

Greetings from the Chief Justice and Judiciary of the Cayman Islands sent on the occasion of the Opening of the Courts for the Commonwealth of the Bahamas, 13 January 2021.

On behalf of the Cayman Islands Judiciary, I bring greetings to the Chief Justice and our other colleagues of the Bahamian Judiciary.

I begin with the customary expression of good wishes for the New Year as we look forward to a much better year than the last. But like Janus for whom this month is named, we are obliged to look both backwards over the recent past as well as forwards, as we seek to apply the lessons learnt to our efforts in the future.

Surely, if there is one thing the past year has taught us, it will be how interconnected and closely linked we all are. The rapid spread of the coronavirus around the globe has shown how vulnerable we can all become to a microscopically tiny enemy and how vitally important it can become for all mankind to collaborate to overcome adversity.

It now takes and doubtless in the future will again take the collaboration of the “global village” in which we live, to overcome the threat of the pandemic, if we are to do so with lasting success.

This is true in many other fields of endeavour including the administration of justice. Dr King said it best in his “Letter from the Birmingham Jail”:

where he wrote: “Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

This truth also recognizes the power of example. For we can protest and demand the eradication of injustice everywhere it occurs, only if we maintain high standards in the administration of justice at home. We can help to establish high standards of justice in other places only by the power of our example at home.

Likewise, as we strive to set the standards which are acceptable for our own people, it is important that we also seek to understand and collaborate with our colleagues in other jurisdictions.

This I believe is a critical reason for our collaboration throughout the Commonwealth and especially at the Caribbean Regional level. The Regional Conference of Commonwealth Caribbean Heads of Judiciary has been an important arrangement for advancement of collaboration and cooperation between our judiciaries.

Among its significant achievements has been the organisation of its offshoot, the Caribbean Association of Judicial Officers (CAJO) which is

now the pre-eminent body existing for the training and advancement of the work of judicial officers around the Caribbean Region.

It was at the last meeting of CAJO in Belize in November 2019 that I had the pleasure of meeting for the first time your Chief Justice, Sir Brian Moree.

From exchanges at that meeting, it was apparent that Sir Brian is very committed to the mission of the improvement of the administration of justice in the Commonwealth of the Bahamas and to the necessary reforms which that mission must embody.

As I did then, I now take this opportunity to express my personal commitment and that of the Judiciary of the Cayman Islands, to our ongoing cooperation and collaboration in all things, for our common mission of the administration of justice.

Whether this might be in the provision of precedent by way of judgments, legislation, rules of court or practice directions, or in the sharing of expertise, technology or other means of collaboration, we are always ready to assist.

And speaking of technology, one very obvious and immediate way in which we can assist each other, is by the sharing of information through our respective websites.

These platforms are very viable vehicles for access to information about our respective Administrations and the ways in which we go about our mission of providing access to justice for our citizens and other court users, at home and abroad.

We should make as much information as possible available on our websites. For access to the Cayman Judiciary's website please go to: www.judicial.ky.

I conclude where I began with the pandemic because of its implications which are novel in so many ways. Our website contains a whole series of Practice Directions which had to be developed and promulgated virtually overnight to allow the Courts to continue to operate remotely, even while the community was generally in quarantine. An example of the challenges presented was that of dispensing just punishment for breaches of quarantine – a crucially important but topical issue precisely because of its novelty. What should the appropriate punishment be? It is in a context such as this that one takes immediate recourse if possible to the thinking of judicial colleagues in other places, who have confronted the same

question. As an example of the approach to be taken, I commend a recent decision of the Cayman Islands Court of Appeal in what has become a controversial case: Skylar Ann Mack and Vanjae Ramjeet; criminal appeals 27 and 28 of 2020, written judgment dated 22 December 2020 and available on the Judicial.ky website.

On behalf of the Cayman Judiciary, allow me once again to wish for our colleagues and friends in the Bahamas, every good wish for the future.

Hon Anthony Smellie
Chief Justice
The Cayman Islands

6 January 2021