

VISION STATEMENT

To provide an accessible system of Justice that engenders a high degree of public trust and confidence

MISSION STATEMENT

In partnership with all other stakeholders

- Ensure that Jamaica is a just and law-abiding society with an accessible, efficient and fair system of justice for all
- Promote respect for rights and freedoms, the Law and the Constitution and an awareness of the individual responsibilities and civil obligations

MINISTRY OF JUSTICE PERFORMANCE OVERVIEW

The Ministry of Justice is responsible for the administration and delivery of justice services, as well as the provision of policy support and analysis on justice issues. Guided by its mission and vision, the Ministry also seeks to continue to dispense justice fairly and efficiently, and to promote confidence in the Rule of Law.

SUBJECT AREAS

The Ministry is responsible for the following subject areas:

- Administration of Justice
- Constitution Reform
- Coroners
- Disputes Resolution
- Enquiries into the causes of fires and accidents
- Extraditions
- Justices of the Peace
- Legal Education
- Legal Profession
- Marriage Licences
- Notaries Public
- Protection of Human Rights
- Trustee in Bankruptcy
- Administration of Estates in the Interest of Minors

The Ministry Implements Its Strategies Through:

(a) The Central Ministry

- ✓ Strategic Planning, Policy Research and Evaluation Division
- ✓ Finance and Accounts Division
- ✓ Management Information Systems Unit
- ✓ Property Management Unit
- ✓ Human Resource Management and Administration Division
- ✓ Legal Services
- ✓ Law Revision Unit
- ✓ Criminal and Civil Justice Administration Unit
- ✓ Justice Reform
- ✓ Justice Education Unit
- ✓ Justice Training Institute

(b) Departments and Agencies

- ✓ Office of the Parliamentary Counsel
- ✓ Legal Reform Department
- ✓ Office of the Director of Public Prosecutions
- ✓ The Attorney General's Department
- ✓ Court of Appeal
- ✓ Family Courts
- ✓ Resident Magistrates Courts
- ✓ Revenue Court
- ✓ Supreme Court
- ✓ Office of the Trustee in Bankruptcy
- ✓ Administrator General's Department
- ✓ Police Public Complaints Authority
- ✓ Legal Aid Council
- ✓ Commission for the Prevention of Corruption

During the past year, despite fiscal constraints, the Ministry sought to achieve several of its key strategic/policy objectives. These are as follows:

- **Constitutional Reform/Completion of Sovereignty**
- **Protecting the Children, Youth and Vulnerable people**
- **Access to Justice**
- **Modernisation of the Justice System**
- **Capacity Building**
- **Justice Education/Human Rights Education**
- **Justice Reform/Legislation Programme**
- **Upgrade/Maintenance of physical infrastructure**

KEY PERFORMANCE INDICATORS 2005/2006

POLICY	KPI	STATUS
Constitutional Reform/Completion of Sovereignty		
<ul style="list-style-type: none"> • Establishment of the Caribbean Court of Justice original jurisdiction • Harmonisation of the laws within CARICOM Member States ▪ Establishing a Charter of Rights and Freedoms. 	<p>Bill passed</p> <p># of Laws Harmonised</p> <p>Charter of rights enacted</p>	<p>The Caribbean Court of Justice (Original Jurisdiction) Bill was passed by Parliament and enacted in May 2005</p> <p>Regular meetings of CARICOM were attended by the Chief Parliamentary Counsel with focus being placed on the harmonisation of Customs Legislations and other issues concerning the harmonisation of laws of CARICOM nations.</p> <p>The Charter of Rights Bill is still being debated in Parliament.</p>
Protecting the Children, Youth and Vulnerable People		
<ul style="list-style-type: none"> ▪ To Implement legislation to improve the treatment of persons suffering from mental disorders or other disabilities in the Criminal Justice system 	<ul style="list-style-type: none"> ▪ Adjustment to the Criminal Justice Administration (Amendment) Bill, 2005. 	<p>This Bill was enacted by Parliament and is to be brought into force in the 2006/07 financial year.</p>

POLICY	KPI	STATUS
<ul style="list-style-type: none"> ▪ To improve the treatment of Children in conflict with the law in the Criminal Justice System ▪ To enact legislation that will create a safe environment that encourages victims and witnesses of crime to interface more confidently with the Criminal Justice System ▪ Enacting legislation to protect the Family and the welfare of children and dependents 	<p>National Plan of Action for Child Justice.</p> <ul style="list-style-type: none"> ▪ Victims Charter ▪ Evidence (Amendment) Act [Evidence by T.V. Link] ▪ Maintenance (amendment) Bill 	<p>The National Plan of Action for Child Justice was submitted to the Minister of Justice and all relevant partner Ministries e.g. the Ministries of National Security and Health. This plan is to be presented to Parliament.</p> <p>A draft policy and discussion paper were developed and given to the Minister of Justice. Approval was also sought and received from Cabinet to proceed with the policy.</p> <p>Draft bill submitted to cabinet for approval.</p> <p>The Maintenance Bill was passed in both houses of Parliament and brought into force on the 7th of December 2005.</p>
Access to Justice		
<ul style="list-style-type: none"> • To facilitate the public's pursuit of Justice as it relates to their rights and freedoms 	<p># of persons benefiting from state funded Legal Aid in the criminal jurisdiction</p>	<p>954 persons who could not afford legal representation benefited from Legal Aid Assistance. This</p>

POLICY	KPI	STATUS
<ul style="list-style-type: none"> To facilitate transparency and the appearance of integrity among government officers 	<p># of Duty Counsel Cases Handled</p> <p># of cases of abuse investigated and disposed of under the Police Public Complaints Authority</p> <p># of Declarations of assets received by Corruption Prevention Commission</p>	<p>represents a 15.4% increase over the previous year.</p> <p>There was an 8.6% increase in the number of Duty Counsel Cases handled for the period under review. In all 373 Duty Counsel Cases were handled for 2005/06.</p> <p>578 complaints were slated for investigation. 239 of these were carried forward from 2004/05. 382 or 66% of these cases were completed/ disposed of.</p> <p>The Commission received 61% or 7,336 of an expected 12,006 declarations as at December 31, 2005. Four (4) public officers were referred to the Director of Public Prosecutions and two were referred to the Commissioner of Police as the allegations required expertise/manpower outside the Commission's jurisdiction.</p>
<p>Courts</p>	<p># of matters disposed. Case disposal rate (% of matters disposed relative</p>	<p>The Criminal Division of the Supreme Court and the island's RM courts</p>

POLICY	KPI	STATUS
	to total caseload)	enjoyed a fairly high disposal rate of matters heard during the review period (61% and 64% respectively). The Gun Courts (including the Western Regional Gun Court) as well as the Court of Appeal however disposed of less than 30% of their caseloads.
Modernisation of the Justice System		
<ul style="list-style-type: none"> To modernise the operations of the Ministry, its' departments, agencies and the Courts 	<p># of Courts Computerised</p> <p>Implementation of computers and Case Management software to Court Of Appeal Supreme Court Office of the Director of Public Prosecution by September 2006.</p>	<p>Eleven (11) Resident Magistrates' Courts were computerised. St. Catherine RM was also computerised but was subsequently destroyed by fire.</p> <p>Tender for the cabling, provision and installation of computers for the Court Of Appeal Supreme Court was awarded. Work should commence on these offices at the start of 2006/07.</p> <p>The tender for the Office of the Director of Public Prosecutions failed as bidders did not meet the stipulated requirements.</p> <p>100 new licences for the Case Management Software were acquired, namely Prosecuting</p>

POLICY	KPI	STATUS
<ul style="list-style-type: none"> To utilise alternate Restorative Justice methodology in the resolution of conflicts brought before the Courts To promote a performance culture driven by objectives and concrete targets 	<p>Judicature (Resident Magistrate) Rules revised.</p> <p>Criminal Procedure Rules (Supreme Court) revised</p> <p># of cases brought before the courts referred to mediation</p> <p>Implementation of PMAS in the Central Ministry% of Job descriptions rewritten</p>	<p>Attorneys System and the Judicial Enforcement Management System.</p> <p>Judicature (Resident Magistrate) Rules still under revision.</p> <p>Still incomplete.</p> <p>Under the Supreme Court Civil Mediation Pilot Project (SCCMP) 55 cases were referred to mediation which is a decrease of 35.5% over last year. Of these cases seven (7) or 12.7% were resolved.</p> <p>The Resident Magistrates' Courts had 251 requests for mediation. Of these mediations 47% were resolved, 12% were not resolved and 41% not held.</p> <p>All Job descriptions were re-written and sensitisation of staff conducted in order to</p>

POLICY	KPI	STATUS
	% of Work Plans	<p>satisfy the PMAS requirements.</p> <p>99.5% of the Central Ministry's staff developed output focused work plans for use in monitoring their performance in accordance with PMAS.</p>
Capacity Building		
<ul style="list-style-type: none"> • Strengthening of the Court Reporting System 	# of steno writers/court reporters being trained	<p>The 3rd batch of students is to complete training in September 2006. The number of the students remaining in the course has dropped from 29 to 22. A new batch of court reporting students will begin their tenure at the Justice Training Institute in September 6, 2006. Three (3) applications have already been received from two (2) Caribbean Islands for enrolment to this batch.</p>
<ul style="list-style-type: none"> • Registration of the Justice Training Institute as a tertiary institution by the University Council of Jamaica. 	Attain registration status by February 2007	<p>The following were quality assurance strategies undertaken in preparation for the accreditation:</p> <ul style="list-style-type: none"> • Development and implementation of an Operations Manual • Development of Policy Manual on Examinations and Assessment

POLICY	KPI	STATUS
	# of Court Staff Trained in Statistical Methodology	<p>some revision a new structure was approved.</p> <p>The staffing of the structure is to commence in 2006/7. Positions to be added include a Technical Services Manager, Network Administrators, Web Administrators /Application developers and Software Support Staff.</p> <p>The 3 regional training workshops were conducted with 72 of Court staff in attendance. The aim was to strengthen the data collection and information reporting capabilities in the courts, to further enhance planning and policy decisions in the courts and at the Ministry.</p>
Justice Education/Human Rights Education		
Enhanced Justice Education	Curriculum for Human Rights Education training	A consultant in Human Rights was engaged in September 2005. The consultancy was terminated because the consultant failed to comply fully with the terms of the agreement and to cooperate with the MOJ.

POLICY	KPI	STATUS
	<p># of Justice Education Programme for Youth</p> <p># of person exposed to Restorative Justice Principles</p>	<p>2 Presentations were made on the Legal Aid Council to members of the public in order to increase awareness of this programme.</p> <p>390 persons were trained in St Catherine, Kingston and St Andrew. This training was done in November -December 2006.</p>
Law Reform		
<p>MOJ's Legislation Programme (players Office of the Chief Parliamentary Counsel, Legal Reform Department, Attorney Generals Chambers, Justice Reform Unit)</p>	<p># of Bills tabled</p> <p>#of bills Enacted</p> <p>#Bills passed by senate</p>	<p>Nine Bills were tabled by the Ministry in keeping with the Prime Minister's Mandate, two of which are joint initiatives with the Ministry of National Security.</p> <p>Four (4) bills were passed by both Houses of Parliament and are to be enforced.</p> <p>Six (6) Bills tabled by the Ministry prior to the period in review were also passed by Parliament and are to be enforced.</p>

POLICY	KPI	STATUS
Upgrade/maintenance of physical infrastructure		
Refurbishing Work	Amount expended on courthouses refurbishing	JA\$ 100,442,718.72 which is 75% of the total Capital 'A' budget.

FINANCE & ACCOUNTS

The year was positive in a number of respects and directly related to the improved funding received in key areas such as :

- Payments to Legal aid lawyers
- The Norman Manley Law School subvention
- Refurbishing and equipping of Courthouses
- Settlement of Judgement debts

Payments to Legal Aid Lawyers

The vexing issue of substantial arrears to Legal Aid Lawyers was addressed in that the \$45M owed was reduced by the end of the financial year to \$8M.

The Norman Manley Law School

This institution not only received its subvention but also \$37M toward its accumulated arrears. This represented a marked improvement over the previous year when they were not funded to the full extent of their subvention.

Refurbishing & equipping of Courthouses

For the first time the Ministry of Finance provided funding for the purchase of capital equipment and some \$52.6M was provided in the budget for the purpose of purchasing photocopiers, fax machines and computers.

Settlement of Judgement Debts

The funding under this area increased from \$110 M to \$200.M. This allowed the Ministry to settle the long outstanding debts and to reduce the level to \$25M comprised mainly of current year debts.

Financial Report

The approved budget for the Ministry and its departments for the fiscal year 2005/06 was **\$2,027.8** million. The revised budget was **\$2,122.4** million which reflects a 0.95 or just under 1% increase over the approved allocation. This is attributable to slight increases in the provision for the recurrent expenses. When compared to the revised figures of 2004/05 the difference is 14% increase in provision (**Figure 1**).

Figure 1

Revised Budget Distribution From 2002/03 -2005/06

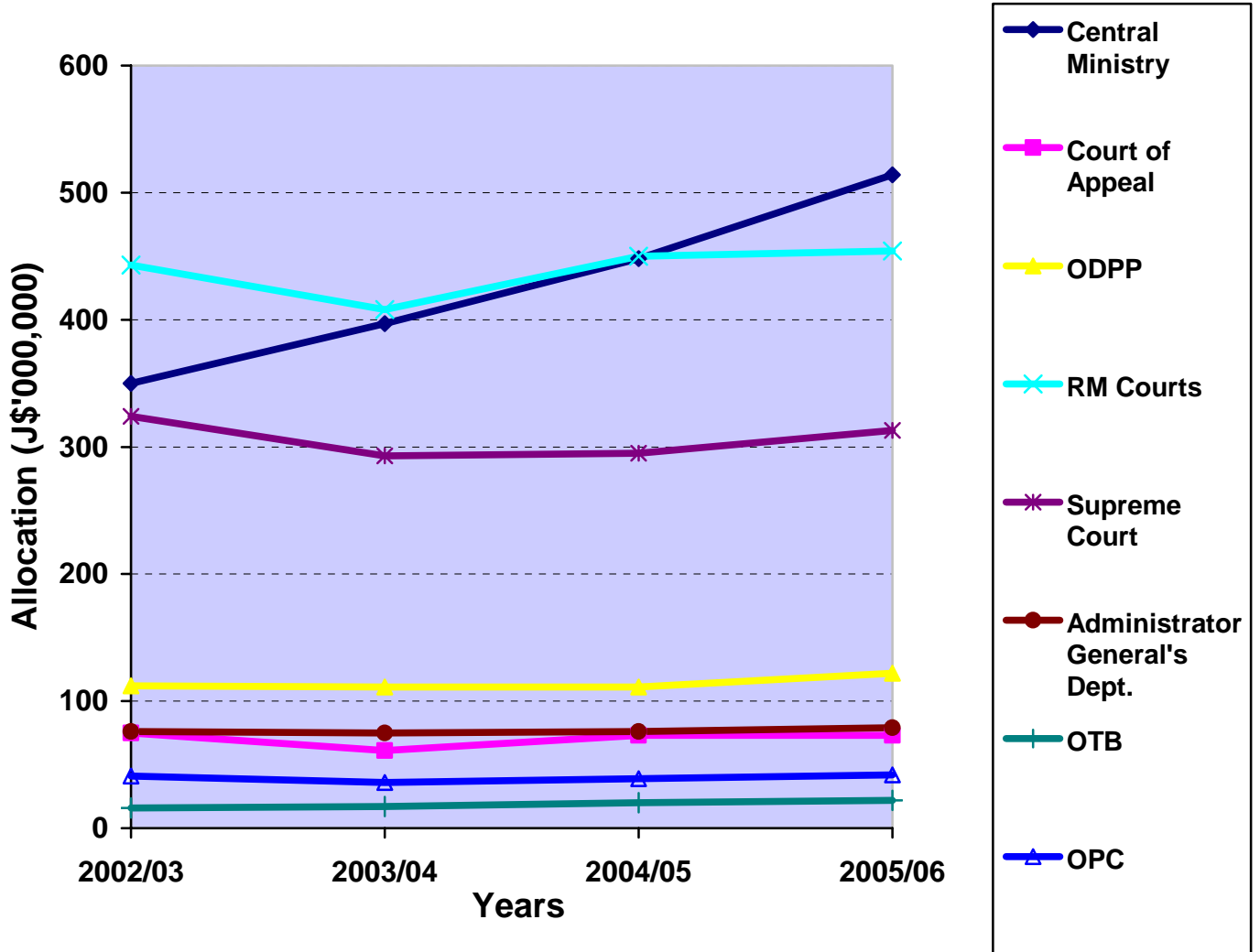


Table A**Revised Budgetary Allocation against Expenditure for 2005/06**

Ministry/Department	Revised Budget 2005/06 (JA \$'000)	Annual Expenditure 2005/06 (JA \$'000)
Ministry of Justice	514,857.0	499,436.0
Court of Appeal	72,972.0	58,770.0
Office of the DPP	121,653.0	117,756.0
Family Courts	86,416.0	86,278.0
Resident Magistrates' Courts	454,072.0	446,172.0
Revenue Court	4,811.0	4,130.0
Supreme Court	313,324.0	280,050.0
Administrator General's Dept.	80,904.0	83,323.0
Attorney General's Dept.	410,762.0	396,014.0
Office of the Trustee in Bankruptcy	22,180.0	
Office of the Parliamentary Counsel	42,424.0	42,464.0
Total Recurrent	2,122,423.0	
Capital 'A'	50,000.0	49,050.0
Capital 'B'	7,000.0	3,477.0
Total Capital	57,000.0	52,527.0

Please note that Administrator General exceeded the estimates by approximately \$3.0M. The additional \$1.952M was given to them was to meet MOU allowances paid.

**Distribution of Revised Budget Provision
for Ministry of Justice
From 2002/03 -2005/06**

Table B

MINISTRY/ DEPARTMENT	ALLOCATION 2002/03 (J\$ '000)	ALLOCATION 2003/04 (J\$ '000)	ALLOCATION 2004/05 (J\$ '000)	ALLOCATION 2005/06 (J\$ '000)
Ministry of Justice*	349,816.0	397,307.0	448,283.0	514,857.0
Court of Appeal	74,704.0	60,894.0	72,545.0	72,972.0
Office of the Director of Public Prosecution (DPP)	111,687.0	110,822.0	110,656.0	121,653.0
Family Courts	79,086.0	75,447.0	83,539.0	86,416.0
Resident Magistrates' Courts	443,884.0	407,853.0	450,247.0	454,072.0
Revenue Court	5,043.0	3,818.0	4,776.0	4,811.0
Supreme Court	323,747.0	292,935.0	294,794.0	313,324.0
Administrator General's Office	76,179.0	75,218.0	76,399.0	78,952.0
Attorney General's Department	313,784.0	187,915.0	247,181.0	410,762.0
Office of the Trustee in Bankruptcy	15,575.0	17,456.0	19,967.0	22,180.0
Office of the Parliamentary Counsel	41,449.0	35,933.0	39,482.0	42,424
Total	1,834,854.0	1,665,598.0	1,848,409.0	2,122,423.0

* The figure for the Ministry of Justice includes subventions to be paid to the following: Corruption Prevention Commission, Police Public Complaints Authority, Legal Aid Council, Norman Manley Law School and Dispute Resolution Foundation.

Policy 1: Constitutional Reform

Caribbean Court of Justice (Original Jurisdiction)

In 2006/07 the topic of the Caribbean Court of Justice was again debated in Parliament. The Caribbean Court of Justice (Original Jurisdiction) Bill, unlike its predecessors, sought to recognise the CCJ not as a final court of appeal, but as an international tribunal responsible for the handling of matters/disputes related to the interpretation and application of the treaty establishing the CARICOM Single Market and Economy (CSME); that is the revised treaty of Chaguaramas¹. This Bill was passed in both Houses of Parliament and a date is to be given for its enforcement.

Policy 2: Protecting Children, Youth and Vulnerable Groups

The Criminal Justice (Administration) (Amendment) Bill, 2005

The Criminal Justice (Administration) (Amendment) Bill, was approved by both Houses of Parliament. This piece of legislation seeks to protect the interest of persons found unfit to plead by virtue of mental illness and who come in conflict with the criminal Justice system. The Legislation abolishes the use of the discriminating and degrading term “Criminal Lunatic” and replaces it with the term “Forensic Psychiatric Inmate”.

Charter of Rights and Freedoms

This Bill is still with Parliament as some of its sections have raised issues that have sparked heated public debate requiring additional consultation. The Final Debate of this Bill is anticipated in 2006/07. The Charter of Rights Bill seeks to replace chapter 3 of the Constitution and so required a two thirds (2/3) majority in both Houses of Parliament.

Child Justice Reform

The National Plan of Action for Child Justice has been circulated to all ministerial stakeholders for sign off. On receipt of signatures of approval this plan will be submitted to Parliament for approval and roll out. The Ministry of Justice will be required to provide support for the establishment of thirteen diversion committees and the provision of computer and office equipment upon approval of the plan by Parliament.

¹ *The Caribbean Court of Justice: What it is and what it does*, CARICOM Secretariat ,April 2000

Victims Charter

A draft policy document and discussion paper was developed and presented to the Minister of Justice for endorsement. Cabinet was also advised of the intention of the policy in the context of the broader Policy of Restorative Justice, and the Ministry was directed to proceed. The intention of the Charter will be to change the criminal Justice systems response to victims by seeking to:

1. Make victims more central to the process and not just as witnesses of crime
2. Enhance existing victim support policies and programmes that will focus on their wellbeing and welfare
3. Minimize, and eventually eliminate, the risk of secondary victimization of victims.

It is projected that by 2006/07 the Charter will be launched for public consultation and tabled in Parliament in 2006/07.

The Maintenance Bill

The Maintenance Bill was also passed by Parliament during the period and brought into force on the 7th of December, 2005. This Bill besides providing for equal obligations of maintenance between married or cohabiting couples confers obligations on parents to maintain their children, provides for the care and maintenance of minors, the aged, the physically and mentally challenged by making familial obligations to care for direct family members legally binding.

It should be noted that the obligation of maintenance of unmarried minor or one with physical or mental impairment may be transferred to a grandparent in the event that parents are unable to fulfill their responsibility due to incapacity or death. (Brief of the Honorable Minister, 2005).

Policy 3: Access to Justice

LEGAL AID COUNCIL

The Legal Aid Council has put in a creditable performance in fulfilling its role as the organ designated to provide a coordinated Legal Aid System in Jamaica. During the year under review, the Council was able to pay off the arrears it had accumulated over the last two years. The arrears, owed to the 295 lawyers enrolled on the Panel of Attorneys, amounted to **\$22,886,000**. The payment of the arrears and the attempt to be current in other payments rekindled the interest and motivation of Attorneys on the panel, returning their focus to the work of aiding the less fortunate in our society and ensuring that as many as possible receive the best legal assistance when coming before our courts.

A comparison of the cases handled in 2004/05 to those during the period under review, shows an increase in all categories except the Court of Appeal, where the figure remains the same. The increases in Legal Aid ranged from approximately, 9% in the matters handled in the Resident Magistrate’s Court, 16.8% in the Circuit Court, and 18.3% handled in the Gun Court. There was also an increase of 8.6% in the number of Duty Counsel Matters. It is believed that the increases are a direct result of the manner in which payments during this period were made. As a result, attorneys were more willing to work, knowing that payments are forthcoming. The evident increase in the use of our services has also been as a result of the seminars held to increase public awareness of the Legal Aid Act and the activities of the Council.

The contributions collected from persons who qualify for Legal Aid amounted to \$1,656,000. These persons are not charged a fee but are asked to contribute according to their means.

Table C: Comparison of Legal Aid Cases handled in 2004/05 and 2005/06

Courts	2004/05	2005/06	Percentage Increase (%)
Resident Magistrate’s Courts	347	381	9
Circuit Courts	243	292	16.8
Gun Court	196	240	18.3
Court of Appeal	41	41	0

Table D: Comparison of Duty Counsel Cases handled in 2004/05 and 2005/06

2004/05	2005/06	Percentage Increase (%)
341	373	8.6

POLICE PUBLIC COMPLAINTS AUTHORITY

During the period three hundred and thirty nine (339) complaints were lodged with the Authority, which represents a 9.12% decrease in complaints over the previous year. The total number for investigations was five hundred and seventy eight (578), two hundred and thirty nine (239) of which were carried forward from 2004/05.

Investigations were completed in three hundred and eighty two (382) or 60% of these cases; resulting in one hundred and ten (110) being referred to the Director of Public Prosecutions to be ruled upon and forty (40) to the Commissioner of Police for disciplinary action to be taken.

One hundred and sixty four (164) complaints received during the period under review related to assault, nineteen (19) were fatal shootings, twenty eight (28) abuse of Power and nineteen (19) harassment cases.

The Authority also appraised one hundred and twenty six (126) cases that were investigated by the Professional Standards Branch (PSB) of the Jamaica Constabulary Force, which represents an increase of 13.52% over the previous year.

The Authority's appraisal revealed that the investigations conducted by the PSB were done impartially and recommended that twenty four (24) cases be referred to the Director of Public Prosecutions to be ruled on.

CORRUPTION PREVENTION COMMISSION

The Commission was in receipt of seven thousand three hundred and thirty-six (7,336) declarations as at December 31, 2005. This represents a compliance rate of 61% based on the expected return of twelve thousand and six (12,006) declarations.

Four (4) public servants were referred to the Director of Public Prosecutions (DPP) for failing to furnish the Statutory Declarations of Assets, Liabilities and Income, bringing the total to three hundred and thirty eight (338) since inception of reporting. In the twenty three (23) cases before the courts, the DPP exercised his discretion and withdrew the cases against 18 declarants, after they filed all outstanding declarations. Two persons pleaded guilty to having failed to file and each was ordered to pay fifty thousand dollars (\$50,000.00) or to serve six (6) months imprisonment at hard labour. The remaining three (3) cases are still pending before the court.

Two (2) cases were referred to the Commissioner of Police as the allegations suggested criminal action requiring expertise / manpower outside of the Commission's jurisdiction.

The second schedule of the Corruption (Prevention) Act prescribes the form on which Public Servants are required to make their declarations; which as the law indicates must be accompanied by bank statement(s) or letter(s) from banks confirming the balance(s) reported. In order to relieve public servants of the high cost of acquiring these confirmation letters (and allow for timely submissions to the Commission), the Commission began accepting photocopies of Bank Pass Books and in recent times Automated Transaction Machine (ATM) slips and Electronic Banking (e-banking) statements.

An amendment is now required that allows the Commission to examine and approve whatever option is available to the declarant in complying with the requirements of the Act. The Commission therefore proposed that the form of Statutory Declaration of Assets, Liabilities and Income as set out in the Second Schedule of the Act be amended at section 1 to add the words "*or any other document as indicated by the Commission*".

Among the constraints faced by the Commission are (i) the lack of investigative staffing positions on the commissions existing structure. A proposal for a new organisational structure prepared by the Management Development Division of the Cabinet Offices is to address this problem. (ii) the inaccuracy of the Commission's database as a result of continued tardiness of 55% of Public Sector Entities required to furnish the Commission with a list of their employees who are required to file Statutory Declarations. Of the 131 entities written to in December 2005, a total of seventy two (72) or 55% responded. The Commission is contacting the remaining entities to finalise the list of these employees.

THE CRIMINAL AND CIVIL JUSTICE DIVISION

The Criminal and Civil Justice Division of the Ministry in its administration of justice matters facilitated the exposure of the Judiciary to hands-on training on the January 13 &14, 2006. During this period seminars were also held for Court Administrators, and Prosecutors; Clerks of Courts; the office of the DPP and the Attorney Generals Chambers.

Some JA\$442,166.58, US\$2,627 and £4,150.29, was spent on the procurement of legal publications and Lexis Nexis subscriptions for the Courts and the Ministry's departments and agencies. The provision of such current legal material is important as they provide a sound basis for research, continued learning and informed decisions, in tandem with a modern justice system.

For the period the division appointed 239 Justices of the Peace; 61% male and 39% female. This large number was as a result of a directive to suspend appointments for the period July 2004/05 to March 2004/05, to allow for the

introduction and assignment of seals to all active Justices of the Peace, this resulted in a backlog of applications.

The division was in receipt of 980 new applications for expungement, of applications reviewed by the Board. Thirty – six (36) applications for letters of no impediment were received, twenty-six (26) or 72% were issued, one (1) was denied and ten (10) or 27% were carried forward to the 2006/07 financial year.

Ministers Licences applications received for the period, including those brought forward, amounted to fourteen thousand eight hundred and forty 14,840. Of these fourteen thousand five hundred and thirty four 14,534 or 98% were successfully processed, 17 or 0.1% were returned, and 289 or 1.9% are to be carried forward into 2006/07.

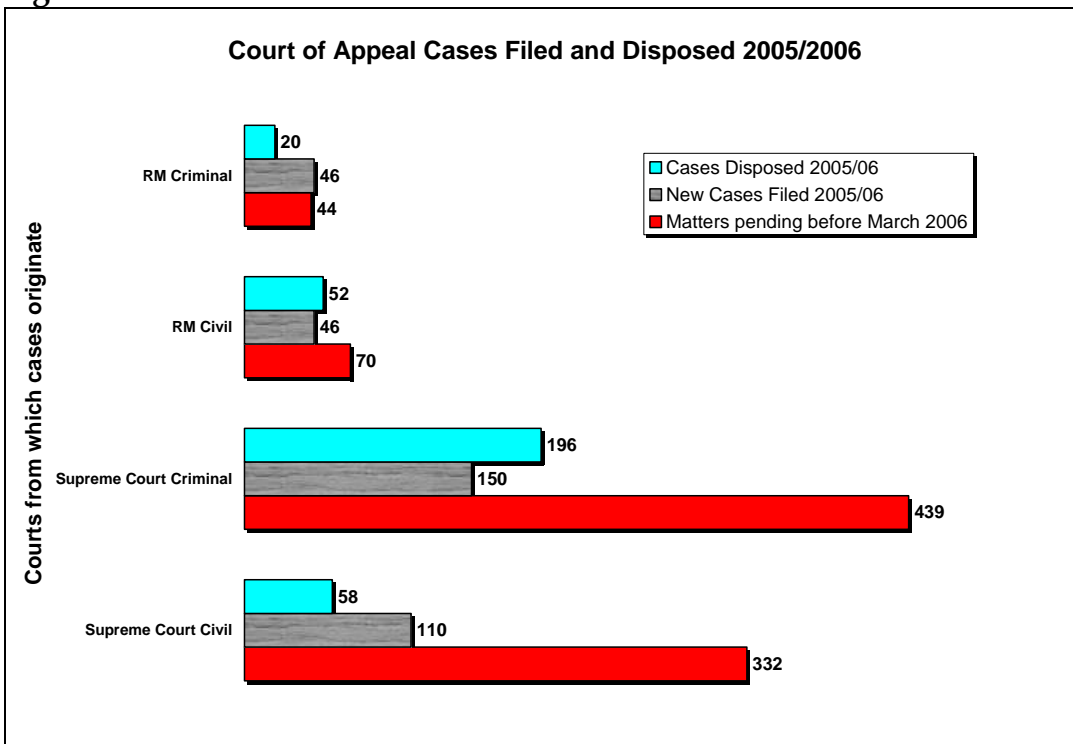
COURT OF APPEAL

The Court of Appeal is the final domestic appellate court in Jamaica with the authority to review decisions or judgments made by lower courts. This court however continues to carry a significantly heavy caseload relative to the number of judges in that court². The Court of Appeal began the year 2005/06 with a caseload of 1,238 matters which also included 885 cases that were carried forward from 2004/05. Of the 885 cases brought forward, 771 cases (87%) originated from the Supreme Court, compared to the 114 cases (13%) from the island's Resident Magistrates' Courts. Of the 353 new cases filed in 2005/06, a total of 260 cases (74%) originated from the Supreme Court and 93 cases (26%) originated from the Resident Magistrates' Courts. In all, the majority of the cases before the Court of Appeal (83%) originated from the Supreme Court (**Table 1**).

During the year under review, the Court of Appeal disposed of 326 matters or 26% of the actual caseload within the court. Of those matters disposed, a total of approximately (78%) had originated from the Supreme Court and the remaining proportion (22 %) originated from Resident Magistrates' Courts. The majority of cases that were disposed in 2005/06 (84%) were matters that were filed more than two years ago. This included 16 matters that were filed in year 2000 (**Table 1**). Criminal matters also represented the majority of the cases disposed of by the Court of Appeal in 2005/06. This pattern is consistent with the greater share in the Court's caseload occupied by criminal matters (**Figure 2**).

² Only seven judges are at the Court of Appeal and matters heard in Appeal are adjudicated by a panel of three judges per sitting.

Figure 2



The Court of Appeal closed the year 2005/06 with a 3% increase in the number of pending cases – i.e. 911 matters to be dealt with in the 2006/07 year.

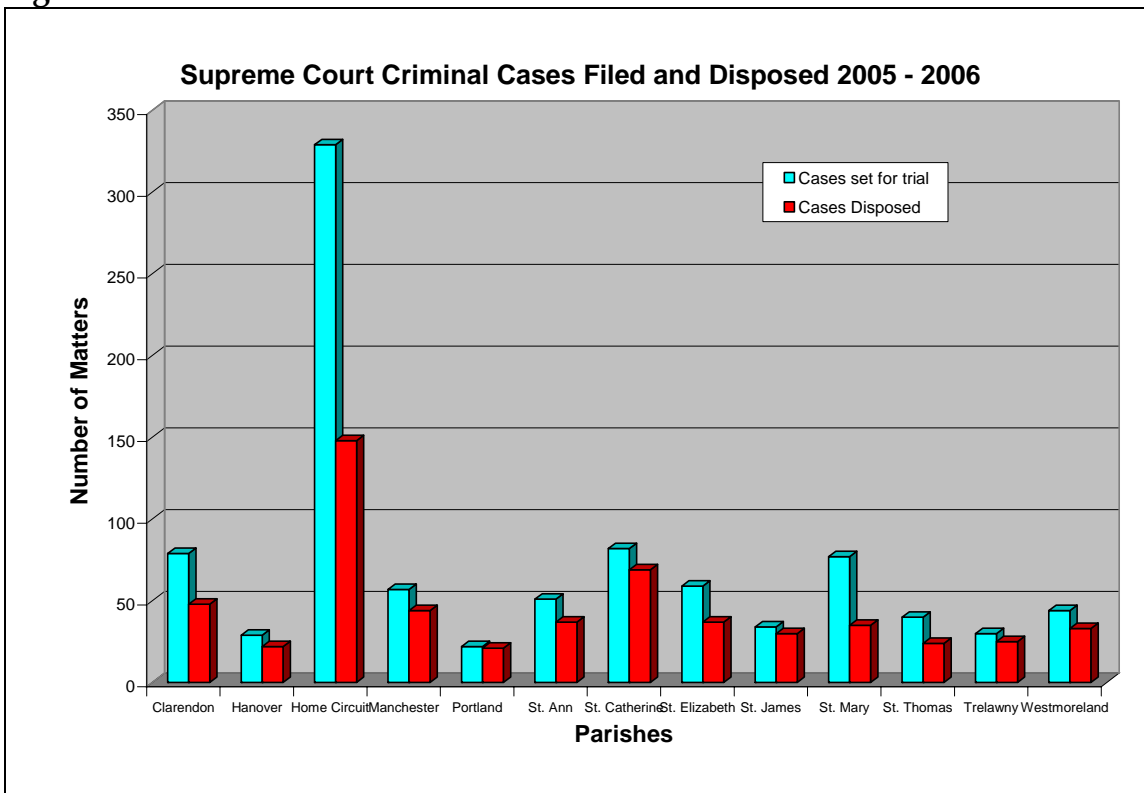
Supreme Court

The Supreme Court exercises jurisdiction in both civil and criminal matters. For the purpose of convenience, the business of the Court is divided into Criminal (including the Gun Court), Revenue, Bankruptcy, Civil, Commercial, Family and Probate Divisions.

Supreme Court Criminal

The total number of cases disposed within the Criminal Division of the Supreme Court for the period of 2005/06, was 573. This represented approximately 61% of the actual caseload for that period. Most of the cases filed originated in the Home Circuit Court, while the parish of Portland accounted for the lowest number of cases filed.

Figure 3



The data indicate that for circuits in most of the parishes, a relatively high number of matters were disposed of by the end of the year 2005/06 (**figure 3**). The Home Circuit Court however saw approximately 45% of its caseload being disposed of resulting in the traversing of 55% of the matters placed before it. Similarly circuits in the parishes of Clarendon, St. Mary and St. Elizabeth also closed the year with a significant number of cases carried forward into the next year (**Table 2**).

Supreme Court Gun Court Division

The total number of cases carried forward from 2004/05 to 2005/06 in the Gun Court Division of the Supreme Court was 3,687 (**Table 3**). Seven hundred and eighty-four (784) new cases were filed during the period under review bringing the total caseload to 4,471. Of this figure, a total of 516 cases were disposed of during the period, representing a disposal rate of 12%.

Although approximately 26% of the cases disposed were convictions, the majority (67%) were cases disposed of for “lack of evidence”, “want of prosecution” or resulted in acquittals. Approximately 3% of the disposed cases were also transferred to other courts, namely the Circuit Court and Resident

Magistrates' Courts. The Gun Court Division of the Supreme Court ended the year with a marginally higher number of pending matters to be dealt with in the coming year.

Revenue Court

In accordance with the Judicature (Revenue Court) Act 1972 the Revenue Court hears the appeals of taxpayers against the decisions of various Revenue Commissioners. Fifteen (15) new Return of Revenue cases were filed in 2005/06, and added to the eight (8) cases carried forward from 2004/05, the total caseload was twenty-three (23). Eleven (11) cases (48%) were completed or disposed leaving a total of twelve (12) cases that have been carried forward to 2006/07 (**Table 4**).

Commercial Court

A total of 10 cases were brought before the Commercial Court during the period under review. Five (5) matters were set for trial, three (3) were sent to case management, and one sent for pre-trial review. One matter was settled during the period (**Table 5**).

Western Regional Gun Court

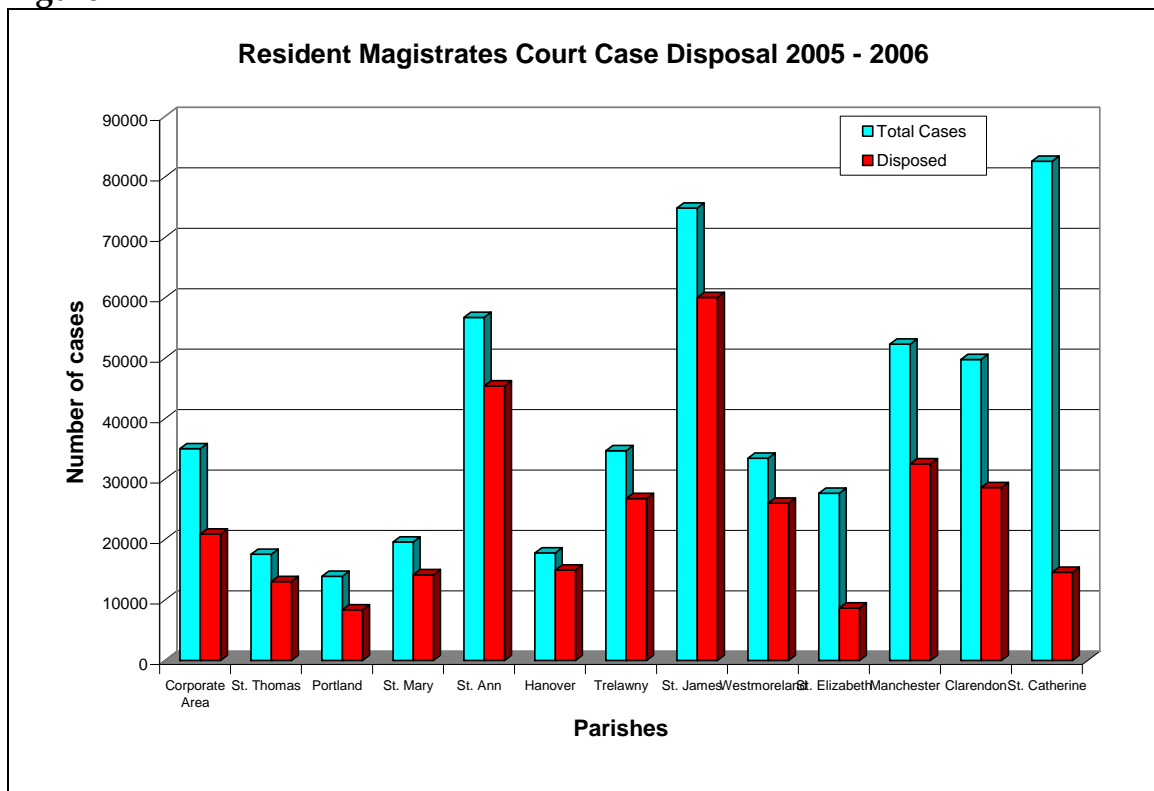
The Western Regional Gun Court (WRGC) deals with matters involving illegal possession of firearm and the use of firearms, either homemade or imitation, except for capital offences. The court was set up to deal with the increase in gun offences from the parishes of St. James, Hanover, Westmoreland and Trelawny that were once placed before the Circuit Courts.

During the period 2005/06 the WRGC carried a relatively high caseload of 855 matters which included a significant backlog of 607 cases (71%) that were brought forward from the previous period 2004/05. A total of 248 new cases were filed during the period. The overall disposal rate within the court was a relatively low 26%. Cases originating in the parish of Trelawny had the highest disposal rate (40%). St. James remains the parish from which the highest number of gun cases heard in the Western Regional Gun Court originated (**Table 6**)

RESIDENT MAGISTRATES' COURTS

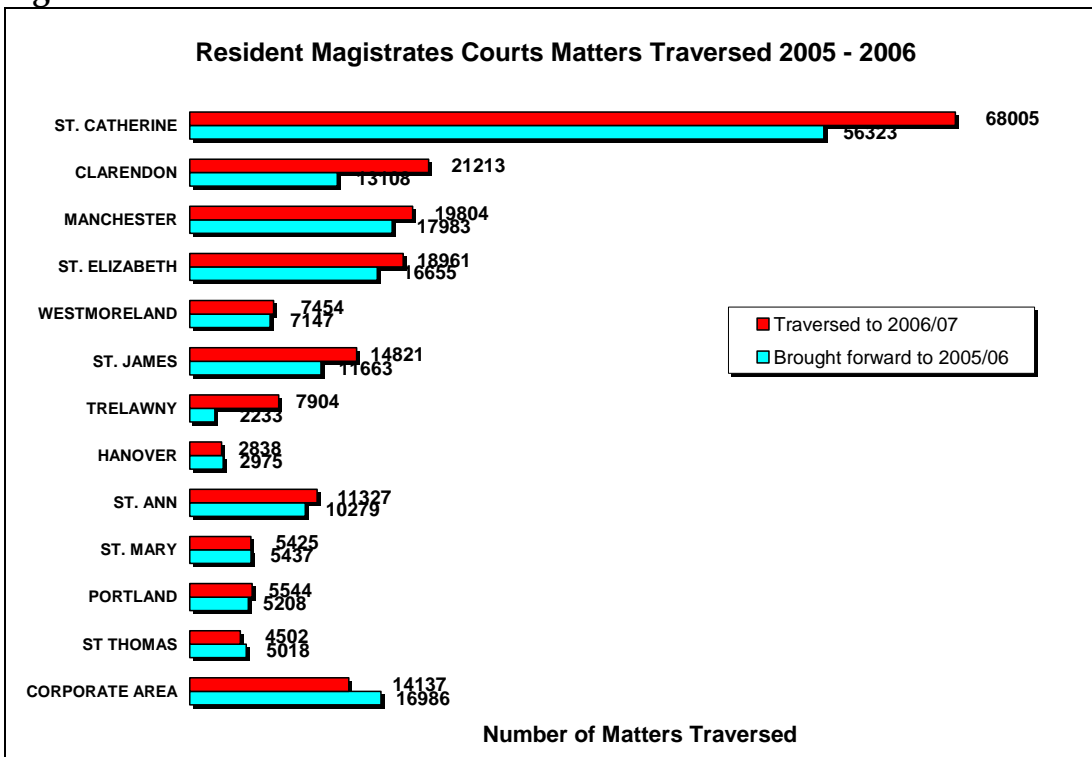
The island's Resident Magistrate's courts continue to carry a significantly high caseload of matters to be heard. During the year 2005/06, the total number of cases before the Resident Magistrates' Courts was 516,226. Of this caseload, a total of 314,291 (64%) were disposed of during the year. It is noteworthy that most courts in the parishes across the island experienced relatively high disposal of cases with rates ranging from 57% (Clarendon) to 84% (Hanover). (Table 7. See also Figure 4 below).

Figure 4



Two parishes St. Elizabeth (31%) and St. Catherine (18%) however were not able to dispose of the greater portion of their caseload. It is of concern that resident magistrate's courts in St. Catherine carried the highest caseload of almost 83,000 matters or approximately 16% of the total caseload in the island's RM Courts (Table 7). This parish also suffered the burden of the heaviest backlog and consequently presents the lowest disposal rate in 2005/06. Consequently, the RM court in St. Catherine has not successfully reduced its backlog and closed the year with a total of 68,005 matters traversed to the next year, which was 21% higher than the number of matters traversed during the previous year (Figure 5).

Figure 5



While it is evident that the majority of Resident Magistrate courts across the island closed the 2005/06 year with a higher number of matters traversed compared to the number of pending cases at the start of the year, the situation in St. Catherine is of grave concern. The data presented suggest an urgent need for special interventions to increase the rate at which matters are disposed and alleviate the case burden experienced by courts in that parish (Table 7).

Night Courts

Night Courts were introduced in 1995 in the parishes of Clarendon, St. Catherine, St. James and the Corporate Area (Kingston & St. Andrew). It was later expanded to include the Corporate Area Traffic Court, the parishes of St. Ann, St. Thomas and Westmoreland.

During the period under review, a total of 22,361 matters were filed in the Night courts of which 16,649 matters were disposed of (Table 8). This performance yielded an overall disposal rate of approximately 74%. The Clarendon Night Court had the highest disposal rate of 89%, while St. James had the lowest disposal rate of 67%. The Traffic Division of the Night Court handled a significant proportion of the total number of matters listed, disposing of 71% of its caseload during the period under review (Table 8).

Corporate Area Resident Magistrates Division of the Gun Court

During the first quarter of the 2005/06 period, the Corporate Area Resident Magistrate Division of the Gun Court handled a total of 303 matters of which 261 (86%) were matters that have been brought forward. By the close of the year at Quarter ending March 2006, this court was handling 335 cases of which 289 (86.2%) represented matters brought forward (**Table 9**).

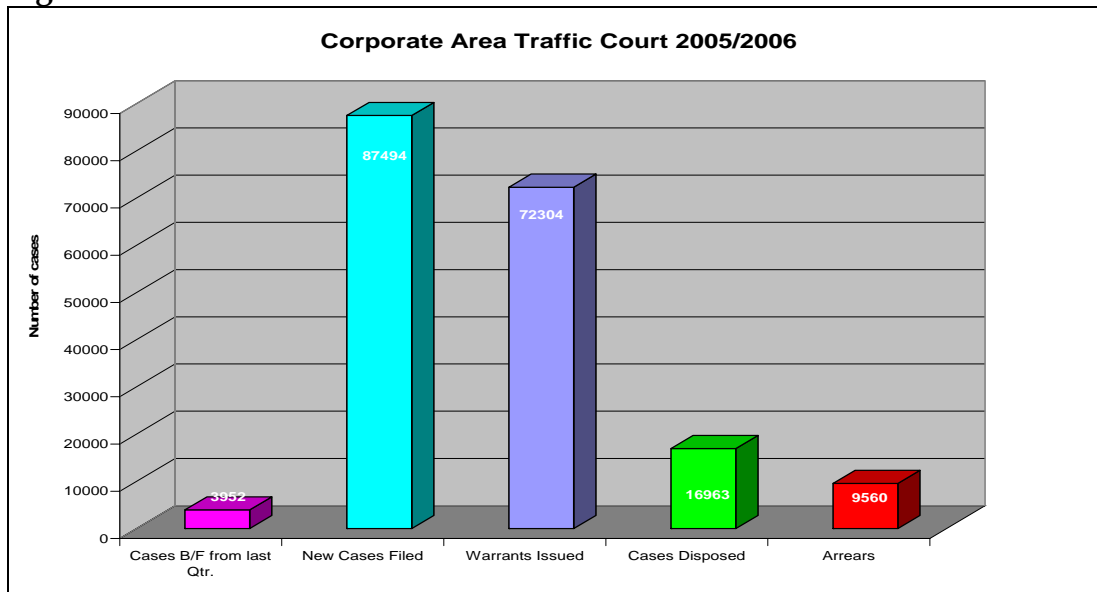
A total of 166 new matters were filed within the Corporate Area Resident Magistrate's Division of the Gun Court during the period under review. The Court disposed of a total of 123 matters during the year. At the close of the 2005/06 period, the Corporate Area Resident Magistrate's Division of the Gun Court had 304 matters pending. Compared to the arrears at the start of the year, this end of year performance indicated a 16.5% increase in the already relatively high number of pending matters to be dealt with by this court.

It is to be noted that 55% of the matters disposed of by this court during the period under review have been the result of "no order" being made, adjourned Sine Die, no Prima Facie case made, dismissed for want of prosecution, and no evidence offered.

A total of 27 matters (22%) were actually transferred from this court to the Circuit or other courts. No conviction was recorded by the Corporate Area Resident Magistrate's Division of the Gun Court during the period under review.

Corporate Area Traffic Court

Figure 6



During the 2005/06 period, a total of 87, 494 new cases were filed in the Corporate Area Traffic Court, representing approximately 89% of the total number of cases brought before the court (**Figure 6**). The number of cases brought forward from the previous year was 3,952. The overall disposal rate for the Corporate Area Traffic Court during the period was only 17% and as the data also indicate, for 72,304 or 73% of the cases dealt with by the Corporate Area Traffic Court, warrants had to be prepared for traffic offenders who failed to appear in court. At the end of the year under review, the Corporate Area Traffic Court carried forward 9, 560 cases, which is more than two times the number brought forward at the start of the year.

Family Courts

During the 2005/06 period there was a sharp increase in maintenance type cases heard in the final quarter of the period in the Kingston & St. Andrew and the St. James / Hanover / Westmoreland Family Courts. This represented an increase of almost three times the number of maintenance type cases heard in previous quarters. For the first three quarters, most of the cases heard were those related to affiliation matters, however in the fourth quarter no Affiliation matter was heard as the Affiliation Act had been repealed during the year (**Tables 10 & 11**).

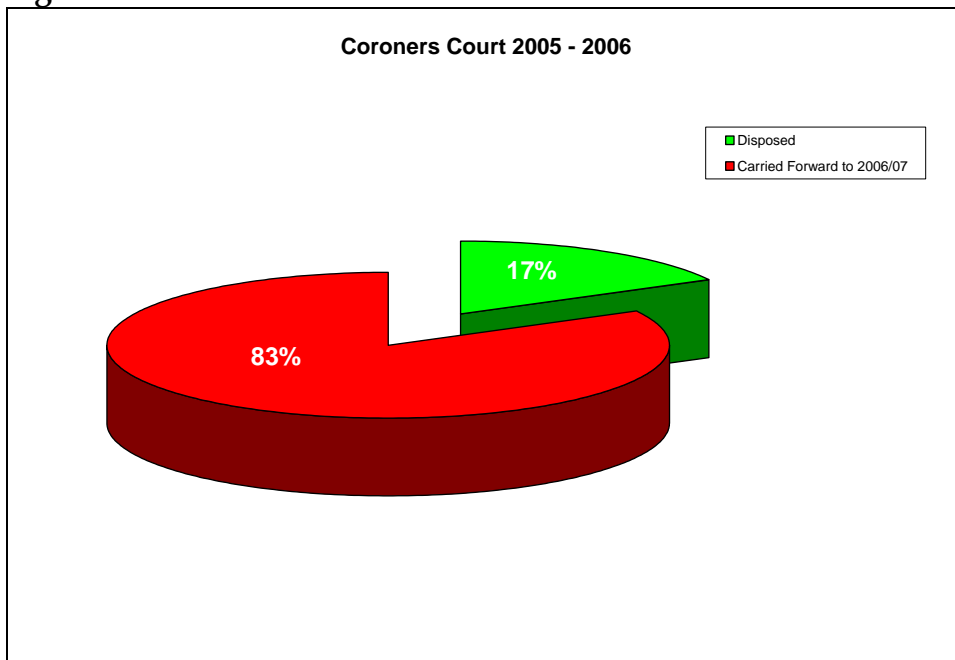
Coroner's Court³

The position of the Coroner is established under the Coroner's Act in every parish in Jamaica. The Resident Magistrate for each parish is, ex officio, the Coroner. Whenever a death occurs in circumstances where there is reasonable cause to suspect that the person died a violent unnatural or sudden death or in a Correctional Centre, a post mortem examination report along with statements and reports prepared by the police, upon investigation into the death, are submitted to the Coroner. The Coroner will either abstain from holding an inquest; or hold an inquest with a jury or without a jury.

For the period 2005/06 the Coroner's Court had in total 420 cases listed, 370 of these matters were carried forward from 2004/05 and 50 were filed during the reporting period. Of the total number of cases listed, 72 were disposed of, representing a disposal rate of approximately 17% (**Figure 7**). The number of cases to be carried forward to the following period was 348, which representing a decrease of 22 % compared to the situation at the start of the year (**Table 12**).

³ Refers to all Coroners matters handled by the Corporate Area Coroner's Court. Coroners matters handled by the Resident Magistrates' Court are accounted for among the general caseload of the RM court.

Figure 7



Petty Sessions

The Petty Session Court is presided over by Justices of the Peace. The Justices of the Peace Jurisdiction Act confers various powers on the Justice of the Peace including the power to issue warrants consequent on non-obedience to summons. Comparatively a Resident Magistrate has the power of two Justices of the Peace.

For the 2005/06 period the Petty Sessions Court experienced an average quarterly disposal rate of 52%. There was a cumulative disposal rate of approximately 79% of all Petty Sessions matters for the 2005/06 period (**Table 13**).

The number of cases brought forward from the previous period was 36, 198. A total number of 180, 298 new cases were filed during the 2005/06, while a total of 171,319 cases were disposed. The number of cases to be carried forward to the following period was 15, 483, which represents a decline of approximately 43% when compared to the figure brought forward from the previous period.

Office of the DPP

The period under review was an active one for the Office of the Director of Public Prosecutions as it relates to the prosecution of major and high profile crimes.

The listing of cases for trial or mention included some of public interest. The prosecution of the policemen implicated in the Crawle killings took place during the Michaelmas term 2005. At the end of the trial the jury returned a not guilty verdict and the policemen were acquitted. The trial of noted area leader Donald (Zeeks) Phipps for the murder of two persons took place in the Hillary term 2006. The jury found him guilty of the charge and he has been sentenced.

The number of cases set for mention or trial, the number disposed of and the number traversed for the next term continues to cause great concern. On many occasions the number of jurors available was inadequate. Jurors were selected from the existing (old) voters list but a number of persons have migrated or died. This significantly reduced the number of persons available to empanel a jury for the trial of some of the cases that were listed for trial.

In an effort to significantly decrease the backlog of Circuit Court cases special sittings of the courts continued during the period under review. There was also a special sitting of the Corporate Area Gun Court in August 2005 in an effort to reduce the backlog of cases.

These special sittings proved very challenging for the limited number of senior prosecutors who had to prosecute them.

Nolle Prosequi: Consistent with the power given to the Director of Public Prosecutions under Section 94(3)(b) and Section 94(3)(c) of the Constitution 230 Nolle Prosequis were entered during the period, a 40.25% increase compared to the 164 Nolle Prosequis entered during the previous year.

Extradition Cases: During the period under review a total of 12 requests were received from the United Kingdom and the United States of America. There were eight (8) extraditions. This was a decrease compared to the 31 requests that were received from the United Kingdom and the United States of America. The number of extraditions made was however an increase relative to the three (3) extraditions carried out during the previous year.

Mutual Legal Assistance (Criminal Matters) Act : During the period April 1, 2005 to March 31, 2006, thirty-three (33) requests were received from eight (8) countries. Two (2) countries decided not to pursue three (3) requests any further.

Six (6) of the requests were completed during the review period and the remaining requests were either awaiting further information or were awaiting further results. The number of requests for mutual assistance received by the DPP represented a 10% increase compared to the 30 requests that were received from seven (7) countries during the previous year.

Files for Rulings : A total of **426** files relating to questionable shootings by the Police or alleged misconduct by the Police were received during the period under review. This represents an 11.80% decrease in the number of files received compared to the **483** files received during the period April 1, 2004 to March 31, 2005. The rulings were arrived at based on consideration of whether the facts presented on paper would allow the prosecution to mount a credible case. The Office of the Director of Public Prosecution ruled on **415** or **97.42%** of the files which were received.

Policy 4: Modernisation of the Justice System

Comprehensive Review of the Justice Sector

The Ministry continued its thrust to modernise the Justice System, in its efforts to increase access to justice, efficiency, consistency and public trust. One major initiative announced to the public was a sector wide review of the Justice system, designed to allow for a strategic and holistic analysis of the Justice Sector's modernisation needs. This review will inform policy decisions and spending towards advancing the justice system towards 21st century standards. The terms of reference for this consultancy was completed and the tender launched in the second half of the year in review. The identification of the successful consultants and the commencement of the review are scheduled for 2006/07.

The transformation objectives to be addressed by the Review are:

- ✓ Complete a strategic analysis of the Jamaican Justice system and develop recommendations for the improvement of the services provided to customers by the Core Ministry and its agencies
- Formulate sound sector policies, technical standards and operational norms.
- ✓ Enhance Sector accountability by strengthening internal and external controls
- ✓ Develop strategies to facilitate rationalisation of the Justice system
- ✓ Identify the necessary competences which are required to facilitate the creation of a cohesive, comprehensive justice system which meets and adequately disposes of the challenges posed to it

- ✓ Engage the wider society integrally in the exercise to renew and modernise the Justice system.
- ✓ Ensure that trust and confidence in the institutions relevant to the Justice System are restored
- ✓ Develop initiatives to make the Justice system fairer, simpler and more affordable by paying more attention to the elimination of redundant processes.

Approximately JM\$56 million will be provided by the Canadian International Development Agency (CIDA) toward this modernisation initiative.

Automation of Processes

The Ministry also continued its computerisation and automation of the courts. In the beginning of 2005/06 the USAID programme for the installation of computers and case management software Judicial Enforcement Management System (JEMS) in eleven (11) Resident Magistrates' Courts was completed. Plans were also underway to commence the automation of the Court of Appeal, the Supreme Court (Criminal Registry)⁴ and the Office of the Director of Public Prosecutions (DPP). The main objectives were to cable these offices for the installation of an estimated one hundred and fifteen (115) additional computers along with peripherals. Software critical to the implementation of case management and automation were also targeted. These include the Prosecuting Attorneys System (PAS), the Judicial Enforcement Management System (JEMS) and the Jury Management System (JMS) software.

During the period under review fifty (50) additional software user licenses were purchased for the Judicial Enforcement System (JEMS), forty (40) were transferred from the RM Courts to the Supreme Court, fifty (50) were purchased for the Prosecuting Attorney System (PAS) and twenty (20) were purchased for the Jury Management System (JMS). Fifty percent (50%) of the purchase price for these pieces of software was paid to Professional Computer Software Services (PCSS) upon the signing of the contract in the last quarter of the review period.

Invitations to tender were initiated for the cabling and the supply of computers and peripherals to the Court of Appeal and the Supreme Court projects. The successful bidder, Fujitsu Transaction Solution Ltd., was endorsed by the National Works Agency, Sector committee and the National Contracts Committee (NCC).

⁴ The Supreme Court civil registry has already commenced the use of Case Management software 2003/2004

The tender for the computerisation of the Office of the Director of Public Prosecution (DPP) was also launched in 2005/06, but bidders were not able to satisfy the European Unions (EU) tender procedures and so the tender was deemed a failure. It should be noted that unlike the Supreme Court and the Court of Appeal which are funded by the Ministry, the funding for the computerisation of the Office of the Director of Public Prosecutions is from the Support for Economic Reform Programme (SERP111), an EU supported project.

Aside from the failed tender another problem arose, which was the realisation that the funds allocated under the SERP111 programme would not be able to fully satisfy the computerisation needs of the DPP's Office. The DPP's Office is slated to be cabled and fifty (50) desktop computer plus peripherals installed at a projected cost of \$28 million.

Recognising the critical role of the DPP's Office plays in the public's access to justice and in maintaining a balance of power in the courts; the Ministry has as one of its 2006/07 priorities the location of funding for the computerisation of the DPP's Office.

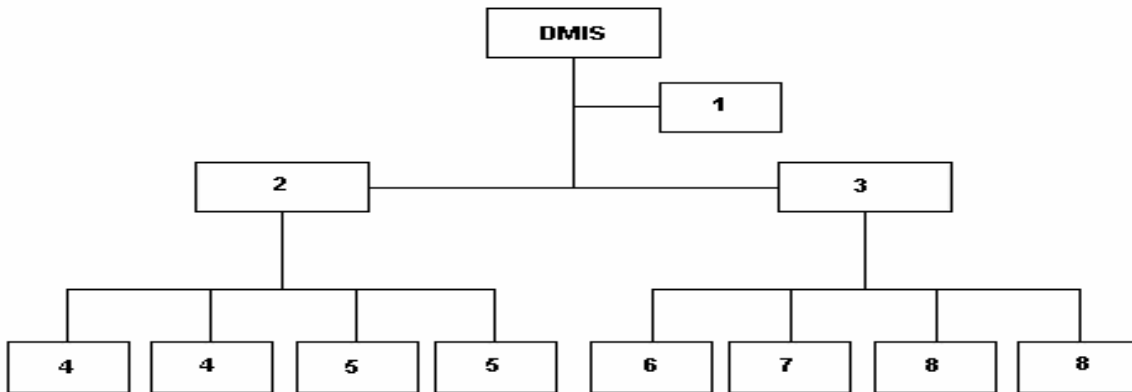
Also during the period upwards of fifty six (56) desktop machines and approximately fifteen (15) printers were acquired for the Ministry of Justice. Of this amount approximately fifty percent (50%) were deployed offsite to courts offices while the remainder were utilised within the Central Ministry. These computers represent the replacement of obsolete computers as well as the drive to increase access and utilisation of computer technology with a view to increasing efficiency. These fifty six computers are not included in the estimated one hundred and fifteen (115) required for the computerisation of the Supreme Court, Court of Appeal and the Office of the DPP.

Strengthening the MIS Function

With the Automation of the Justice Sector gaining impetus it has become critical to expand the Management Information Systems (MIS) Unit at the Central Ministry to manage the implementation and maintenance of an automated justice system. This will involve intellectual and physical capacity building to meet the needs of a modernised Justice Sector. In so doing a proposed structure for the Unit was submitted to the Management Development Branch, Cabinet Office and after some revision a new structure was approved. The staffing of the structure is to commence in 2006/7. Positions added include, positions 1, 2, 3, 6, 7 & 8 (On the structure below); these all represent skills that do not currently exist within the MIS Unit.

Chart 1

MIS New Staffing Structure



LEGEND

- 1 - Admin Assitant/Help Desk (1) GMG/AM 2**
- 2 - Technical Services Manager (1) MIS/IT 5**
- 3 - Application Development Manager (1) MIS/IT 5**
- 4 - Network Administrator (2) MIS/IT 4**
- 5 - Computer Technician (2) MIS/IT 2**
- 6 - Web Administrator/Application Developer (1) MIS/IT 4**
- 7 - Application Developer (1) MIS/IT 3**
- 8 - Software Support (2) MIS/IT 3**

The Central Ministry is also seeking to automate processes and heighten the use of technology. For 2005/06 the following initiatives were targeted by the Management Information Systems (MIS) Unit, the development of a Human Resource Management System (HRMS), and an Expungement Application Tracking System, in addition to developing an intranet for the Central Ministry.

The first version of the HRMS system was demonstrated to the Human Resource Management and Administration Division. The recommendations coming out of this demonstration are to be incorporated into the current version and finalised by 2006/07. The Expungement Application System was also partially developed and is being used by the Criminal and Civil Justice Division on a daily basis.

These two projects along with the development of an Intranet have been severely delayed by the absence of development staff particularly in light of the demands of automation of the Justice Sector.

Rules Committees

The work of the rules committee continued on the Revision of the Resident Magistrates' (Judicature) Rules and Supreme Court (Judicature) Rules.

ALTERNATIVE DISPUTE RESOLUTION

Court Civil Mediation Pilot Project

Fifty-five (55) cases were referred to mediation under the Court Civil Mediation Pilot Project. Of these referrals seven (7) were resolved via mediation. Information available was not able to clarify how many of those unresolved cases were returned to the courts and which were still being scheduled for mediation. It was however reported that the scheduling of diaries of the parties attorneys and the mediators has become increasingly difficult. This was reported to be even more arduous at the end of court term when lawyers may have elected to take leave. This resulted in the failure to hold any mediation sessions in the months of August, September, January and February of the reporting period.

Mediation from the Resident Magistrates' Courts

In the Resident Magistrates Courts two hundred and fifty one (251) requests for mediation were received for the period, of these, one hundred and nineteen (119) or 47.4% were successfully resolved, one hundred and three (103) or 41% were not held, and twenty nine (29) or 11.6% were held but not resolved. Issues contributing to the 41% of scheduled mediations not held are reported to be, the failure of participants to attend sessions and the lack of contact information for parties involved in mediation.

The Dispute Resolution Foundation reports a higher average of criminal cases being brought to mediation some of the more popular matters mediated include; cases of assault, threats, and destruction of property. The majority of criminal cases set for mediation originated from the Half-Way-Tree Resident Magistrate's Court.

Policy 5: Capacity Building

THE JUSTICE TRAINING INSTITUTE

The Justice Training Institute in its efforts to develop the capacity of members of staff of the Ministry of Justice, related Agencies, and the Courts, sought to meet the following corporate objectives during the period.

To increase the number of programmes that the Institute offers.

The number of programmes that the institution offered during the year increased by 4 reflecting an 80% increase over the previous year's course offerings. The new courses offered were as follows:

- Professional Communication for Secretaries and Administrative Assistants.
- Regional Statistical Workshops for Clerks of the Court, Deputy Clerks of the Court, Court Administrators and Assistant Clerks of the Court who are responsible for collecting, collating and submitting statistical reports from the Courts.
- Workshop on Forfeiture of Property conducted for Clerks of the Court and Public Prosecutors.
- Customised Certificate in Legal Administration for the staff at the Taxpayers Audit and Assessment Department of the Ministry of Finance and Planning.

15% increase in the number of persons enrolled by the Institute

The institution exceeded its projected 15% increase in enrolment as during the year, 852 persons were enrolled. This reflects a 21% increase over the previous year's performance on this objective. Of these, one hundred and eighty eight (188) were court office staff which were trained in accordance with identified training needs such as Information Technology, Statistical Training and Professional Communication. (See table below)

Table E

**JUSTICE TRAINING INSTITUTE
NUMBER OF PERSONS TRAINED FROM THE COURT OFFICES
2005 - 2006**

PROGRAMME/COURSE	NUMBER TRAINED
Information Technology	
Introduction	10*
Intermediate	23*
Advanced	5
Court Reporting	8
Court Reporting (Upgrading)	7
Criminal Justice Studies	1
Certificate in Legal Administration	6
Professional Communications	18
Financial Crimes	21

Statistical Training	72
Forfeiture of Assets	17
Total	<u>188</u>

*figures include persons currently being trained and those who completed training in the period

Institution to be registered as a tertiary institution with the University Council of Jamaica by February 2007

Several quality assurance strategies were undertaken during the year in preparation for the accreditation processes. Some of the initiatives include:

- Development and implementation of an Operations Manual
- Development of Policy Manual on Examinations and Assessment
- Development of students and lecturers handbook
- Appointment of an Academic Committee by the Board

The institution submitted the application to the University Council of Jamaica (UCJ) for registration as a tertiary institution. The evaluation exercise was conducted on February 3, 2006. The evaluation report from the UCJ is being awaited. Work continues to prepare for the accreditation process, which is projected for January 2007.

To undertake the upgrade of the physical facilities to create more space to accommodate the increased numbers of programmes and improved safety and security of persons.

Although major construction was not undertaken during the financial year as was hoped, work was done to make the facilities comfortable for the students, staff and visitors.

Upgrading of the facilities was undertaken in that, the parking shed was renovated and converted into a temporary dining area for the students; a store area was converted into a sick bay, bathroom facilities were upgraded and two rooms were renovated to become the Lecturers' Lounge and Registrar's office.

Additionally, the Ministry of Justice engaged the service of a Consultant Architect to conduct integrity tests of the current structure and to produce drawings of the proposed new structure. The drawings were accepted after consultation with various stakeholders and it is projected that construction will start in the new financial year.

To achieve full decentralisation of the training of Justices of Peace

Limited decentralisation of the training was achieved. Training was delegated to the Resident Magistrates in the Parishes. However, the unavailability of Resident Magistrates to conduct the training due to their workload and the level of support from the Custodes have created some barriers. A new approach is being developed in conjunction with the Chief Justice and the Permanent Secretary.

To develop/strengthen strategic alliances and partnership agreements with other institutions and agencies with a view to delivering relevant training in areas of significance to the Justice Sector

HEART Trust/NTA provided \$6m financial support for training of Court Reporters who will constitute the first group that will be assigned to the Resident Magistrates' Courts.

The institution also sought and received assistance from the National Court Reporters Association. Through the MOJ/HEART Project, a Court Reporting Consultant, who is also the President of Brown's College for Court Reporting visited the institution to assist with the improvement of the standard for training. She also met with the UCJ and the HEART Trust/NTA with a view to assisting them with the development of local standards for that programme. The Institute also collaborated with the Jamaica Constabulary Force to train over fifty (50) investigators in Report Writing.

To achieve organisational efficiency and effectiveness through the implementation of best practices

Much time was spent to structure operations at the Institute to ensure that persons were aware of their roles and responsibilities and that they operated accordingly. Systems were implemented to improve student database management, asset inventory and financial and account management. Recommendations from the Internal Audit Department were implemented; in keeping with the FAA Act as the institution sought to continuously improve its systems.

There was significant improvement in revenue collection. A significant percentage of accounts receivables that were outstanding were collected during the year. For the reporting period, the institution earned \$3,602,400.00 as revenue for course conducted for staff of the Ministry of Justice, its

agencies and courts, while \$1,962,600 was remitted to the Ministry. This amount is for courses that were pursued by persons who are outside of the Ministry.

To further strengthen the accounting systems, approval was sought from the Ministry of Finance and Planning to operate a bank account so that transactions such as refunds to students can be processed more expeditiously.

To introduce new training modalities by offering training at off-site locations and through Distance Learning

This area is one of the significant targets that the institution achieved during the year to increase access of its programmes especially to persons outside of the Corporate Area who require training. To this end, there were 3 off-site locations, one at the Office of Disaster Preparedness and Emergency Management (ODPEM) and 2 in Montego Bay (HEART Trust /NTA North Western Regional Office and the Revenue Centre).

To extend the training especially in Court Reporting to other Caribbean Islands by September 2006.

The programmes were marketed in the Caribbean Region and the Chief Justice contacted his counterparts within the Region to offer training places to other Caribbean nationals. In February 2006, applications were received from 3 persons from 2 Caribbean Islands for enrolment on the Court Reporting Programme, which is scheduled to commence in September 2006. Requests for training have also been received in Court Administration and for the training of Bailiffs.

To create greater awareness of the Institute, its programmes and services; and position the Institute as an Institution of Choice.

The Justice Education Unit facilitated the Institute in its public education and awareness programmes by organising several radio interviews of the Director/Principal and other officers as well as for providing coverage for some of the graduation exercises and other events.

This effort has borne fruit, as there was a steady increase in the number of applications that the institution received from internal and external clients.

Also, there was marked increase in the number of queries received about the programmes that the institution offers.

The Registrar prepared PowerPoint presentation on the institution as one of the marketing tools. Contact has been made with High Schools to develop a schedule to participate in their career day activities.

Plans to organise a distinguished lecture seminar were shelved because of the lack of funds.

To continuously improve the quality of services that is offered to the internal and external customers

While the feedback about the quality of service has been generally positive, unfortunately, the systems to measure this performance criterion were not fully implemented during the year. This will be addressed in the next financial year.

Policy 6: Justice Education/Human Rights Education

Curriculum Development and Training in Human Rights Education Programme

The objective of this activity is to promote the knowledge of human rights among the citizenry as well the employees of the Ministry and its Agencies and Departments. In keeping with this objective, the Ministry of Justice, in September, 2005, contracted an international, Human Rights Consultancy firm to design and implement a *Human Rights Curriculum and Education Programme*. The primary aim of this programme was to fully integrate into the curriculum of the formal education's system curriculum, the basic principles of human rights and how these can be protected.

The completed curriculum will also form part of the training programme of the Justice Training Institute (JTI). Only preliminary reports have to date, been completed by the consultancy, although, the contract is scheduled to end in May, 2006.

Policy 7: Legislation Programme

Ministry of Justice Legislation Programme

During the period, the Ministry of Justice had been mandated by the then Prime Minister, the Most Honourable P.J. Patterson O.J. to have several Bills tabled in Parliament within a July 31, 2005 deadline. As a result, several Law Officers of the Crown participated in their preparation. The Bills are listed as follows:

- a. **Committal Proceedings Bill** – the Bill was tabled in Parliament before the deadline but was not debated during the reporting period and it is to be re-tabled during the 2006/07.
- b. **Interception of Communications (Amendment) Bill** – though this Bill falls under the portfolio responsibility of the Ministry of National Security, the Ministry of Justice participated in its preparation up to its approval by the Legislation Committee. The Bill was not tabled in Parliament during the period.
- c. **Police (Civilian Oversight) Authority Bill** – like the previous Bill, this one also falls under the mandate of the Ministry of National Security, it was passed by both Houses of Parliament during the reporting period.
- d. **Larceny (Amendment) Bill** – this Bill was tabled, debated and passed by both Houses of Parliament during the reporting period. It is to be brought into force by way of an Appointed Day Notice to be published in the Gazette.
- e. **Proceeds of Crime Bill** – this Bill was tabled during the period, however, since then it has been sent to a Joint Select Committee of Parliament for further deliberation.
- f. **Firearms (Amendment) Bill** – this Bill was tabled, debated and passed by both Houses of Parliament during the reporting period.
- g. **Law Reform (Notice of Alibi Defence) Bill** – the Bill was tabled in, debated and passed by the Senate during the period, it is to be debated and passed by the Lower House of Parliament.
- h. **Juvenile Court (Validation and Indemnity) Bill** – this Bill was tabled, debated and passed by both Houses of Parliament during the period, it was subsequently brought into force on October 26, 2005.

- i. **Maintenance Bill** – this Bill was passed by both Houses and was brought into force on December 7, 2005.
- j. **Criminal Justice (Administration) (Amendment) Bill** – the Bill was passed by both Houses of Parliament and is to be brought into force.
- k. **Criminal Justice (Plea Negotiations and Agreements) Bill** – the Bill was passed by both Houses of Parliament and is to be brought into force.
- l. **Caribbean Court of Justice (Original Jurisdiction) Bill** – this Bill was debated and passed by the both Houses of Parliament during the period and is to be brought into force.
- m. **Coroners’ (Amendment) Bill** – this Bill was passed by both Houses of Parliament during the period, it is to be brought into force.

Attorney General’s Department

The Attorney General’s Chambers was no less busy this year with, nine hundred (900) new requests for legal advice and two hundred and fifty (250) requests carried forward from the previous year, a total of one thousand one hundred and fifty (1,150). This represents a 4.5% increase over the one thousand one hundred (1,100) requests inclusive of requests carried forward for the 2004/05 financial year. Of the one thousand one hundred and fifty (1,150) requests seven hundred and sixty (760) or 65.2% were resolved definitively. In most cases, work had commenced on all requests but the 34.6% carried forward were not completed in the review period. Reasons for delays in completion range from the absence of necessary information for accurate and holistic responses Ministries and Departments request; and the failure of such to forward this information in a timely manner. On some occasions requests require extensive research which may not be completed within the period the request was made.

The Chambers represented the Government in approximately one thousand and eighty (1,080) cases in all courts at various levels in the Island, as well as at the Judicial Committee of the Privy Council in the United Kingdom. Examples of matters presented before the courts includes:

- Claim that action under the Toll Roads Act was unconstitutional;
- Liquidation of the Dyoll Insurance Co. Ltd.
- Claim by person infected with HIV by way of Blood transfusion.

- Breach of fiduciary duty, negligence and breach of trust by Century National Bank.
- Challenges to refusal of applications for licences for the export of conch.

Much Legal and judicial time has been saved through the settlement of claims by the Litigation Division in the early stages of litigation and by the General Legal Advice Division in the pre-litigation stages.

This division has also led the way in establishing a litigation database that will assist in tracking litigation cases being worked on by the Chambers. This initiative is to be extended to all divisions of the Chambers with emphasis on re-building the database of opinions (statutory interpretations) lost with the crashing of the server.

The Constitutional and Legislation Division, as the arm of the Chambers' responsible for the provision of advice and the examination of all draft legislation, participated in all levels of the legislation process. Some subject areas covered in the draft legislations reviewed included:

- Terrorism prevention
- Plea Bargaining System
- 2007 ICC Cricket World Cup
- Evidence (Amendment) Act, (the provision of testimony via video link in criminal trials)
- Charter of Rights.

The Chambers in conjunction with the Finance and Accounts Division of the Ministry was able to pay judgements amounting to JA\$221,278,934.50; £30,000 and US\$10,150, and received payments amounting to JA\$5,688,686.89, and US\$400. Regrettably, our debts are being added to by judgements of the courts and case settlements.

Policy 8: Construction / Upgrade/Maintenance of Physical Infrastructure

Repairs and refurbishing work was done on 22 court houses and judges' residence, these repairs included electrical work, roofing, repairs to furniture, reconfiguration/rationalisation of space. Work on the repair of the Resident Magistrate's Court in Cambridge was scheduled to be one of such activities but had to be cancelled due to suspected defects in the buildings foundation. Plans have since been developed and approved for the stabilisation of the building's foundation; these plans should be effected in 2006/07.

The security of court houses and other premises occupied by the Ministry continues to be a concern amid increased lawlessness. The Ministry has embarked on a security fencing project and for the period in review has erected eleven (11) security fences around court houses and judges residents. Security fencing was also to be erected at the Claremont and Sandy Bay Resident Magistrates' Courts but the contractor failed to commence work on these projects; and so these projects are to be re-tendered. In 2006/07 the Ministry plans to develop a security plan and acquire the necessary support systems to advance its goal of increased court security.

The Ministry also had as its objective the commencement of construction on eight (8) court houses namely Spanish Town, Port Antonio, Falmouth, Ocho Rios, Balaclava Resident Magistrates' Courts; a Mandeville Judicial Complex, Lucea and Montego Bay Family Courts, and a Santa Cruz Petty Sessions Court.

The Ministry has been unable to identify suitable land for the construction of the Montego Bay Resident Magistrate's Court and so construction will be delayed until land can be identified and purchased.

The Ministry has made an offer to purchase land identified for the construction of an Ocho Rios Resident Magistrate's Court, and now awaits the completion of the transfer of land by the National Land Agency.

Land was also identified in Morant Bay for the construction of a new Resident Magistrate's Court, the request was sent to the Parish Council and the valuation of the land was received from the Commissioner of Lands. On completion of the sale the consultancy for the design of the court house is to be put to tender in 2006/07.

The site for the Mandeville Judicial Complex is in the possession of the Ministry. The access points from the main thoroughfare to the site for the complex have been identified and approved by the National Works Agency.

The Falmouth construction is still in the planning stages; where alternatives to construction are being explored. A meeting is to be convened with the Ministry of Local Government to discuss existing option to construction as the Falmouth Parish Council is also housed on the existing Falmouth court building.

The design for the construction of a new Spanish Town Resident Magistrate's Court was completed along with integrity tests, but activities had to be halted due to the volatility of the Spanish Town area. This construction will be put on hold until a more secure location can be obtained for the court's construction.

In partnership with the National Commercial Bank a new court house is to be constructed in Port Antonio. The contract for the construction was awarded to Astrum Ltd. and construction of the foundation of the court commenced prior to the conclusion of 2005/06.

The design for a Santa Cruz Petty Sessions Court was approved by the parish council but the Ministry is seeking to identify ways to reduce the estimated cost of construction.

The amount expended on the physical infrastructure improvement activities of the Ministry amounted to JA\$ 100,442,718.72 or 75% of the Ministry's Capital 'A' Budget.

APPENDIX

Table 1

COURT OF APPEAL CASES FILED & DISPOSED 2005/06												
SOURCE OF APPEAL	PENDING CASES OF THOSE FILED BEFORE MARCH 2006		FILED 2005/0 6	CASES DISPOSED							PENDING As at March 31 st , 2006	
				FILED 2006	FILED 2005	FILED 2004	FILED 2003	FILED 2002	FILED 2001	FILED 2000		TOTAL
SUPREME COURT	CIVIL	332	110	2	5	16	16	13	4	2	58	384
	CRIMINAL	439	150	0	21	103	50	12	2	8	196	393
RESIDENT MAGISTRATES" COURTS	CIVIL	70	46	6	6	11	9	6	8	6	52	64
	CRIMINAL	44	46	7	4	5	2	2	-	-	20	70
	MISCELLANEOU S	-	1	-	-	-	-	-	-	-	-	-
TOTAL		885	353	15	36	135	77	33	14	16	326	911
GRAND TOTAL		1,238										

Table 2

**SUPREME COURT CRIMINAL
CASES FILED AND DISPOSED
2005 – 2006**

PARISHES	EASTER		MICHAELMAS			HILARY				2005/06	
	Set for Trial	Disposed	B/F	Set for Trial	Disposed	B/F	Set for Trial	Disposed	C/F	Total Set for Trial	Total Disposed
Clarendon	11	7	4	39	23	16	49	18	31	79	48
Hanover	14	6	8	18	8	10	15	8	7	29	22
Home Circuit*	158	61	97	209	32	177	236	55	181	329	148
Manchester	38	27	11	24	10	14	20	7	13	57	44
Portland	12	10	2	8	3	5	9	8	1	22	21
St. Ann	38	21	17	25	8	17	22	8	14	51	37
St. Catherine	47	24	23	48	25	23	33	20	13	82	69
St. Elizabeth	33	8	25	41	16	25	35	13	22	59	37
St. James	20	8	12	22	7	15	19	15	4	34	30
St. Mary	35	9	26	38	11	27	57	15	42	77	35
St. Thomas	14	7	7	20	5	15	28	12	16	40	24
Trelawny	17	11	6	11	8	3	11	6	5	30	25
Westmoreland	22	10	12	24	9	15	25	14	11	44	33
TOTAL	459	209	250	527	165	362	559	199	360	933	573

* refers to the Corporate Area comprising the parishes of Kingston and St. Andrew.

Table 3

SUPREME COURT
GUN COURT DIVISION
2005 - 2006

	2005									2006			TOTAL
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
BALANCE BROUGHT FORWARD	3,687	3,724	3,734	3,766	3,800	3,825	3,854	3,872	3,867	3,881	3,908	3,934	
NEW CASES FILED	67	41	66	88	56	68	57	55	46	77	90	73	784
Total Cases	3,754	3,765	3,800	3,854	3,856	3,893	3,911	3,927	3,913	3,958	3,998	4,007	4,471
METHODS OF DISPOSAL													
No Evidence Offered	8	9	6	10	6	6	9	12	8	16	10	15	115
Acquittals	11	9	7	6	6	8	10	12	7	12	18	3	109
Dismissed for Want of Prosecution	1	3	9	19	10	7	9	11	9	13	9	19	119
Deceased	1	1	1	4	-	1	1	-	-	-	1	1	11
No Order Made	-	-	-	-	-	-	-	-	-	-	-	-	-
Nolle Prosequi	1	-	1	-	-	1	2	2	1	-	-	-	8
Convicted	8	9	9	14	6	13	7	18	6	8	25	13	136
Transferred to R.M. Court	-	-	1	1	3	3	1	2	1	1	1	1	15
Transferred to Circuit Court	-	-	-	-	-	-	3	-	-	-	-	-	3
Total Cases Disposed	30	31	34	54	31	39	39	60	32	50	64	52	516
NUMBER OF CASES PENDING	3,724	3,734	3,766	3,800	3,825	3,854	3,872	3,867	3,881	3,908	3,934	3,955	3,955

Table 4

REVENUE COURT RETURN OF REVENUE CASES 2005/06			
	Easter 2005	Michaelmas 2005	Hilary 2006
Balance Brought Forward	8	12	13
Filed During Term	6	8	1
TOTAL CASE LISTING	14	20	14
Completed During Term	2	7	2
Balance Pending	12	13	12

Table 7

**RESIDENT MAGISTRATES' COURTS
CASES FILED AND DISPOSED
April 2005 - March 2006**

Table 5

COMMERCIAL COURT April 2005 to March 2006	
Matters in the Court for this Period	10
Matters set for Trial	5
Matters at Case Management	3
Matters at Pre-Trial Review	1
Matters Settled	1

PARISHES	BROUGHT FORWARD	FILED	TOTAL CASES	DISPOSED	DISPOSAL RATE (%)
CORPORATE AREA	16,986	18,659	35,045	20,908	60
ST THOMAS	5,018	12,540	17,558	13,056	74
PORTLAND COURTS	5,203	7,721	12,924	8,115	63
ST. MARY	5,437	14,188	19,625	14,200	72
ST. ANN	10,279	46,494	56,773	45,446	80
HANOVER	2,975	14,844	17,819	14,981	84
TRELAWNY	2,233	32,466	34,699	26,795	77
ST. JAMES	11,663	63,217	74,880	60,059	80
WESTMORELAND	7,147	26,325	33,472	26,018	78
ST. ELIZABETH	16,655	10,999	27,654	8,693	31
MANCHESTER	17,983	34,359	52,342	32,538	62
CLARENDON	13,108	36,720	49,828	28,615	57
ST. CATHERINE	56,323	26,279	82,602	14,597	18
TOTAL	171,015	345,211	516,226	314,291	64

Table 6

WESTERN REGIONAL GUN COURT CASES FILED AND DISPOSED 2005 - 2006						
PARISH	Cases Brought Forward	Cases Filed	Total Cases	Cases Disposed	Cases Carried Forward to next Period	Disposal Rate in Percentages (%)
St. James	397	138	535	126	409	24
Trelawny	55	41	96	38	58	40
Westmoreland	94	50	144	41	103	28
Hanover	61	19	80	20	60	25
TOTAL	607	248	855	225	630	26

			Percentages (%)
Clarendon	1,084	962	89
Corporate Area	1,240	909	73
St. Catherine	1,030	787	76
St. James	2,953	2,183	74
Traffic	5,283	4,137	71
St. Ann	5,536	4,125	75
Trelawny	2,620	1,796	69
St. James 2	2,615	1,750	67
TOTAL	22,361	16,649	74

Table 8

CORPORATE AREA
Resident Magistrates' Division of the Gun Court

2005/06

	<i>QUARTER ENDED</i> <i>Jun-05</i>	<i>QUARTER ENDED</i> <i>Sep-05</i>	<i>QUARTER ENDED</i> <i>Dec-05</i>	<i>QUARTER ENDED</i> <i>Mar-06</i>	<i>TOTAL</i> <i>April 05 -</i> <i>March 06</i>
B/F	261	256	282	289	-
New Cases Filed during Period	42	38	40	46	166
TOTAL	303	294	322	335	427
No Evidence Offered	1	-	-	-	1
Dismissal for Want of Prosecution	-	-	-	4	4
No Prima Facie	-	2	2	3	7
Deceased	-	-	1	-	1
Voluntary Bill	5	6	5	1	17
Transferred to other Courts	-	-	-	1	1
Adjourned Sine Die	27	-	-	-	27
Committed to Circuit Court	6	2	9	9	26
Bench Warrant	2	-	6	2	10
No Order Made	6	2	10	11	29
TOTAL DISPOSED	47	12	33	31	123
Pending	256	282	289	304	304

Table 10

**KINGSTON & ST. ANDREW FAMILY COURT
CASES HEARD IN THE JUDICIAL SECTION BY QUARTER
2005/06**

TYPE OF CASE	QUARTER ENDED JUNE 2005	QUARTER ENDED SEPTEMBER 2005	QUARTER ENDED DECEMBER 2005	QUARTER ENDED MARCH 2006	COURT YEAR TOTAL
Care & Protection	475	519	554	624	2,172
Criminal	600	550	692	771	2,613
Affiliation	842	899	888	-	2,629
Maintenance	365	449	311	1,074	2,199
Custody	254	294	240	266	1,054
Adoption	28	15	16	11	70
Married Women	-	-	-	-	-
Declaration of Paternity	73	81	80	112	346
Domestic Violence	219	248	188	197	852
TOTAL	2,856	3,055	2,969	3,055	11,935

ST. JAMES / HANOVER / WESTMORELAND FAMILY COURT
CASES HEARD IN THE JUDICIAL SECTION BY QUARTER
2005/06

TYPE OF CASE	Quarter Ending June 2005	Quarter Ending September 2005	Quarter Ending December 2005	Quarter Ending March 2006	COURT YEAR TOTAL
Care & Protection	421	365	195	274	1,255
Criminal	639	555	664	1,218	3,076
Affiliation	2,973	3,240	3,261	-	9,474
Maintenance	887	1,007	1,044	3,704	6,642
Custody	512	632	453	486	2,083
Adoption	9	34	2	11	56
Married Women	234	275	195	200	904
Declaration of Paternity	146	94	101	89	430
Domestic Violence	329	259	277	278	1,143
TOTAL	6,150	6,461	6,192	6,260	25,063
Carried Forward to next Quarter	359	359	359	348	Table 12

CORONER'S COURT

Cases Filed & Disposed
April 2005 - March 2006

	Quarter Ended Jun-05	Quarter Ended Sep-05	Quarter Ended Dec-05	Quarter Ended Mar-06	TOTAL 2005/06
Brought Forward from previous Quarter	370	359	359	359	-
Cases Filed	14	15	15	6	50
TOTAL	384	374	374	365	420
Disposed Of	25	15	15	17	72

Table 13

PETTY SESSIONS
Cases Filed & Disposed

April 2005 - March 2006

	Quarter Ended 5-Jun	Quarter Ended 5-Sep	Quarter Ended 5-Dec	Quarter Ended 6-Mar	TOTAL 2005/06
Brought Forward	36,198	33,352	39,061	38,321	-
Cases Filed	39,408	40,423	46,361	54,106	180,298
TOTAL	75,606	73,775	85,422	92,427	216,496
Disposed Of	42,254	34,714	47,101	47,250	171,319
Arrears	33,352	39,061	38,321	45,177	-
Disposal Rate (%)	56	47	55	51	79