



JUSTITIA

“Injustice anywhere is a threat to justice everywhere.”

Martin Luther King

Welcome to Justitia, the first newsletter about the criminal justice reform project here in Trinidad and Tobago.

Why Justitia you may ask? Justitia the Roman Goddess of Justice embodies the balance between truth and fairness, and between reason and justice.

I would like to think that after nearly 30 years as a criminal Barrister who has defended and prosecuted in private and public practice that a little of her wisdom may have fallen this way. Having taken over this project in July 2012, I hope that I can bring some of her attributes to completion of the work of this important project.

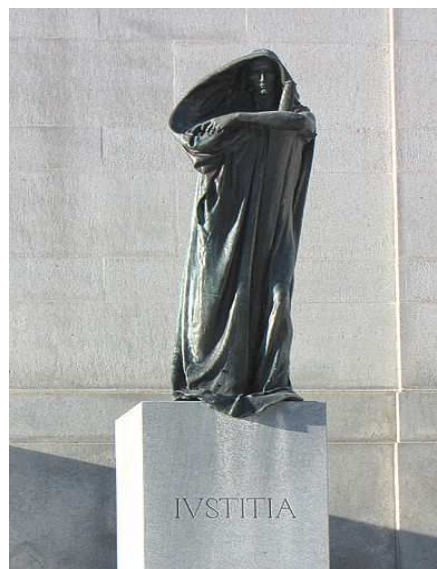
This newsletter is designed to keep all readers informed of the work the project has already achieved, work in the pipeline and some of the objectives that lie ahead. It will also cover important issues of the day such as child abuse which is reflected in the article on the Violence against Children conference held in Port of Spain in March 2013.

So with many thanks to Wendy my assistant for tirelessly putting this all together read on and I hope you enjoy this first issue.

All feedback is welcomed and I would be happy to consider any relevant articles submitted for publication in the next issue.

Do contact us at:

Moira.MacDaid@fco.gov.uk



Justitia: Supreme Court of Justice Ottawa

Aims of the Project

The Criminal Justice Advisor (CJA) project is a three year project (2011-14) funded by the Canadian Department of Foreign Affairs and International Trade (DFAIT) through the Canadian Anti-Crime Fund. This is a joint project with the UK Crown

Prosecution Service and the government of Trinidad and Tobago (T&T).

The project funds Moira Mac Daid, an experienced prosecutor from the UK Crown Prosecution Service, as a Criminal Justice Advisor (CJA) permanently in Trinidad and Tobago. Moira provides advice and assistance at both a strategic decision making and practitioner level across the key criminal justice ministries and agencies in Trinidad and Tobago.

The project has directly funded activity including supplying of expert assistance for the Financial Investigation Unit (FIU) and to partner the Police Complaints Authority (PCA).

The project is purchasing digital recording equipment for interviews to be conducted by the PCA.

In October 2011 the project organised a bespoke study visit to the UK. The visit was led by the Chief Justice, the Honourable Ivor Archie and the Minister of Justice, Christlyn Moore. The delegation included *Mr Justice Holdip*, the DPP, Roger Gaspard and the Chief Magistrate, Marcia Ayers-Caesar as well as Mr Netram Kowlessar from the office of the Attorney General, Sergeant Kassim Ali and others involved in criminal justice management. The delegation saw firsthand the UK experience of criminal procedure rules, case management, early guilty pleas and drug courts. It was a very positive visit and, combined with a previous visit to Canada. The best aspects of each have been

incorporated into Trinidad and Tobago's own Drug Courts and the draft of the Criminal Procedure Rules.



Moira Mac Daid – CJA to Trinidad and Tobago

One of the key priorities of the project has been encouraging closer working across the agencies/ ministries on implementing criminal justice reform. The Judiciary and Justice Sector Committee (JJSC) now meet regularly and the Moira attends and participates in those meetings.

Next steps

Upcoming work includes closer working with the FIU and the Financial Investigation Bureau (FIB) and with the Ministry of Justice on the implementation of Administration of Justice (Indictable Proceedings) Act 2011.

Violence against Children (VAC) conference

A successful conference on violence against children was held from 11th -13th

March 2013 at the Hyatt in Port of Spain. Entitled “Breaking the Cycle”, the aim of the conference was to continue the work done in the “Break the Silence” campaign highlighting the extent of sexual abuse on children in Trinidad and Tobago in 2011.



Canadian High Commissioner, Gérard Latulippe

The conference was funded and facilitated by the CJA project. Media coverage on television and social networks was widespread and very positive.

Opening the conference, the Chief Justice of Trinidad and Tobago the Honourable Ivor Archie, spoke of children in Trinidad and Tobago being caught in a cycle of unprecedented violence. He explained what Judges and the Courts were now doing to change the ways they dealt with children involved in court either as a victim, witness or where they were accused of a crime.

Speakers included Dana Seetahal SC; who said that physical and sexual assaults on children were frequently under charged with nominal penalties. She called for consistency in the definition of “a child” pointing out anomalies in current legislation. These remarks caused some considerable debate in the media and at the conference.

Professor Valerie Youseff challenged the media to properly report the abuse of children and to avoid misreporting or glorifying the abuser. For example, fourteen year old girls have been described in the press as “having love affairs” with much older men when they are clearly the victims of abuse.

International speakers included Canadian Hazel de Breo, an accomplished psychotherapist based in Grenada who spoke about how to help children recover from abuse. Cheryl Milne, an eminent academic lawyer and pioneer of children’s rights from the University of Toronto spoke on strategies to combat bullying and in particular cyber bullying that have had some success in Canada.

His Excellency the Canadian High Commissioner Gérard Latulippe welcomed delegates to the second day of the conference which was focussed on bullying. He spoke on the threat of cyber bullying and how the bully can also be a victim in many cases.

Essay Writing Competition

An essay writing competition for 15-18 year olds in T&T was held to run alongside the conference to engage children actively in the debate; the subject title of the essay was: "Bullying; how does it make me feel" The Competition was advertised using Facebook and had a huge number of hits. The original post about the VAC conference was seen by 29,625 people.



Chrishel Hernandez receiving her prize from Wendy Curzon (PA to CJA project)

The competition was won by Chrishel Hernandez a student at the Rio Clara West Secondary school in Rio Clara. She wrote a moving essay on how bullying made her feel as a victim and won four gift vouchers for Movietowne.

Since the conference, stories about the conference have averaged around 370 views each, with the announcement of the essay winner viewed by 1489

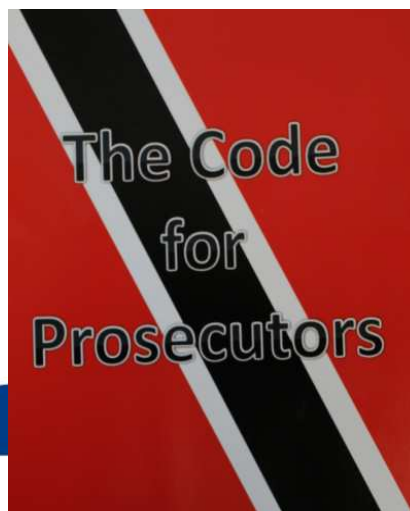
people - 194 of whom were engaged users - i.e. talking about and sharing the post.

The Code for Prosecutors

In June 2012 the DPP of T&T, Mr Roger Gaspard, launched Trinidad & Tobago's Code for Prosecutors.

The Code for Prosecutors sets out the test which is applied in every case by prosecutors to ensure fair and consistent decisions are made. The Code sets out that a prosecution will only continue if there is a reasonable prospect of conviction based on the available evidence and that a prosecution is in the public interest.

The decision whether or not to prosecute a suspect for a particular offence is fundamental to the effective operation of the criminal justice system. It is vital to ensuring that innocent persons are not prosecuted (and potentially deprived of their liberty), ensuring the courts are not blocked with unmeritorious cases and that public confidence is maintained by the bringing of fair and effective prosecutions.



The Code booklet launched June 2012

It is also used to explain difficult decisions to victims and members of the public thus encouraging greater public support in a transparent system.

Since the Code was introduced in June 2012 the DPP and his prosecutors have applied the Code when making decisions whether to prosecute cases.

It has been used to explain difficult decisions to the public such as the case of *The Lighthouse of Our Lord Jesus Christ -- The construction of a church on State lands at Guanapo*. The case involved allegations of criminal conduct in the construction of a multi-million dollar church which was being constructed in the Heights of Guanapo, Arima in 2010. The DPP concluded that there was insufficient evidence to support any criminal offences

In the press release he explained: "My duty in all cases is to consider whether I am satisfied that there is sufficient admissible evidence to afford a reasonable prospect of conviction against any party or entity, for a criminal offence and of course, provided that there is,

whether such a prosecution is in the public interest. This test has been outlined in the Code for Prosecutors published by the Office of the Director of Public Prosecutions in March 2012 and it is quite similar to the test employed in the United Kingdom".

Such transparent decision making helps to make the community aware of the way in which the system of public prosecutions functions.

Please contact us if you would like a copy of the Code.

Improving the interviewing of suspects:

The Director of the Police Complaints Authority (PCA), Gillian Lucky, is pioneering the introduction of the recording of suspects' interviews at the PCA. This has the potential to transform the treatment of suspects and gathering of crucial evidence in Trinidad and Tobago.

At the moment suspects in Trinidad and Tobago have their interviews recorded by the investigator who makes a handwritten record. This often leads to accusations that the record is inaccurate, falsified or only given under pressure. This causes unnecessary arguments and lengthy delays at court. It also reduces public confidence.

The accurate recording of interviews protects the suspect. It provides the interviewer with accurate and reliable evidence of admissions and protects them from unfair allegations. It improves the quality of interviews as investigators are able to focus on the suspects responses and the suspect's rights are protected.



A digitally recorded police interview

The Director of the PCA is introducing digitally recording of the hearings or interviews with police officers who are the subject of complaint and fall under the remit of the PCA. The CJA project is assisting her by sourcing and funding the necessary equipment from Canada and advising on regulations for the PCA to use as guidance when conducting such interviews so that they are conducted in a fair and consistent manner.

Separately to this the Ministry of Justice is considering rolling out digital recording of interviews across the criminal justice system as part of its programme of criminal justice reform.

This is an exciting opportunity which would positively impact victims, suspects, investigators, prosecutors, the courts and the public.

Working with the office of the DPP and the police on the abolition of preliminary inquiries

Training at the Police Academy

Next Issue: