

## **PRIME MINISTER PATTERSON FIRM ON ESTABLISHMENT OF CCJ**

Prime Minister P. J. Patterson has rebuffed contentions that the establishment of the Caribbean Court of Justice as Jamaica's final appellate court, replacing the Judicial Committee of the Privy Council, would result in diminution of the rights of litigants or the denial of justice.

Opening the debate on the Caribbean Court of Justice (Constitutional Amendment) Bill in the House of Representatives on July 27, Mr. Patterson stated, *"That is one of the arguments that hurts me most, because however skillfully disguised, it is nothing less than an admission that we don't have the probity, we don't have the expertise to dispense justice for ourselves. If after forty-two years we have not developed that competence in Jamaica and in the region, then we are not worthy of the independence that we earned four decades ago"*.

He pointed out that Article Four of the Agreement establishing the court sets out the criteria for making appointments as, high moral character, intellectual and analytical ability, sound judgment, *"and very importantly, the understanding of our people and our society...I make no apology for saying that to have a judiciary anywhere, administering the final decision that has no understanding of the society for which it is making these final decisions, is bound to fall into error from time to time and will pursue directions that are contrary to the interest of the society in respect of which it has to take final decisions"*.

Emphasising that the government's position was not a political one and was fortified by judicial views, Mr. Patterson highlighted an excerpt from a 1972 report done by the Representative Committee of the Organization of the Commonwealth Bar Associations on the establishment of a regional final appellate court, in which it was stated that, *'already in the Caribbean, the defunct Federal Supreme Court has proved to us to the widest satisfaction that a regional court of the first quality could be established. The opportunity is now afforded to establish a court of similar standing but one which for the first time would have the ultimate authority in the region for the territories of the Region'*.

He said the establishment of the CCJ would in fact make the country's final appellate court more accessible to Jamaicans. *"Yes, it will have its seat in Trinidad, but it will be an itinerant court that will be able to sit in the territory of any state which is a party to the Agreement. This means that the CCJ will be able to come to the people of Jamaica from time to time instead of having litigants from Jamaica travel long distances to it – an advantage in terms of time and costs over the present situation which requires long and costly travel from Jamaica to London,"* Mr. Patterson said.

The Caribbean Court of Justice (Constitutional Amendment) Bill provides for abolition of appeals to Her Majesty in Council to make provisions for appeals to the Caribbean Court of Justice, and for connected matters

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