2023 Total	2023 (%)
Anguilla	2	4.00	1	1.27	7	6.80
Antigua and Barbuda	8	16.00	15	18.99	10	9.71
Commonwealth of Dominica	2	4.00	3	3.80	5	4.85
Grenada	4	8.00	7	8.86	2	1.94
Montserrat	3	6.00	9	11.39	6	5.83
Saint Lucia	5	10.00	9	11.39	15	14.56
Saint Vincent and the Grenadines	4	8.00	2	2.53	7	6.80
St. Kitts and Nevis	3	6.00	9	11.39	8	7.77
Territory of the Virgin Islands	19	38.00	24	30.38	43	41.75
Total	50	100.00	79	100.00	103	100.00

Data on the Court of Appeal sittings which took place from 2021 to 2023 is given in Table 1(i) below. The numbers of Full Court Sittings, Status Hearings and Chamber Hearings remained relatively constant over the three years while Extraordinary Full Court Sittings fluctuated, with a spike in 2022 and subsequent decline in 2023.

The Extraordinary Sittings are those not scheduled in advance for any calendar year when compared to the usual sittings. These occur during non-sit weeks whether by the Full Court, a single judge or the Chief Registrar. The Court also schedules Case Management Hearings from time to time as needed; these are done by either a single judge or the Chief Registrar.

Table 1 (i) Activities of the Court of Appeal: 2021 to 2023

Activity	2021	2022	2023
Full Court Sittings	22	22	21
Extraordinary Full Court Sittings	3	17	9
Status Hearings	22	22	21
Chamber Hearings	11	11	11
Case Management Hearings	---	---	5
Total	58	72	67

Case management hearings are included from 2023

Figure 2: Activities of the Court of Appeal, 2021 to 2023

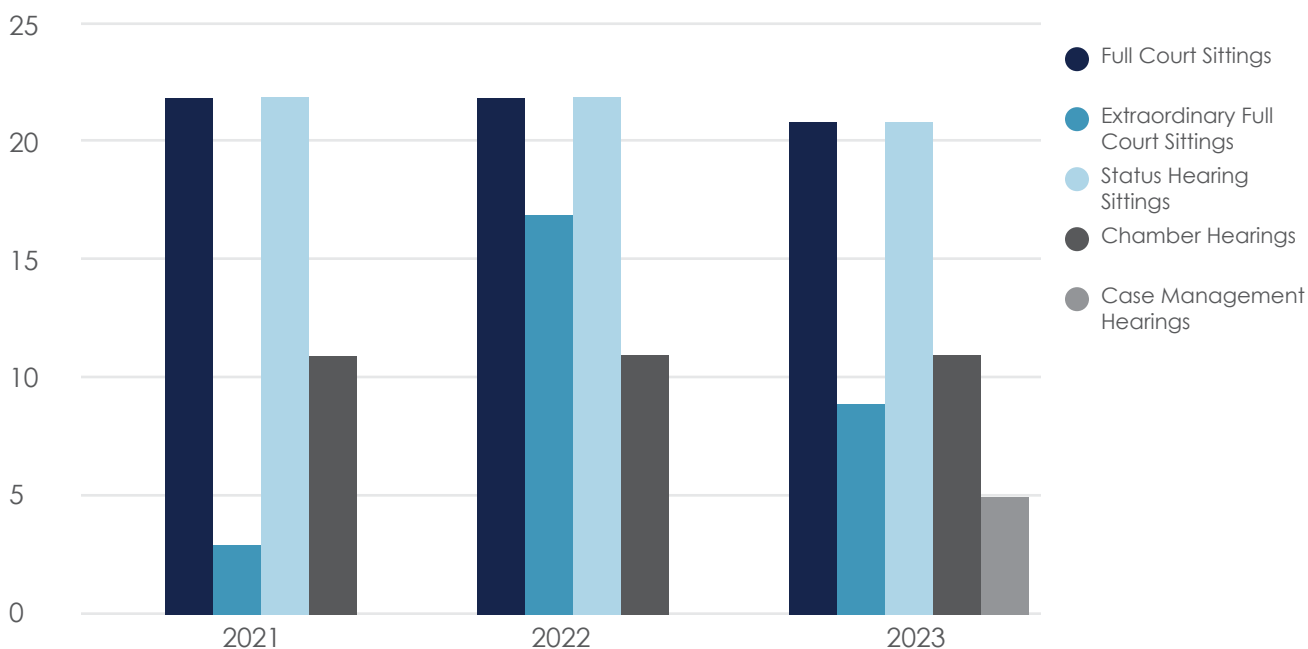


Table 1(j) shows the total numbers of appeal matters (applications and appeals) listed and heard for the year 2023 during Full Court Sittings, Status Hearings and Chamber Hearings. Matters heard during Extraordinary Sittings and as Extraordinary Applications are also included within Full Court and Chamber Hearings respectively. The Extraordinary applications are applications set down for hearing on paper or in person including urgent applications and consent orders.

The numbers of appeals heard do not directly correlate with appeals filed [Tables 1(a) to 1(g)] since appeals filed from previous years could have been heard during 2023 and not all appeals filed in 2023 were listed for hearing.

In 2023, for Full Court sittings, Status and Chamber Hearings combined, there were 1,221 matters which were listed, and 1,223 matters heard. 23 of the High Court Civil Appeals listed and heard during Full Court sittings were Commercial cases.

Table 1 (j): Numbers of applications and appeals listed and heard during Full Court Sittings, Status and Chamber Hearings in 2023

Type of Matter	Matters Listed 2023	Matters Heard 2023 (including adjournments)
FULL COURT SITTINGS		
Applications/Motions (including 45 from Extraordinary Sittings)	154	158
High Court Civil Appeals (including 23 Commercial)	104	104
High Court Criminal Appeals	18	18
Magisterial Civil Appeals	10	10
Magisterial Criminal Appeals	28	27
Total appeal matters for Full Court Sittings	314	317
STATUS HEARINGS		
Applications/Motions	4	4
High Court Civil Appeals	134	134
High Court Criminal Appeals	90	90
Magisterial Civil Appeals	62	62
Magisterial Criminal Appeals	111	110
Total for Status Hearings	401	400
CHAMBER HEARINGS		
Total for all Chamber matters (including 120 Extraordinary applications)	506	506
Total for all Sittings	1,221	1,223

The previous table, Table 1 (j), focused on the appeal matters listed and heard. In addition to this, the outcomes of the matters heard are included in Figure 3 which shows the flow of appeal matters. The outcomes in the last tiers in the blue box indicate those which reflect dispositions. Status Hearings are geared more towards determining the status of matters which at the time have not progressed to the stage of hearing and hence not many matters, if any, are disposed of during these hearings.

Figure 3: Appeal matters heard and disposed of during Full Court Sitzings, Status and Chamber Hearings in 2023

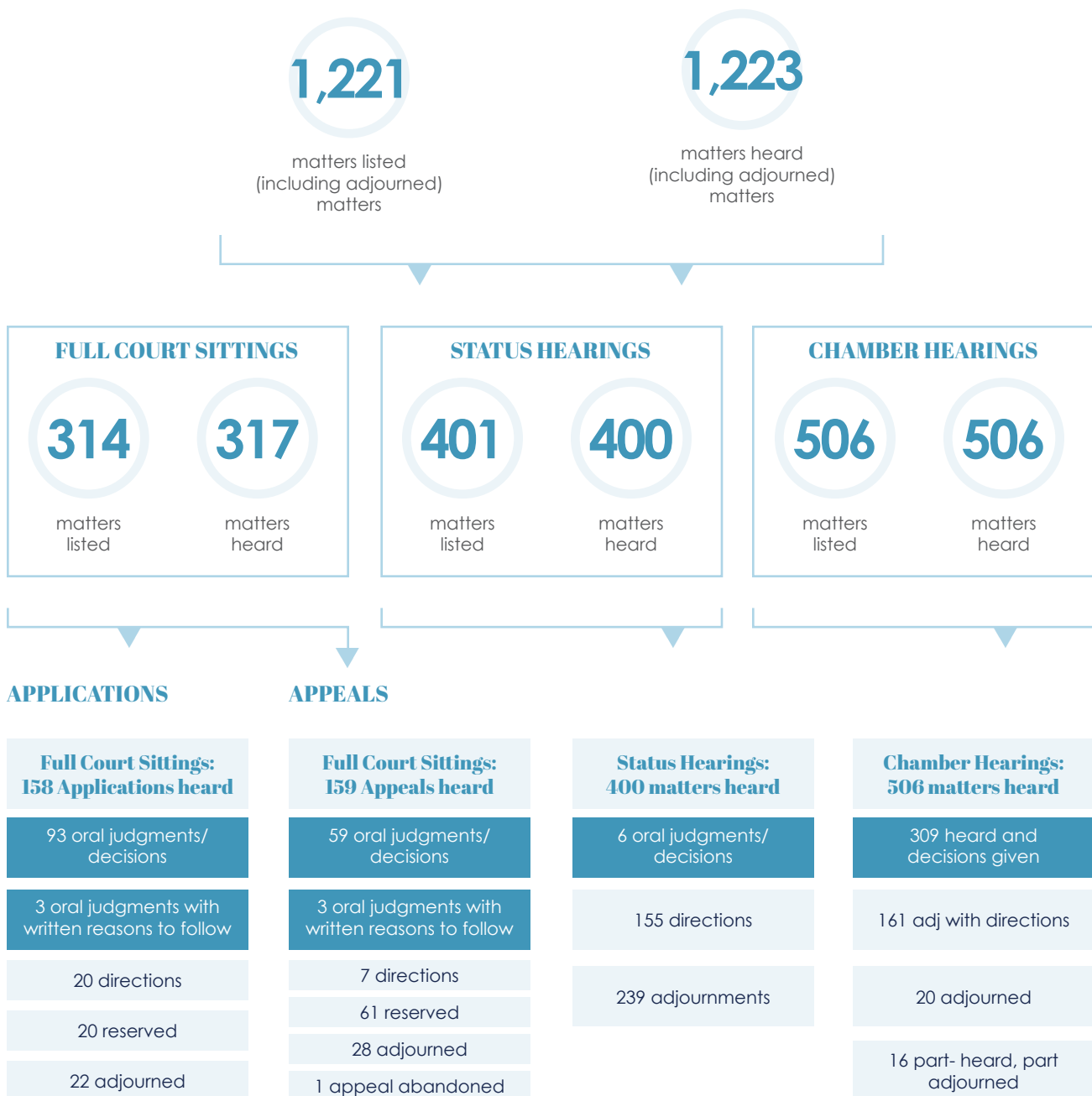


Table 1 (k) below shows the numbers of written judgments and oral judgments /decisions for the year 2023.

Table 1 (k) Comparison between Oral Judgments/Decisions and Written Judgments Delivered by the Court of Appeal, 2023

Year	Number
Number of written judgments (includes oral judgments reduced to writing and reasons for decisions)	103
Number of oral judgments/decisions	473
Total Decisions delivered	576

Pending Appeals

Tables 1 (l) and 1 (m) show the number of Pending appeals (matters not concluded or disposed of) as at the end of 2023. There were 827 appeals pending at the end of 2023.

Table 1 (l) Number of Pending Appeals as at the end of 2023, per jurisdiction

Member State	Number of Pending Appeal Matters as at the end of 2023	Percentage (%) of Pending Appeal matters as at the end of 2023
Antigua and Barbuda	160	19.35
Anguilla	27	3.26
Commonwealth of Dominica	45	5.44
Grenada	130	15.72
Montserrat	26	3.14
Nevis	52	6.29
Saint Lucia	84	10.16
St. Kitts	108	13.06
St. Vincent and the Grenadines	97	11.73
Territory of the Virgin Islands	98	11.85
Total	827	100.00

Table 1 (m) Age of Pending Appeals as at the end of 2023

The data in Table 1 (m) shows that 54.78% of incomplete appeals have been pending for 540 days or less and 45.22% have been pending for more than 540 days. 540 days is roughly one and a half years.

Age in days	Number of Cases	Percentage (%)	Cumulative Percentage (%)
0 – 90	87	10.52	10.52
91-180	90	10.88	21.40
181-270	99	11.97	33.37
271-365	74	8.95	42.32
366-450	55	6.65	48.97
451-540	48	5.80	54.78
>540	374	45.22	100.00
Total Cases	827	100.00	

Section 2: High Courts

The overall clearance rate for the High Courts spiked from 68.13% to 102.81% between 2021 and 2022 and the upward trend continued to 104.40% in 2023. The overall clearance rates for the latter two years were above 100%. This was mainly because of the high overall clearance rates of 271.28% and 256.40% recorded in Antigua and Barbuda for these years which resulted from a special project undertaken to clear the backlog of civil cases. It should be noted that Saint Vincent and the Grenadines was the only other jurisdiction with a clearance rate above 100% from 2021 to 2023; clearance rate of 116% in 2023. The total numbers of filed as well as disposed cases progressively increased from 2021 to 2023.

Table 2 (a) Comparison of clearance rates in the High Courts: 2021 to 2023

Country	2021			2022			2023		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Anguilla	166	121	72.89	164	130	79.27	178	157	88.20
Antigua and Barbuda	1,015	716	70.54	1,121	3,041	271.28	1,101	2,823	256.40
Comm. of Dominica	410	167	40.73	582	344	59.11	673	233	34.62
Grenada	1,151	453	39.36	1,327	407	30.67	1,490	985	66.11
Montserrat	87	50	57.47	97	68	70.10	113	59	52.21
St. Kitts and Nevis	703	462	65.72	770	690	89.61	830	685	82.53
Saint Lucia	1,899	1,489	78.41	1,716	1,494	87.06	1,697	1,593	93.87
St. Vincent and the Grenadines	518	477	92.08	562	535	95.20	600	696	116.00
Territory of the Virgin Islands	904	734	81.19	967	802	82.94	1,060	852	80.38
TOTAL	6,853	4,669	68.13	7,306	7,511	102.81	7,742	8,083	104.40

Figures 4 and 5 depict the total numbers of filed and disposed cases from 2021 to 2023 as well as the clearance rates.

Figure 4: Total Filed and Disposed cases in the High Courts: 2021 to 2023

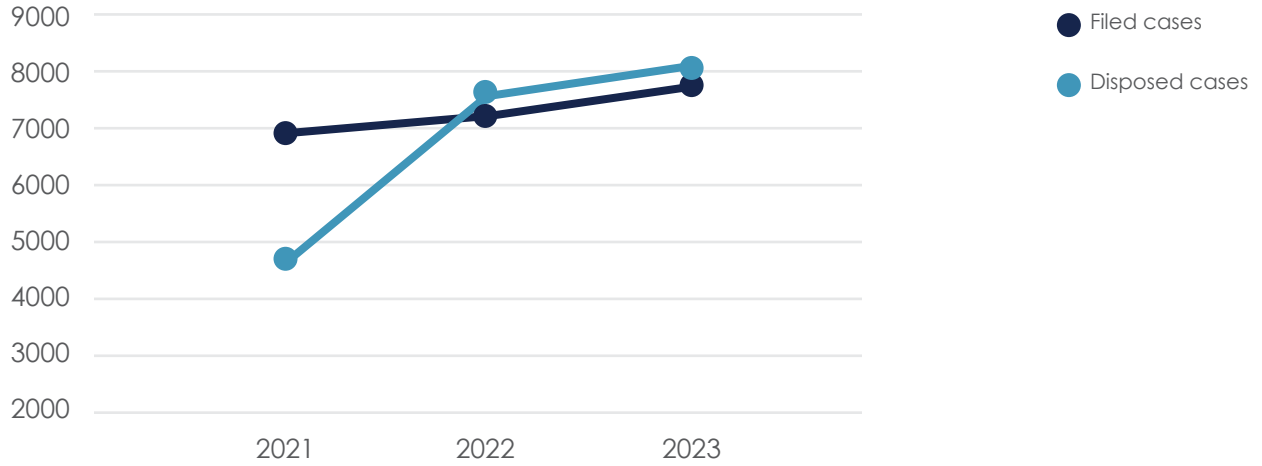
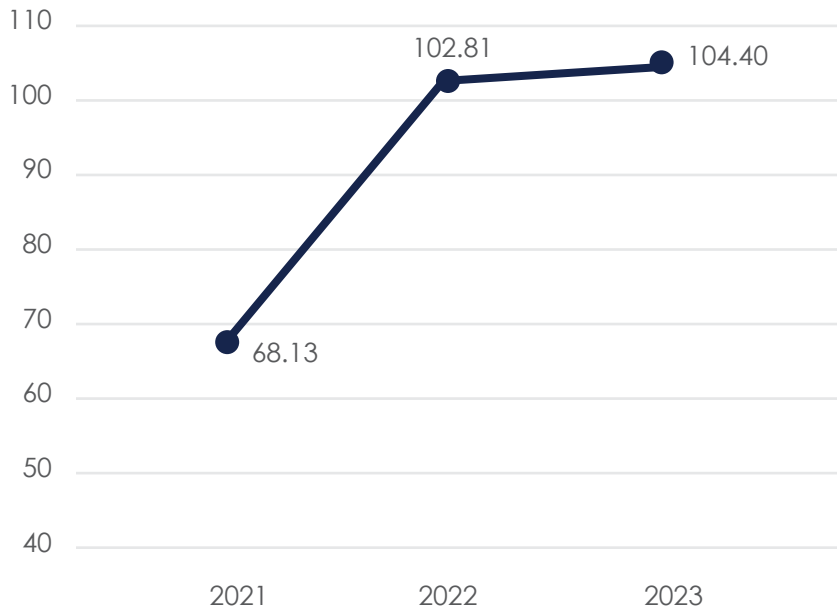


Figure 5: Total Clearance Rates (%) of cases in the High Courts: 2021 to 2023



Data in Table 2(b) points to the following: Civil cases followed by Probate cases formed the bulk of the High Courts caseload. Together these case types accounted for 71.72% and 75.59% of total filed and disposed cases respectively. Civil and Commercial cases recorded clearance rates above 100% which was indicative of some backlog reduction specific to these two case types. The high number of Civil cases disposed in Antigua and Barbuda was the main contributing factor for the high clearance rate for that case type.

Table 2 (b) Clearance Rates of cases by Major Case Type in the High Courts: 2023

Case Type	2023				
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases	Clearance Rates (%)
Civil	3,029	39.12	3,868	47.85	127.70
Probate	2,524	32.60	2,242	27.74	88.83
Matrimonial	1,041	13.45	1,015	12.56	97.50
Criminal	741	9.57	523	6.47	70.58
Commercial	332	4.29	370	4.58	111.45
Adoption	62	0.80	53	0.66	85.48
Admiralty	13	0.17	12	0.15	92.31
TOTAL	7,742	100.00	8,083	100.00	104.40

The following lists some of the highlights from Table 2 (c):

- Civil and Probate cases amounted to 71.72% of total filed cases.
- Saint Lucia recorded over half of total filed Criminal cases (405 or 54.66%).
- Saint Lucia, Grenada, Antigua and Barbuda as well as the Territory of the Virgin Islands High Courts all registered over 1000 filed cases each and together had 69.08% of the total filed caseload in the High Courts.

Table 2 (c) Cases Filed in the High Courts by Case Type and Member State: 2023

Member States	2023								Country Total as a % of Total
	Admir.	Adopt.	Civ.	Comm.	Crim.	Matri.	Probate	Total	
Anguilla	1	1	46		12	46	72	178	2.30
Antigua and Barbuda	2	6	468		101	176	348	1,101	14.22
Commonwealth of Dominica		16	277		17	74	289	673	8.69
Grenada	4	9	666		52	205	554	1,490	19.25
Montserrat			48		20	3	42	113	1.46
Saint Lucia	2	21	533	31	405	219	486	1,697	21.92
Saint Vincent and the Grenadines	1	2	219		26	135	217	600	7.75
St. Kitts and Nevis		5	387		81	126	231	830	10.72
Territory of the Virgin Islands	3	2	385	301	27	57	285	1,060	13.69
TOTAL	13	62	3,029	332	741	1,041	2,524	7,742	100.00
Case Type as a % of Total	0.17	0.80	39.12	4.29	9.57	13.45	32.60	100.00	

The following main points are observed from the data in Table 2(d):

- 2,823 or 34.93% of total disposed cases were from Antigua and Barbuda. This was attributed to the high 2,221 Civil cases disposed of in that jurisdiction due to a special project which targeted the disposal of Civil case backlog. This also caused a spike in total disposed Civil matters which were almost half (47.85%) of total disposed cases.
- The 2,221 disposed Civil cases from Antigua and Barbuda were 57.42% of total disposed Civil cases.
- Apart from Antigua and Barbuda, Saint Lucia was the only jurisdiction which recorded over 1,000 disposed cases (1,593 or 19.71% of total disposed cases).
- 51.24% of disposed Criminal cases were from Saint Lucia.

Table 2 (d) Cases Disposed in the High Courts by Case Type and Member State: 2023

Member States	2023								Country Total as a % of Total
	Admir.	Adopt.	Civ.	Comm.	Crim.	Matri.	Probate	Total	
Anguilla		1	36		9	40	71	157	1.94
Antigua and Barbuda	10	18	2,221		74	211	289	2,823	34.93
Commonwealth of Dominica		8	98		20	52	55	233	2.88
Grenada	2	5	131		43	174	630	985	12.19
Montserrat			11		9	3	36	59	0.73
Saint Lucia		13	475	105	268	162	570	1,593	19.71
Saint Vincent and the Grenadines			394		45	194	63	696	8.61
St. Kitts and Nevis		8	252		35	139	251	685	8.47
Territory of the Virgin Islands			250	265	20	40	277	852	10.54
TOTAL	12	53	3,868	370	523	1,015	2,242	8,083	100.00
Case Type as a % of Total	0.15	0.66	47.85	4.58	6.47	12.56	27.74	100.00	

Table 2 (e) shows data on events obtained from the JEMS and/or ELP software. The 3 most common events in the High Courts were Case Management Conferences, Chamber Hearings and Open Court Hearings, which together accounted for over half (55.08%) of total events. Case Management Conferences (Masters Hearings included) accounted for just over one quarter of the total events. The full list of events by jurisdiction is given in Table 2 (f). The Courts are encouraged to schedule events correctly in the software so that the data retrieved is accurate.

Table 2 (e) The three most frequently occurring Events in the High Courts as obtained from JEMS and the ELP: 2023

Type of event	Total	% of Total
Case Management Conference (includes Masters Hearing)	6,593	26.00
Chamber Hearing	4,781	18.85
Open Court Hearing	2,595	10.23

Table 2 (f) Summary of Events in the High Courts as obtained from JEMS and the ELP: 2023

Types of Events	2023										
	Ang.	A & B	Comm. of Dom.	Gren.	Mont.	SKN	SLU	SVG	TVI	Total	% of Total
Case Management Conference/Masters Hearing	21	1,251	622	750	220	185	3,182	103	259	6,593	26.00
Chamber Hearing	117	733	289	698	11	513	887	1,110	423	4,781	18.85
Open Court Hearing	24	330	269	359	214	167	548	408	276	2,595	10.23
Criminal Trial	9	23	10	2	1	61	1,707	11	16	1,840	7.26
Sufficiency Hearing							1,329			1,329	5.24
Application Without Hearing				1		71	1,095			1,167	4.60
Uncontested Divorce	71	295	71	194	4	89	238			962	3.79
Fixed Date Claim Form Hearing/First Hearing	7	109		221	28	57	236	5	169	832	3.28
Arraignment	15				5		639		9	668	2.63
Judgment summons		379	80		5	13			65	542	2.14
Status Hearing	16	5			23	5	490		2	541	2.13
Mention/Further Mention							504			504	1.99
Omnibus Conference/Hearing							492			492	1.94
Civil Trial	7	93	5	115	2	15	145		38	420	1.66
Pre -Trial Review/ conference	7	99	11	26	22	23	174		18	380	1.50
Bail Hearing (this may be captured under Criminal Trial for other jurisdictions)							226		11	237	0.93
Judgment Delivery/Decision Hearing	11	20	14		30	11	101			187	0.74
Request for directions/ Directions Hearing					70				52	122	0.48
Application for Committal Orders/ Committal Proceedings		58				1	34			93	0.37
Divorce/Contested Divorce/Decree Nisi	3	8		2		6	20	1	44	84	0.33
Exparte Hearings	6	1		1	11	10	1		47	77	0.30
Sentencing	24				2	49				75	0.30
Oral Exam		14		13		2	15			44	0.17
Matrimonial/ Ancillary Relief									30	30	0.12
Application without Notice				1						1	approx. 0.00
Other	16	5		7	227		418		88	761	3.00
Total	354	3,423	1,371	2,390	875	1,782	11,977	1,638	1,547	25,357	100.00

Events unique to one or two jurisdictions are listed under OTHER

Antigua and Barbuda other - 1 listing hearing, 1 hearing of petition, 3 mediation

Montserrat other -158 listing hearing, 63 judicial review, 6 hearing of petition

Saint Lucia other -180 sentence indication, 125 fitness hearing, 69 judicial sale, 40 confiscation order, 4 jail delivery

Anguilla other - 3 decree absolute, 5 report, 8 mixed cause list

Territory of the Virgin Islands other - 88 application to the bar

Grenada other -7 special procedure

St. Vincent and the Grenadines note - very few events available from software

Time to Disposition Reports for High Courts in 2023, as obtained from JEMS and the ELP

The tables in this section highlight data on “time to disposition” of cases obtained from both JEMS and the ELP software, for the High Courts in the year 2023. This is a measure of how long cases take from the time of filing to disposition. Some of the data is not consistent with previous tables on disposed cases since the Court Offices manually added data in the process of verifying JEMS and ELP information contained in the previous tables on disposed cases.

As observed from Table 2 (j), the overall timeframe where most cases were disposed, was “>720 days” during which 45.06% of cases were disposed. This was mostly attributed to the high 2,191 disposed cases in this timeframe for Antigua and Barbuda (the high disposed total for Antigua and Barbuda was discussed previously). In addition to Antigua and Barbuda, Saint Lucia as well as St. Vincent and the Grenadines had their highest numbers of cases disposed of within the “>720” timeframe.

Jurisdictions such as Grenada, Montserrat, St. Kitts and Nevis in addition to the Territory of the Virgin Islands had their highest numbers of cases disposed within the “1 to 90 days” interval while Anguilla and the Commonwealth of Dominica had their highest disposals in the “180 – 360 days” period.

Table 2(j) Time to Disposition in days as obtained from JEMS and the ELP, High Courts, 2023

Time to disp. of all cases	Anguilla	Antigua and Barbuda	Comm. of Dominica	Grenada	Montserrat
<1	0	1	2	3	4
1 to 90	43	285	48	259	42
91 – 180	28	155	32	201	5
181-360	45	122	63	127	1
361-720	17	68	54	85	3
>720	28	2,191	31	59	1
Total cases	161	2,822	230	734	56

Table 2(j) Time to Disposition in days as obtained from JEMS and the ELP, High Courts, 2023 (continued)

Time to disp. of all cases	Saint Lucia	St. Kitts & Nevis	St. Vincent and the Grenadines	Territory of the Virgin Islands	Total	% of Total
<1	4	3	1	3	21	0.26
1 to 90	377	177	47	429	1,707	21.25
91 – 180	181	150	15	303	1,070	13.32
181-360	217	132	34	180	921	11.47
361-720	253	99	26	89	694	8.64
>720	603	128	519	60	3,620	45.06
Total cases	1,635	689	642	1,064	8,033	100.00

Montserrat and Nevis data is only from the ELP; no JEMS access

Figure 6: Percentage of cases disposed per time frame as obtained from JEMS and the ELP, High Courts, 2023

•	<1	0%
•	1 to 90	21%
•	91 – 180	13%
•	181-360	12%
•	361-720	9%
•	>720	45%

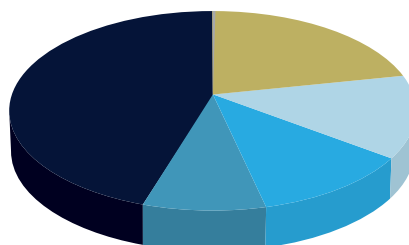


Table 2(k) displays the cumulative percentages, which are the percentage of cases disposed of within or by a certain time limit. Overall, 54.94% of cases were disposed of within 24 months or 2 years in the High Courts. Montserrat, the Territory of the Virgin Islands and Grenada had over 90% of their cases disposed of within the 2 years; however, Montserrat's figure was based only on the ELP data (refer to note below Table 2(j)).

Anguilla, the Commonwealth of Dominica in addition to St. Kitts and Nevis had over 80% of cases disposed within 2 years. Notably, Antigua and Barbuda as well as St. Vincent and the Grenadines disposed of relatively much lower percentages of cases within 2 years indicating that most of their disposals took more than 2 years.

Table 2(k) Cumulative Percentages (% of cases disposed within given timeframes), as obtained from JEMS and the ELP, High Courts, 2023

Timeframes	Member States/Territories				
	Anguilla	Antigua and Barbuda	Commonwealth of Dominica	Grenada	Montserrat
90 days/ 3 months	26.71	10.13	21.74	35.69	82.14
180 days/ 6 months	44.10	15.63	35.65	63.08	91.07
360 days/12 months/ 1 year	72.05	19.95	63.04	80.38	92.86
720 days/24 months/ 2 years	82.61	22.36	86.52	91.96	98.21

Table 2(k) Cumulative Percentages (% of cases disposed within given timeframes), as obtained from JEMS and the ELP, High Courts, 2023 (Continued)

Timeframes	Member States/Territories				
	Saint Lucia	St. Kitts and Nevis	St. Vincent and the Grenadines	Territory of the Virgin Islands	Overall
90 days/ 3 months	23.30	26.12	7.48	40.60	21.51
180 days/ 6 months	34.37	47.90	9.81	69.08	34.83
360 days/12 months/ 1 year	47.65	67.05	15.11	86.00	46.30
720 days/24 months/ 2 years	63.12	81.42	19.16	94.36	54.94

Pending Cases Reports

The tables below showcase data on Pending Cases as at December 31, 2023. Data was retrieved both from JEMS and the ELP. The Court Offices are encouraged to review their Pending Cases reports in both software applications to ensure that they are accurate, by verifying that the required fields to properly dispose of cases, are properly completed in the software.

2(l) Anguilla High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	39	0	39	2.72	2.72
91-180	41	2	43	3.00	5.73
181-270	38	4	42	2.93	8.66
271-365	26	0	26	1.82	10.47
366-450	31	0	31	2.16	12.64
451-540	24	1	25	1.75	14.39
>540	265	961	1,226	85.61	100.00
Total Cases	464	968	1,432	100.00	

2(m) Antigua High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	258	0	258	2.64	2.64
91-180	215	27	242	2.48	5.12
181-270	272	0	272	2.79	7.91
271-365	261	24	285	2.92	10.83
366-450	236	18	254	2.60	13.43
451-540	257	8	265	2.71	39.92
>540	2,332	5,856	8,188	83.86	100.00
Total Cases	3,831	5,933	9,764	100.00	

2(n) Commonwealth of Dominica High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 – 90	127	0	127	1.02	1.02
91-180	135	1	136	1.09	2.11
181-270	191	1	192	1.54	3.66
271-365	170	1	171	1.37	5.03
366-450	97	0	97	0.78	5.81
451-540	98	4	102	0.82	6.63
>540	327	11,287	11,614	93.37	100.00
Total Cases	1,145	11,294	12,439	100.00	

2(o) Grenada High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	351	0	351	1.91	1.91
91-180	271	7	278	1.51	3.42
181-270	343	7	350	1.91	5.33
271-365	313	19	332	1.81	7.14
366-450	346	9	355	1.93	9.07
451-540	263	6	269	1.46	10.53
>540	897	15,538	16,435	89.47	100.00
Total Cases	2,784	15,586	18,370	100.00	

2(p) Montserrat High Court Pending cases: December 31, 2023 (data only available from the ELP)

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	20	No access	20	6.49	6.49
91-180	15		15	4.87	11.36
181-270	30		30	9.74	21.10
271-365	18		18	5.84	26.95
366-450	16		16	5.19	32.14
451-540	21		21	6.82	38.96
>540	188		188	61.04	100.00
Total Cases	308		308	100.00	

2(q) Saint Lucia High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	296	0	296	1.63	1.63
91-180	201	97	298	1.64	3.26
181-270	304	93	397	2.18	5.45
271-365	218	79	297	1.63	7.08
366-450	163	48	211	1.16	8.24
451-540	210	82	292	1.60	9.84
>540	2,101	14,302	16,403	90.16	100.00
Total Cases	3,493	14,701	18,194	100.00	

2(r) St. Kitts High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	104	0	104	1.22	1.22
91-180	92	0	92	1.08	2.31
181-270	97	7	104	1.22	3.53
271-365	88	9	97	1.14	4.67
366-450	100	5	105	1.24	5.91
451-540	67	2	69	0.81	6.72
>540	880	7,049	7,929	93.28	100.00
Total Cases	1,428	7,072	8,500	100.00	

2(s) Nevis High Court Pending cases: December 31, 2023 (data only available from the ELP)

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	53	No access	53	9.25	9.25
91-180	34		34	5.93	15.18
181-270	47		47	8.20	23.39
271-365	34		34	5.93	29.32
366-450	55		55	9.60	38.92
451-540	34		34	5.93	44.85
>540	316		316	55.15	100.00
Total Cases	573		573	100.00	

2(t) St. Vincent and the Grenadines High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	151	0	151	1.23	1.23
91-180	142	0	142	1.16	2.39
181-270	134	3	137	1.12	3.51
271-365	142	5	147	1.20	4.71
366-450	112	0	112	0.91	5.62
451-540	151	1	152	1.24	6.86
>540	297	11,124	11,421	93.14	100.00
Total Cases	1,129	11,133	12,262	100.00	

2(u) Territory of the Virgin Islands High Court Pending cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	156	0	156	2.63	2.63
91-180	89	0	89	1.50	4.13
181-270	135	16	151	2.54	6.67
271-365	75	33	108	1.82	8.49
366-450	67	23	90	1.52	10.01
451-540	40	17	57	0.96	10.97
>540	502	4,784	5,286	89.03	100.00
Total Cases	1,064	4,873	5,937	100.00	

The Sexual Offences Model Court (SOMC) in Antigua and Barbuda

The numbers of filed and disposed cases in the SOMC Court during the period 2020 to 2023 are shown in Table 2(v). The clearance rate when the Court became operational was low at 12.24% because of COVID 19 challenges but this increased over the years to a high 123.08% in 2022. The rate of 123.08% indicates that some backlog reduction occurred. In 2023 however, the clearance rate markedly dropped to 50% due to one nonfunctional courtroom (no air conditioning and roof damage) which significantly reduced the number of trials which could be held. The overall clearance rate from 2020 to 2023 was 52.89%.

2(v) Numbers of Filed and Completed SOMC cases with clearance rates: 2020 to 2023

Year	Number of filed SOMC cases	Number of disposed SOMC cases	Clearance Rate (%)
2020	49	6	12.24%
2021	16	11	68.75%
2022	26	32	123.08%
2023	30	15	50.00%
Total	121	64	52.89%

The outcomes of the disposed cases for each year (refer to disposed totals in Table 2g) are given in Table 2(w) below.

Table 2(w) Outcomes of the disposed cases in the SOMC, 2020 to 2023

Outcome	2020	2021	2022	2023	Total
Acquittals	-	3	6	1	10
Convictions after Trial	-	0	4	2	6
Discontinued	3	-	-	9	12
Guilty Pleas	3	6	8	3	20
Matters Discontinued by DPP	-	2	14	0	16
Total cases	6	11	32	15	64

The types of offences for the disposed/completed SOMC cases are listed in Table 2(x). Some of the disposed cases had multiple offences hence the offence totals were higher than the number of disposed cases for some years. Rape offences were the most frequent offences, accounting for 32.32% of total offences over the 4 years.

Table 2 (x): Breakdown of the numbers of offences for completed matters in the SOMC, 2020 to 2023

Offence	Number of offences 2020	Number of offences 2021	Number of offences 2022	Number of offences 2023	Total
Incest	2	0	2	0	4
Indecent Assault	11	5	4	3	23
Rape	12	3	11	6	32
Serious Indecency	8	2	4	4	18
Unlawful Sexual Intercourse	1	1	14	6	22
Total	34	11	35	19	99

Section 3 Magistrates Courts

The Magistrates Courts together manage a high volume of cases every year. This Section reviews the caseload in these courts and highlights performance indicators such as clearance rates and time to disposition of cases. Information on Family related matters for jurisdictions with official Family Courts or Divisions is given in Section 4: Saint Lucia, St. Vincent and the Grenadines as well as Antigua and Barbuda.

Table 3(a) shows that the overall clearance rate fluctuated over the three years but registered a significant increase of 34.66 percentage points from 62.54% in 2022 to 97.20% in 2023. The targeted standard is for clearance rates to be above 100% which would indicate that Courts are disposing of more cases than those filed and thereby clearing case backlog.

Table 3 (a) Cases Filed and Disposed by Member State in the Magistrates Courts with accompanying Clearance Rates: 2021 to 2023

COUNTRY	2021			2022			2023		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Anguilla	817	690	84.46	540	557	103.15	497	454	91.35
Antigua and Barbuda	5,001	3,051	61.01	4,436	2,951	66.52	4,704	3,862	82.10
Comm. of Dominica	3,337	2,838	85.05	3,005	2,361	78.57	2,371	2,524	106.45
Grenada	10,307	7,312	70.94	9,142	1,674	18.31	8,978	11,734	130.70
Montserrat	368	391	106.25	246	252	102.44	215	217	100.93
Saint Lucia	6,950	8,488	122.13	5,860	5,161	88.07	8,353	7,836	93.81
Saint Vincent and the Grenadines	3,891	3,442	88.46	3,904	3,608	92.42	4,689	4,061	86.61
St. Kitts and Nevis	5,801	3,149	54.28	6,079	3,920	64.48	5,518	3,634	65.86
Territory of the Virgin Islands	929	807	86.87	746	754	101.07	650	646	99.38
TOTAL	37,401	30,168	80.66	33,958	21,238	62.54	35,975	34,968	97.20

Table 3(b) shows that there were a considerable number of Traffic and Criminal cases administered in the Magistracies. These two case types when amalgamated were 82.91% of total filed cases and 81.89% of total disposed cases. Clearance rates were high for all case types apart from Coroner/Inquests cases which had a relatively lower rate of 55.43%. The clearance rates for Juvenile as well as Maintenance/Affiliation/Domestic Relationship cases were over 100% indicating some backlog reduction for these case types. Domestic Relationship is a new case type which is similar to Maintenance and Affiliation and includes: access to child, custody, legal guardianship and legal separation, paternity and access, reasonable access.

Table 3 (b) Cases Filed and Disposed by Major Case Type in the Magistrates Courts: 2023

CASE TYPE	2023				
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases	Clearance Rates (%)
Civil	3,973	11.04	3,706	10.60	93.28
Coroner/Inquests	175	0.49	97	0.28	55.43
Criminal	11,310	31.44	11,272	32.24	99.66
Domestic Violence	427	1.19	409	1.17	95.78
Juvenile	160	0.44	370	1.06	231.25
Maintenance/ Affiliation/ Domestic R.	1,413	3.93	1,753	5.01	124.06
Traffic	18,517	51.47	17,361	49.65	93.76
TOTAL	35,975	100.00	34,968	100.00	97.20

Figure 7a: Percentage of Cases Filed by Major Case Type in the Magistrates Courts: 2023

●	Civil	11%
●	Coroner/Inquests	1%
●	Criminal	31%
●	Domestic Violence/ Family	1%
●	Juvenile	0%
●	Maintenance/ Affiliation	4%
●	Traffic	52%

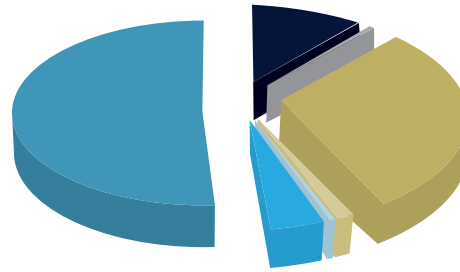
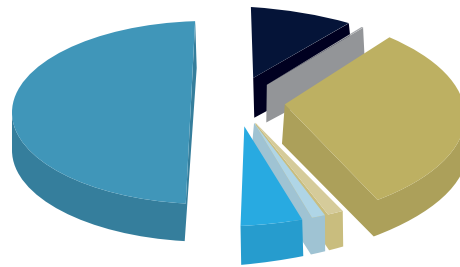


Figure 7b: Percentage of Cases Disposed by Major Case Type in the Magistrates Courts: 2023

●	Civil	11%
●	Coroner/Inquests	0%
●	Criminal	32%
●	Domestic Violence/ Family	1%
●	Juvenile	1%
●	Maintenance/ Affiliation	5%
●	Traffic	50%



Tables 3(c) and 3 (d) give information on the numbers of cases filed and disposed respectively by case type for each jurisdiction. The following bullet points highlight some of the main points. It is reiterated that Family matters (Domestic Violence, Juvenile and Maintenance) for Antigua and Barbuda, Saint Lucia and St. Vincent and the Grenadines are represented in Section 4 (Family Court).

- 82.91% of total filed cases were Criminal and Traffic cases.
- Almost half of total filed cases were from Grenada and Saint Lucia Magistrates Courts (48.18%).
- 38.14% of total filed Criminal cases were from the Grenada Magistrates Court.
- Additionally, four jurisdictions collectively recorded 83.67% of total filed Criminal cases (Antigua and Barbuda, Grenada, Saint Lucia and St. Vincent and the Grenadines).
- St. Kitts and Nevis was the only jurisdiction with over 1000 filed Civil cases.
- Saint Lucia had 6,360 Traffic cases filed, which represented 34.35% of the total for this case type.

Table 3(e) Cases Filed by Member State and Case Type in the Magistrates Courts: 2023

MEMBER STATES	2023 filed cases								Country Total as a % of Total
	Criminal	Civil	Traffic	Domestic Violence	Juv.	Maint/Aff/Domestic Relationship	Coroner/Inquests	Total	
Anguilla	213	72	108	17		56	31	497	1.38
Antigua and Barbuda	2,171	862	1,671					4,704	13.08
Commonwealth of Dominica	786	417	668	86	37	236	141	2,371	6.59
Grenada	4,314	307	3,542	297	78	439	1	8,978	24.96
Montserrat	68	26	98	8	4	11		215	0.60
Saint Lucia	1,536	457	6,360					8,353	23.22
Saint Vincent and the Grenadines	1,442	542	2,703				2	4,689	13.03
St. Kitts and Nevis	547	1,201	3,133	19	16	602		5,518	15.34
Territory of the Virgin Islands	233	89	234		25	69		650	1.81
TOTAL	11,310	3,973	18,517	427	160	1,413	175	35,975	
Case Type as a % of Total	31.44	11.04	51.47	1.19	0.44	3.93	0.49		

Maint/Aff – Maintenance/Affiliation.

The bullet points below refer to the data presented in Table 3 (d):

- Criminal and Traffic cases were a substantial 81.89% of total disposed cases.
- 55.97% of total disposed cases were from Grenada and Saint Lucia.
- 42.07% of total disposed Criminal cases were from Grenada with 81.19% of disposed Criminal cases recorded from Antigua and Barbuda, Grenada, Saint Lucia and St. Vincent and the Grenadines.
- Saint Lucia had a high number of disposed Traffic cases (6,295) and Grenada followed with 5,254 cases. 66.52% of total disposed Traffic cases were from these 2 jurisdictions.

Table 3(d) Cases Disposed by Member State and Case Type in the Magistrates Courts: 2023

MEMBER STATES	2023 disposed cases								Country Total as a % of Total
	Criminal	Civil	Traffic	Domestic Violence	Juv.	Maint/Aff/Domestic Relationship	Coroner/Inquests	Total	
Anguilla	218	62	112	13	1	42	6	454	1.30
Antigua and Barbuda	1,755	355	1,751		1			3,862	11.04
Commonwealth of Dominica	771	476	646	103	61	379	88	2,524	7.22
Grenada	4,742	468	5,254	284	283	701	2	11,734	33.56
Montserrat	88	25	91	6	2	5		217	0.62
Saint Lucia	1,099	442	6,295					7,836	22.41
St Vincent and the Grenadines	1,556	721	1,783				1	4,061	11.61
St. Kitts and Nevis	767	979	1,306	3	1	578		3,634	10.39
Territory of the Virgin Islands	276	178	123		21	48		646	1.85
TOTAL	11,272	3,706	17,361	409	370	1,753	97	34,968	
Case Type as a % of Total	32.24	10.60	49.65	1.17	1.06	5.01	0.28		

Time to Disposition Reports for Magistrates Courts in 2023, as obtained from JEMS and/or the ELP.

Tables 3(e) and 3(f) show the “time to disposition” of cases obtained from the JEMS and ELP systems. There will be inconsistencies with data in these tables when compared to the previous tables showing disposed data because the previous tables have manual data provided, in instances where some Courts or branches of the Courts were not on the software. All tables should be in sync in the future with the move to and migration of all cases to the ELP.

Table 3 (e) shows that **overall**, the timeframe with the highest number of disposed cases was “1 – 90 days” where 20.12% of cases were disposed. Individually, this differed for some of the jurisdictions. Data for Grenada, Montserrat and TVI Magistracies was minimal due to no connection or no use of JEMS and minimal entries into the new ELP. The data from Table 3 (e) is displayed in Figure 8.

Table 3(e) Time to Disposition in days as obtained from JEMS and/or the ELP, Magistrates Courts 2023

Time to Disposition of all cases	Anguilla	Antigua and Barbuda	Common. of Dominica	Grenada	Montserrat	St. Kitts and Nevis	Territory of the Virgin Islands	Total	% of Total
<1	8	663	151	3	0	6	1	832	8.62
1 to 90	239	655	641	28	7	339	32	1,941	20.12
91 – 180	94	419	354	25	2	721	21	1,636	16.96
181-360	38	532	289	20		719	15	1,613	16.72
361-720	50	784	401	46		461	0	1,742	18.05
>720	18	799	596	18		454	0	1,885	19.54
Total cases	447	3,852	2,432	140	9	2,700	69	9,649	100.00

Saint Lucia, SVG were not on JEMS or the ELP at the time this report was compiled.

Montserrat, TVI and Grenada data is minimal; only from the ELP; not on JEMS.

Figure 8: Percentage of cases disposed per time frame as obtained from JEMS and/or the ELP for Magistrates Courts, 2023

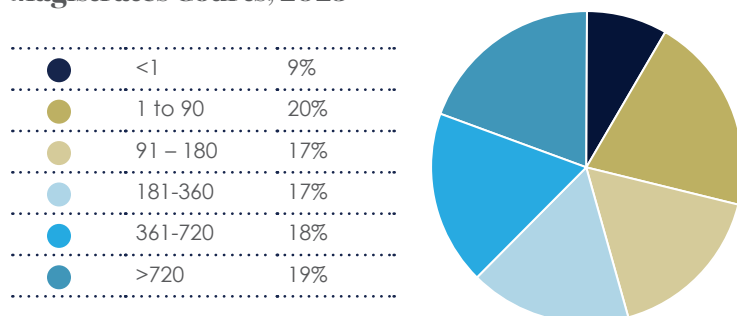


Table 3(f) shows the cumulative percentages which are the percentage of cases disposed of within a certain timeframe. Overall, 80.46% of cases were disposed of within 24 months or 2 years in the Magistrates Courts. Although Montserrat and the Territory of the Virgin Islands figures show that 100% of their cases were resolved within shorter timeframes, this is not conclusive because they had minimal case entries in the ELP. Of the remaining jurisdictions, it is noted that Anguilla completed 95.97% of their cases within 2 years.

Table 3(f) Cumulative Percentages (% of cases disposed within given timeframes), as obtained from JEMS and/or the ELP for Magistrates Courts, 2023

Time to disp. of all cases cumulative. % of cases disposed by:	Anguilla	Antigua and Barbuda	Comm. of Dominica	Grenada	Montserrat	St. Kitts and Nevis	Territory of the Virgin Islands	Overall
90 days/ 3 months	55.26	34.22	32.57	22.14	77.78	12.78	47.83	28.74
180 days/ 6 months	76.29	45.09	47.12	40.00	100.00	39.48	78.26	45.69
360 days/ 12 months/ 1 year	84.79	58.90	59.00	54.29	100.00	66.11	100.00	62.41
720 days/ 24 months/ 2 years	95.97	79.26	75.49	87.14	100.00	83.19	100.00	80.46

Pending Cases in the Magistrates Court

The following tables give information on Pending Cases (cases not disposed of) as at the end of 2023. Data was retrieved from both JEMS and the ELP because most Magistrates Courts have commenced the transition to the ELP. For jurisdictions where the data might not be accurate, the ECSC continues to advise the Courts to conduct an exercise to dispose of cases in the software which are in fact completed but showing up as pending. There is no data for Saint Vincent and the Grenadines and Saint Lucia Magistracies because they were not using JEMS or the ELP at the time this report was prepared.

3(g) Anguilla Magistrates Court Pending Cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	39	1	40	3.80	3.80
91-180	30	31	61	5.80	9.60
181-270	20	38	58	5.51	15.11
271-365		19	19	1.81	16.92
366-450		13	13	1.24	18.16
451-540		30	30	2.85	21.01
>540		831	831	78.99	100.00
Total Cases	89	963	1,052	100.00	

3(h) Antigua and Barbuda Magistrates Court Pending Cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	No data in ELP	0	0	0.00	0.00
91-180		486	486	2.30	2.30
181-270		628	628	2.97	5.27
271-365		1,002	1,002	4.74	10.00
366-450		568	568	2.68	12.69
451-540		371	371	1.75	14.44
>540		18,102	18,102	85.56	100.00
Total Cases		21,157	21,157	100.00	

3(i) Commonwealth of Dominica Magistrates Court Pending Cases: December 31, 2023

Age in days	Number of cases ELP	Number of cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	141	4	145	3.35	3.35
91-180	112	194	306	7.06	10.41
181-270		184	184	4.25	14.66
271-365		351	351	8.10	22.76
366-450		179	179	4.13	26.89
451-540		175	175	4.04	30.93
>540		2,992	2,992	69.07	100.00
Total Cases	253	4,079	4,332	100.00	

3(j) Grenada Magistrates Court Pending Cases: December 31, 2023

Age in days	Number of cases ELP	Number of cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	139	13	152	0.19	0.19
91-180	86	1,294	1,380	1.68	1.87
181-270	103	1,335	1,438	1.75	3.62
271-365	30	1,460	1,490	1.82	5.44
366-450		1,392	1,392	1.70	7.13
451-540		1,587	1,587	1.93	9.07
>540		74,599	74,599	90.93	100.00
Total Cases	358	81,680	82,038	100.00	

3(k) Montserrat Magistrates Court Pending Cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	3	Not on JEMS	3	13.04	13.04
91-180	14		14	60.87	73.91
181-270	6		6	26.09	100.00
271-365			0	0.00	
366-450			0	0.00	
451-540			0	0.00	
>540			0	0.00	
Total Cases	23		23	100.00	

3(l) St. Kitts Magistrates Court Pending Cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	325	0	325	1.31	1.31
91-180	380	542	922	3.72	5.03
181-270	332	702	1,034	4.17	9.21
271-365	5	864	869	3.51	12.72
366-450		762	762	3.08	15.79
451-540		467	467	1.89	17.68
>540		20,394	20,394	82.32	100.00
Total Cases	1,042	23,731	24,773	100.00	

3(m) Territory of the Virgin Islands Magistrates Court Pending Cases: December 31, 2023

Age in days	Number of cases ELP	Number of Cases JEMS	Total	Percentage (%)	Cumulative Percentage (%)
0 - 90	24	Not on JEMS	24	12.18	12.18
91-180	55		55	27.92	40.10
181-270	39		39	19.80	59.90
271-365	41		41	20.81	80.71
366-450	38		38	19.29	100.00
451-540			0	0.00	
>540			0	0.00	
Total Cases	197		197	100.00	

Section 4 Family Courts

This section gives information on the case flow in the Saint Lucia Family Court and the Saint Vincent and the Grenadines Family Court as well as the relatively newly implemented Family Division in Antigua and Barbuda. For the remaining jurisdictions, such data is highlighted in the Magistrates Courts Section.

Saint Vincent and the Grenadines Family Court

Table 4(a) shows that total cases filed in the Saint Vincent and the Grenadines Family Court fluctuated over the three years with a slight decline from 2022 to 2023. Arrears and Maintenance cases together were a significant 65.80% of total filed cases for the three years combined.

Table 4(a) Numbers of Cases Filed in the Saint Vincent and the Grenadines Family Court: 2021 to 2023

Case Type	2021		2022		2023	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Adoption	13	0.67	7	0.36	7	0.36
Arrears	773	40.13	743	37.81	783	40.07
Criminal Offences	182	9.45	123	6.26	195	9.98
Custody/ Access	278	14.43	287	14.61	203	10.39
Legal Guardianship	34	1.77	55	2.80	47	2.41
Maintenance	458	23.78	556	28.30	533	27.28
Protection Order	188	9.76	194	9.87	186	9.52
Total	1,926	100.00	1,965	100.00	1,954	100.00

The total number of disposed cases also fluctuated over the 3 years and declined slightly from the year 2022 to 2023. The 68.08% spike in dispositions from 2021 to 2022 (as discussed in the previous 2022 report) was largely attributed to the 69.20% increase in the disposition of Arrears cases as staff cleared backlog following the disruptions of the COVID 19 Pandemic and the volcanic eruption. Arrears and Maintenance cases were 69.33% of the total disposed cases for the three-year period.

Table 4(b) Numbers of Cases Disposed in the Saint Vincent and the Grenadines Family Court: 2021 to 2023

Case Type	2021		2022		2023	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Adoption	12	0.75	5	0.19	14	0.54
Arrears	685	42.71	1,159	42.99	875	33.78
Criminal Offences	118	7.36	163	6.05	93	3.59
Custody/ Access	217	13.53	340	12.61	303	11.70
Legal Guardianship	27	1.68	47	1.74	47	1.81
Maintenance	373	23.25	642	23.81	1,043	40.27
Protection Order	172	10.72	340	12.61	215	8.30
Total	1,604	100.00	2,696	100.00	2,590	100.00

Figure 9 below illustrates the total filed and disposed cases from 2021 to 2023. It is observed in the line graphs how total disposed cases for 2022 and 2023 were above the total filed cases, pointing to some reduction in case backlog. This is examined in Table 4(c) which shows the clearance rates of cases.

Figure 9: Cases Filed and Disposed in the St. Vincent and the Grenadines Family Court, 2021 to 2023

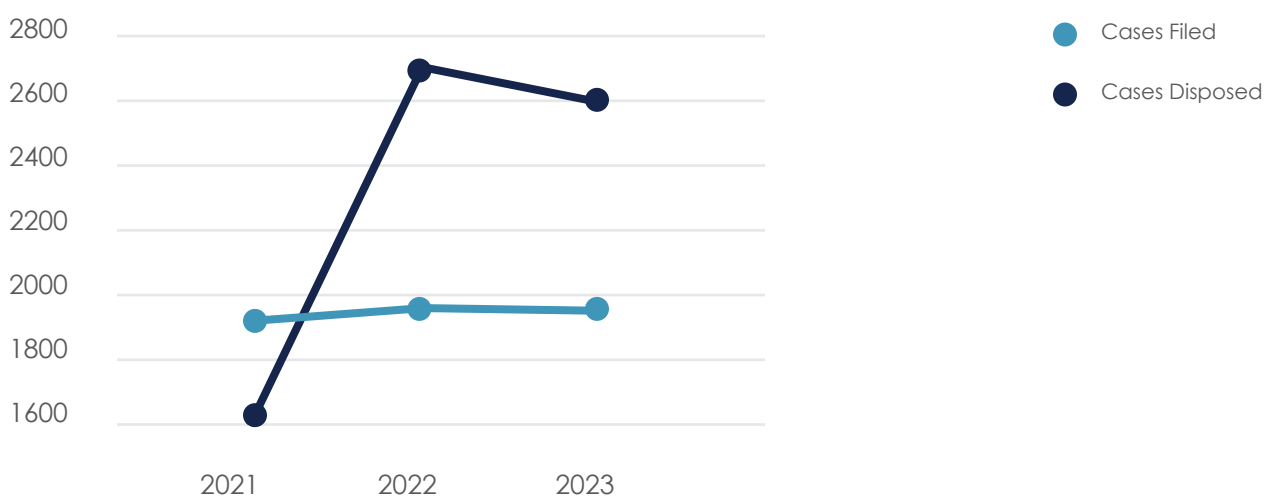


Table 4(c) shows that the overall clearance rate improved between 2021 and 2022, and it was over 100% in both 2022 and 2023; indicative of strides made in reducing case backlog. Clearance rates for voluminous case types such as Arrears, Maintenance followed by Custody/Access and Protection Orders were maintained above 100% from 2022 to 2023. Although Criminal Offences recorded a spike in the clearance rate from 64.84% in 2021 to 132.52% in 2022, there was a sharp reduction to 47.69% in 2023 which can be attributed to much lower clearance rates of the major criminal offences when compared with 2022 (Assault offences, Rape, Abduction).

Table 4 (c) Clearance Rates in the Saint Vincent and the Grenadines Family Court: 2021 to 2023

Case Type	2021			2022			2023		
	Cases Filed	Cases Disposed	Clearance Rate (%)	Cases Filed	Cases Disposed	Clearance Rate (%)	Cases Filed	Cases Disposed	Clearance Rate (%)
Adoption	13	12	92.31	7	5	71.43	7	14	200.00
Arrears	773	685	88.62	743	1,159	155.99	783	875	111.75
Criminal Offences	182	118	64.84	123	163	132.52	195	93	47.69
Custody/ Access	278	217	78.06	287	340	118.47	203	303	149.26
Legal Guardianship	34	27	79.41	55	47	85.45	47	47	100.00
Maintenance	458	373	81.44	556	642	115.47	533	1,043	195.68
Protection Order	188	172	91.49	194	340	175.26	186	215	115.59
Total	1,926	1,604	83.28	1,965	2,696	137.20	1,954	2,590	132.55

Based on data in Table 4 (d): the most frequently filed Criminal Offences for 2023 were Indecent Assault offences followed by general Assault offences which together were 52.82% of total filed and 53.77% of total disposed cases. There were also a notable number of Rape and Abduction matters as well as Unlawful sexual offences and Theft cases.

Table 4 (d) Criminal Offences filed and disposed in the St. Vincent and the Grenadines Family Court, 2023

Case Type	2023			
	Cases Filed	% of total filed	Cases Disposed	% of total disposed
Abduction	11	5.64	4	4.30
Assault causing actual bodily harm	6	3.08	0	0.00
Assault/intent to commit assault	17	8.72	7	7.53
Assault with intent to commit buggery	1	0.51	0	0.00
Buggery	4	2.05	0	0.00
Child endangerment/abandonment/neglect	3	1.54	6	6.45
Child pornography	3	1.54	2	2.15
Damage to property	6	3.08	3	3.23
Disobeying court order	2	1.03	1	1.08
Drug possession with intent to supply	3	1.54	0	0.00
Escaping custody	1	0.51	0	0.00
Incest/intent to commit incest	0	0.00	1	1.08
Indecent assault	79	40.51	43	46.24
Possession of controlled drug	1	0.51	0	0.00
Possession of offensive weapon	2	1.03	0	0.00
Rape/ intent to commit rape	18	9.23	5	5.38
Resisting arrest	2	1.03	0	0.00
Theft/ Intent to commit theft	9	4.62	2	2.15
Threatening language	5	2.56	1	1.08
Trespassing offences (2 of them include assault/intent to commit assault)	4	2.05	4	4.30
Unlawful and malicious wounding, actual bodily harm	5	2.56	4	4.30
Unlawful exposure/gross Indecency	4	2.05	3	3.23
Unlawful sexual intercourse/intent to commit/ attempt (also includes Intercourse with a girl 13 to 15/ under 13)	9	4.62	7	7.53
Total	195	100.00	93	100.00

Table 4(e) shows that the Family Court in St. Vincent and the Grenadines had a total of 126 Pending cases at the end of 2023. The 87 pending Criminal Cases are comprised of 32 defendants, some with multiple charges ranging from 1-16 per defendant.

Table 4 (e) Number of Pending Cases by Case Type in the St. Vincent and the Grenadines Family Court at the end of 2023

Case Type	Number of Pending Cases as at Dec 31, 2023	Percentage (%) of Total Pending Caseload
Access	2	1.59
Variation of Access	2	1.59
Adoption	3	2.38
Application for Protection Orders	3	2.38
Arrears	19	15.08
Criminal Cases	87	69.05
Custody	1	0.79
Legal Guardianship	1	0.79
Maintenance	7	5.56
Variation of Maintenance	1	0.79
Total	126	100.00

Information from the President of the Family Court in Saint Vincent and the Grenadines

The mission of the Family Court is “to provide an effective and accessible justice system for the resolution of disputes using preventive, punitive, therapeutic and supportive measures administered by independent and competent officers in a fair, impartial and accountable manner.”

In keeping with our mission statement to provide an accessible justice system, the Court is now equipped to provide users with online access to all Family matters, which allows litigants to verify hearing dates online via their web browser.

In May 2023 the Office of the Chief Justice with the support of the Eastern Caribbean Supreme Court E-Litigation Portal team, implemented the Family Module of the ECSC – ELP in the Family Court. To facilitate this process, the Court was provided with two (2) computers and two (2) printers from the ECSC Headquarters Information Technology Department. The staff received a one-day, face-to-face and hands-on training on the use of the portal. This was followed a week later by the system going live on 18th May 2023 and a formal launch and press briefing. The department enthusiastically embraced this technological advancement and significant improvement to our record-keeping capabilities and members of staff have all expressed how simple it is to navigate the system and how user-friendly the software is.

The Family Module allows users to easily search the system to find all cases, it will result in a reduction of storage and management of physical resources and has the ability to report on cases filed and disposed of, as well as pending cases.

In keeping with its key program strategies for 2023, the department continued to enhance its internal capacity through continuing education and training. We utilized in-house training Officers and invited facilitators locally to conduct sessions in person.

Officers received training in several areas, namely managing grief, mental health in the workplace and self-care, centering our focus on individual wellness.

One of our staff members also completed a Master’s Degree in Marriage and Family Therapy on 15th August, 2022, and will be appointed as part of the social support staff in a counselling capacity in the first quarter of 2024.

Saint Lucia Family Court

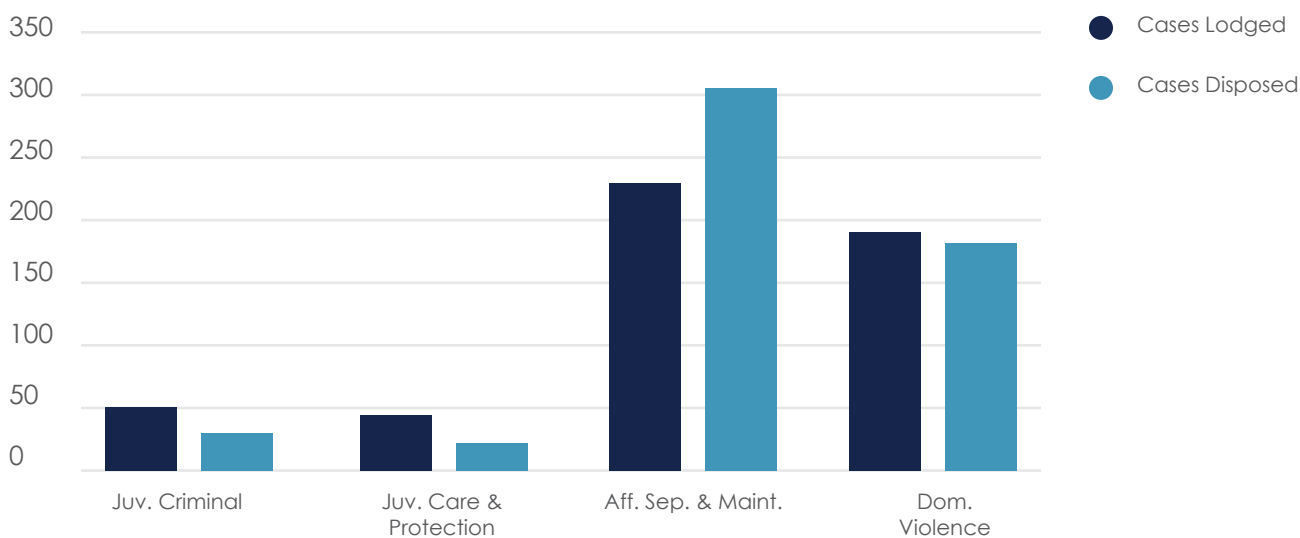
This section provides data on the Family Court in Saint Lucia for the year 2023 and includes information on the Social Support Unit. Table 4(f) shows that a total of 512 cases were lodged while 541 were disposed. Total disposed cases are derived by adding the categories; cases heard and final orders given, cases discharged, cases withdrawn and cases transferred to another court. The Magistrates also delivered 201 interim orders for Domestic Violence cases.

Affiliation, Separation and Maintenance cases as well as Domestic Violence cases formed most of the caseload of the Court and were a sizable 81.45% of total filed and 90.02% of total disposed cases.

Table 4 (f) Cases Filed and Disposed in the Saint Lucia Family Court, 2023

Categories	Juvenile		Affiliation, Separation & Maintenance	Domestic Violence	Total
	Criminal	Care & Protection			
New Cases Lodged	50	45	227	190	512
Cases Heard and Interim Orders Given	•	•	•	201	201
Cases Heard and Final Orders Given	23	21	165	53	262
Cases Discharged	5	2	93	120	220
Cases withdrawn by applicant	3	•	48	8	59
Cases Transferred to another Court	•	•	•	•	0
Total Cases Disposed	31	23	306	181	541

Figure 10: Cases Lodged and Disposed in the Saint Lucia Family Court, 2023



The Clearance rates by case type are given in Table 4 (g). The Saint Lucia Family Court recorded an overall clearance rate of 105.66% in 2023 indicative of a little backlog reduction since more cases were disposed of than filed. Notably, although there were many Affiliation, Separation and Maintenance matters as well as Domestic Violence cases, the clearance rates were greater for these matters. Affiliation, Separation and Maintenance was the only case type with a clearance rate above 100%.

Table 4 (g) Clearance Rates of Cases by Case Type in the Saint Lucia Family Court, 2023

Categories	Juvenile		Affiliation, Separation & Maintenance	Domestic Violence	Total
	Criminal	Care & Protection			
New Cases Lodged	50	45	227	190	512
Total Cases Disposed	31	23	306	181	541
Clearance Rates	62.00	51.11	134.80	95.26	105.66

St. Lucia Family Court Social Support Unit

The mission of the Family Court is to promote justice and drive social change by providing a reliable, legal, and therapeutic environment for families, couples, individuals, and children within the Court System. This mission reflects the Court's commitment to ensuring that its services not only uphold the law but also foster a supportive space for those navigating challenging and sensitive family matters.

In August 2023, a new Director was appointed to lead the Family Court, bringing a renewed focus on enhancing quality of service delivery. One of the Director's primary objectives is to ensure that the Social Support Unit delivers quality service aligned with best practices. To achieve this, a system of weekly supervision and monthly case management meetings were implemented. These sessions are designed to address the diverse needs of staff, provide guidance for challenging cases, and ensure a consistent standard of care across all interventions.

The Social Support Unit is currently manned by three social workers and one intake counsellor. In 2023, the social workers provided critical interventions to 209 victims of domestic violence, with 109 of these individuals pursuing Interim Protection Orders.

Due to the absence of office space in the southern region of the island, the Unit faced significant limitations in offering direct services to clients in that area. As a result, affected clients were referred to the Castries office but, unfortunately, financial constraints made it difficult for some individuals to access these services due to the cost of travel. Recognising this gap in service provision, the newly appointed Director identified this as a high priority issue to be addressed. Since taking office, discussions were initiated to find a solution, and as of January 2024, a social worker has been stationed in the Vieux-Fort Court Office every Monday to better serve clients in the south, improving access to vital support services.

In addition to these operational improvements, the Social Support Unit has focused on enhancing its professional expertise. As a result, in November 2023, all members of the Unit participated in in-house training, which was facilitated by Unite Caribbean, with a focus on the legal frameworks that guide interventions in cases of Gender-Based Violence. This training would ensure that the staff remains well-equipped to handle cases involving gender-based violence and that they provide interventions which are not only legally sound but also compassionate and effective.

Through these initiatives, the Family Court continues to strengthen its role as a pillar of support for the vulnerable, ensuring that all individuals, regardless of their location or circumstances, have access to the justice.

Antigua and Barbuda Family Division

Table 4(h) gives information on the matters presided over by the two Magistrates in the Antigua and Barbuda Family Division for the year 2023. During the year 2023, 606 cases were filed and 490 cases were disposed of, which resulted in a clearance rate of 80.86%. *The clearance rate is the ratio of new cases filed to cases disposed of in a particular year;* hence clearance rates above 100% indicate backlog is being reduced.

Table 4(h) Antigua and Barbuda Family Division Statistics for the year 2023

Applications	Pending Cases at start of 2023	2023 Filed Cases	2023 Disposed Cases	Pending Cases at end of 2023 (which would include cases filed from prior to 2023)
Application for Financial Relief	0	177	116	61
Application for Child Maintenance. Subsequent Application Filed (Variation Suspension, Discharged)	0	26	20	6
Application for Child Maintenance. Previous Application Filed (Variation Suspension, Discharged) JEMS Cases	4	73	73	4
Application for Access	0	29	17	12
Application for Protection Order Enforcement Committals	0	47	30	17
Previous Enforcement Committals JEMS Cases	0	9	6	3
Care Order	56	207	199	64
Child Justice Board	2	0	1	1
Juvenile Court	0	25	13	12
Total Applications Filed	77	606	490	193

The Antigua and Barbuda High Court Judge sat on some Adoption and Matrimonial matters which also fall under the Family Division. This was also highlighted in the High Court section of this report. There were 6 adoption cases filed and 18 disposed as well as 176 matrimonial cases filed and 211 disposed. This resulted in a clearance rate of 300% for Adoption and 119.89% for Matrimonial cases.

For both case types, more cases were disposed than filed resulting in clearance rates over 100% and indicative of some backlog reduction.

Conclusion

The Eastern Caribbean Supreme Court managed a substantial caseload in 2023. Although some Courts achieved clearance rates above 100%, this continued to be a challenge for others where fewer cases were disposed than filed and hence case backlog increased.

The timely disposition of cases is one of the main objectives of Courts which strive towards efficiency. This would prevent/lessen the accumulation of case backlog. The various jurisdictions are strongly advised to use the reports available in the software (such as Time to Disposition and Pending Cases reports) to monitor caseloads and case progression so that measures can be put in place to reduce backlog to a minimum.

THOSE WHO Serve



Acting Chief Justice



His Lordship, the Hon. Mr
Mario Michel

Justices of Appeal



The Hon. Justice
Margaret Price Findlay



The Hon. Justice
Vicki-Ann Ellis



The Hon. Justice
Trevor McDonald Ward



The Hon. Justice
Eddy Ventose



The Hon. Justice
Esco Henry



The Hon. Justice
Gerard Farara, QC, KC [Ag.]

High Court Judges

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The Hon. Justice
Ermin Moise

ANTIGUA & BARBUDA



The Hon. Justice
Nicola Petra Byer



The Hon. Justice
Ann-Marie Smith



The Hon. Justice
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The Hon. Justice
Patrick Thompson Jr



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Kimberly Cenac-Phulgence



The Hon. Justice
Rohan Phillip



The Hon. Justice
Alvin Pariagsingh



The Hon. Justice
Rechanne Browne

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Birnie Stephenson



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Brian Cottle



The Hon. Justice
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Angelica Teelucksingh



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RETIREMENT

of Her Ladyship, the Honourable Dame Janice M. Pereira DBE, LL.D,

The Eastern Caribbean Supreme Court is honoured to announce a significant event: the retirement of Her Ladyship, the Honourable Dame Janice M. Pereira DBE, LL.D. Her distinguished and highly respected leadership has left an indelible mark on the Court, making her retirement an important moment for all of us. Effective on 5th May 2024, her retirement marks the culmination of an era of exceptional service, but her legacy will continue to inspire us all.

Throughout her illustrious career, Her Ladyship has been a trailblazing leader who has broken barriers and shattered glass ceilings. Her unwavering determination and commitment to excellence have

inspired us all to pursue greatness and strive for success. Her distinguished career is a testament to the fact that we, too, can achieve our dreams with perseverance and dedication.

Her Ladyship's tenure as the Court's first female Chief Justice has been a pioneering journey in the field of law. Over her 12 years of exceptional service, marked by her unwavering dedication to justice and equity, she has made an indelible impression on the Court. Her profound grasp of the law and exceptional ability to balance the rights of all parties involved have been evident in every aspect of her career, from technological advancements to legislative developments and adept pandemic adaptation strategies to commendable efforts in enhancing remuneration.

Her leadership has steered us towards comprehensive progress and development, ensuring accessible justice for all litigants.

The Judicial Officers, Management, and Staff of the Eastern Caribbean Supreme Court are deeply appreciative of Her Ladyship's invaluable contributions to the court. We extend our warmest wishes for her continued good health and exciting adventures as she embarks on another thrilling chapter of her life. Her legacy will continue to kindle our spirits, and the depth of her commitment to justice will serve as a beacon for us to emulate.



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