



## CARIBBEAN COURT OF JUSTICE

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### **MEDIA RELEASE**

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#### **CCJ Says Justice Hindered by Delays and Procedural Gaps**

**CCJ, Port of Spain.** The Caribbean Court of Justice (CCJ) today allowed the appeal from a decision of the Court of Appeal of Guyana in the Appellate Jurisdiction matter of *Suraj Singh v Sichan Harrychan*. In the judgment, the CCJ was extremely concerned that Mr. Harrychan's appeal had still not been heard almost 9 years after the 2007 incident leading to his conviction. The Court observed that the fact that Mr. Harrychan was on bail could not excuse the delay and suggested that there was need for reform in the criminal justice system in Guyana to address certain procedural gaps and the systemic problem of inordinate and inexcusable delays.

Sichan Harrychan was convicted on 4 November 2010 and sentenced to 3 years' imprisonment by a Magistrate in the Vigilance Magistrate's Court for the offence of demanding with menace in relation to an incident that occurred in 2007. He filed his notice of appeal 14 days later and was also granted bail. The Magistrate delivered the reasons for the conviction in October 2013 and the clerk of the court claimed to have sent a notice to Mr. Harrychan's attorney, informing him that a copy of the record of proceedings (the complete file of the case) was ready, some 17 months later. Mr. Harrychan did not file any grounds of appeal.

In July 2015, the Office of the Director of Public Prosecutions (DPP) applied to the Court of Appeal for Mr. Harrychan's appeal to be considered as having been abandoned because no grounds of appeal had been filed within 14 days of the notice. Mr. Harrychan promptly requested an extension of time to file his grounds of appeal arguing that the clerk of court did not notify him in accordance with the law as he was not informed personally of the readiness of the record of proceedings, within the 21-day period. The Court of Appeal ruled that the clerk had failed to comply with his duty under the law and ordered the clerk to send a fresh written notice to Mr. Harrychan within 14 days of its judgment. The DPP's Office challenged the decision and appealed to the CCJ.

The CCJ ruled that the 21-day timeline set out in the law must be strictly observed but that a failure to do so did not prevent the clerk from sending the notice. Also, sending the notice to the attorney was not in breach of the law. The Court therefore allowed the appeal and ordered that the Court of Appeal of Guyana hears Mr. Harrychan's appeal. The CCJ directed that the Court of Appeal should consider the extensive delay in the case and its impact on Mr. Harrychan's conviction and sentence.

The appeal was heard by a judicial panel comprising The Right Honourable Sir Dennis Byron, President of the Court, and The Honourable Messrs. Justice Saunders, Wit, Anderson and the Honourable Mme. Justice Rajnauth-Lee. Mrs. Shalimar Ali-Hack, Director of Public Prosecutions, and Mrs Judith Gildharie-Mursalin, Assistant Director of Public Prosecutions, were the attorneys representing Detective Corporal Suraj Singh, and Mr. Ronald Burch-Smith was the attorney representing Mr. Sichan Harrychan.

The judgment of the Court and the judgment summary are available on the CCJ's website at [www.caribbeancourtofjustice.org](http://www.caribbeancourtofjustice.org).

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