

Judge blasts delays

by RICKY JORDAN

A RETIRED judge has lambasted delays in the local court system, stating that no excuse can be made for not having enough money to hire more judges.

In the Appeal Court judgement in a case involving former Barbados Youth Service recruit Elvis Alexander, Justice of Appeal Peter Williams spoke at length about the delays in the local court system, noting that the case had taken 11 years between the date of the offence and the decision.

Alexander's ten-year sentence imposed in 2007 for stashing a gun ended last Friday after the Court of Appeal, presided over by Chief Justice Sir Marston Gibson, considered the time he had spent on remand. The panel deemed that Alexander had already served the time and that he should be released.

In the 75-page judgement written by Williams and read by Justice of Appeal Sandra Mason, Williams implied that Barbados had no excuse in terms of lack of resources or too few judges, stating that the obligation to render justice within a reasonable time was "not confined to rich states or states that are well endowed with judicial resources (but) extends to all

states to manage and organise their judicial systems so that they comply with and do not infringe (this) constitutional and human rights obligation".

"Current case law . . . does not countenance the lack of resources, systematic delays or existing court backlogs as exculpating the state from its constitutional and human rights obligations. By way of example, a responsible state could not claim that it was too poor to feed its prisoners on a daily basis," Williams wrote.

"The executive authority of Barbados therefore has an inescapable duty to organise and supervise its judicial system so that the fundamental constitutional right of the individual to a hearing (which involves the delivery of a judgement) within a reasonable time is not infringed," he added.

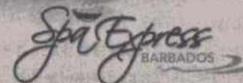
Quoting cases from this country, the Caribbean Court of Justice, the Privy Council, the British Supreme Court, United States, Canada, New Zealand and Jamaica, Williams also pointed out that the "Guide to Judicial Conduct" was approved by the Judicial Council of Barbados on June 6, 2006 and emphasised that "competence and diligence (were) prerequisites to the due performance of judicial office".

Except for exceptional cases, he wrote, a judge should try to deliver a reserved judgment within eight months, and where a judge reasonably believed he was likely to reserve judgment for a longer period, he should inform the Chief Justice of the circumstances contributing to the delay.

Williams also noted that in Alexander's case, the offence took place in January 2003, he was convicted in May 2007 and sentenced in September 2007, the appeal was filed in September 2007 and set down for hearing in March 2009 but adjourned *sine die*, and was not finally heard until November 2011.

Final judgement was delivered last Friday.

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