



Presentation by



Senator the Honourable Mark
Golding
Minister of Justice

***Launch of the Office of the Director of Public
Prosecutions'- 'Disclosure: A Jamaican Protocol'***

**Friday 11 October, 2013
3:30 p.m.
Courtleigh Hotel, Kingston**

Salutations/Protocol

- Senator the Hon. Mark Golding, Minister of Justice
- His Excellency Robert Ready, Canadian High Commissioner
- Mr. Delroy Chuck, MP, Opposition Spokesman on Justice
- Mrs. Carol Palmer, JP, Permanent Secretary, Ministry of Justice
- Miss Paula Llewellyn, CD, QC, Director of Public Prosecutions
- Specially invited guests
- Members of the media
- Ladies and Gentlemen

Good afternoon

In upholding the rule of law, it is imperative that we identify a standard that will guide the undertakings of administering justice to the public. Today we mark a historic moment in the justice system, with the launch of the Prosecutors' Disclosure Protocol which will act as a manual governing disclosure by the prosecution in criminal cases.

Disclosure is essential to achieving a fair adjudication process, as it promotes fairness and impartiality. This publication will add value to the criminal justice system, by codifying in a single, public document the principles which have emerged over years of common law jurisprudence, and the refinements and developments which have emerged as best practice in developed common law jurisdictions. This will improve the level of transparency with which the prosecution of criminal cases is conducted in Jamaica, and enhance the level of justice that is delivered in our criminal courts. The accessibility of the disclosure publication will provide opportunities for the Jamaican public to easily understand the main principles of law.

This protocol should be treated with a level of respect that reflects the diligence that has gone into its creation. I charge our prosecutors with the task of familiarizing themselves with its content and applying it accordingly. The Director of Public Prosecutions has indicated that this document this Protocol will be a living document rather than being cast in stone, and will be revised over time as may become necessary to reflect ever-changing laws and practices here and internationally.

The justice sector is currently undergoing a reform process that will see major transformations being made in relation to physical plant, the use of technology, and the processes and practices that govern our legal system. With some \$410 million in the 2013/14 Estimates of Expenditure being allocated for construction works in the Ministry of Justice, we aim to complete the old NCB Building over the next six months or so, and we are in the process of conducting infrastructural work on Magistrates Courts in Black River, Buff Bay and Santa Cruz. The final provisions for the new Morant Bay court facility, the creation of a Western regional civil registry for the Supreme Court in Montego

Bay, St. James, and a new home for the Montego Bay legal Aid Clinic, are underway.

Modernization of the justice system does not only speak to the infrastructural work that is necessary, but also involves administrative and procedural transformation that will lead the country's justice engine into the future and beyond. We are strengthening the use of audio-visual technology in the courts, to support the remote testimony and video recorded evidence by vulnerable witnesses under the Evidence (Special measures) Act that was passed in late 2012, and to allow pre-trial administrative hearings to be conducted via live link without having to transport prisoners to and from court.¹

On the procedural side, the Senate has passed the Committal Proceedings Bill to replace preliminary enquiries with committal proceedings based on written witness statements, the introduction of criminal case management continues, the committee developing Sentencing Guidelines is doing its work, and more legislation is

¹ Also referred to reform of sentence discounts for guilty pleas; notice of alibi; jury reform; plea bargaining legislation reform; time bar for minor offences reaching trial; and Evidence (Amendment) Act

coming to establish the prosecution having a right of appeal against sentence. Having increased the civil jurisdiction in the Resident Magistrates courts from J\$250,000 to J\$1 million, we have also increased the statutory limit on the number of resident magistrates to facilitate the appointment of up to 20 additional RMs.

The development of this Protocol would not be possible without the collaborative efforts of the Ministry of Justice through the Justice Undertakings for Social Transformation (JUST) Programme and the Department of Foreign Affairs, Trade and Development (DFATD), Canada. This partnership has truly been rewarding, with the technical expertise that is shared in the process proving to be beneficial at all levels. DFATD has been an essential force in driving transformation through elements of the justice reform project. Most recently, the collaborative effort facilitated a two-day Workshop that addressed the issues of Criminal Case Management and Case Flow Management in our Courts and the use of data derived from the Courts to produce useful and reliable statistics.

I wish to use this opportunity to extend commendations to Director of the Justice Reform Implementation Unit, Mrs. Donna Parchment-Brown, for the work that her team has done in facilitating the production of this document. The dedication and contribution of the team from the Department of Justice, Canada must be acknowledged.

Finally, I wish to say congratulations and thanks to the Director of Public Prosecutions and her dedicated and talented team, on the realization of this mammoth undertaking. I encourage you to strive always to hold the standard of Criminal Justice high in this country. Production and publication of this Protocol is an important step. The real achievement will be to put it into generalized practice within the Office of the Director of Public Prosecutions, and to live by it in the conduct of all cases within your portfolio.

Thank you.