

Remarks by the Attorney General, the Hon. Samuel Bulgin, QC,
At the opening of the DPPs Workshop
Marriott Resort, Thursday, 14 June 2012

With protocol being established, let me add my voice in warmly welcoming such a vibrant group of chief public prosecutors and law enforcement personnel from all over the region and the distinguished team of overseas trainers who will ensure that you remain well honed in technological advances in your profession.

Your presence here this week comes at a time when the justice landscape continues to face many challenges, old as well as new, national as well as global.

And it is no exaggeration when I state that the challenges you face are increasingly complex, ranging from greater reluctance among witnesses and even victims of crimes to testify in court, to greater sophistication, transnational depth and the more brazen attitudes adopted by perpetrators of crimes, based on the ease with which they can arm themselves and equip their nefarious enterprises.

Among the challenges you face are the inadequacy of resources including financial and administrative and which, but for your continuing creative ways, could result in a dysfunctional criminal justice system.

The gathering here therefore, *inter alia*, will provide a valuable opportunity to reaffirm some fundamental concepts, to share ideas and practices, and to find common cause in repelling those forces that, if left unchecked, will compromise the justice system in your respective jurisdictions.

I am mindful that challenges to your efficient functioning can come from within your jurisdictions as well. For a democracy to thrive to its full potential, governments have to recognise that you need to maintain your full independence.

As former Secretary-General of the Commonwealth Sir Shridath Ramphal said while delivering a Distinguished Jurist Lecture of the Judicial Education Institute in September 2011: *“Governments must be assiduous in protecting the independence of constitutional bodies such as the Office of the Director of Public Prosecutions.”*

The concept of judicial independence can only be preserved if governments demonstrate deference to judicial offices such as the Office of the DPP. Linking back to the independence of the DPP, on another occasion Sir Shridath argued that full adoption of the Caribbean Court of Justice was being delayed, in part, due to concerns over the potential for political interference. He said and I quote:

“To give confidence to our publics in their adoption of the CCJ as the ultimate repository of justice in the West Indies, our governments must be assiduous in demonstrating respect for all independent West Indian constitutional bodies (like the Director of Public Prosecutions) lest by transference, governments are not trusted to keep their hands off the CCJ. And courts themselves, at every level, must be manifestly free from political influence and be seen to be sturdy custodians of that freedom.”

There is also a worrying feeling among, I daresay, a small number in our profession that we must hold fast to some clearly outdated procedures, mostly for sentimental reasons but also because we are reluctant to recalibrate.

My challenge to you, however, is -- embrace change. Your willingness to meet your challenges head on is clearly patent in your coming together here to learn about advances and to improve your prosecutorial strength and depth. Moreover, it underscores the fact that you are not alone in facing your battles since you now have a collective support system that you can call and rely upon. This can only result in better service to the people who rely on you to a large extent in the delivery of justice.

I am aware that a number of jurisdictions represented here today are making efforts to change some of your long established practices and procedures including abolition of long form

preliminary inquiries and indeed preliminary inquiries of all forms; the use of video link evidence, enacting legislation to facilitate greater reliance on forensic evidence, which is a major agenda item for this meeting, more judge alone trials, legislation to address the issue of witness intimidation as well as other innovations.

In fact, there is a direct correlation between witness protection and the need for jurisdictions to enhance their forensic evidence gathering and analytical capabilities.

Witnesses are being shot, threatened or otherwise intimidated by accused persons and those connected to them. This is a growing problem in many of our Caribbean Islands.

It follows that more and more persons are becoming reluctant to provide statements and testimony in criminal trials. The net result is that persons charged for violent crimes are often acquitted because of the reluctance of witnesses to testify against them, and the absence of forensic evidence to serve as corroboration.

The surest way of arresting this worrying trend is for our criminal justice system to place less reliance on "eye witnesses" and instead to depend more on forensic evidence.

But I am equally aware that you are experiencing resistance from some quarters of your bar in trying to bring about some of these changes. However, I encourage you to be the advocates for change in legislative, administrative and other matters that will enhance your current justice system. Be very proactive in recommending to your AG or Minister of Justice the changes you consider necessary to do your job. Be strident in your demands. Do not wait until there is an acquittal to highlight the need for legislative and other reforms.

You should continually engage with all relevant stakeholders in order to promote and deliver an efficient and effective criminal justice system, one that is contemporary and relevant.

However, in advocating and embracing changes, I implore you to be vigilant in ensuring the protection of civil liberties, including the right to a fair trial.

You are no doubt aware of the fact that by the very nature of your decision-making process -- in simultaneously having to weigh in the balance conflicting considerations derived

from the facts, the law and the public interest -- your office attracts a degree of public attention that is inescapable. It is therefore very important that you continue to demonstrate that you are a minister of justice as you continue to weather the storm of public criticism with calm, dignity and self-assurance.

As you know, your office generally dates back to 1879 with the enactment of the then UK Prosecution of Offences Act. Accordingly, the office is as much a backbone of the system as the values of a prosecutor are indispensable.

You must at all times remain independent. By that, I mean your decisions should at all times be your own. You should make all prosecution decisions in the interests of justice and should be free from all improper influence.

However, in doing so, you must strive at all times to be fair, transparent and accountable. That is: where desirable, you should explain your decisions and be prepared to account for the service which you deliver.

Given the topics and the expertise of your trainers here during this workshop, I am confident that you will absorb and imbibe valuable forensic knowledge about scientific and technological advances as well as the true ramifications of transnational crime in a dynamic world. This in turn should boost your confidence to mount robust prosecutions, and demand and elicit better efficiency from the law enforcement agents you depend on to do your job.

In closing, allow me to say thanks go to the Commonwealth Secretariat, the UK FCO and His Excellency the Governor for enabling this conference and of course to the trainers from the UK, Canada, the Eastern Caribbean and elsewhere.

His Excellency gets further kudos for hosting a more relaxed and congenial atmosphere this evening, so we can get to know one another better. Equally importantly, it will provide you with another opportunity to enjoy and improve this new fellowship with the Caribbean Association of Prosecutors.

So my friends, I wish you great success in this timely workshop. I know how hard your local host and my colleague Ms Cheryl Richards and all of her team have worked to get this event off the ground. My sincere appreciation to all involved.

Thank you!