

## Our Vision

TO FOSTER AND MAINTAIN A JUDICIAL SYSTEM CHARACTERIZED BY FAIRNESS, INTEGRITY AND EFFICIENCY, FOUNDED UPON THE RULE OF LAW WITH THE AIM OF INSPIRING PUBLIC CONFIDENCE ENGENDERED BY COMPETENCE AND RESPONSIVENESS TO THE DIVERSITY AND EVER EVOLVING CHARACTER OF THE SOCIETY.

## Our Mission

THE JUDICIARY WORKS TOWARDS THE RESOLUTION OF CONFLICT IN THE SOCIETY BY RESOLVING DISPUTES THAT ARISE OUT OF THE OPERATION OF LAWS AND INVOLVE THE APPLICATION OF REMEDIES AND THE PUNISHMENT OF OFFENDERS.





## FOREWORD

The justice system impinges upon the lives of all citizens and has a critical role to play in all aspects of the national development of Belize. During 2013, the Courts have strived to adequately support the economy, democracy and social life by upholding the rule of law. This has been the constant objective in the face of numerous challenges including changes to the complement of Judges at short notice. Nevertheless, the administration of justice has risen to the challenge.

An efficient and effective judiciary must be responsive and dynamic. In this regard, the Annual Report offers the customary stewardship of the several branches of the court structure and further celebrates the introduction of mediation as an alternative means of dispute resolution to litigants. The year 2014 promises to lay the foundation for and usher in significant opportunities for reforms in criminal justice processes and the judiciary is suitably enthused by these potential developments.

It is hoped that our efforts operate to meet the expectations of the public at large in fulfilment of our Vision Statement and Mission Statement.

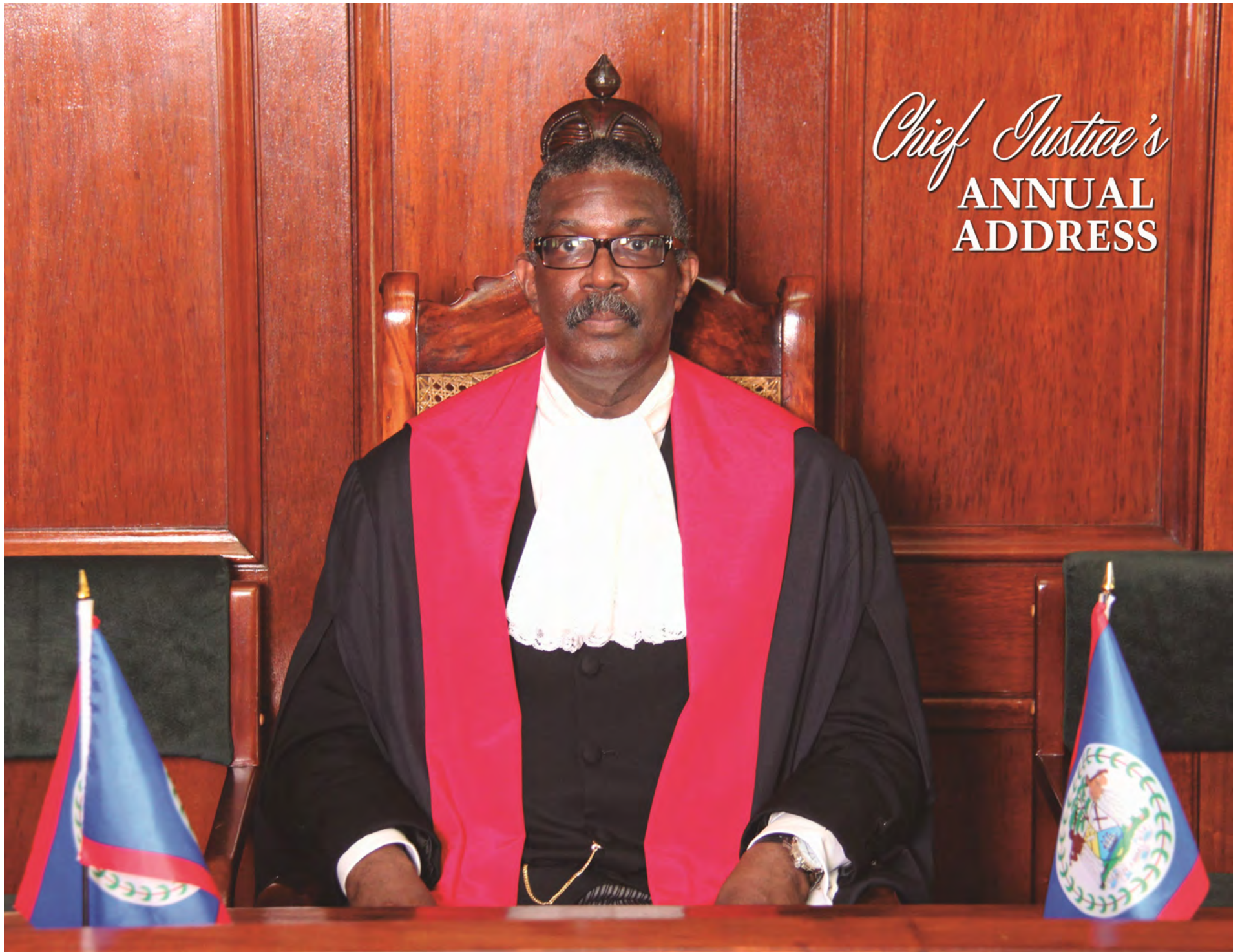


## INTRODUCTION

The objective of the Annual Report on the Judiciary of Belize for the year 2013 - 2014 is to provide information regarding the functions of the Judiciary and its associated Registries, to highlight achievements and to dispense information useful to the general public.



*Chief Justice's*  
**ANNUAL  
ADDRESS**





## ADDRESS

**Address delivered at the Formal Opening of the Court commencing the Legal Year of the Supreme Court of Belize on Monday, January 13, 2014.**

The Belize Constitution provides for the entrenchment of the Judiciary as an independent and separate arm of the State. Provision is made for the establishment of the Supreme Court, the Court of Appeal and the Magistracy. In addition, recent amendments have replaced the Judicial Committee of the Privy Council with the Caribbean Court of Justice as the final tier of adjudication. However, the system of Government also encompasses as arms of the State, Parliament as the legislative entity and the Executive. The Judiciary does not function in isolation, but rather there must be collaboration and interaction with the Executive and stakeholders of the judicial process.

According, the Judiciary is no less accountable to the citizens of Belize than the Executive and the Legislature. In this vein, it behoves me to detail the achievements and challenges encountered during the year last past, 2013, and articulate the strategies to be deployed in 2014 for addressing the issues that continue to plague the efficiency of the administration of justice. In so doing, it must never be for one moment forgotten that the role of the Judiciary, consistent with its vision statement,



is “to foster and maintain a judicial system characterized by fairness, integrity and efficiency founded upon the rule of law with the aim of inspiring public confidence engendered by competence and responsiveness to the diversity and ever evolving character of the society”. As its ultimate aim, the Judiciary must play its part in the creation of a fair and just society offering progress and prosperity to all citizens.

To achieve this goal, the Judiciary as an organization must gear itself to be professional and imbued with high standards of performance while administering justice in an impartial and independent manner in accordance with the law.

## **BUDGETARY ALLOCATION**

The work of the Judiciary is funded through the annual allocation made to the Judiciary in the National Budget. For the fiscal year 2013- 2014, the Judiciary was allocated the sum of \$8,545,995.00 which represents 1.10%

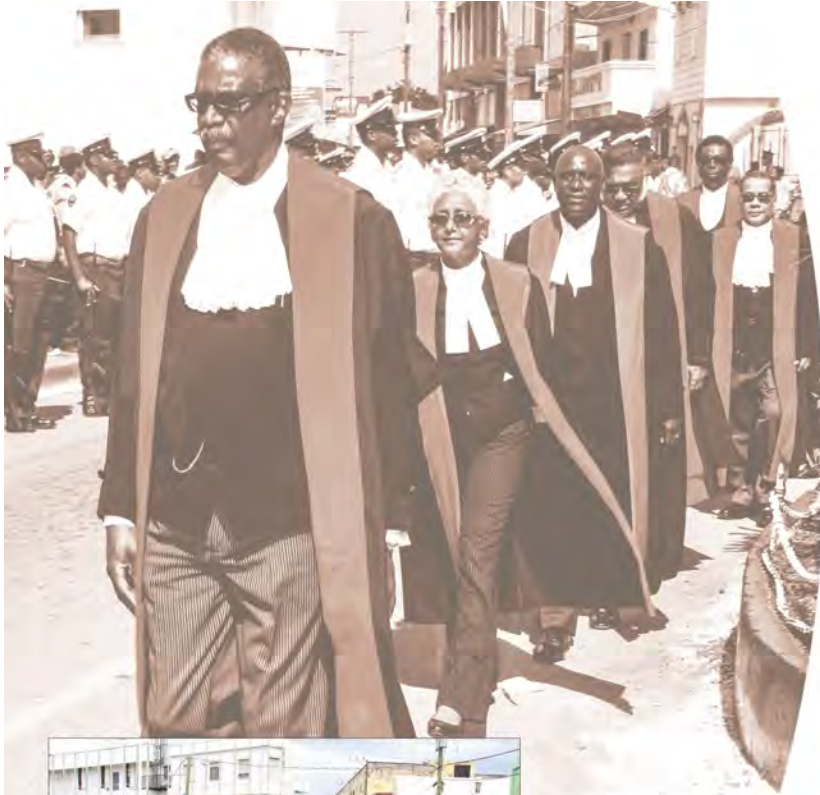
of the estimates of Approved Recurrent Expenditure. I am pleased to state that there was an increase over the percentages of 1.08% for 2011 – 2012 and 1.05% for 2012 – 2013. The actual dollar increase was to the tune of \$352,449.00. But alas, the allocation still remains inadequate and the demand for a larger share must be made, recognizing that other Ministries and Departments are clamouring in the same manner. It must therefore be repeated that for the Judiciary to adequately fulfill its Constitutional mandate and provide for new initiatives, proper funding is essential. It is salutary to pause here to make the comment that for the Law Year 2013, there was no new acquisitions by the Library. An appalling state of affairs that must be addressed speedily.

## **JUDICIAL PERSONNEL**

The year 2013 has been an unsettled one for the complement of Judges. After commencing the year with a full complement of nine Judges inclusive of the Chief Justice, the number was

reduced by the appointment and elevation of Her Ladyship Madame Justice Minnet Hafiz-Bertram to the Court of Appeal with effect from February 15, 2013. As a result of frantic attempts to replace Mde. Justice Hafiz, His Excellency the Governor-General appointed Her Ladyship Mde. Justice Rita Joseph-Olivetti on an ad interim basis pending the selection of a permanent replacement for Mde. Justice Hafiz. We take this opportunity to congratulate Mde. Justice Hafiz and wish her success in her new appointment. We also wish to thank her for the years of service she devoted to the Supreme Court as a sitting Judge.

Mde. Justice Olivetti came to the Bench as a retiree from the Eastern Caribbean Supreme Court on which she has served in the High Court of Antigua and Barbuda and the British Virgin Islands for ten years up to 2012. Prior to that, she spent several years in the private practice of law in her native country of Grenada. However, no sooner have we welcomed Mde. Justice Olivetti upon her assumption of duty in May, 2013,



we must say farewell to her as her interim engagement comes to an end, at her request, on January 31, 2014.

There was a further reduction in the complement of Judges of the Civil Division with the precipitous departure of Mr. Justice Oswald Legall, without prior warning, upon the expiration of his contractual period. The net result was that the Supreme Court was placed in the desperate position of seeking two Judges to fill permanent vacancies on the Supreme Court. I am pleased to report that the Judicial and Legal Services Commission has been in active pursuit of candidates and it is expected that new Judges would be appointed in the very near future.

On the bright side, I can announce that His Lordship Mr. Justice Abel's tenure has been rendered permanent. In addition, the tenure of their Lordships Messrs. Justices Lucas, Lord and Hanomansingh has been extended to the limit of seventy-five years of age set by the Constitution. This is a step in the right direction towards the independence of the Judiciary by obviating the existence of long term contractual engagements for Judges.



## REGISTRY STAFFING

On December 1, 2013, Ms. Marcia Mohabir, formerly Assistant Registrar of the Supreme Court Registry, was transferred to the Legal Aid and Advice Centre as Crown Counsel. In her relatively short tenure as Assistant Registrar, Ms. Mohabir satisfactorily embraced her duties and enthusiastically lent her expertise and



drive to the reform activities of the Supreme Court inclusive of the development of the case management software solution and the mediation project. Members of the Bar have expressed their appreciation of her responsiveness and open communication. We wish Ms. Mohabir success in her venture into advocacy and the practice of law.

The vacant position of Assistant Registrar is expected to be filled before the end of January, 2014.

There have been additions to the Registry staff during 2013. Mr. Deon Lind has been appointed as an Assistant Marshall. Ms. Shermadine Dennison and Ms. Shandale Leslie have been engaged as Stenographer Trainees and Mr. Stephen Babb has joined the staff as System Administrator II. We welcome them to the Supreme Court Registry and look forward to them applying their talents and training in the service of the litigating public.

## **REGISTRY REFORM**

From January 2012, the Supreme Court Registry benefitted from the expertise of Mr. David Beling, a consultant funded under the auspices of the Commonwealth Secretariat. Mr. Beling paid four (4) extended visits to Belize between January 2012 and March 2013 and lent his considerable experience, giving valuable advice and guidance on the administrative inputs for the case management process. In particular, Mr. Beling was integral to and very instrumental in the development of the case management software solution which is approaching completion.

The Supreme Court of Belize expresses its profound gratitude to the Commonwealth Secretariat through its Advisor, Mrs. Pauline Campbell, of the Technical Co-operation Governance and Institutional Development Division, for its collaboration in the case management project. It is hoped that going forward such working relationship could be replicated in deserving spheres of activity.

## **INFORMATION TECHNOLOGY**

This gathering was informed last year that the Supreme Court had contracted Sybel Consultants and Software Developers to develop and implement software for case management encompassing both the Civil and Criminal Jurisdiction as well as for the other functions of the Supreme Court Registry, including the Law Library, Probate and Administration of Estates, Marriages and Marriage Licences, Apostilles and Jury Management.

The case management applications are in an advanced stage of completion and the other



## INFORMATION TECHNOLOGY (cont.)

modules are in various stages of completion. The design has helpfully included a receipting module which is being installed upon the recommendation of the Government of Belize's Computer Unit (CITO) under the watchful supervision of the Auditor General and the Accountant General.

To support and provide ongoing stability to the platform, a new server has been sourced and installed to meet hardware specification for the long term.

The system is now accessible to the Chief Justice and all Judges who can view calendars, generate reports and derive assistance for the fixing of dates for cases and for the general management of cases. In addition, the Marshals and the Legal Assistant have been rendered conversant with the features of the case management system. Consequently, events of cases are being routinely entered and calendars viewed and printed. The ability to generate custom-built reports is expected to reap enormous benefits for addressing case management issues.

The features and functions of the system were exposed to members of the Bar in September 2013. It is posited that, in due course, the software would be made available to Attorneys-at-Law on a read-only basis. Also being actively considered is the possibility of electronic filing of documents in the future.

The new website of the Supreme Court – [www.belizejudiciary.org](http://www.belizejudiciary.org) – together with a companion intranet system for Judges, Registrar and Court Staff is now fully functional. As was the case with its forerunner, the website is deficient in its capability to access cases by key word search. In this regard, a search engine has been sought and identified but its implementation would require the assignment of key words. I shall be inviting the Bar and the Solicitor General to assist in formulating a





service which was characterized by industry and reliability, and trust that his future endeavours are fruitful.

## CRIMINAL JURISDICTION

The management of criminal matters continues to be unsatisfactory. The undisputable fact is that the development of a backlog is inevitable given that the number of new Indictments filed continues to outstrip the number of cases disposed of whether by trial or otherwise. The situation is exacerbated by the cold fact that there is no system in place for ascertaining what are the criminal matters in the system. There is the absence of a catalogue of the cases correlated to the stage of each case in the process from the laying of the charge in the Magistrate's Court to its disposition in the Supreme Court. The obvious solution lies in the entire criminal process being integrated regardless of the Court seized of the matter. One curious result of the disconnect is that information on remanded persons must be sought from the administration of the Central Prison against the background of these persons being held

on warrants issued by the Magistrate's Court or the Supreme Court.

As of the 31st day of December, 2013, there are 193 persons awaiting trial in the Supreme Court remanded at the Central Prison at Hattieville. As you may well be aware, the vast majority, representing approximately 93%, are charged and committed for trial for murder or murder related offences. One inmate is awaiting trial since 2004 having been twice before a Judge and Jury. Another has been awaiting trial since 2005. There are seven persons awaiting trial since 2006 and three persons awaiting trial since 2007. One accused is awaiting his retrial since 2008 and 13 persons are on remand since 2009. From there the numbers escalate to 47 persons in 2010, 54 persons in 2011 and 48 persons in 2012.

In direct response to this wholly shocking state of the remand population, each Judge of the Criminal Division has adopted the practice of issuing to the office of the DPP a list of cases to be given priority on the basis of the length of remand and the vulnerability of the accused persons, such as the case of juveniles. This approach has been put in

strategy to populate the search engine.

It would be ungracious of me if I did not acknowledge the selfless hard work of the System Administrator, Ms. Avril Bennett, who has shepherded and coordinated these initiatives without complaint even when promised help was not forthcoming.

I wish to welcome to the staff, Mr. Stephen Babb, who is expected to render much needed assistance to Ms. Bennett as she addresses the IT issues thrown up by the Supreme Court Registry, the Vital Statistics Unit, Belize Intellectual Property Office and the Companies Registry.

In addition, mention must be made of the pioneering work done and continued by the staff of the new Case Management Unit under the supervision of the Court Administrator, Ms. Nancy Naj.

## CIVIL DIVISION

The records to date indicated that during the year 2013, there were filed 746 civil matters inclusive of adoptions and petitions for bail. In addition, 267 Divorce Petitions were filed for the same period. A detailed breakdown will be available in the Annual Report which will be available in print as well as posted to the website in electronic form.

The challenges presented in the Civil Division were largely the product of changes to the complement of Judges. Between March 2012 and June 2013, three Judges demitted their offices in the Supreme Court. In the case of the first demittal in March 2012 by Mr. Justice Awich, now Justice of Appeal, his case load was largely held in abeyance save for urgent matters, until October 2012, when the cases were

assigned to Mr. Justice Abel. The case load of Mde. Justice Hafiz, now Justice of Appeal, suffered the same fate until Mde. Justice Olivetti came on stream in June 2013. However, although a number of the cases assigned to Justice Legall have been re-assigned, the vast majority await the appointment of a successor. This state of affairs has wreaked havoc on cases to which dates for hearing or case management had already been assigned. As previously mentioned, some cases have been re-assigned to the remaining Judges of the Civil Division, but this is hardly a panacea for the backlog that was never perceived on the horizon.

Recognizing the creation of an unpredicted disruption of the Court's calendar, a decision was taken to maintain the allocation of new cases filed thus preserving the dislocated cases in a finite state. This presented an obvious burden for the remaining Judges of the Civil Division and I wish to thank them for their forbearance.

The situation can only be addressed by the swift appointment of suitable candidates to replace Justices Olivetti and Legall. The Supreme Court wishes to place on record its appreciation to Mr. Justice Legall for his



place since the September term of 2013. The call must be renewed to members of the Bar to offer themselves to act for unrepresented accused persons in capital cases. Since the increased in the statutory honorarium, there has been a slight improvement in the response, but many murder accused remain without representation.

During the latter part of 2013, it was brought to my attention by the Judge assigned to the Stann Creek District that the number of cases had ballooned from the accustomed single digit to number over 30. This unprecedented development required immediate action and His Lordship Mr. Justice Hanomansingh commenced continuous sittings in Dangriga from December 2013. This has left the case load in Belmopan unattended. Accordingly, upon my recommendation that an additional Judge be engaged to sit in Belmopan, His Excellency the Governor General has seen it fit to appoint as a temporary Supreme Court Judge, Ms. Antoinette Moore. Ms. Moore will sit in Belmopan for a period of approximately five months to allow for the build-up of cases in Dangriga, Stann Creek District to be disposed of.

Ms. Moore is a Senior Counsel and is no stranger to the legal fraternity as she has a private practice in Dangriga. She holds a Bachelor of Arts degree in political science from Lawrence University in Wisconsin, a Juris Doctor from Loyola University of Chicago Law School in Chicago, Illinois in the USA and a Master's degree in International Human Rights Law from Oxford University in the United Kingdom. She holds the Certificate of Legal Education from the Norman Manley Law School in Jamaica. Her experience transcends that of a private practitioner as she has been a law teacher at her alma mater, Northwestern University and at the University of Belize. In recent times, she has been Country Director for the American Bar Association Rule of Law Initiative.

Ms. Moore brings to the Judiciary her passion for human rights – both domestic and international – with an inclination towards the rights of minorities, women, children and indigenous peoples.

I am satisfied that Ms. Moore will acquit herself creditably and it is my fervent and selfish hope that she will see it fit to consider permanent appointment.



Returning to the issue of the systemic failings of the criminal justice process, it has been determined that the entire administration is in need of critical examination and overhaul. Such an exercise is best addressed on a full-time basis. In this regard, the Central American Security Initiative (CARSI) through the US Embassy in Belize in collaboration with the British High Commission has agreed to provide a Criminal Justice Advisor (“CJA”) to give technical support to the process. I have met with the CJA-designate, Ms. Sarah Fearnly, who is an English Barrister-at-Law with considerable criminal litigation experience. Based on representations made, Ms. Fearnly is due to arrive in Belize in early February 2014.

I wish to place on record the sincere gratitude of the Supreme Court to the US Embassy and the British High Commission.

## **MEDIATION**

In my speech on January 14, 2013, I expressed the expectation that mediation would become a reality in 2013. I am happy to announce that mediation services are

now available to litigants in the Supreme Court of Belize. Court users can now opt to have their dispute referred to an independent neutral third party who is tasked with facilitating negotiation amongst the parties to help them to settle their disputes.

On November 2, 2013, by Statutory Instrument No. 88 of 2013, the Rules of Court were amended by the Chief Justice acting pursuant to the power conferred by section 95 of the Supreme Court of Judicature Act, Chapter 91 of the Substantive Laws of Belize, Revised Edition 2000 – 2003.

The legislative platform for the introduction of mediation is an amendment to the Supreme Court (Civil Procedure) Rules 2005 (CPR). These Rules and the accompanying policy document were largely drafted by Justices Abel and Legall to whom we are most grateful for their selflessness.

Through the countless meetings of the National Mediation Committee and its sub-committees, eligibility and training standards were set to pave the way for the training of two cohorts of persons from

persons from which 53 successful attendees were inducted and listed in the Roster of Mediators. The training was conducted under the academic auspices of the Open Campus of the University of the West Indies in Belize.

The process has now come into full operation and the first mediation session was held last week under the supervision of the Mediator Co-ordinator, Ms. Nancy Naj. It is important that Mr. Justice Courtney Abel as Chairman and the members of the National Mediation Committee be singled out for their dedication. These stakeholders were instrumental in setting policy and guiding the preliminary arrangements ahead of the training of the cadre of mediators. By this medium of mediation, litigants are offered a cost-effective process for resolving contentious disputes in a timely and congenial fashion and thereby avoid the rigours and limitations of civil litigation.

## **MAGISTRACY**

Magistrates Emerson Banner and Leslie Hamilton resumed duty after successfully completing their professional training at the Norman Manley Law School. Magistrate Banner has been assigned to the Punta Gorda Magistrate's Court and Magistrate Leslie Hamilton took the Bench in Belize City but has been temporarily deployed to the Magistrate's Court in San Pedro. Also returning to her substantive post of Magistrate is Ms. Patricia Arana upon the expiration of her secondment to the Financial Intelligence Unit; Magistrate Arana has been assigned to the Dangriga Magistrate's Court in the Stann Creek District replacing Mr. Edd Usher who has returned to the Public Service. In January 2013, Ms. Yolanda De Moya was sworn in as a Magistrate and has been deployed to the Magistrate's Court at Independence. Other transfers have seen Senior Magistrate Griffith being transferred to Belmopan and the Cayo District, while Magistrate Hurl Hamilton has been re-assigned from Belmopan to the Corozal District.

The Magistrates' Court throughout the country continue to have challenges with the physical accommodation. Time does not permit me to enumerate the numerous basic deficiencies. Suffice it to say that all the courtrooms and office space are in need of some remedial work of one kind or another. It is fair to say that to the discerning bystander, the Magistrate's Court in Belize City has outgrown its hitherto 'temporary' accommodation. The time has come for the relocation of these cramped courts to a more capacious and secure environment separate from the Supreme Court. I trust that dialogue can be initiated between the Hon. Attorney General and the Judiciary to advance this long overdue unacceptable state of affairs.

The Magistracy has welcomed the unsolicited facelift to the San Ignacio Magistrate's Court by Ms. Linda Hunter of Artisan Wood Works of San Ignacio. Through her singular efforts, the space has been repainted, beautifully re-tiled and new wooden fixtures installed in a manner befitting the dispensation of justice. We are indeed grateful to Ms. Hunter for her intervention.

The real source of distress has been the partial destruction by fire of the main office and the Chambers of the Magistrate in Punta Gorda in early September 2013. As was iterated last year, the building was already in a poor state of repair and steps were being taken to renovate the Magistrate's Court and Office. It is with a great degree of pleasure that I can announce that the US Embassy through CARSI has kindly undertaken to give total material support to the renovation and extension of the building maintaining its unique historical façade. The extension will see the outfitting of an additional Courtroom which would accommodate sittings of the Supreme Court. For completeness, I wish to add the appreciation of the Chief Magistrate to

the US Embassy through CARSI for the donation of four computer systems to replace the equipment destroyed in the fire. At present, the Court is functioning from alternative temporary premises awaiting the start-up and completion of the renovation project.

During 2013, the Magistrate's Court in Belize City has seen the retirement of Magistrates Robert Ordonez and Kathleen Lewis. We thank them for their service and wish them the best in their future endeavours.

The Magistracy Department has embarked on a modernization project to connect all the District Offices. The first phase is complete and, save for Punta Gorda, all District Offices are connected by phone extensions. The second phase has commenced with data from the case management software being uploaded to San Ignacio and Belmopan. This exercise will continue to completion.

On February 9, 2013, Magistrates and staff of the Magistracy Department went into retreat at the Best Western Biltmore Plaza in Belize City for discussions, presentations and team building activities. Magistrates were treated to presentations on subjects including judgment writing and the Money Laundering and Terrorism Act. Also by way of training, Spanish interpreters from all Districts of the Magistrate's Court and the Supreme Court attended a one-day training exercise conducted by Ms. Nazira Espat. The focus was on the effective conduct of interpreting in the courtroom.

## **FAMILY COURT**

During 2013, there was a change in leadership. In July 2013, the then Director, Ms. Margaret Nicholas, proceeded into retirement after being with the Family



Court from its inception. We sincerely thank her for her long and dedicated service and her pioneering work in bringing the institution to where it is today.

Magistrate Natalia Carter returned from study leave after having successfully completing the Legal Education Certificate at the Norman Manley Law School. She now occupies the position of Acting Director.

The Family Court continues to be presided over by the Acting Director and Magistrates Grant and Arnold.

## **DRUG COURT INITIATIVE**

Beginning in Mid-2012, the Judiciary, in the guise of myself as Chief Justice and the Chief Magistrate, joined forces with the National Drug Abuse Control Council (NCACC) to explore the potential of establishing a drug treatment court pilot project in Belize. A multi-sectoral committee of stakeholders has been set up and has essentially acted upon the recommendations of each of its two sub-committees – the legal sub-committee chaired by the Ag. Solicitor General and the health sub-committee chaired by the Director of NDACC given its statutory mandate. The fundamental objective is to tackle the root cause of drug use or other forms of dependency, thereby reducing recidivism and indicative offences.

The legal sub-committee has developed a policy document and perused relevant legislation from the Cayman Islands, Jamaica and Trinidad and Tobago. The main thrust was to identify a legislative platform suitable for Belize and to develop a set of guidelines to inform legislation. The health sub-committee addressed the inputs associated with the health sectors. These



included the assessment of in-house treatment facilities and programmes, the incorporation of minimum standards and the assessment of the capacity for drug testing. Discussions are actively taking place with the Executive Secretariat for Multi-Dimensional Security of the General Secretary of the Organisation of American States (SICAD/OAS) for the provision of critical technical support and training in the creation of the Drug Treatment Court model.

The initiative has been presented to the Hon. Attorney General and the Ministers of National Security and Health paving the way for the laying of a paper before the Cabinet of Ministers. Cabinet has since signified its approval in principle. This means that the collaboration with the SICAD/OAS must be taken to the next level with the signing of a Memorandum of Understanding consonant with Government's commitment to the project.

The DTC offers diversion from the concept of punishment and is geared towards a court-supervised treatment alternative to incarceration.

## JUDICIAL CONTACT

In March 2013, I attended at the Norman Manley Law School and presided over one civil moot trial and one criminal moot trial all involving Belizean Students as advocates and witnesses. The visit offered the opportunity to interview each student, which provided valuable information for their placement in the legal establishment. It is hoped that funding will be forthcoming this year for a similar exercise to be carried out.

Your Excellency, Ladies and Gentleman, I seek your permission to digress on a matter which has not been reported in the media but which, in my view, is deserving of exposure.

The Belizean students have distinguished themselves as members of teams fielded by the Norman Manley Law School – regionally and internationally – at moot competitions. Ms. Leslie Mendez, recently admitted Attorney-at-Law, was a member of the winning team at the Human Rights World Moot Court Competition held at University of Pretoria in South Africa. Ms. Mendez was ranked third among the top 10 oralists. Ms. Sheena-Pitts, another Belizean student, was a member of the winning team at the Margaret Forte Mooting Competition emerging victorious from among all three Law Schools in the region. At the CCJ Mooting Competition, the Norman Manley Law School team placed third and that team included Ms. Deborah Rogers now a second year student. Mr. Jarad Ysaguirre, now a Second Year student, was a member of the team from Norman Manley Law School that placed 5th in the 6th Frankfurt Investment Arbitration Moot Court Competition held in Frankfurt Germany. Finally, at the Price Media Moot Court Competition, although the Norman Manley Law School team as a first time entry placed 5th, our



own Belizean Leni Ysaguirre was given a best advocate award. These young Belizeans, in my view, are worthy of our praise and commendation for their outstanding representation of the Norman Manley Law School and of Belize.

## JUDICIAL EDUCATION

Throughout 2013, the higher and lower Judiciary has been the beneficiary of training initiatives. In March 2013, an advanced Regional Caribbean Training was mounted by the International Governance and Risk Institute of the United Kingdom under the sponsorship of the Foreign and Commonwealth Office of the UK. The British High Commission in Belize was instrumental in organizing three (3) days of intensive training for Supreme Court Judges and Magistrates from Belize, Saint Lucia, Grenada, and Saint Kitts/Nevis on the subject of confiscation of assets being the proceeds of crime.

On April 29-30, 2013, the fledging Belize Judicial Education Institute had its first experience in the organizing and execution of a training initiative. All Judges and Magistrates attended a Gender Equality Workshop which was well-received by participants. This seminar was made possible by a partnership with UN Women. Throughout the year, Individual Magistrates and Judges attended various workshops and seminars in the region.

Hon. Mr. Justice Abel attended the First Caribbean Region Judicial Colloquium on Insolvency held in November 2013 in the Cayman Islands. The colloquium addressed the development and improvement of laws dealing with insolvency proceedings

including, multi-national and cross-border insolvencies, reconstructions and bankruptcies. Arising from the colloquium and from correspondence addressing cross-border insolvency, I have tasked Justice Abel with rendering advice on whether a practice direction ought to be issued providing guidelines applicable to court-to-court communications in cross border cases.

Of the greatest value in terms of judicial education was the attendance by Hon. Mde. Justice Arana and Senior Magistrate Griffith at the 6th International Conference on the Training of the Judiciary held on November 3 to 7, 2013. In Washington DC. Attendance was made possible by the US Embassy in Belize acting through the local office of the National Center for States Courts. The Conference has provided valuable lessons informing the way forward for judicial education in Belize.

## **ELEVATION TO THE RANK OF SENIOR COUNSEL**

In the exercise of the power conferred on the Chief Justice by the Legal Profession Act and having conferred with the Supreme Court Judges and General Legal Council, I am pleased to announce that the following Attorneys-at-Law have been elevated to the rank of Senior Counsel.

1. **Jacqueline Marshelleck**, Attorney-at-Law
2. **Magali Marin Young**, Attorney-at-Law
3. **Cheryl Lynn Vidal**, Director of Public Prosecutions

Each of these Attorneys has individually distinguished herself in her area of practice and is deserving of the accolade. In due course, formal admission will be scheduled.

## CONCLUSION

The Annual Report of the Judiciary of Belize will be shortly published. Not only will hard copies be circulated but it will be available electronically on the Supreme Court website. The Report will set out in detail the statistical data in respect of the Supreme Court, the Magistracy, the Family Court, Vital Statistics Unit, Belize Companies and Corporate Affairs Registry and the Belize Intellectual Property Office.

In closing, I wish to express gratitude to the Registrar General, Deputy Registrars, Assistant Registrar, Court Administrator, System Administrators, Librarian, Stenographers, Marshalls and all members of staff for their hard work in keeping the wheels of justice turning through 2013. The Judges and staff are equally grateful to the Police Officers and security personnel assigned to the Courts throughout Belize and wish to extend our appreciation to the Commissioner of Police and the Minister of National Security.

Most of all, it is important to acknowledge the support of the Hon. Attorney-General and the administrative staff of the Attorney-General's Ministry for their attention to our problems.

Once again, I commend Insp. Gerald Joseph and the detachment of officers from the Special Patrol Unit in Belmopan for the splendid parade and superb turnout. The Police Band did not disappoint and provided more than adequate accompaniment in Church and our march from the Cathedral as well as for the guard of honour.

The Church Service at the St. John's Cathedral set the correct tone for today's proceedings and indeed for the coming year. We wish to say thank you to His Lordship the Rt. Rev. Bishop Wright and other members of Clergy, denominational leaders and the Iman for conducting the devotions with suitable aplomb.

Finally, Your Excellency, Ladies and Gentlemen, my personal thanks to my Senior Secretary, Julie Staine, for her quiet efficiency and unstinting support during the past year. It has been hinted that her retirement looms on the horizon; however I trust it will not crystallize in 2014.



*Caribbean Court of Justice*



2013 - 2014

# CARIBBEAN COURT OF JUSTICE



The Caribbean Court of Justice (CCJ) was inaugurated on 16th April, 2005 in Port of Spain, Trinidad and Tobago. The Court has two jurisdictions: an original and an appellate jurisdiction.

In its original jurisdiction, the CCJ is an international court with compulsory and exclusive jurisdiction in the interpretation and application of the Revised Treaty of Chaguaramas and to determine disputes arising there under.

In its appellate jurisdiction the CCJ, serves as the final appellate court for member states that have acceded to its jurisdiction and determines appeals in both criminal and civil matters.

Belize signed on to the CCJ on 1st June, 2010. The other member states that have acceded to the jurisdiction of the CCJ are Barbados and Guyana.

Appeals are primarily heard before the Court at its headquarters in Trinidad. However, because the CCJ is regarded as an 'itinerant' court or the 'travelling court', matters can also be heard in the country of any of the 'contracting' parties, hence the Maya King appeal was heard in Barbados.

Matters are also heard by way of teleconferencing and video-conferencing.

From 2010 to 2014 For Belize, 20 matters have been filed, 16 determined and two(2) listed; two(2) awaiting the issue of Judgments at the Court of Appeal.

The current composition of the CCJ is:

The President, The Right Honourable Sir Charles Michael Dennis Byron

The Honourable Mr. Justice Rolston Nelson,

The Honourable Mr. Justice Adrian Saunders,

The Honourable Mme. Justice Désirée Bernard,

The Honourable Mr. Justice Jacob Wit,

The Honourable Mr. Justice David Hayton

The Honourable Mr. Justice Winston Anderson

## CHANGES AT THE CCJ

The CCJ began e-filing of all documents by email on June 26, 2013 and a Practice Direction was issued on June 27, 2013 governing the practice of e-filing by email. Since then all countries and Attorneys under both jurisdictions are encouraged to ONLY submit documents by e-filing to the CCJ's e-filing address [efile@caribbeancourtsofjustice.org](mailto:efile@caribbeancourtsofjustice.org).

The policy of the Court is to encourage filing by email and to strongly discourage "hard copy filings" at the sub-registries or even at the CCJ's counter. The reduction in the use of paper is in keeping with its vision of going green and being environmentally friendly. Access to justice is faster and the filing of documents are less costly having regards to the fact that there are no more copies to be made, no scanning, no faxing and no courier service to and from the sub-registry to CCJ or from CCJ to the sub-registry and the CCJ has instantaneous access to the documents as submitted for filing.

Appeals are primarily heard before the Court at its headquarters in Trinidad. However, because the CCJ is regarded as an 'itinerant' court or the 'travelling court', matters can also be heard in the country of any of the 'contracting' parties, hence the Maya King appeal was heard in Barbados. Matters are also heard by way of teleconferencing and video-conferencing.

From 2010 to 2014- For Belize, 20 matters have been filed, 16 determined and two (2) listed; two (2) awaiting the issue of Judgments at the Court of Appeal.





*Court of Appeal*



2013 - 2014





## MR JUSTICE MANUEL SOSA, OBE - PRESIDENT

The Honourable Justice Manuel Sosa, the President of the Court of Appeal was sworn into office by His Excellency, the Governor General, Sir Colville Young on 1 January 2011 and became the first Belizean ever to be appointed President of the Court of Appeal of Belize. The President had previously held office as a Justice of Appeal from June 1999 until the date of his appointment as President.

In 1971, President Sosa proceeded, as recipient of one of the two coveted British Honduras Scholarships, to the University of the West Indies (Mona and Cave Hill Campuses) from which in 1974 he obtained a LLB Degree and graduated with honors. He then attended the Norman Manley Law School in Jamaica, where in 1976 he obtained a Certificate in Legal Education and was the recipient of the Most Outstanding Student 1974-1975 and Most Outstanding Final Year Student 1975-1976 awards.

President Sosa was admitted to practice in Belize on 30 September 1976. The motion for his admission having been seconded by the legendary Belizean Queen's Counsel, Sir Harrison Courtenay, in what may well have been the latter's last appearance as counsel. He commenced his private practice of the law in Belize immediately following admission and was elevated to the status of Senior Counsel on 24 September 1986, just a few days short of a decade. President Sosa during his time in private practice served in the capacity of President and Vice-president of Belize Bar Association, and also as a member of the General Legal Council. On New Year's Day 1998, he was awarded the honour of Commander of the Most Excellent Order of the British Empire and on 13 September 2012 was vested with the Order of Belize.

## MR JUSTICE SAMUEL LONGOLE AWICH

Justice of Appeal Awich is a national of Acholi Luo, Gulu, Uganda, Africa. He received his legal education in 1973 from Makerere University, Uganda and Diploma of Legal Practice in 1974. Awich, JA became a barrister in Solomon Islands and was elevated to a Judge of the High Court and later as a Judge of the Court of Appeal in that country. In 2001, he was appointed a Judge of the Supreme Court of Belize and served as Acting Chief Justice from October 2010 to September 2011. Awich, JA was elevated to a Judge of the Court of Appeal of Belize in May 2012.





## MR JUSTICE DENNIS MORRISON

Justice of Appeal Dennis Morrison is a citizen of Jamaica. He received his legal training from the University of the West Indies and the Norman Manley Law School in Jamaica. Justice Morrison was called to the Jamaica Bar in 1975, entered into private practice at Dunn Cox in 1977 and later became partner at this firm in 1985. He appeared as counsel in the courts of Jamaica, The Bahamas, the Cayman Islands and the Eastern Caribbean States.

Justice Morrison is a well known associate lecturer at the Norman Manley Law School since 1982. He was a member of the Council of Legal Education from 1987 to 2008 and served as chairman of the Council from 1998 to 2005. He was appointed Queen's Counsel in 1994 and served as the Jamaica Bar Association President from 1995 to 1999.

Justice Morrison was appointed as a Judge of the Court of Appeal of Belize in 2004 and Judge of the Court of Appeal of Jamaica in 2008.

## MR JUSTICE DOUGLAS MENDEZ

Justice of Appeal Douglas L. Mendes is a citizen of Trinidad and Tobago. He has been practicing as an attorney at law for 27 years, specialising in Labour Law, Human Rights and Constitutional Law. He is a member of the Inner Bar of Trinidad and Tobago and is admitted to the bars of Antigua and Barbuda, St Kitts and Nevis, Dominica, Barbados and Guyana. He was a lecturer in faculty of law at the University of the West Indies, St. Augustine and Cave Hill Campuses, from 1996 to 2012, lecturing in Constitutional Law and Employment Law and is a former temporary Judge of the High Court of Trinidad and Tobago (March – September 1998). He is currently the Honorary Legal Counsel of the International Planned Parenthood Federation. Mendez JA was sworn in as a Judge of the Court of Appeal of Belize on the 21<sup>st</sup> March, 2011.





## MADAM JUSTICE MINNET HAFIZ

Justice Hafiz-Bertram is a Guyanese-Belizean national. She received her legal training from the University of Guyana and the Hugh Wooding Law School in Trinidad and Tobago. She was then admitted to private practice in Trinidad and Tobago. She later served as a Crown Counsel at the Attorney General's Chambers in Belize for several years and later as a Registrar General of the Supreme Court of Belize. Justice Hafiz-Bertram was appointed as a Supreme Court Judge in Belize in December, 2006.



# *Belize Court of Appeal*



**MS. ALBERTA PEREZ**  
DEPUTY REGISTRAR



# COURT OF APPEAL

The Court of Appeal of Belize was established under section 94 of the Constitution of Belize, and Chapter 4 of the Laws of Belize, Revised Edition 2000. It exercises an appellate jurisdiction with powers to hear and determine appeals in both civil and criminal matters.

The Court held its first sitting in Belize in March 25, 1969 and now sits three times a year to hear and determine appeals. Presently, each session lasts three weeks with the first week dedicated primarily to the hearing of criminal appeals and the remaining two weeks for the hearing of civil appeals. A panel of three judges presides at any one time upon the hearing of any civil or criminal appeal before the full court.

The composition of the Court of Appeal Justices remains as five, however the Court now has three residential Justices: Which are the President, The Hon. Mr. Justice Manuel Sosa, and with the Elevation of The Hon. Justices Samuel Awich, JA to the Court of Appeal in June 2012 and The Hon. Madam Justice Minnett Hafiz-Bertram, JA in March 2013



APPEALS		
	2012	2013
Civil Appeals Lodged	31	34
Civil Appeals Heard	24	17
Criminal Appeals Lodged	20	24
Criminal Appeals Heard	9	15

APPEALS		
	2012	2013
Inferior Appeals Lodged	163	110

# Judges of the Supreme Court



**HONOURABLE CHIEF JUSTICE KENNETH BENJAMIN**

The Honourable Chief Justice, Kenneth Benjamin is a national of Guyana and Antigua. He received his legal training from the University of the West Indies and Huge Wooding Law School in Trinidad and Tobago and returned to Guyana where he entered into private practice. The Chief Justice Benjamin served as a Magistrate and Assistant Judge Advocate for the Guyana Defence Force and on the Court of Appeal in the Eastern Caribbean and the Supreme Court, sitting in both St. Lucia and St. Vincent. He also served as the presiding Judge for the Criminal Division of the High Court in St. Lucia, as a High Court Judge in Antigua, British Virgin Islands and Grenada and as Chief Magistrate in Antigua and Barbuda.

Kenneth Benjamin was appointed Chief Justice of Belize on September 15, 2011. He is a member of the Commonwealth Association of Judicial Officers and magistrates, a former Rotarian and a former cricket executive in Antigua. The hon. Chief Justice Kenneth Benjamin is a Fellow of the Commonwealth Judicial Education Institute.



# Judges of the Supreme Court



**HON. JUSTICE TROADIO GONZALEZ**

Justice Gonzalez is a national of Belize. He received his Bachelors of Law from the University of the West Indies and Certificate in Legal Education from the Norman Manley Law School in Jamaica. He has held positions such as Crown Counsel at the Office of the Director of Public Prosecutions, Director of Public Prosecutions, Chief Magistrate and Acting Chief Justice. His career also included a stint at the Crown Prosecutor Office in England. He was a member of the Advisory Committee for UWI's School of Continuing Studies and a lecturer at University of Belize where he assisted in spearheading the paralegal program. Justice Gonzalez was appointed a Supreme Court Judge on April 1, 1993.



**HON. MADAM JUSTICE MICHELLE ARANA**

Madam Justice Arana, who is a Belizean, is Belize's first appointed female judge. She received her legal training from the University of the West Indies and the Norman Manley Law School in Jamaica. Justice Arana holds a Bachelors of Science Degree in English and masters of Law Degree (LLM-with Merit) in Commercial Law. She has held positions such as magistrate, Crown Counsel in the Office of the Director of Prosecutions, Legal Advisor to the Social Investment Fund and Registrar General of the Supreme Court and Court of Appeal in Belize. Justice Arana has experience as an attorney in private practice from the Offshore Financing Consulting Firm. She has lectured in Business Law at the University of Belize and presented at international seminars on offshore finance in Belize. Social engagements by Justice Arana include membership in the National Women's commission and legal representative of Yourt Enhancement Services. She is a Fellow of the Commonwealth Judician Education Institute and the recipient of the Alumni Achievement Award from SJCJC being recognized as someone who has obtained a high level of achievement throughout her professional career. Justice Arana was appointed Judge of the Supreme Court on January 1, 2006.



# Judges of the Supreme Court



**HON. JUSTICE ADOLPH LUCAS**

Justice Lucas is a Belizean National. He received his training from the University of the West Indies and Certificate in Legal Education from the Norman Manley Law School in Jamaica. He has served as Crown Counsel and Senior Crown Counsel in the Office of Director of Public Prosecutions. He has also served as Chief Magistrate, Director of Public Prosecutions and practiced law privately. Justice Lucas enjoys sports such as basketball, football and track and field. Justice Lucas was appointed a Judge of the Supreme Court of Belize on June 23, 2003.



**HON. JUSTICE COURTNEY ABEL**

Justice Courtney Ashton Abel is a national of Guyana, a British citizen and believer of Anguilla. He migrated to the United Kingdom from an early age and completed his primary, secondary and tertiary education there in 1979. He is a member of Inner Temple and was called to the Bar of England and Wales in February 1980. He has practiced privately on a broad range of matters in the UK, Anguilla and the Eastern and wider Caribbean and founded the law firm of Caribbean Associated Attorneys in Anguilla and St. Kitts. He has appeared as lead Counsel in many complex civil and commercial matters in all courts including the Judicial Committee of the Privy Council. He was appointed an Additional Magistrate, Commissioner of Oaths and Notary Public in Anguilla. He was twice elected and served as president of the Anguilla Bar Association, Secretary, Vice president and president of the OECS Bar Association (of which he was elected an Hon. Life member), and as Treasurer and president of OCCBA (Organization of Commonwealth Caribbean Bar Association), as well as Vice President of the Anguilla Financial Services Association. He has been active in local community organizations, including The Rotary Club of Anguilla and on the Board of a private school. On October 22, 2012, Justice Courtney Abel was appointed to act as a Judge of the Supreme Court.





# Judges of the Supreme Court



**HON. JUSTICE DENIS HANOMANSINGH**

Justice Hanomansingh is a Guyanese national. He received his legal training from Queens University of Belfast Northern Ireland and was called to the Utter Bar at Honourable Society of Middle Temple in London. He has held appointments of Acting magistrate, Senior and Principal magistrate, Director of Public prosecutions and High Court Judge in Guyana. He has served as principal Crown Counsel in the Solicitor General Chambers in Barbados. Justice Hanomansingh is also a member of the New York Bar and was appointed a Judge of the Supreme Court on December 6, 2010.



**HON. JUSTICE HERBERT LORD**

Justice Herbert Lord is a Belizean national. He received his legal training from the University of the West Indies (UWI) (LLB-Honors) and the Norman Manley Law School in Jamaica. Justice Lord also obtained a Certificate in Public Administration from UWI in 1976. He has held appointments of Senior Magistrate and Chief Magistrate. Justice Lord was appointed a Judge of the Supreme Court of Belize on January 1, 2007 and holds the rank of Commander of the Most Excellent Order of the British Empire (CBE). He enjoys reading, cycling and dancing.



# *Supreme Court and General Registry*



**MS. VELDA FLOWERS**  
REGISTRAR GENERAL



**MR. EDMUND PENNIL**  
DEPUTY REGISTRAR



**MS. SHAWNA SWIFT**  
LEGAL ASSISTANT

## GENERAL REGISTRY



**CASE MANAGEMENT**

# *Supreme Court and General Registry*



STENOGRAPHERS



MARSHALLS



LAW

## SUPREME COURT OF BELIZE

The Supreme Court of Belize was established in 1843 and is of pivotal importance to the justice system in Belize. The Court is divided into two divisions; the **Criminal Division** and the **Civil Division**.

In the Criminal Division the Court is vested with criminal jurisdiction which includes the appellate criminal jurisdiction. The Court, in the exercise of its criminal jurisdiction in hearing more serious offences can do so with a judge sitting with a jury or sitting alone.

In the Civil Division, the Court has unlimited civil jurisdiction which it exercises with the aid of the Supreme Court Civil (Procedure Rules) which came into effect in 4th April 2005. Additionally, this division of the Court is vested with powers to hear all other matters.

### COURT ADMINISTRATION

In the latter part of 2012, the Supreme Court spearheaded by the Chief Justice, undertook a project to enhance and promote a more effective and efficient case management system and to improve other processes of the Court and the Registry which are essential to the administration of justice.



## SUPREME COURT OF BELIZE

The project initially started in 2011 after many discussions and with the assistance of a consultant in Court Administration, Mr. David Beling assigned to the Court by CARICOM Secretariat. The software development firm SYBEL was tasked with the responsibility of developing an electronic case management system which would also include other modules involving other functions of the Court and the Registry.

In 2013 the second and third phases of the digital system, Belize Court Management System (BCMS) were implemented with the final phase, which did not meet its targeted date of September, 2013, to commence and conclude in the first quarter of 2014. These two completed phases met the stipulated Business Requirements which set out the framework to be used in the development of the software and thus, were approved by Mr. Beling in March, 2013 when he made his final visit under his contractual arrangement with CARICOM Secretariat.

The BCMS is in its testing phase and runs parallel to the existing manual system. With this system the Court, in civil matters, is able to electronically complete the following task with the various features provided by the software system:

- Assign cases to the judges (a feature specially designated to the Chief Justice alone)
- Automatically assign bail hearings to Judges using a roster system
- List matters for hearing
- Create notices of hearings
- Transmit notices electronically (to law offices' email addresses)
- Generate Court Calendars
- Generate numerous reports (statistical and operational)
- Generate Cause Book with the Case Information Sheet

All of the above developments have contributed tremendously in providing a more effective case management and case



A stack of several books is shown on the left side of the page, with a wooden gavel resting on top of them. The books are slightly blurred, and the gavel is in sharp focus.

## SUPREME COURT OF BELIZE

flow system. In relation to criminal matters much progress was made with this aspect of the system and such was reviewed by the consultant Mr. Beling and guidance was provided thereto, however, the implementation phase has moved slower than planned.

There are still some aspects of the following nine modules of the project that are still pending and it is expected that those should be completed in 2014:

1. Case Management
2. Receipting
3. Probate
4. Apostille
5. Marriages Licences
6. Annual registration
7. File movement
8. Jury management
9. Law library

In essence, the digital system has been meeting the specifications set out in the Business Requirements and has certainly more than meet the expectations of the Court. The project is expected to be fully completed by the end of 2014.

# SUPREME COURT OF BELIZE

## SUPREME COURT REGISTRY

(Domestic Trust Registry Division)

The Supreme Court Registry which is the depository of all court documents and which also functions as a general registry is duly constituted under the Supreme Court of Judicature Act, Chapter 91 of the laws of Belize. Recently added to the many divisions of the Registry was the Domestic Trust Registry division which was formally created on 9th October, 2013 when the Trusts Act, Chapter 202 of the Laws of Belize, Revised Edition, 2002 was amended by Act No. 16 of 2013, Trusts (Amendment) Act, 2013 to provide for the mandatory registration of all domestic trusts and matters connected therewith and incidental thereto. It is important to note that prior to the aforesaid amendment, voluntary registration of trusts were done at the Registry which maintains a trust register.

A domestic trust under the Act is defined as “an express trust made in writing, the proper law of which is the law of Belize, but does not include an international trust (or offshore trust) as defined in section 64(1) of this Act.” Of great significance are the savings and transitional provisions of the amended Act which in essence provide that any existing trust not registered by 9th April 2014 will cease to be valid and enforceable domestic trust under the laws of Belize.

An application for the registration of a domestic trust must be made in writing on the prescribed form, submitted to the General Registry and accompanied by:

- A certified copy of the instrument creating the trust (if any); and
- The prescribed fee of \$200.00 (BZD)





## SUPREME COURT OF BELIZE

Once the trust meets the requirements for registration, it is registered in the Domestic Trust Register and a certificate of registration by the Registrar is issued to the settlor or the trustee. The Domestic Register is not open for public inspection.

However, a settlor or trustee may, by written authorization, allow a person to inspect the entry for that particular trust in the register.

\*(For more information visit [belizejudiciary.org](http://belizejudiciary.org) website)



# Supreme Court Law Library



**MS. ERROLIN GRINAGE**  
LAW LIBRARIAN



## SUPREME COURT LAW LIBRARY

The Supreme Court Law Library is located upstairs of the Court of Appeal in the Sir Albert Staine Building. The library provides information and legal materials from Belize, the Caribbean, and other Commonwealth Jurisdictions. In keeping up with the library's mission to ensure access and to make our resources useful to the Judiciary and legal community of Belize; the library operates to guarantee the advancement of Belize's Judiciary and to meet the needs of all of its users.

### Goals:

- To provide legal information by utilizing both traditional and modern resources.
- To make legal information easily accessible by acquiring, preserving and providing access to members of the judiciary.
- Promote a library of quality that will meet every user's needs.

### Collection:

The collection of the library comprises of both primary and secondary legal material. It includes legislation of Belize, law reports of Belize (including unreported judgments), other law reports, journals, law reviews, early statutes and law reports from England and a small collection of textbooks relating to various areas of laws. The library also has access to a few electronic databases via subscription that contain various legal reports and cases sorted by jurisdiction, date, title and citation. Most of the available material is available in printed books and documents; however, the library is in the process of being transformed from the traditional mode to contain a large number of electronic digitized documents.

### Services:

Reference Service  
Assistance with research  
Providing materials to Judges of the Supreme Court and Court of Appeal  
Circulation of materials to the Judges of the Supreme Court and Court of Appeal  
Online searches  
Computer and Wifi Internet Access to legal professionals  
Reading facilities  
Photocopying facilities  
Loan of books and materials on an overnight basis  
Queries by telephone and email

**Opening Hours:** 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Mondays to Fridays. The Library is closed on Public Holidays

### Contact the Library:

Telephone: 501 227 5426  
Fax: 501 227 2548



# *Vital Statistics*



**MS. KHADEEN PALMER**  
DEPUTY REGISTRAR



**BELIZE CITY STAFF**



**BELMOPAN STAFF**



# VITAL STATISTICS UNIT

In 2013 the Vital Statistics Unit (VSU) embarked on a reformation of the unit. The objectives of this reformation were to increase the security of our data, clean up incorrect and erroneous data and improve the quality of service offered to the public.

In March 2013 VSU moved to its new location at the corner of Hydes Lane and New Road. This welcomed move has created a comfortable and spacious environment that adequately stores our records and provides a pleasant environment for both our staff and the public.

## Conclusion of Out-Reach Projects

In 2012 the Organization of American States (OAS) donated a scanner, computers and funded the employment of four part-time staff members to scan, crop and save images of our birth, death and marriage registers. This project concluded in April 2013 leaving 90 percent of our records digitalized. We are able to limit the use of our registers which will help to preserve our physical records.

The “**Make Your Child Count**” campaign that was financed and supported by UNICEF concluded in August 2013. The aim of the campaign was to increase birth registration, promote registration as a fundamental human right and strengthen the birth registration system at National and community level.

The campaign went beyond birth registration and offered all the services provided by the VSU to citizens in remote villages. We were able to reach over 18,000 citizens in 209 villages.



Location	Number of communities visited	Number of late registrations	Number of new birth certificates
Toledo	48	63	3256
Stann Creek	31	183	3174
Caye Caulker and San Pedro	2	68	467
Corozal	31	106	2882
Southside Belize City	4	59	31
Orange Walk	29	275	4765
Cayo	41	251	2252
Belize Rural	23	157	1560
<b>Total number of persons reached with services</b>	<b>209</b>	<b>1162</b>	<b>18378</b>
<b>Total number or persons reached 18,378 persons in 209 communities</b>			



## NEW AND IMPROVED COMPUTER PROGRAM

In July 2013 Sybel Computer Consultants and Software Developers were engaged to develop and implement an application processing system to complement our existing database system. This application has allowed the VSU to generate applications within the system, assist in processing applications expeditiously and link each application with a receipt generated by a receipting system also created by the developers. Additionally, the developers were able to allow users of the VSU database to view the images of the registers scanned under the OAS project. Our new processing software also allowed us to introduce an electronic signature for authorized verifiers, Registrar General and Deputy Registrars. One of the most impressive features of our new software is its tracking feature which allows us to ascertain the status of every application made to the VSU.

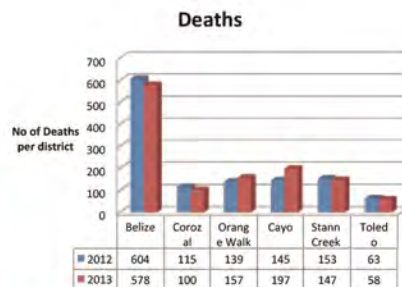
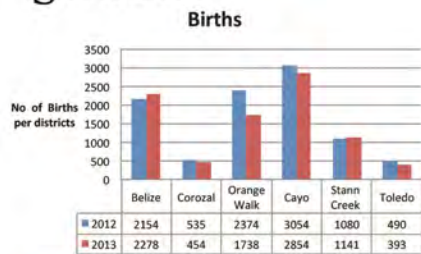
We have been diligently working on the inter-connection between our seven District Registration Clerks and the central office. So far, we have successfully completed the inter-connection with Belize District, Orange Walk and Toledo. The inter-connection at this stage is limited to the receipting system and the creation of application requests. This has significantly reduced the turn over time for processing applications from the districts. We are expected to complete the inter-connection with the other districts and also increase the features of the current software in early 2014.

Before August 2013, all deaths that were registered were stored electronically and formed part of our database. However, death certificates were not being printed from the database, instead, they were produced by a manual typewriter. With the upgrade in our software, a format for death certificates was developed in accordance with the Births and Deaths Act and we are now printing death certificates. This has significantly increased our speed and efficiency in processing death certificates.

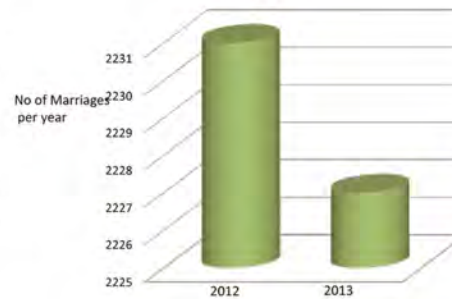
### STAFF TRAINING

In light of our improvement initiatives, a one-day “**Superior Customer Service Seminar**” was held in October, 2013 for the staff of VSU. The objective of the seminar is to enhance the level of professionalism and skills that are needed to provide greater customer satisfaction.

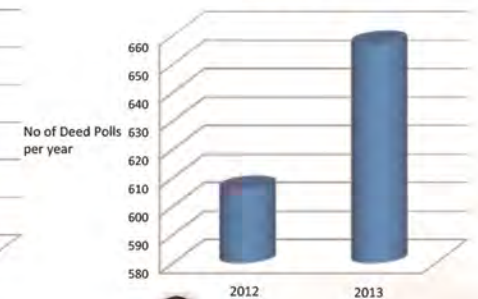
## STATISTICS



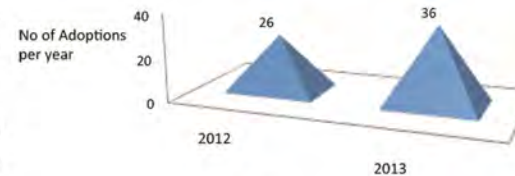
### Marriages



### Deed Polls



### Adoptions

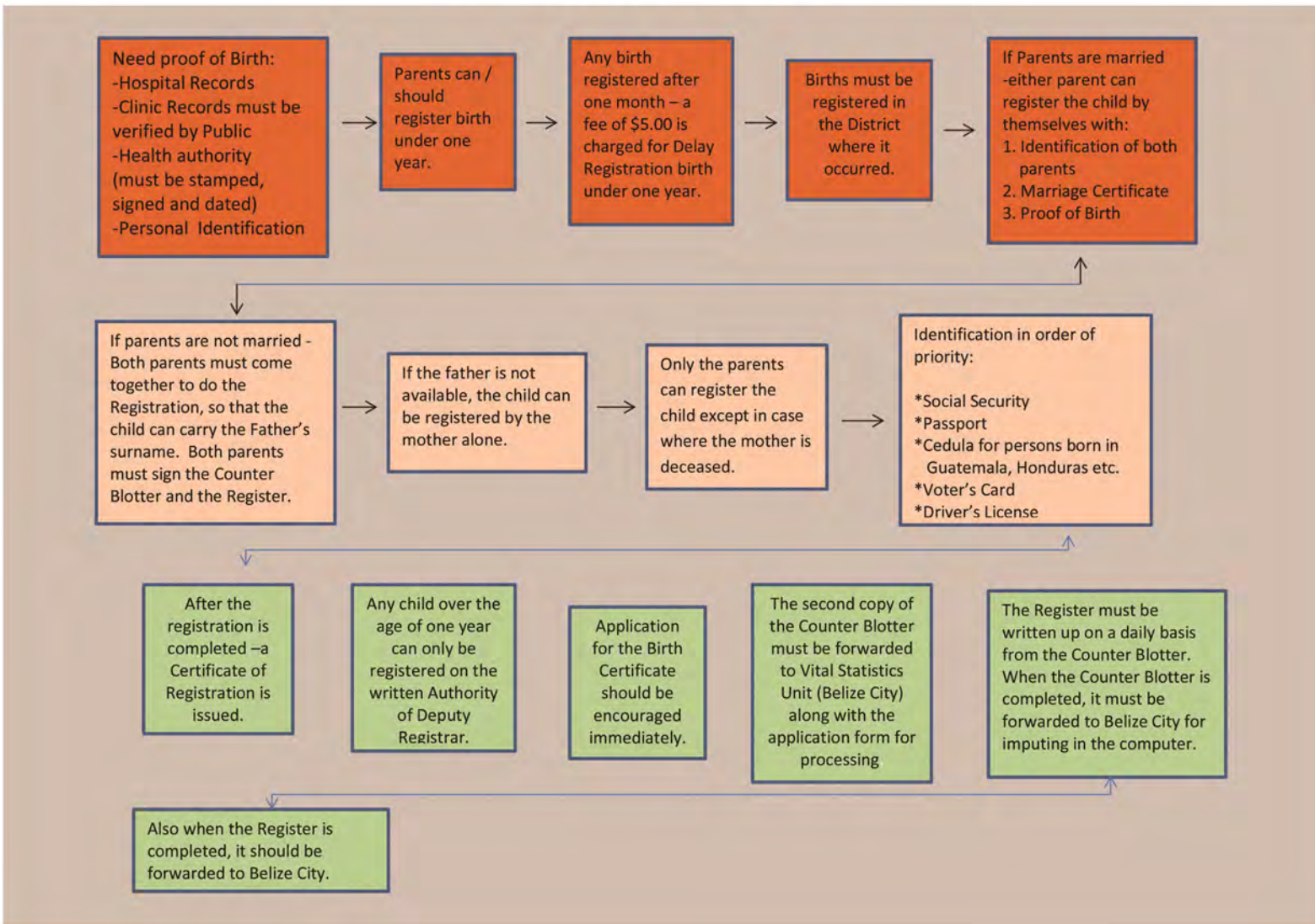


# PROCEDURES AND SERVICES AT VITAL STATISTICS UNIT

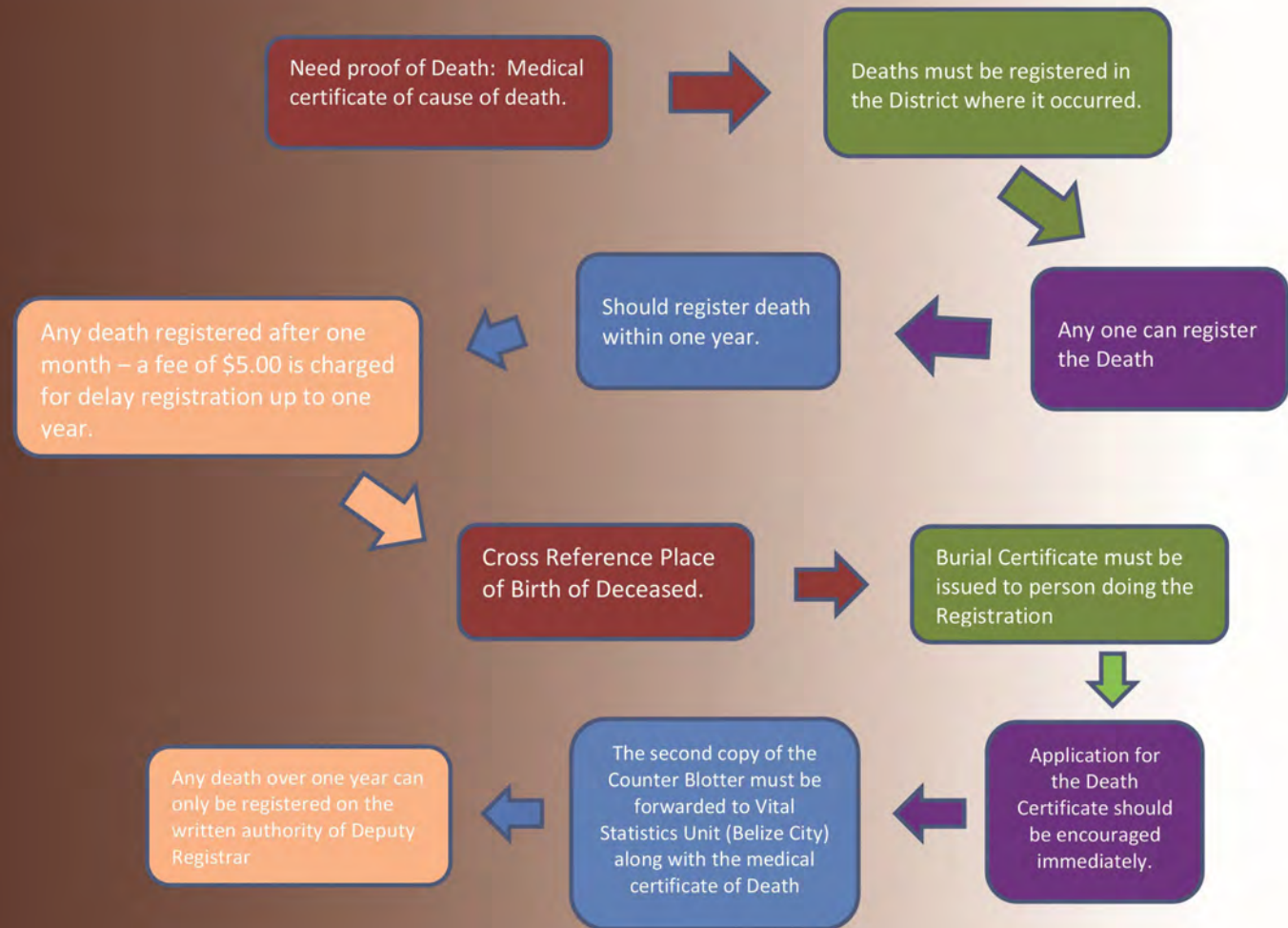


THE CHIEF JUSTICE'S  
ANNUAL REPORT  
ON THE JUDICIARY OF BELIZE  
2013 - 2014

# BIRTH REGISTRATION



# DEATH REGISTRATION





Step 1 – Declaration for Late Registration Form must be filled and signed in front of Justice of Peace.

Step 2 – This Form must be forwarded to Vital Statistics Unit (Belize City) along with supporting Documents as indicated on the form for necessary approval. Processing time should be no more than one week.

Step 3 – Registration is done as a regular registration on The Counter Blotter. However, no Certificate of Registration is to be given. The Counter Blotter and the Register should indicate "Late Registration approve on written authority of Deputy Registrar"

Step 4 – When an application for Late /re-registration is not approved, it will be returned with comments which the applicant must get before it is returned for approval again.

## PROCEDURE FOR LATE REGISTRATION / RE-REGISTRATION

Re-registration is when the Certificate of Registration is produced but there is no entry found in the Register.

Any Birth or Death over one year that is not registered will be Late Registration.

## ENTRY OF FATHER'S NAME

If a child was registered in the Mother's name only – the Father's name can be added.

\*If both parents are not married and they are in the country, they both need to come in the Vital Statistics Office together with their ID.

*\*Parents will need to sign the Register and fill out the application form for Entry of Father's Name.*

*\*The Fee is \$3.00 to sign the Register and \$3.00 for the new certificate.*

\*If parents are subsequently married after the birth of their children, the Legitimization Process must be used. This process can only be done in Belize City.

\*For this process the following documents are needed:

*\*Marriage Certificate of Parents.*

*\*Birth Certificate of all children born to them before marriage.*

*\*If one of the parents is deceased, the death certificate*

*\*Parents must come to Belize City with ID*

If one parent is out of the Country

\*The Declaration form must be filled out by both parents.

\* The parent that is out of the country must sign in front of a Notary Public.

\* The parent that is in the country must sign the form in front of the Justice of the Peace.

\*If the mother is deceased, the father can apply by submitting:

*\*Death Certificate of the Mother*

*\*Child's Birth Certificate*

*\*ID of parents*

\*If the father is deceased, the mother can apply by submitting:

*\*Death Certificate by father*

*\*Baptismal record with father's name (must be baptized within one year of birth)*

*\*Child's birth certificate*

*\*ID of parents*

\*processing time is one week.

If both parents are deceased

\*The Declaration form must be filled out preferable by a relative who is older than the oldest child.

\*The following must be submitted along with the Declaration form:

*\*Death Certificate of both parents*

*\*Baptismal Records with the father's name (must be Baptized within one year of birth)*

*\*If the Father's name appears on the child's birth certificate as the informant, there is no need for the Baptismal record*

*\*Child's birth Certificate*

*\*Marriage Certificate (If they were married after the child was born)*

## DEED POLL FILING

Deed Poll is the process by which any person can legally change their names. The Deed Poll Form after registration MUST be used AT ALL TIMES with the Birth Certificate so that the ID /Passport can be issued in the new name.

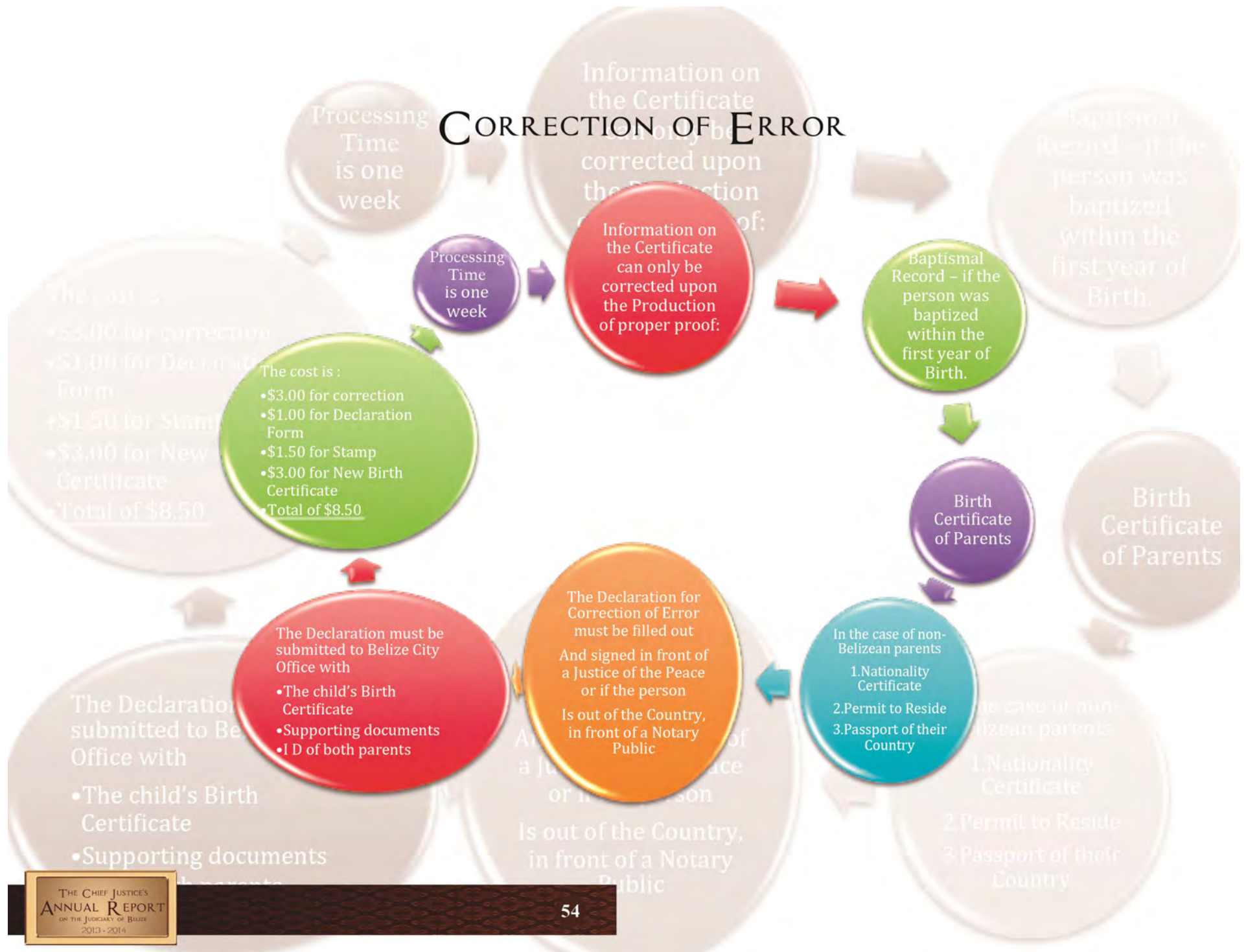
The forms are filled in sets of two (2) along with supporting documents as follows:

- Two (2) Birth Certificates
- Two Marriage Certificates (if it's the marriage name)
- Photocopy of ID

If the person is under the age of eighteen, the parent MUST fill on their behalf. The forms must be filled out and signed in the presence of a Justice of the Peace (if in Belize) or a Notary Public (if outside of Belize).

- The documents must be filed within one month of the Date of Signature.

# CORRECTION OF ERROR



# IAN 'YELLOW' GAYNAIR

## A NATIONAL TREASURE

Ian Elvis Gaynair "Yellow" as he is popularly known, was born on February 26, 1986 at the Old Belize Hospital, Belize City, Belize. He graduated from Wesley Primary School and later from Wesley College, where he furthered his studies at St. John's College Junior College. He is the third of five children for bragging parents Lydia Jones- White and Steve Gaynair.

Ian spent most of his time on Berger field playing football. Learning on his own at a very young age, he set the stage for his natural ability to play football. At the age of nine he played with the under 10 Raptors team. He played with the Raptors until he was old enough to join the under 17 National team.

When he turned 17 years old he was drafted for the Kremandala team in which he played in the semi-pro league. Despite the loss for that season, he continued on and joined FC Belize team where they won two championships and came in second place three times.

At the age of twenty he was selected for the A National team, which he is still a member. Earlier in 2013 the team qualified for the Gold Cup, for the first time in Belize's history. In the first match against the U.S.A National team, Gaynair made his country proud by scoring the only goal, that goal which he said was inspired and dedicated to his late sister. Ian is presently playing on the Belmopan Bandits.

In 2013 Gaynair received international acclaim and recognition from CONCACAF and FIFA for turning down a bribe to fix the match against the United States. He blew the whistle on a potential match fixer who offered him thousands of Euros in an effort to fix the inaugural match against the United States. The Governor General, His Excellency Sir Colville Young recognized Gaynair's integrity, honesty and patriotism and presented him with a citation and the Gilmore Hinkson Fair Play trophy.

In addition to his passion for football, he is dedicated to his job. He holds a full-time position as a Second Class Clerk at the Vital Statistics Unit. Gaynair provides excellent customer service to the public and at the end of his 8-hour shift he diligently makes his way to Belmopan for football training.

He is a devoted father to his daughter as well as many other children seeking a father figure. He would often welcome children from the neighborhood in his home and his life. He often goes back to where he grew up and holds summer programs for the younger children who live in the neighborhood.

Ian continues to be a semi professional football player and dedicated public officer who wishes to continue teaching and helping youths to be humble and just dream big



**FOOTBALL FEDERATION  
OF BELIZE**



# *Belize Companies and Corporate Affairs Registry*



**MS. SAMANTHA MATUTE**  
DEPUTY REGISTRAR



**STAFF MEMBERS**



## BELIZE COMPANIES AND CORPORATE AFFAIRS REGISTRY

The Belize Companies and Corporate Affairs Registry play an integral part in regulating the business sector of Belize, having been around since 1866 or thereabout.

The Registry's mission is to: **Foster trade by ensuring that commercial entities are properly registered and regulated.**

The Registry seeks to achieve its mission by being guided by the various laws which govern the establishment of commercial entities in Belize, namely the Companies Act, Chapter 250, the Business Names Act, Chapter 247 and the Limited Liability Partnership Act, Chapter 258.

## PARTICIPATION

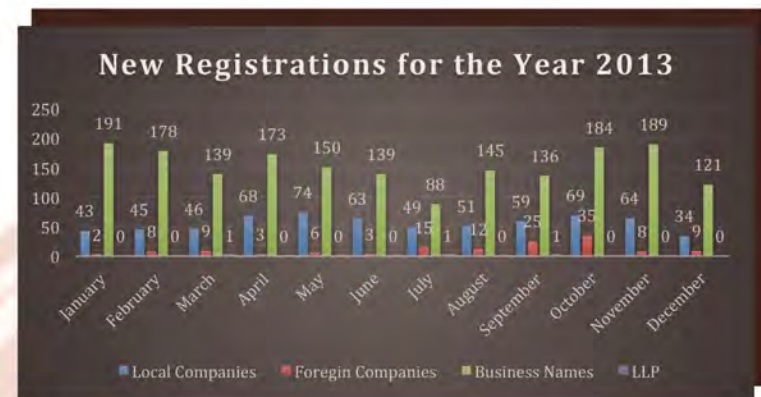
Throughout the year, the Registry has been invited to participate in different events and meetings. The first was in March, 2013 when the Deputy Registrar attended a conference held in Bogota, Colombia under the theme "*Encuentro Regional sobre Responsabilidad del Sector Privado en la Lucha contra la Corrupcion*", which in English means "**Regional Meeting on Private Sector Accountability in Combating Corruption**". The conference not only highlighted the weakness in the private sector that allows for emergence of corruption, but also presented models and steps taken to combat corruption.

Further, in June, the Registry participated in the annual Public Service Information Day held in Belize City and Belmopan City. On both occasions, the Registry informed the public on the role, functions and processes of the Registry.

Also, in June, the Registry was invited to participate as a member of the Technical Working Group for the creation of a **Regional MSME Information System in Central America and the Dominican Republic**. As a member of this team, we will assist in the creation of a database that provides information on micro small and medium enterprises. Meetings for this project are still on-going.

Lastly, September/October, the Registry was invited to participate in a meeting with representatives from the Caricom Secretariat and Consultants from A-Z Information Jamaica Limited to review the process of how companies are established and how the process can be reformed to create a harmonized standard across the Caricom region. This step is to assist in the effective functioning of the CSME regime.

Month of the year	Local Companies	Foreign Companies	Business Names	LLP
January	43	2	191	0
February	45	8	178	0
March	46	9	139	1
April	68	3	173	0
May	74	6	150	0
June	63	3	139	0
July	49	15	88	1
August	51	12	145	0
September	59	25	136	1
October	69	35	184	0
November	64	8	189	0
December	34	9	121	0
<b>Total New Registrations</b>	<b>665</b>	<b>135</b>	<b>1833</b>	<b>3</b>



### **Amending the Companies Act**

The ways in which businesses are being operated are ever-changing; therefore, the laws which govern commercial entities should keep current to maintain the dynamics of trade.

To keep up with the dynamics of business operations in Belize, the *Companies Act, Chapter 250 of the Laws of Belize, Revised Edition 2003* was recently amended by virtue of the *Companies (Amendment) Act No. 19 of 2013*.

With this amendment, we saw three (3) significant changes:

1. The repeal and replacement of provisions dealing with the issue of share warrants to bearer;
2. The allowance of single member private company formation; and
3. The creation of a post for Registrar of Companies.

### **Repeal and replace the issuance of share warrants**

To understand why it was necessary to repeal the provisions relating to the issuance of share warrants to bearer, one must first look to see what the impact of issuing share warrants was.

*Section 38 of the Companies Act* allowed for the issuance of share warrants to bearer. What this meant was that an individual who was once a known shareholder of a company would now become anonymous. His name would be struck off the register of members, as if he ceased to be a member, and in place, a notation would be made of:

- I. the fact of the issue of the warrant;*
- II. a statement of the shares... included in the warrant, distinguishing each share by its numbers; and*
- III. the date of the issue of the warrant.<sup>1</sup>*

Where there is anonymity, there is the opportunity for abuse. Realizing this shortfall in the law, the Organization for Economic Co-operation Development (OECD) Global Forum highlighted that there was need for transparency in our legal framework. Taking this into consideration, in an attempt to achieve transparency in our business practices, it was necessary to remove all provisions relating to share warrants. Therefore, a company, either local or overseas, is now prohibited from issuing share warrants in our jurisdiction.

<sup>1</sup> Section 38 (5) of the Companies Act, Chapter 250 of the Laws of Belize, Revised Edition 2003

### **Formation of single member private companies**

Furthermore, when forming a company, it has been the practice, in accordance with the law, that there should be at least two (2) persons to subscribe to the Memorandum and Articles of Association. We had adopted this requirement into our law based on the United Kingdom Companies Act. It is believed that the UK adopted this requirement based on the rationale that companies carried the characteristics of a partnership, as most times, it was persons in partnerships who formed companies. This means, that there had to be at least two (2) or more persons involved for there to be a partnership.

Under the amendment, the requirement has now changed from a minimum of two (2) persons to one (1) person. The reasoning behind this change is the fact that most times, in practice, the other shareholder is only there in a nominal capacity to ensure compliance with the law.

### **Registrar of Companies**

Lastly, but certainly not least, change has been made to the structural hierarchy of the Registry.

Prior to the amendment, the Belize Companies and Corporate Affairs Registry fell under the mandate of the Registrar General of the Supreme Court who also acted as Registrar of Companies<sup>1</sup>, and who was assisted by a Deputy Registrar.<sup>2</sup> However, it has been decided that there be a separate post for Registrar of Companies to relieve the duties of the Registrar General, who also heads three (3) other units, namely, the General Registry, the Belize Intellectual Property Office (Belipo), and the Vital Statistics Unit.

In closing, it can be agreed that these changes do have significant impact on business operations in Belize. Already persons have taken advantage of registering one person companies; or have made the transition to a one person company.

It is hoped that over time more changes can be made to the *Companies Act* to allow for operations and processes to be faster and easier.

<sup>1</sup> Section 2 (1) of the Companies Act, Chapter 250 of the Laws of Belize, Revised Edition 2003  
<sup>2</sup> Section 259 of the principal Act [added by Act No. 39 of 2005] which has now been repealed.







**MS. CANDICE WESTBY FISHER**  
DEPUTY REGISTRAR

# *Belize*



**STAFF MEMBERS**



## THE BELIZE INTELLECTUAL PROPERTY OFFICE (BELIPO)

The Belize Intellectual Property office (BELIPO), which became operational on July 2, 2001, was established under Part II of the Patents Act (Chapter 253), Revised Edition 2000, and is the National Intellectual Property of Belize, Central America.

### MISSION STATEMENT

To build a modern intellectual property system that values and protects the vibrant and creative culture of Belize.

### VALUES

Commitment, customer service, efficiency, quality and continuous improvement.

### QUICK FACTS

#### *What is Intellectual Property?*

Intellectual property refers to creations of the mind: inventions; literary and artistic works, and symbols, names and images used in commerce. Intellectual property is divided into two categories.

- Industrial Property including patents for inventions, trademarks, and industrial designs.
- Copyright

#### *What is a Patent?*

A patent is an exclusive right granted for an invention – a product or process that provides a new way of doing something, or that offers a new technical solution to a problem.

A patent provides patent owners with protection for their inventions. Protection is granted for a limited period of 20 years.

#### *What is a Trademark?*

A trademark is any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of other undertakings. A trademark provides owners with trademark protection and ensures that the owners of marks have the exclusive right to use them to identify goods or services, or to authorize others to use.

#### *What is an Industrial Design?*

An industrial design refers to the ornamental or aesthetic aspects of an article. A design may consist of three-dimensional features, such as the shape or surface of an article, or two-dimensional features, such as patterns, lines or color. To be protected, an industrial design must be new or original and non-functional. Industrial designs can be renewed every 5 years for a total of 15 years.

#### *What is Copyright?*

Copyright laws grant authors, artists and other creators protection for their literary and artistic creations, generally referred to as “works”. Works covered by copyright include, but are not limited to novels, poems, plays, reference works, newspapers, advertisements, computer programs, databases, films, musical compositions choreography, paintings, drawings, photographs, sculpture, architecture, maps and technical drawings.

### STAFF

The Belize Intellectual Property Office (BELIPO) is headed by the Registrar of Intellectual Property Ms. Velda Flowers and includes Deputy Registrar Mrs. Candace Fisher, Senior Assistant Registrar Mrs. Koreen Flowers and Assistant Registrar Ms. Adelita Aké. Other employees at BELIPO include Registry Officers Ms. Elisa Aguilar, Mr. Tyrone Francis and Mr. Jamir Gutierrez, Accounts Officer Mrs. Teresita Quischan, and Second Class Clerk Ms. Norla Belisle. The post of IT Technician is currently vacant.

# TRAININGS/SEMINARS

CONFERENCES/MEETINGS, WORKSHOPS



## Regional Training

As intellectual property (IP) is an ever evolving field which requires constant training, BELIPO is often invited to training workshops throughout the year. In the year 2013, the Deputy Registrar of Intellectual Property, alongside members of the Customs Department, Office of the Director of Public Prosecutions and the Belize Police Department attended a sub-regional training on Advanced Intellectual Property Rights held in San Salvador, El Salvador at the International Law Enforcement Academy (ILEA).

In 2013, BELIPO was also invited to and attended sub-regional training workshops in Trademark Examination and Copyright and related rights, both of which were held by the World Intellectual Property Organisation (WIPO) in St. Kitts and Nevis as well as a sub-regional workshop on Geographical Indications under the Economic Partnership Agreement also held by WIPO in conjunction with the Government of Grenada in St George's, Grenada.

BELIPO was also invited to participate in a sub-regional training workshop on the Patent Cooperation Treaty, with emphasis on processing patent applications as a first receiving office under the Patent Cooperation Treaty, to which Belize is a signatory. This workshop was attended by Assistant Registrar Ms. Adelita Ake.

## Meetings

In July 2013, BELIPO was invited to participate in the 25th Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) held in Geneva, Switzerland. Senior Assistant Registrar Mrs. Koreen Flowers attended this session of the IGC in which the draft text of a treaty to protect Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore was discussed.

The main policy and decision making bodies of WIPO are the General Assembly and the Coordination Committee. Twenty Assemblies and other bodies of the member states of WIPO and of the Unions administered by WIPO, traditionally meet in ordinary or extraordinary session at the end of September.

## PUBLIC AWARENESS/PRESENTATIONS

### *Public Service Day*

BELIPO participated in the annual Public Service Day in both Belize City and Belmopan in observance of the yearly national public service awareness campaign. The staff at BELIPO takes great pride in the work performed at the office, as well as its customer service and as such, looks forward to showcasing the world of Intellectual Property during Public Service Day. Information on the main aspects of IP was disseminated to the general public as well as samples obtained from clients of BELIPO showcasing trademarks and industrial designs. Primary school visitors were treated to IP crossword puzzles where BELIPO branded memorabilia was issued as prizes while other visitors were treated to a series of questions in order to win bigger prizes. As such, due to their unfailing dedication to and pride in their work, the staff of BELIPO was awarded the 2nd place trophy for Customer Service/Public Relations.

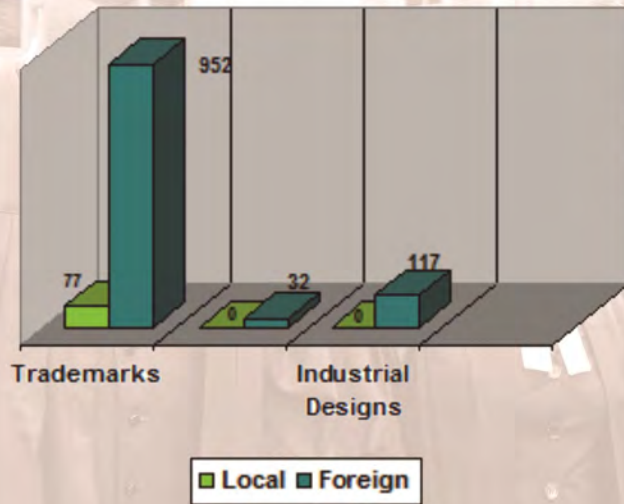
In October 2013, the World Intellectual Property Organisation (WIPO) in cooperation with the Belize Intellectual Property Office (BELIPO) hosted its first two-day national workshop on Copyright and Related Rights. International speakers included WIPO Program Officer Ms. Sonia Cruickshank, Jamaica Association of Composers, Authors & Publishers Limited's General Manager Ms. Lydia Rose, and Jamaica Copyright Licensing Agency's (JAMCOPY) General Manager Ms. Carol Newman while national speakers included Deputy Registrar of Intellectual Property Mrs. Candace Fisher, Ms. Jackie Castillo, Artist and Creative Industries Officer, NICH and Mrs. Felene Swaso, Writer and Founding Member of the Belize Copyright Licensing Agency (BECLA). The workshop was opened by WIPO Representative Ms. Sonia Cruickshank followed by the Attorney General of Belize Mr. Wildred Elrington. Topics discussed ranged from "What is Copyright?" to the "Effective Management of Copyright". The two day workshop ended with an open discussion on what are the necessary factors in moving copyright forward in Belize.

BELIPO was invited by BELTRAIDE to its Entrepreneurship Symposium held in conjunction with the US Embassy at the University of Belize Gymnasium in the City of Belmopan where Senior Assistant Registrar Mrs. Koreen Flowers delivered a presentation on Intellectual Property Rights (IPRs) and its relevance to Small and Medium Enterprises (SMEs).

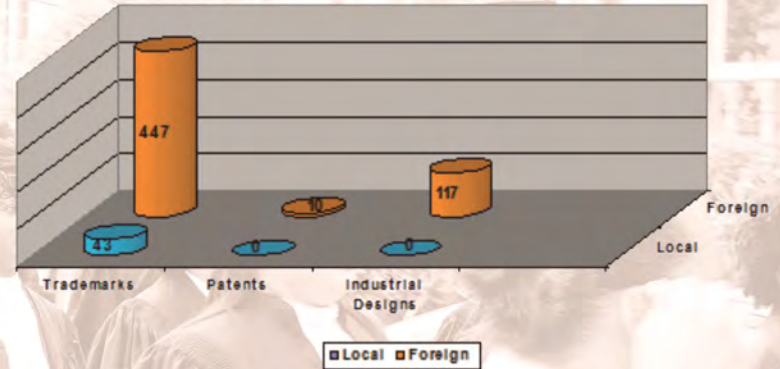
# STATISTICS

The following graphs show the number of trademark, patent and industrial design applications received and registered, as well as the number of records and renewals received by BELIPO in 2013.

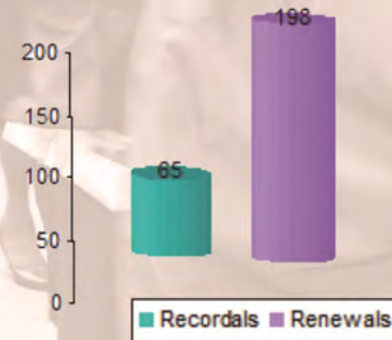
Trademark, Patents, Industrial Design Applications received from January - December 2013



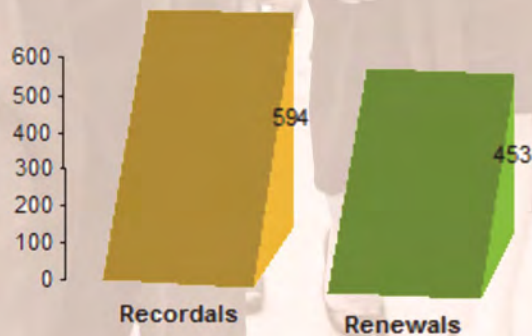
Trademark, Patents, Industrial Designs registered from January - December 2013



Patent Renewals and Records received from January - December 2013



Trademark Renewals and Records received from January - December 2013



## CONFUSINGLY SIMILAR TRADE MARKS

Understanding how the Belize Intellectual Property Office conducts trade mark examination to assess similarity is important to the process of choosing, using and protecting a trade mark in Belize.

Section 37 of the Trade Marks Act (Chapter 257) of the Laws of Belize, Revised Edition 2000, states that a trade mark is taken to be similar if it resembles an earlier trade mark and the goods or services to which it is applied are similar or identical to that of an earlier trade mark and therefore is likely to cause confusion, including a likelihood of association with the earlier trade mark.

For the purposes of section 37, an earlier trade mark is a trade mark with an earlier date of filing or priority as well as a trade mark which is entitled to protection under the Paris Convention as a well known trade mark. Where the earlier mark is still pending, then it is an earlier mark subject to it so being registered.

### Comparison of trade marks for similarity

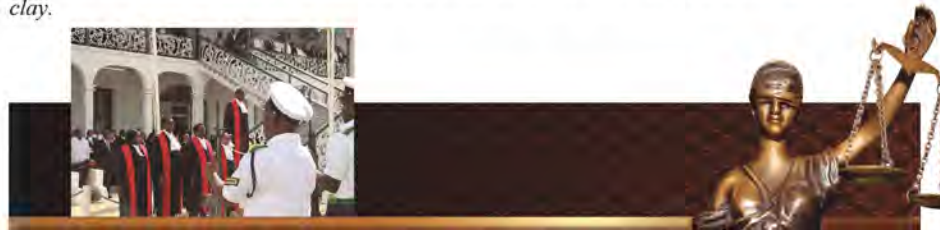
Case law has developed certain 'rules of comparison' and underlying tests which are used by the examiner to assess similarity. These tests include an assessment of the similarity of the marks, similarity of goods/services and a likelihood of confusion.

In assessing these elements, the examiner will take into consideration the following:

- Visual nature of the marks including degree of similarity, a comparison of the beginning, middle and end word of the trademark, the initial overall impression and the recollection of the trade marks, the shared elements, if any and the way the mark is presented.
- Aural nature of the marks.
- The concept conveyed by each trade mark. If trademarks convey different ideas, the risk of confusion should reduce.
- The nature of the products and services as generally the cheaper the product being sold, the greater the risk of a purchaser being confused by similarities between the trademarks as such products are not always purchased carefully.
- Type of consumer, namely persons likely to purchase the product.

Thus, when performing an examination of conflicting marks for similarity, the examiner will consider the mark for which registration is sought and the existing impression created by the earlier mark. This is done by taking the overall impression of the marks into account or taking the marks as wholes (*Sabel BV v. Puma AG, C-251/95 [1997] ECR I-6191, I-6224*).

Examples of conflicts for trademarks that were not similar include *CYCLONE* and *TORNADO* for chain-link fencing, *BECK'S BEER* and *EX BIER* for beer, *PLAY-DOH* and *FUNDOUGH* for clay.



### Likelihood of confusion and association

Section 37 of the Trade Marks Act also requires an assessment of the likelihood of confusion. The term "likelihood of confusion" refers to the standard required to prove infringement of a trademark. If the relevant class of consumers are likely to be confused as to the source of a product or service sold using the mark in question, then likelihood of confusion exists, and the mark in question is infringing on the earlier mark.

Likelihood of association therefore serves to "define the scope" of likelihood of confusion. Mere association where the later mark brings the earlier mark to mind is insufficient to find a likelihood of confusion. The later mark must lead the average consumer to expect the goods or services of both marks to come from the same proprietor for a likelihood of association to be found upon examination.

*"The risk that the public might believe that the goods/services in question come from the same undertaking or, as the case may be, from economically-linked undertakings, constitutes a likelihood of confusion."* — *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc, C-39/97 [1998] ETMR 366*

### Conclusion

If you use an identical or similar trade mark for identical or similar goods and services to an earlier trade mark - you may be infringing the earlier mark if your use creates a likelihood of confusion on the part of the public, including a likelihood of association, and your trade mark application will be refused by the Registrar.

*Chief  
Magistrate's*

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**REPORT**





## THE MAGISTRACY DEPARTMENT

### ESTABLISHMENT OF THE MAGISTRATES' COURT

Section 3 (1) of The Inferior Courts Act (Chapter 94 of The Laws of Belize) sets out the constitution of the Magistrates' Courts into the following Judicial Districts:

- (a) The Belize Judicial District
- (b) The Toledo Judicial District
- (c) The Stann Creek Judicial District
- (d) The Cayo Judicial District
- (e) The Orange Walk Judicial District
- (f) The Corozal Judicial District

The Belize Municipal Court is also under the authority of The Inferior Courts Act, authorizing it to do or perform any act or function.

### MISSION STATEMENT

The Mission of The Magistrates' Court is to provide the community with equal and impartial access to judicial services by ensuring the preservation of judicial independence, protection of individual rights and increasing the public's trust and confidence by maintaining high ethical standards. The Magistrates' Court continues to provide the community with equal and impartial access to judicial services by ensuring the preservation of judicial independence, protection of individual rights and increasing the public's trust and confidence by maintaining high ethical standards.

## THE MAGISTRACY DEPARTMENT

### Retirements

2013 saw the retirement of Mrs. Erlinda Leiva Finance Officer, Mrs. Kathleen Lewis, Mr. Roberto Ordonez, Magistrate and Ms. Merlene Andrews, cleaner.

### New staff members

Ms. Courtney Gilharry and Mr. Jamie Santos, second-class clerk stationed in Corozal. Ms. Lucy Flowers, cleaner stationed in Belmopan. Ms. Melissa Parham second-class clerk stationed in San Ignacio. Ms. Adrian Martinez, office assistant and Ms. Sheila Middleton cleaner, stationed in Belize City. Mr. Luzane Castillo, Clerk of Court stationed in Dangriga and Ms. Yolanda De Moya, Magistrate stationed in Independence Village. The following magistrates returned from study leave in July 2013 Emerson Banner, Kathleen Lewis and Leslie Hamilton.

### Matters concerning all District Courts

In July, an assurance by the Commissioner of Police Allen Whyllie was given to the Department that security would be provided for all District General Offices of the Court.

The first phase of the voice and data interconnectivity project saw the establishment of phone extensions linking all the District offices (with the exception of Punta Gorda). This will result in a decrease in the telephone bills thus saving the Government of Belize revenue. The second phase of the project has started with data being uploaded onto the systems in San Ignacio and Belmopan. All courts with the exception of Punta Gorda now enjoy wifi and air conditioning.





## THE MAGISTRACY DEPARTMENT

### Staff Retreat

On 9th February, Magistrates and support staff countrywide gathered for a retreat at the Best Western Biltmore Plaza in Belize City for a series of discussions and to participate in team building activities.

### Spanish Speakers Training

In August 2013, Spanish Interpreters from all Districts participated in one-day training in courtroom interpreting by Ms. Nazira Espat. This was the first of such training and was well received by all participants. Since the training, there has been a marked improvement in the quality of interpreting in the courts.

### Training

Magistrates continue to benefit from training offered and facilitated by GovRisk, UK Aid, SICA and the Judicial Education Institute of the United States. The Magistracy also participated in Gender and The Law sensitization seminar organized by the Supreme Court through the Belize Judicial Education Institute and UN Women. Magistrates travelled to Costa Rica, Panama, Barbados, United States of America, El Salvador and The Dominican Republic to participate in training opportunities.



## THE MAGISTRACY DEPARTMENT

### The District Courts

#### San Pedro

The San Pedro Magistrates' Court request for a vehicle or golf cart is still outstanding. The acquisition of such vehicle will do much to raise the confidence of the community in relation to the courts ability to efficiently and effectively serve court process without relying on the San Pedro Police Department. Magistrate Rodriquez proceeded onto maternity leave in October and was replaced by Magistrate Leslie Hamilton. She will resume duties in February 2014.

#### Corozal

The Corozal Court also underwent a cleaning exercise but continues to suffer from cramped conditions. Magistrate Hurl Hamilton replaced Magistrate Clive Lino who is now assigned to Belize City and due to retire in April 2014.

#### Orange Walk

The Magistrates' Court in Orange Walk continues to share premises with the Supreme Court. Efforts have been made to find a suitable building to rent but to no avail. We are now exploring the possibility of a 'container building' or a freestanding structure to house the Magistrates court during the tenure of The Supreme Court.

## THE MAGISTRACY DEPARTMENT

### San Ignacio and Benque Viejo

The San Ignacio Court received a welcome face-lift courtesy of Linda Hunter of Artisan Wood Works of San Ignacio. The court was repainted, re-tiled and new wooden fixtures installed. The department is engaged in discussions with Ms. Cynthia Ellis Topsey and the Duke of Edinburgh Award Trust to renovate the house in San Ignacio formerly occupied by the resident Magistrate, to house the Family Court, a child witness room and Magistrate's offices. The court at Benque continues to play a vital role in the community. Moneys have been identified to provide proper benches for the litigants and to partition part of the courtroom to provide privacy for family matters.

### Dangriga

In Dangriga, there was the construction of a chain link fence around the property, which gave added security at night and during the day.

The Clerk of Court received a computer replacing the old outdated one. New benches have been commissioned and work continues on the rehabilitation of the 'old treasury' section of the building so that the Magistrates' Court can be held in a comfortable environment when the Supreme Court is in Session. The air condition units have been repaired and new furnishings have been provided for the Magistrate. Magistrate Patricia Arana returned from secondment with the FIU and is assigned to the Dangriga Magistrates Court.

### Independence

On February 1st, 2013 the Independence Court became fully effective with three members of staff, excluding the Magistrate. There is also a full time interpreter on staff. There is the dire need for a public washroom at this court.





## THE MAGISTRACY DEPARTMENT

The workload of the Independence Court continues to grow. This court is served by Magistrate Yolanda de Moya.

### **Punta Gorda**

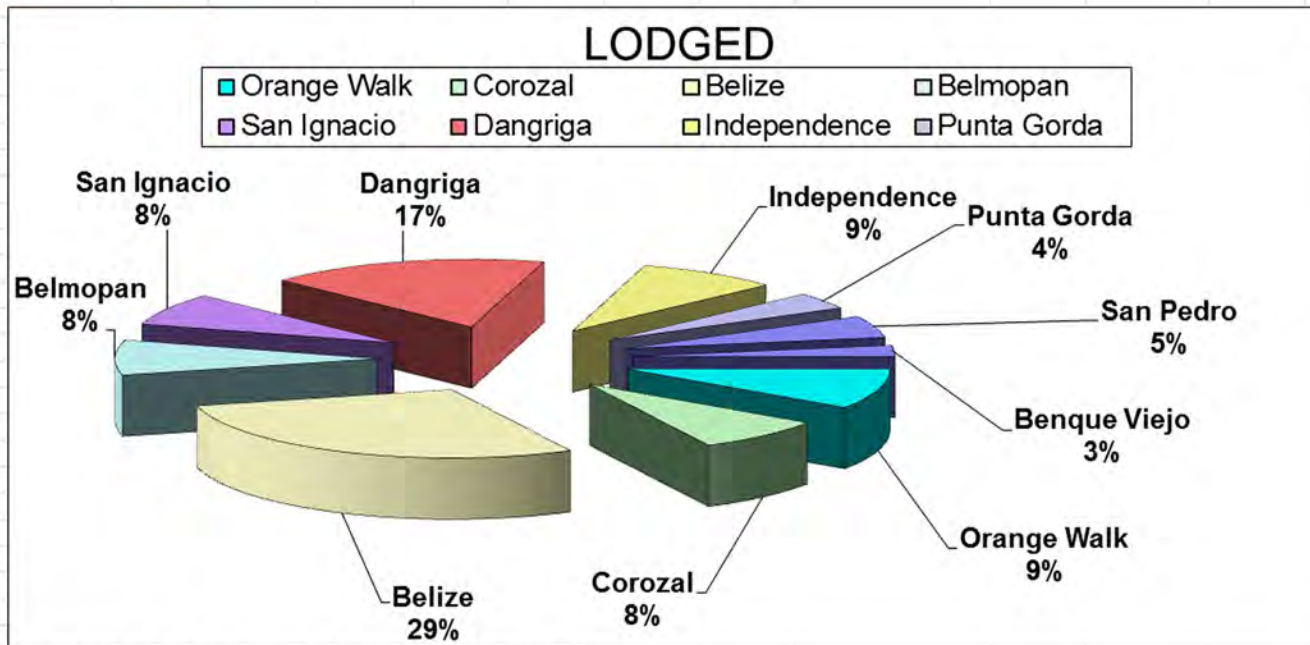
A fire in early September, in the hours of the morning in Punta Gorda partially destroyed the main office and the Magistrate chambers. The American Embassy through CARSÍ has kindly undertaken to renovate the court and to extend the building to encompass the old post office so that the additional space can be used for Supreme Court sittings. Additionally (4) four computer systems were donated by CARSÍ to replace the ones destroyed by the fire. Magistrate Emerson Banner returned from studies at The Norman Manley Law School and is assigned to the Punta Gorda Court.

### **Drug Court Initiative**

To undertake this initiative a steering committee was formed consisting of members from various Departments, Ministries as well as representatives from the rehabilitation centers. The committee was divided into the Legislative Committee that was tasked to draft the Policy Document and handbook and the Health Committee that met to discuss the health component. An Aftercare Committee with responsibility to establish support for the participants of the Drug Court was also formed. Study visits were undertaken to the rehabilitation centers in Belize. Sensitization meetings have been held with representatives from the OAS. A Cabinet paper has been drafted and has been forwarded to the Attorney General's Ministry. Links were formed with IICA with a view to making the two rehab centers self sufficient in terms of agriculture and animal husbandry.

**STATISTICAL REPORT FOR 2013**

DISTRICTS	LODGED
Orange Walk	1391
Corozal	1175
Belize	4181
Belmopan	1211
San Ignacio	1125
Dangriga	2535
Independence	1283
Punta Gorda	579
San Pedro	761
Benque Viejo	383
<b>TOTAL</b>	<b>14624</b>

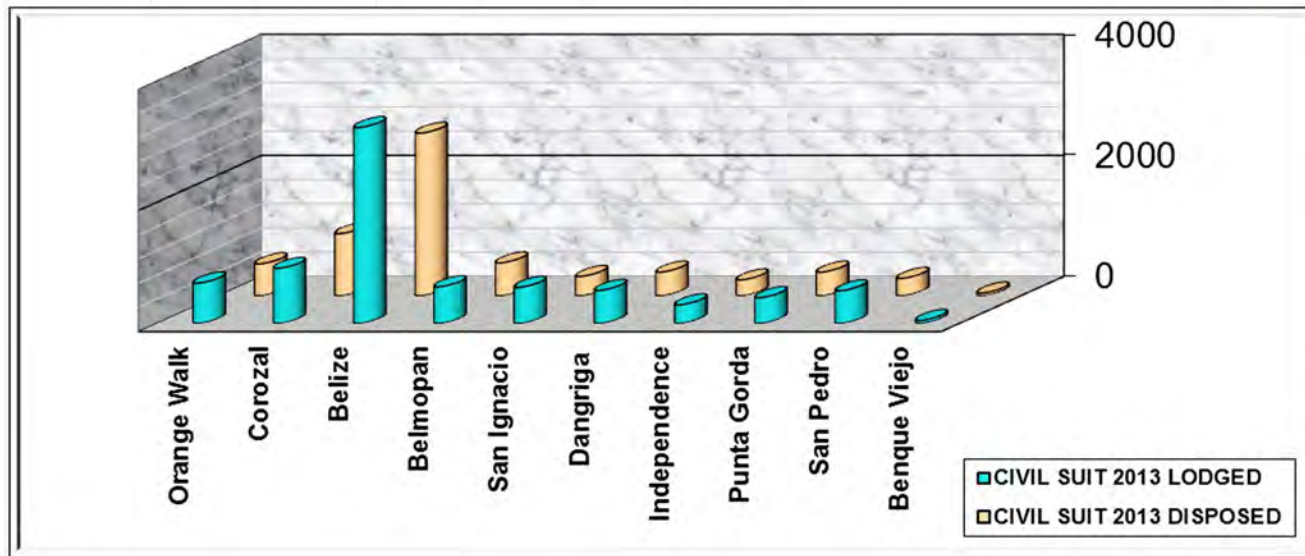
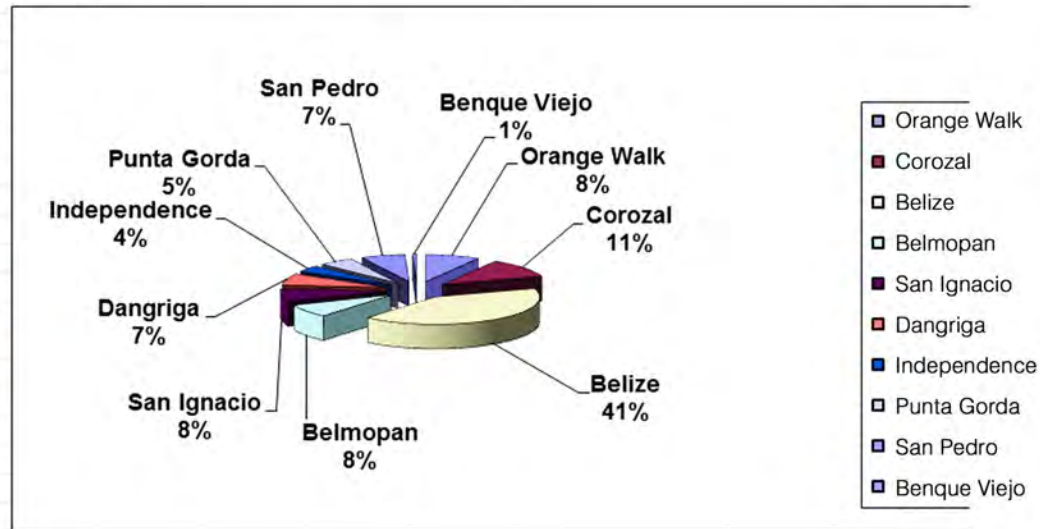


This report reflects the cases lodged countrywide 2013



### CIVIL SUIT 2013

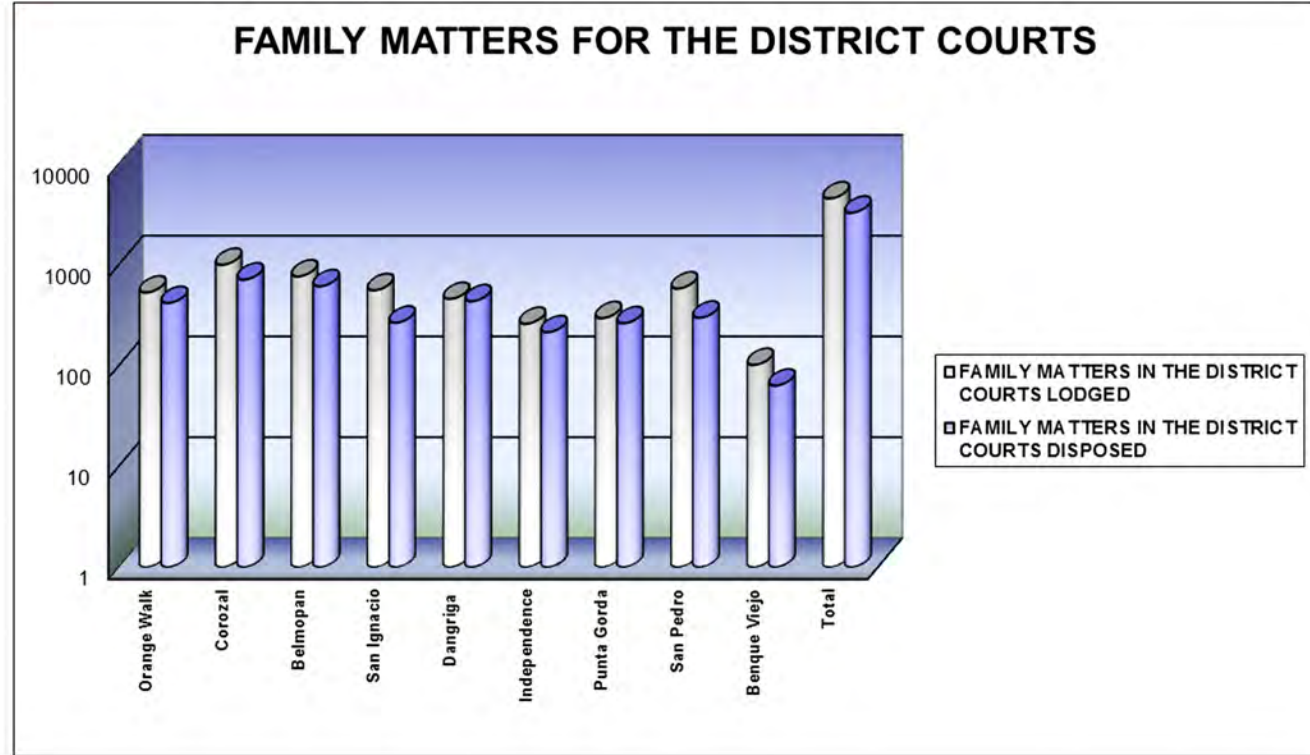
DISTRICT	LODGED	DISPOSED
Orange Walk	664	525
Corozal	908	1026
Belize	3233	2684
Belmopan	602	541
San Ignacio	594	318
Dangriga	543	390
Independence	305	261
Punta Gorda	423	390
San Pedro	537	286
Benque Viejo	48	44
<b>Total</b>	<b>7857</b>	<b>6465</b>



**FAMILY MATTERS IN THE DISTRICT COURTS**

DISTRICT	LODGED	DISPOSED
Orange Walk	528	416
Corozal	993	709
Belmopan	762	609
San Ignacio	556	265
Dangriga	456	432
Independence	258	213
Punta Gorda	294	262
San Pedro	578	297
Benque Viejo	101	63
<b>Total</b>	<b>4526</b>	<b>3266</b>

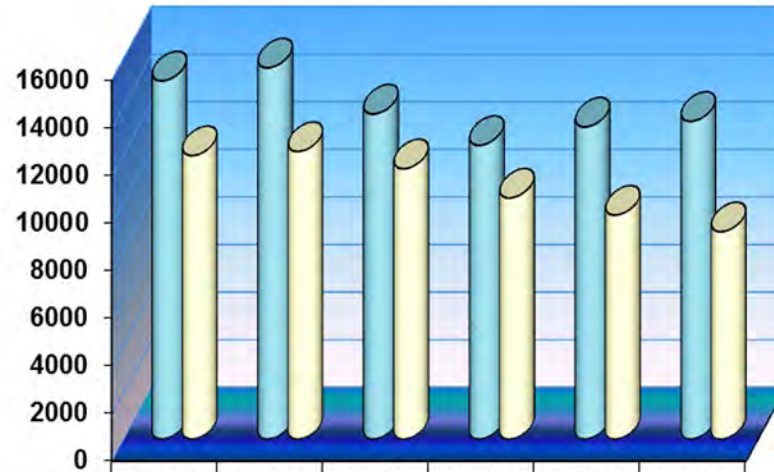
**FAMILY MATTERS FOR THE DISTRICT COURTS**



YEAR	LODGED	DISPOSED
2008	15043	11900
2009	15590	12072
2010	13652	11350
2011	12333	10118
2012	13107	9402
2013	13341	8703

**CRIMINAL STATISTIC REVIEW COUNTRY WIDE FROM 2008  
- 2013**

■ LODGED ■ DISPOSED



	2008	2009	2010	2011	2012	2013
■ LODGED	15043	15590	13652	12333	13107	13341
■ DISPOSED	11900	12072	11350	10118	9402	8703

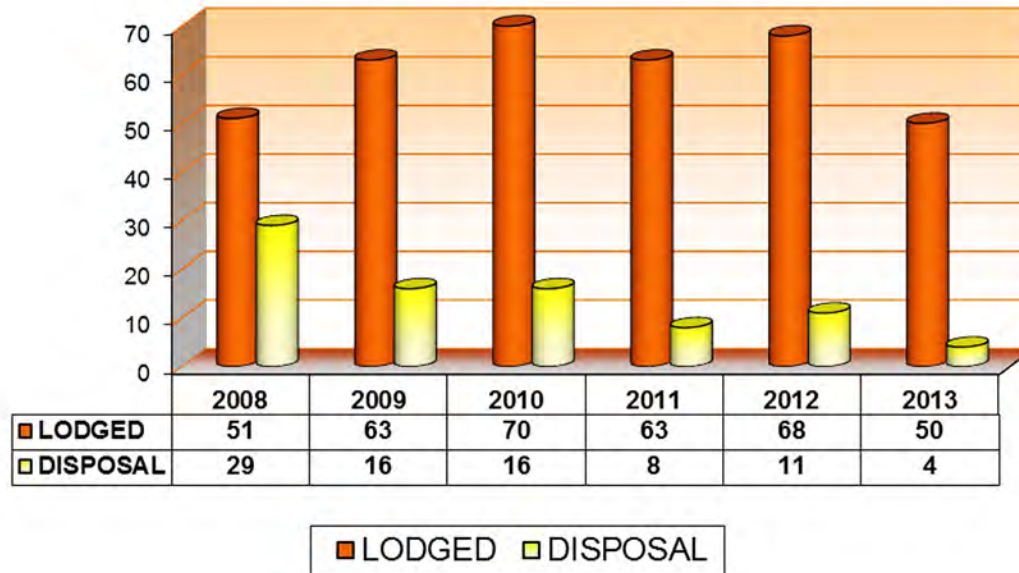




**MURDER**

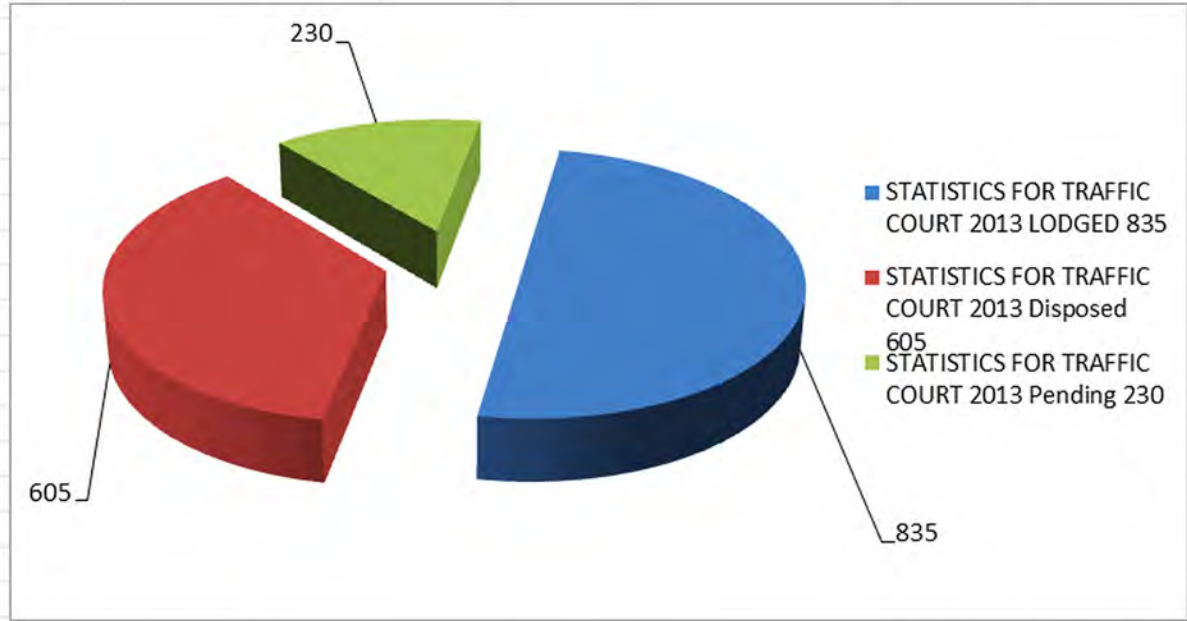
YEAR	LODGED	DISPOSAL
2008	51	29
2009	63	16
2010	70	16
2011	63	8
2012	68	11
2013	50	4

**REVIEW OF MURDER CHARGES FOR THE COUNTRY OF BELIZE PERIOD 2008- 2013**



**STATISTICS FOR TRAFFIC COURT 2013**

LODGED	Disposed	Pending
835	605	230



# Magistrate Court



**MS. ANNE MARIE SMITH**  
CHIEF MAGISTRATE



**MS. SHARON FRASER**  
SENIOR MAGISTRATE



**MS. MERLENE MOODY**  
SENIOR MAGISTRATE



**MS. SHONA GRIFFITH**  
SENIOR MAGISTRATE



**MS. SHARON GILLETT**  
MAGISTRATE



**MS. AMECIA DEMOYA**  
MAGISTRATE



**STAFF MEMBERS**



**MR. DALE CAYETANO**  
MAGISTRATE



**MR. ALBERT HOARE**  
MAGISTRATE



**MR. CLIVE LINO**  
MAGISTRATE



**MR. ADOLF LUCAS**  
MAGISTRATE



**MS. NARDIA MORGAN**  
MAGISTRATE



**MS. HETTIEMAE STUART**  
MAGISTRATE

# *Magistrate Court*



# Family Court



**MS. NATHELIA CARTER**  
ACTING DIRECTOR



**MRS. SANDRA ARNOLD**  
MAGISTRATE



**MS. DANAE GRANT**  
MAGISTRATE



**STAFF MEMBERS**

## THE BELIZE FAMILY COURT

The Belize Family Court has been administrating justice for children and families since its inception twenty-four years ago on 1 April 1989. It operates in accordance with the Family Court Act Chapter 93 Revised Edition 2000-2003.

The Court adjudicates on family civil and juvenile criminal matters (adult criminal matters for breach of Protection Order) and has jurisdiction over the following legislations:

- Families and Children Act	Chapter 173
- Married Person (Protection) Act	Chapter 175
- Certified Institution (Children Reformation) Act	Chapter 121
- International Child Abduction Act	Chapter 177
- Domestic Violence Act	Act No. 19 of 2007
- Juvenile Offenders Act	Chapter 119
- Probation of Offenders Act	Chapter 120
- Penal Reformation (Alternative) Sentences Act	Chapter 102:01

Section 9 (1) of the Family Court Act also provide for the following legislation to apply to all proceedings in the family court:

The inferior Courts Act	Chapter 94
The Summary Jurisdiction (Offences) Act	Chapter 98
The Summary Jurisdiction (Procedure) Act	Chapter 99

### Mission Statement:

To serve the public by offering a complete, professional, family centered service in a caring, committed and confidential manner based upon the principles of dignity and respect for all.

### Objective:

The Belize Family Court provides an environment where family and juvenile matters are handled on a holistic manner in order to provide alternative methods for reconciliation, protection, rehabilitation, growth and development in conjunction with other relative organizations.



Statistical Report

*INTAKES FOR: January – December 2013*

**NO. OF CASES: 2243**

CASES MALES	FEMALES	MIN/ MAX	PENDING AGES	IN	OUT OF COURT	COURT
ACCESS/VISITATION	103	11	19 - 65	20	86	8
ATTACHMENT	0	30	18 - 50	6	24	0
CARE ORDER	0	106	31 - 35	0	106	0
CONTEMPT OF COURT ORDER	10	6	22 - 53	1	15	0
CONTINUANCE OF PAYMENT	3	18	33 - 57	2	19	0
DECLARATION OF PARENTAGE	14	2	20 - 51	2	14	0
DISCHARGE OF ACCESS ORDER	0	2	28 - 31	0	2	0
FAMILY ISSUES	41	36	18 - 72	34	0	43
GUARDIANSHIP	2	4	26 - 65	3	3	0

<b>LEGAL CUSTODY</b>	<b>60</b>	<b>49</b>	<b>21 – 70</b>	<b>33</b>	<b>66</b>	<b>10</b>
<b>LEGAL SEPARATION</b>	<b>36</b>	<b>87</b>	<b>22 – 67</b>	<b>22</b>	<b>97</b>	<b>4</b>
<b>MAINTENANCE</b>	<b>53</b>	<b>457</b>	<b>17 – 69</b>	<b>80</b>	<b>394</b>	<b>36</b>
<b>PARENTAL RESPONSIBILITY</b>	<b>0</b>	<b>3</b>	<b>28 – 54</b>	<b>0</b>	<b>3</b>	<b>0</b>
<b>PROTECTION ORDER</b>	<b>52</b>	<b>243</b>	<b>16 – 79</b>	<b>16</b>	<b>272</b>	<b>7</b>
<b>PROTECTION/OCCUPATION ORDER</b>	<b>20</b>	<b>115</b>	<b>19 – 80</b>	<b>8</b>	<b>125</b>	<b>2</b>
<b>RECOVERY OF ARREARS</b>	<b>3</b>	<b>335</b>	<b>17 – 58</b>	<b>93</b>	<b>242</b>	<b>3</b>
<b>RELINQUISHMENT</b>	<b>0</b>	<b>7</b>	<b>23 – 42</b>	<b>2</b>	<b>5</b>	<b>0</b>
<b>REMITTANCE OF ARREARS</b>	<b>6</b>	<b>0</b>	<b>33 – 55</b>	<b>1</b>	<b>5</b>	<b>0</b>
<b>REVIVAL OF MAINTENANCE ORDER</b>	<b>1</b>	<b>8</b>	<b>31 – 43</b>	<b>1</b>	<b>8</b>	<b>0</b>
<b>REVOCAION OF LEGAL SEPARATION</b>	<b>1</b>	<b>0</b>	<b>40 – 40</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>REVOCAION OF MAINTENANCE ORDER</b>	<b>62</b>	<b>38</b>	<b>20 – 66</b>	<b>12</b>	<b>88</b>	<b>0</b>
<b>REVOCAION OF PROTECTION ORDER</b>	<b>0</b>	<b>2</b>	<b>31 – 35</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>REVOCAION OF PROTECTION/OCCUPATION ORDER</b>	<b>1</b>	<b>2</b>	<b>28 – 33</b>	<b>0</b>	<b>3</b>	<b>0</b>
<b>REVOCAION OF PROTECTION/TENANCY ORDER</b>	<b>1</b>	<b>0</b>	<b>43 - 43</b>	<b>0</b>	<b>1</b>	<b>0</b>



<b>SUPERVISORY ORDER</b>	<b>1</b>	<b>10</b>	<b>31 – 31</b>	<b>0</b>	<b>11</b>	<b>0</b>
<b>UNCONTROLLABLE BEHAVIOR</b>	<b>3</b>	<b>22</b>	<b>28 – 79</b>	<b>3</b>	<b>20</b>	<b>2</b>
<b>VARIATION DECREASE</b>	<b>56</b>	<b>5</b>	<b>20 – 59</b>	<b>9</b>	<b>52</b>	<b>0</b>
<b>VARIATION INCREASE</b>	<b>1</b>	<b>56</b>	<b>18 – 55</b>	<b>6</b>	<b>51</b>	<b>0</b>
<b>VARIATION OF ACCESS ORDER</b>	<b>11</b>	<b>14</b>	<b>22 – 53</b>	<b>0</b>	<b>25</b>	<b>0</b>
<b>VARIATION OF CUSTORY ORDER</b>	<b>2</b>	<b>11</b>	<b>20 – 44</b>	<b>2</b>	<b>11</b>	<b>0</b>
<b>VARIATION OF MAINTENANCE ORDER</b>	<b>14</b>	<b>5</b>	<b>24 – 80</b>	<b>4</b>	<b>15</b>	<b>0</b>
<b>VARIATION OF PROTECTION ORDER</b>	<b>0</b>	<b>2</b>	<b>28 - 35</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>TOTAL CASES</b>	<b>557</b>	<b>1686</b>		<b>363</b>	<b>1765</b>	<b>115</b>

The majority of the court's applications were for protection and occupation orders for domestic violence. A total of 429, of which 87 % of the applicants were females and 92 % were dealt with in the Court. Applications for maintenance totaled 481 inclusive of applications for increase and decrease. 81 % of the applicants were female while there were a total of 14 breaches of protection orders.

There was a total of 577 maintenance orders (inclusive or variation and revocation) made by the Court which was a decrease from the amount of 767 in the year 2012. A total of 90 % of these applications are made by single mothers pursuant to the Families and Children Act, who have full custody of their children and are therefore entitled to receive maintenance on behalf of their children. While married couples share joint custody of their children the parents who obtains custody is also entitled to maintenance under the Married Persons (Protection) Act.

This year saw an increase in the number of applications for recovery of maintenance arrears from 217 in 2012 to 242 in 2013. What the Court noted is that a number of these applications were for very large sums of monies owing for a substantive amount of years.



## JUVENILES

The Juvenile Offender Act makes provision for a Juvenile Court which is an arm of the Family Court. There was a dramatic increase in the number of juvenile cases in 2012 which amounted to 170 compared to 236 in the year 2013. The Juvenile Court adopts a rehabilitative rather than a punitive approach when dealing with a young offender.

Juvenile Statistics January - December 2013							
CHARGE	Male	Female	Age Range	Convicted	Dismissed	Withdrawn	Number of Cases
ABETMENT TO COMMIT GREIVIOUS HARM	-	1	17	-	1	-	1
ABETMENT OF ROBBERY	2	-	14-15	-	2	-	2
AGGRAVATED ASSAULT	7	2	13-17	2	7	-	9
AGGRAVATED BURGLARY	1	-	14	-	1	-	1



ASSAULTING A POLICE OFFICER	1	1	16-17	1	1	-	2
ALLOWED SELF TO BE CARRIED ON A BICYCLE	-	1	14	1	-	-	1
ATTEMPT MURDER	3	1	15-17	-	4	-	4
ATTEMPT ROBBERY	2	-	16-17	2	-	-	2
BURGLARY	16	3	14-17	8	9	2	19
CARRIED A PERSON ON A BICYCLE	1	-	14	1	-	-	1
CAUSED HINDRANCE TO THE FREE FLOW OF TRAFFIC	-	-	-	-	-	-	-
COMMON ASSAULT	9	9	13-17	6	12	-	18
CONSPIRACY TO COMMIT BURGLARY	4	-	16-17	-	4	-	4
CONTEMPT OF COURT	-	-	-	-	-	-	-
DAMAGE TO PROPERTY	6	1	14-17	3	4	-	7
DANGEROUS HARM	2	1	15-17	-	3	-	3
DISCHARGE FIREARM IN PUBLIC	1	-	17	-	1	-	1
DRINKING ALOCOHOL IN A PUBLIC PLACE	1	-	17	1	-	-	1
DROVE MOTORCYCLE WITHOUT A HELMET	1	-	16	1	-	-	1
DROVE MOTOR VEHICLE WITHOUT A THIRD PARTY RISK INSURANCE	5	-	14-17	4	1	-	5
DROVE MOTOR VEHICLE WITHOUT A BZE DRIVING LICENSE	2	-	14-16	2	-	-	2
DROVE UNLICENSED MOTOR VEHICLE	2	-	14-16	2	-	-	2
DROVE WITHOUT A VALID DRIVERS LICENSE	1	-	16	1	-	-	1
DROVE WITHOUT DUE CARE AND ATTENTION	1	-	17	-	1	-	1

ESCAPE FROM LAWFUL CUSTODY	3	-	16-17	2	1	-	3
FAIL TO GIVE WAY WHEN CHANGING DIRECTION	1	-	17	-	1	-	1
FAIL TO PRODUCE DRIVING LICENSE	1	-	17	-	1	-	1
FAIL TO REPORT AN ACCIDENT	-	-	-	-	-	-	-
GRIEVOUS HARM	1	2	15-17	2	1	-	3
HANDLING STOLEN GOODS	27	2	13-17	14	12	3	29
HARM	6	5	13-17	4	7	-	11
HAVING FIREARM WITH CRIMINAL INTENT	2	-	13-17	2	-	-	2
INSULTING WORDS	1	1	16	1	1	-	2
KEPT AMMUNITION WITHOUT A GUN LICENSE	4	-	14-17	1	3	-	4
KEPT FIREARM WITHOUT A GUN LICENSE	3	-	14-17	-	3	-	3
KEPT IMITATION FIRE ARM	2	-	15-17	2	-	-	2
KEPT PROHIBITED FIREARM	1	-	16	1	-	-	1
LOITERING IN A PUBLIC PLACE	5	-	12-17	2	3	-	5
MURDER	1	-	17	-	1	-	1
NEGLIGENT HARM	-	-	-	-	-	-	-
NEGILENT WOUNDING	1	-	16	1	-	-	1
POSSESSION OF CONTROLLED DRUGS	25	1	12-17	24	2	-	26
RAPE	1	-	17	-	1	-	1
RESISTING LAWFUL ARREST	1	1	16-17	1	1	-	2
ROBBERY	17	-	13-17	6	4	7	17
SMOKING CANNIBIS	1	-	17	1	-	-	1
THEFT	7	-	15-17	3	2	2	7
THREATENING WORDS	3	2	12-	3	2	-	5

TRESPASS TO ENCLOSED LAND	1	-	16	-	1	-	1
USE OF DEADLY MEANS OF HARM	2	1	15-17	-	3	-	3
USED INDECENT WORDS	-	1	17	1	-	-	1
USED UNLICENSED MOTOR VEHICLE	-	-	-	-	-	-	-
USING OBSCENE LANGUAGE	2	-	12-16	2	-	-	2
USING THREATENING WORDS	2	1	14-17	1	2	-	3
WILLFUL BREACH OF RULES	-	-	-	-	-	-	-
WOUNDING	6	4	14-17	3	5	2	10
GRAND TOTAL	195	41	12-17	112	108	16	236

## STAFF DEVELOPMENT

### Restorative Justice Conference

The Acting Director of the Belize Family Court, Mrs. Natalia Carter attended a one week conference in Guatemala on Restorative Justice for Juveniles in the Criminal Justice System from July 29 to August 2, 2013. The participants included Judges and Magistrates from Belize, Costa Rica, Guatemala, Panama and San Salvador all SICA member Countries. A paradigm shift in seeking alternative approaches in the criminal justice system has occurred in these countries. With the exception of Belize all the participating countries have underpinned Restorative Justice Process in their respective legislation.

The principal objective of the workshop was to engage in a discourse to elicit and share information and data from countries which have adopted Restorative justice practice, with a view to reinforce its utility value in the criminal justice system.

### ACTIVITIES

On 2<sup>nd</sup> and 3<sup>rd</sup> of March the staff went on a retreat held at Windy Hill Resort. The sessions were facilitated by BIM and the topics included:

- Handling customers complaint
- Effective managing time and stress
- Dealing with difficult people

## CHANGES IN STAFF

The former Director Ms. Margaret Nicholas retired in July after giving years of service to the Government. The staff of the Family Court gave her a farewell dinner which was held at the Biltmore restaurant by the poolside. The function was attended by the Chief Justice, the Chief Magistrate, acting Director, staff, court prosecutors and other colleagues who wished her well in her future endeavors.

Ms. Nicholas was replaced by Mrs. Natalia Carter who is now the acting Director. Mrs. Carter return on 1<sup>st</sup> July 2013 from her study leave in Jamaica where she successfully completed the Certificate in Legal Education. She also completed her studies with the University of London in December 2011 having attained a Master of Law with merit.

### DONATIONS

The Belize Family Court wishes to take this opportunity to thank the Ministry of Finance which gave us two additional computers. These assisted the Data Entry Clerk in the creation of Invoice for recipients of child maintenance in order to increase service delivery.

### PLAN OF ACTION

A formal Plan of Action was developed by the acting Director with a view to address the urgent concerns by implementing administrative measures on a short and long term basis for the Belize Family Court and the district Family Courts with a view to improve the quality of services. The plan envisages creating a High Court to deal only with family and juvenile matters having hybrid jurisdictions (unlimited and summary jurisdictions). This necessitates the construction of a building to accommodate a family court befitting of this modern era. It will offer a wider variety of services to the public with a one stop approach having sufficient space to accommodate a cadre of Counselors who will provide this much needed specialized services for the clients of the court.

The Plan also includes:

- Creating a library for the Magistrates
- Specialized training for Magistrates
- Specialized training for intake officers and district Clerk of Courts



- Training for staff members and building staff morale by rewarding deserving persons with certificate of appreciation and a small gift.
- Develop case management for criminal and civil matters
- Proposal for legislative amendments for children maintenance, domestic violence against children and the underpinning legislation to enable Restorative Justice Process to be applied in the Family Court.

Other Plan of Action includes:-

- Staff Retreat
- Continue Upgrading of Computer System
- Secure funding for computer programs to notify cashier when maintenance order expires
- Upgrading the current computer programs and implementing new programs for maintenance collections, case management, warrants and fines.



# THE BELIZE DRUG TREATMENT COURT

It is well known that Courts in isolation cannot effectively deal with certain types of drug offenders. There is a critical need in this country for the Criminal Justice System to reduce the incidence of substance abuse and the crimes resulting from it. A Drug Treatment Court will assist with rehabilitation (drug and alcohol) of persons to enable them to become law abiding and productive members of society. Drug Courts operate to divert non-violent and certain violent offenders with substance abuse problems from incarceration into supervised programs with treatment and rigorous standards of supervision and monitoring. Treatment programs are developed as an alternative to imprisonment thereby easing the overcrowding in our prison and reducing the financial burden for such incarceration.

## What is a Drug Treatment Court?

**Drug Treatment Courts** are judicially supervised courts that handle the cases of non-violent substance-abusing offenders under the adult, juvenile, family and tribal justice systems. Drug courts are problem-solving courts that operate under a specialized model in which the judiciary, prosecution, defence bar, probation, law enforcement, mental health, social service, and treatment communities work together to help non-violent offenders find restoration in recovery and become productive citizens. In the USA, there are currently over 2,459 drug courts representing all fifty states and the District of Columbia, Guam, Puerto Rico, Northern Mariana Islands and over one hundred tribal drug court programs. In the UK, drug courts are currently being tested in various places. In Australia, drug courts operate in various jurisdictions, although their formation, process and procedures differ. The main aim of the Australian courts is to divert illicit drug users from incarceration into treatment programs for their addiction. Jamaica, Trinidad and Tobago, Barbados and The Cayman Islands have all implemented Drug Treatment Courts.

## The Goals of the Belize Drug Treatment Court

The enabling legislation for the Drug Treatment Court will provide that accountability and rehabilitation treatment, in addition to or in place of, conventional and expensive incarceration, will promote public safety, the welfare of the individuals involved; will reduce the burden upon the public treasury; and will benefit the common welfare of the country. The goals of the Act shall include:

- To enhance community safety and quality of life for citizens;
- To reduce recidivism;
- To reduce substance abuse;
- To increase the personal, familial, and societal accountability of drug offenders;
- To restore drug offenders to productive, law-abiding and taxpaying citizens;
- To promote effective interaction and use of resources among criminal justice and community agencies;

- To reduce the costs of prison;
- To improve the efficiency of the criminal justice system by enacting an effective methodology.

To date a steering committee has been formed which is multi-disciplinary in its makeup. That committee has been split into two sub-committees namely the Legislative Committee and the Health Committee. The legislative committee has drafted the Policy Document and a Drug Court Hand Book and these have been forwarded to cabinet for their approval. The Chief Magistrate has met with the De-criminalization Committee to inform them about the role of the Drug Treatment Court and they have been invited to sit on the Steering Committee. We have also conducted study visits to the two residential rehabilitation centers in Belize; REMAR in Cayo and Jacob's Farm in Corozal as well as the Drug Court Conference in Nashville, Tennessee, United States of America. In addition to which sensitization meetings have been held with OAS personnel, Ministers of National Security and Health as well as the Attorney General. Meetings have also been held with the Chief Justice and the board members of both REMAR and Jacob's Farm.



## The Concept and Model

The Drug Treatment Court will be a court of summary jurisdiction presided over by a suitably qualified Magistrate and assisted by the Drug Treatment Court Team.

The Belize Drug Treatment Court should be based on a post adjudicatory model where a drug offender must take responsibility for his actions by first pleading guilty to the offence before being permitted to participate in any Drug Treatment Court program.

- Initially the Drug Treatment Court will operate as a pilot project<sup>1</sup>, will start in Belize City and will cater to adults only. The legislative committee viewed models from Trinidad and Tobago, Jamaica and the Cayman islands and came up with a model suited to Belize.
- Participation in Drug Treatment Court program is voluntary, with representations from the prosecution, and shall be pursuant to a written agreement, which must be fully explained to the drug offender and signed by him. Sensitization to the process may also be done at the Police Station by means of an interview and by pamphlets<sup>2</sup>.

<sup>1</sup> The pilot project in Jamaica lasted ten years while the Drug Treatment Court in the Cayman Islands was able to begin operating as soon as their legislation had been passed.

<sup>2</sup> We intend to embark upon a public education campaign to ensure the public is well aware of the goals of the Drug Treatment Court.

<sup>1</sup> We are looking at secondments so that no additional staff will need to be hired.

## Operation of the Court

Each Drug Treatment Court so designated by the Chief Justice shall establish a Drug Treatment Court Team. This shall consist of the following members who shall be assigned to Drug Court:<sup>1</sup>

- The Magistrate who must be trained and qualified to deal with these cases<sup>2</sup>
- A police prosecutor
- A representative from Community Rehab Department
- A representative from the approved substance abuse treatment providers (NDACC)
- A social worker specially trained in substance abuse
- Community Police Officers assigned to the court part-time

Hearings will be held in camera except graduation from the program.

## Eligibility

Offenders who are charged with committing any offence involving the use of violence or a weapon; or who have a criminal history of violent offences do not qualify for the Drug Treatment Court program. Such offences includes; Homicides, Attempted Homicide, Sexual Offences, Drug Trafficking, Firearm and Human Trafficking Offences.

Eligible offences under the Summary Jurisdiction (Offences) Act Chapter 98 Revised Edition 2000, certain offences under the Misuse of Drugs Act, Chapter 103, certain offences under the Motor Vehicle and Road Traffic Act, Chapter 230, Revised Edition 2000.

- An offence that is by virtue of any written law both an indictable offence and a summary conviction offence, where there is demonstrable drug or alcohol dependency and where the admission into the program is recommendable



## Treatment Offered

Offenders will be assessed using the DSMIV TR<sup>1</sup> or other empirically tested method and provide the court with a written diagnostic summary stating what level of treatment is required.

- Level I - Education and Training  
Education and training for clients who are first time users or who obviously offended because of peer pressure, however, do not meet the criteria for abuse. This level provides group education on substance abuse, peer pressure alcohol poisoning, assertive communication, taking personal responsibility. 3 hours, 1 times per week for six weeks. 18 hours.
- Level II - Outpatient  
Outpatient services are required for a person who meets the DSM IV –TR Diagnostic Criteria for Abuse. At this level, the client is engaging in abusive use of substance. They will be engaged in Group Education and therapy in topics such as Stages of Change, Behavioral Self Control, coping with high risk situations using Cognitive Behavioral Therapy, peer pressure, rational beliefs, how substance abuse affects the brain. Level II clients meet for 3 hours, 2 times per week for 12 weeks. 72 hours
- Level III – Intensive Outpatient  
Clients meet for 3 hours, 6 times per week for 24 weeks. Patient must meet the criteria for Dependence according to the DSM IV TR. Outpatient however, is not appropriate from cocaine addicted, Methamphetamine dependent persons or those unable to refrain from drinking or unable to utilize the Naldrextone or Anabuse treatment regimens. The milieu utilized will be a Cognitive Behavioral approach to include a life story review, a rational look at drug using behavior review, rational tabulations of drinking history and other CBT<sup>2</sup> techniques for recovery, didactic presentations and individual and group counseling.
- Level IV – Inpatient  
Inpatient clientele must first be detoxified, if required by medical staff and/or determined by the intake /assessment staff. Inpatient clients meet daily for individual and group therapy. Additionally, they must attend AA meeting (at the treatment facility) to enhance their treatment regimen.

<sup>1</sup> The *Diagnostic and Statistical Manual of Mental Disorders (DSM)*, published by the American Psychiatric Association, provides a common language and standard criteria for the classification of mental disorders. It is used, or relied upon, by clinicians, researchers, psychiatric drug regulation agencies, health insurance companies, pharmaceutical companies, the legal system, and policy makers. The DSM-IV-TR was organized into a five-part axial system. The first axis incorporated clinical disorders. The second axis covered personality disorders and intellectual disabilities. The remaining axes covered medical, psychosocial, environmental, and childhood factors functionally necessary to provide diagnostic criteria for health care assessments.

<sup>2</sup> CBT – Cognitive Behaviour Therapy

### Continuing Care/ Aftercare

The Aftercare phase will consist of a joint plan that includes expectations from the Drug Court Team and aspects important to participants and families to assist the participant in living a clean and sober lifestyle. The goal of the Aftercare Phase is to allow the participant to utilize the supports and skills they have developed to maintain a healthy, positive and productive lifestyle. It is beneficial for participants and their families to design a plan that assists them in living a clean and sober lifestyle based on what they've learned and experienced in Drug Court. In addition to the basic expectations of the Court, the Aftercare Plan will incorporate the aspects of the program and the community, which the participant found most beneficial. The steering committee has partnered with the Apprenticeship Program, Alcoholics Anonymous and other groups to provide support for the new graduates and those who are about to graduate from the program.

The Aftercare Phase is a minimum of 90 days or the remainder of 1 year in the program whichever is longer. The participant also has to demonstrate 90 days of clean ua's. The plan will include:

- Where the participant will reside
- Plan for school and/or work utilizing services from the Youth Apprentice Program
- Exploring the aftercare programs available and determining the one best suited to the participants needs. AA, Counseling sessions
- Minimum of one Court appearance a month
- 90 days of clean ua's, demonstrated by but not limited to, a minimum of 3 ua's spread out over the 90 days. The last ua will need to be obtained two weeks prior to graduation. It is up to the participant and family to decide how ua's will be collected.
- How the family and support people will assist the participant in being successful.
- Something the participant will do to give back to the Drug Court program. This must be communicated to the Case Manager and completed at least 2 weeks prior to graduation.

### Testing

The Drug Treatment Court will rely on the present testing resources and facilities that the National Medical Laboratory known as Central Medical Laboratory (CML)<sup>1</sup> of the Ministry of Health has. The CML has made provision to facilitate eighty (80) Cocaine and Marijuana testing reagents. In accordance to standard testing and laboratory protocols that are implemented by CML the following testing process will be adhered to:

<sup>1</sup> Note that the CML does not do Alcohol Content Testing this is only done by Forensic Lab for the Police Department. The Drug Court Pilot Project will also provide an opportunity to revise and include alcohol, and synthetic drug testing in our current CML testing legislation.



- The sitting Drug Court Magistrate will request to the NML in writing that a drug test or a series of drug test be done to the Offender.
- The offender shall be assigned an officer identified by the court to accompany him or her to the testing site. Note that the Officer assigned to the Offender must at all times witness the sample collection process.
- Adhering to testing and laboratory protocols the Medical Laboratory Technologist will provide to the offender a container where he or she will be asked to provide a sample of his or her urine.
- The offender will be accompanied by the Officer assigned by the court to the door of assigned room where the offender will withdraw the requested sample.
- Once the offender comes out of the room he/she will hand the sample to the officer assigned by the Court who in turn will hand it over to the Laboratory Technologist.
- In the presence of the officer assigned by the court and the offender the Lab Tech will be asking for bio data, and will log and code the sample provided.
- Once Laboratory Testing due process has concluded the CML will include the results in the Belize Health Information System (BHIS).
- The results will be forward in a sealed envelope to the Drug Court Magistrate assigned to the Offender's case within three (3) working days. (In case the Laboratory cannot deliver the results to the Drug Court the Magistrate assigned to the Court will assigned an officer to pick up the results at NML.

For the Drug Treatment Court to be successful all stakeholders must embrace this new philosophy...the philosophy which distinguishes drug courts from any other court which is their uniquely collaborative approach to treatment.

## COURT-CONNECTED MEDIATION

Alternative dispute resolution, such as mediation, is becoming increasingly popular in the international business community. Many other countries have instituted this program and statistics is showing a 60% success rate. The Supreme Court of Belize has now taken the lead in such important development and it is particularly gratifying that our judiciary, led by the Honourable Kenneth Benjamin, Chief Justice, has embraced mediation and has introduced it here.

To this end, the Honourable Chief Justice has been the guiding spirit in the introduction of the new rules - The Supreme Court (Civil Procedure) (Amendment) Rules, 2013. The principal Rules were amended by inserting Part 73 "Mediation", after it being laid before and approved by the Attorney General on 23<sup>rd</sup> October, 2013 and Gazetted on 2<sup>nd</sup> November, 2013. On the 6th November 2013, Court-Connected Mediation was formally introduced to the Supreme Court of Belize as an alternative dispute resolution option by the Hon. Chief Justice of Belize.

The flexible characteristics of the mediation process are illustrated in the Statutory Instrument No. 88 of 2013. Where the services of an expert - Mediator is required on a technical aspect of the case, the approved "Roster of Mediators" provides a list of trained persons in mediation approved by the Chief Justice, which will be published from time to time in the Gazette.

The integrity of the program relies on the efficiency of 52 trained mediators connected with the court, whose performance was highly subjected to an approved course of training offered by the University of the West Indies (UWI), Open Campus, and must also comply with an approved Code of Ethics. Additionally, required training and sensitization on the mediation process was provided to all involved staff of the court.

The success of the program also relies on the collaboration of the parties, and most importantly that of their Counsels. For this reason, on the 8th November, 2013 the Chief Justice delivered a formal presentation on Mediation and on the new case management software to the Bar Association to sensitize them on the new processes of mediation on board. The Bar Association welcomed the new initiate and acknowledged the need for this kind of reform.

To further enhance the Supreme Court's capacity to carry out its responsibilities under the mediation program, a mediation referral system was incorporated into the judiciary case management software by Sybel's Computer Consultants and Software Developers, Mr. Charles Ewens.

Court-connected mediation is managed by the Mediation Co-ordinator, Ms. Nancy Naj, Deputy Mediation Co-ordinator, Ms. Lovette Nunez, with guidance from the Chairman, Justice Courtney Abel and staff directly under the Hon. Chief Justice, and the Supreme Court Judges. A National Court-Connected Mediation Committee was formed under the direction of the Hon. Chief Justice to oversee the program and make recommendations.

Since the beginning of operations in November 2013, Civil Judges began referring cases to court-connected mediation. Court-Connected Mediation apply to civil suits, actions, causes or matters which are pending before the Supreme Court, and which the Civil Judges may consider appropriate to refer for mediation. By the end of December 2013, thirteen (13) cases have been referred to mediation. The First Mediation session was held after the official opening of the Supreme Court in January 6<sup>th</sup>, 2014.

Court-Connected Mediation cannot take the place of a high quality court system, but it can provide an important new tool at the disposal of both parties and judges alike for the expeditious resolution of disputes. Although in its initial stages, we can allow ourselves a cautious optimism for its future success.

For further information on Court-Connected Mediation, visit the webpage [www.belizejudiciary.org](http://www.belizejudiciary.org).





## THE ALCALDE SYSTEM IN BELIZE

The Alcalde system is part of the local government structure of Belize and is named after the alcade or local magistrate operating at the village and community level. It focuses on judicial matters within a given judicial district. This form of local governance is administered through the inferior courts in accordance with Chapter 94 of the Laws of Belize and enforced by five voluntary village police officers.

The Alcades differ from the chairperson of the village as they have a judicial role for which they are paid a small stipend by the Government. They have the power to decide who can live in the village and can call for the communal cleaning of a village. They are also responsible for managing the communal land and act as school officers.

While mainly Mayan communities, including the Mopan and Ketchi group in the southern Belize practice this form of local governance is not limited to Mayans. The Attorney General may, from time to time by Order published in the Gazette, declare any area within Belize an alcalde jurisdiction district. As many such districts may be declared as the Minister thinks fit.

There are 39 Maya villages in the Toledo and Stann Creek District with a traditional form of governance that is headed by the Jolomil Kaleb'aal (head of the village in Q'eqchi) or Polil Ka (in Mopan) which is now known as the Alcalde. The Alcaldes are now organized under the Toledo Alcaldes Association.

### **Toledo Alcaldes Association**

The Toledo Alcaldes Association (TAA) is a cultural institution that has the membership of each Alcalde and Deputy Alcalde from the 39 Maya villages. There are 78 Alcaldes altogether. The Association is the voice of the Alcaldes collectively and is the authoritative arbiter and defender of Maya customary law. The TAA has an Executive Council, which comprises of 7 members that are elected from among the membership. This is the highest body of leadership for the Alcaldes. The current member of the Executive Council includes:

President -	Mr. Alfonso Cal
Vice-president -	Mr. Ignacio Sho
Councillor -	Mr. Lorenzon Sam
Councillor -	Mr. Vicente Sakul
Councillor -	Mr. Francisco Ack
Councillor -	Mr. Augustine Sam

## THE ALCALDE JURISDICTION COURT

The Inferior Courts Act Chapter 94 of the Law of Belize states that every alcalde jurisdiction shall establish an Alcalde Jurisdiction Court which shall have and exercise both civil and criminal jurisdiction. The civil jurisdiction which the court has, and is capable of exercising, is to hear and determine-

- all disputes in which the debt or damages claimed, whether on balance of account or otherwise, or the value of the chattel claimed or involved, does not exceed twenty-five dollars;
- with the consent in writing of both plaintiff and defendant, all disputes in which the debt or damages claimed, whether on balance of account or otherwise, or the value of the chattel claimed or involved, exceeds twentyfive dollars but does not exceed one hundred dollars.

The criminal jurisdiction which the court has, and is capable of exercising, is to hear and determine the following criminal offences-

riotous and disorderly conduct and breaches of the peace;

common assaults;

trespass and malicious injury to property, the damage resulting from which does not exceed twenty-five dollars;

larceny and praedial larceny where the value of the goods or articles does not exceed twenty-five dollars;

threatening and abusive language;

fraudulent evasion or attempted evasion of customs duties where the value of the goods or articles does not exceed twenty-five dollars;

the commission of any wanton or mischievous act causing damage or annoyance to any person.

## Current Alcaldes

Village	New Alcalde	New deputy
San Jose Village	Rafael Tzub	Francisco Bol
San Benito Poite	Pablo Maquin	Crisantos Kib
Machakilha	Concepciona Ical	Ofelia Chiac Pop
Pueblo Viejo	Santos Coc	Julian Chiac
Santa Cruz	Florencio Coy	Evaristo Sho
Otoxa	Jose Ikal	Domingo Ack
San Pedro Columbia	Jose Che	Bennino Kib
Midway	Mateo Coc	Antonio Chun
Dolores	Santiago Pan	Ignacio Kej
Crique Sarco	Andres Bo	Andres Coy
Santa Theresa	Domingo Sam	Francisco Ack
Mabil Ha	Julian Cabom	Pedro Chiac
Conejo Creek	Valentin Makin	John Makin
San Lucas	Santiago Salam	Isidorio Bo
Sundaywood	Julio Pedro Ba	Alejandro Tush
Silver Creek	Juan Choc	Virgilio Chub
San Miguel	Francisco Kus	Andres Kus
Boom Creek	Isreal Sanchez	Josephina Arana
Jalacte	Jose Chen	Rolando Xo
San Antonio	Theodoro Cal	Gregorio Chiac
San Vicente	Sebastian Cab	Guadalupe Yaxcal
Corazon Creek	Sebastian Cruz Pop	Aluceio Makin
Laguna	Vicente Sakul	Alfonso Pana
Aguacate	Cirilio Makin	Santiago Kuk
Indian Creek	Lorenzo Sam	Ambrosio Ack
Na Luum Caj	Rudolfo Oh	Tomas Saturnino Sho
Santa Anna	Pedro Chub	Fernando Coy
Blue Creek	Thomas Mas	Pablo Ical
Big Falls	Domingo She	Regino Hernandez
San Felipe	Marcos Choc	Galo Mejangre
Bladen	Augustin Sho	Orlando Chan
Crique Jute	Ruben Cho	Porfilio Secundino Cho
San Marcos	Ignacio Sho	Juan Rax
San Pablo	Juan Rax	Miguel Ishim
Golden Stream	Louis Pop	Alfonso Caal
Santa Elena	Beirjilio Garcia	Victoriano Choc
Medina Bank	Romana Cal	Ricardo Cac
San Isidro	Antonio Garcia	Cuthbert Pop
Maya Mopan	Profilio Teul	Eusebio Choc



The term for the current Alcaldes started in January 2012 and ends December 31<sup>st</sup> 2014. Elections for new alcaldes will begin in October 2014 and will take office January 1<sup>st</sup> 2015.

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