



ATTORNEY-GENERAL'S  
**REPORT**

**2013**



The Political Leadership of the AG's Office  
Attorney General & Minister of Legal Affairs - Sen. Hon. Allyson Maynard-Gibson  
Minister of State for the Ministry of Legal Affairs - Hon. Damian Gomez

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*“The Bahamas was built by people who worked hard and sacrificed so that we, the citizens of this archipelago, can govern ourselves and manage our own affairs. Every one of us will find our roots in the workers. It is critically important to set these accomplishments in the context of The Bahamas at that time.*

*“We must repeat our stories to our children so they can know that a noble heritage runs through their veins and their responsibility is to live like sons and daughters of the Kings of Kings. And, that we take the opportunity to recall the dignity of hard work. The best little country in the world was built by people who worked hard, had a vision for their children and grandchildren and sacrificed greatly to achieve that vision.*

*- Hon. Allyson Maynard-Gibson  
Attorney General & Minister of Legal Affairs*

Administrative team conclude a briefing session with the AG,  
the Minister of State and the Director of Legal Affairs on the 2013 agenda



Deborah Frazer (DLA), Damien Gomez (MOS), Allyson Maynard-Gibson (AG), Archie Nairn (PS), George Sweeting, Cecila Strachan (DPS), Judymae Brice, Anna Hall, Kim Adderley (PA), Cynthia Gibbs (US), Angela Philips, Sandra Grant (PA).

## Office of the Attorney General Objectives 2013-14

- TO ROUTINELY BRING ON MATTERS FOR TRIAL WITHIN A REASONABLE PERIOD OF TIME [TARGET 1 YEAR ON NEW MATTERS]
- TO DISPOSE OF AT LEAST 270 MATTERS BEFORE THE SUPREME COURT

### NEW STRATEGIES

1. *Establishment of the Witness Care Career path.*
2. *Commit to enhancing care of witnesses and witness statements*
3. *Creation of a 21<sup>st</sup> century Court Reporting Unit*
4. *Creation of a Public Defenders Unit*
5. *Introduction of an Integrated Justice Calendaring System*
6. *Amendments to the Juries, Criminal Procedure Code and Evidence Acts*
7. *Introduction of more Technology application in the administration of Justice*
8. *The Institutionalization of Case Management*
9. *Preparation and Plea Bargaining*
10. *Training of Administrative and Legal Officers in the State-of-the-art Technology*
11. *A renewed commitment to working 24/7 365 to effect Swift Justice*



Pictured from left are Eric Holder, United States Attorney General; the Hon. Dr. Bernard Nottage, Minister of National Security; Sen. Allyson Maynard-Gibson, Attorney General and Minister of Legal Affairs and the Hon. Fred Mitchell, Minister of Foreign Affairs and Immigration.

*(Photo courtesy of U.S. Department of Justice)*

## Senior Government Ministers meet with US Attorney General Eric Holder

A team of senior government ministers travelled to Washington DC on Friday, March 22, 2012 for high level talks with United States Attorney General Eric Holder.

The delegation included Minister of National Security, Dr. Bernard J. Nottage; Minister of Foreign Affairs and Immigration, Fred Mitchell and the Attorney General and Minister of Legal Affairs, Sen. Allyson Maynard-Gibson. The discussions focused on national security issues

including human smuggling, trafficking in persons, gun trafficking, opportunities for continued mutual assistance and other issues of mutual interest. This is in keeping with the governing party's pledge in its Charter for Governance to aggressively fight crime under its proposed Operation Safe Bahamas.

While in Washington DC the team also met with

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# Swift Justice Initiative Program RE-LAUNCHED



Attorney General and Minister of Legal Affairs Senator the Hon. Allyson Maynard-Gibson (centre) is pictured during a briefing for the reintroduction of the Swift Justice Initiative on June 6th, 2012. Also shown is ACP Hulan Hanna (left) and Vinette Graham Allen, Director of Public Prosecutions (right). (BIS Photo/Letisha Henderson)

Shortly after coming to office in 2012, the Progressive Liberal Party re-introduced the Swift Justice Initiative and is currently enforcing its mandate to wage war on crime and social issues.

Swift Justice is an effective system which was brought to fruition in 2002 by then and current Attorney General, the Hon. Allyson Maynard-Gibson.

Beginning with some eighty cases, the Attorney General and Minister of Legal Affairs said Swift Justice, also known as Integrated Justice, facilitates collaboration between the institutions and agencies within the justice system.

Among the stakeholders present at the briefing to launch the re-introduction of the programme were representatives of the Royal Bahamas Police Force, the Judiciary, Her Majesty's Prisons, the Department of Social Services and the AG's Office. Family victims have also been invited to sit on the advisory committee for Swift Justice.

Swift Justice is critical for continued and sustained growth and development. The principle of Swift Justice is as old as mankind. The consequence of the ineffective delivery of justice is increased crime.

Our country cannot afford to allow a perception to take root that the justice system can be easily undermined. The Bahamas is our country and we are all responsible for protecting and preserving our legacy.

The Attorney General's Office is committed to the following:

- Having all murder cases committed since May, 2012

tried within a year of the commission of the offence

- Having persons who attack a member of a disciplined force, a judicial officer or any other person involved in the administration of justice tried within six months of the commission of the offence
- Concentrating on the effective management of serious cases (especially murder) from the investigative stage. To achieve this, the OAG has created a division, led by the former Solicitor General and the former OC of Prosecutions, whose sole responsibility is the **administration** of criminal cases. Its audit of matters in OAG from 2002 to date reveals that the number of matters outstanding in OAG is such that if twelve judges of the Supreme Court sat hearing only criminal matters for all of 2013 the backlog of cases would not be cleared by the end of 2013. This audit does not include matters before 2002. To address this important issue going forward would require all members of the prosecutorial team to be mobilized for trial. **The DPP and her Deputies will lead the Team.** The AG Office will aggressively move matters to trial so that backlog is at a manageable and acceptable level as soon as possible.
- Reviewing existing murder cases to determine those that are heinous in nature and warrant the death penalty. Such cases will be dealt with expeditiously at every level in the courts.
- Implementing the integrated justice system to establish automation and connectivity of all the stakeholders in the criminal justice system.
- Providing the means by which we can advise victims when accused have been released on bail. 

# Swift Justice goes High-Tech

It is acknowledged that best practice in the Twenty-first Century in relation to the administration of justice requires greater use of technology to enhance the processes and to ensure that justice is delivered in a fair, swift and efficient manner.

In The Bahamas, video-conferencing link, will further improve the relationship between our stake-holders essentially, the Police, Her Majesty's Prisons, the Public Hospital Authority, the Department of Rehabilitative Services and the Office of the Attorney General, in the administration of justice both criminal and civil.

Since Swift Justice has been relaunched meetings are conducted once per week with representatives of institutions and agencies within the Justice System to ensure improved communication and effective implementation of plans and responsibilities.

On Wednesday, 3rd October 2012 Swift Justice meetings expanded by Video-Conferencing to include representatives of the Police, the Public Hospital Authority, the Department of Rehabilitative Services and the Office of the Attorney General and Ministry of Legal Affairs in Freeport, Grand Bahama thereby ensuring their participation and involvement in these critical discussions and planning sessions.

That historic event symbolized a red letter day in the

administration of Justice in particular on the criminal side. At this time focus is on the criminal side but, there are plans to extend the use of video-conferencing on the civil side in the very near term.

This marks the first time in the history of The Bahamas that we now have a secured justice system network between sister agencies involved in the administration of justice.



The relevant people in the administration of justice have also agreed that bail application, remand hearings, arraignments and criminal case management may be conducted by video link. This will substantially eliminate the traffic hazard too frequently caused by the transport of prisoners and persons on remand from prison to court. Only persons required for court on a particular day will be brought down from the prison.

Other benefits to be derived from the use of this state of the art technology include:

- Tremendous savings and reduction of expenditure on travel, accommodation, transportation and daily expenses for witnesses and experts whether local or international are being realized. Expenditure on these items account for a significant part of our budget;

The relevant stake-holders can now participate by video link between Nassau and Freeport, Grand Bahama or anywhere in the world remotely or where there are similar facilities;

- This technology has the capacity to



**HUMAN RESOURCE DEPARTMENT** - Standing: Chrystal Smith, Chishae Turnquest, Carletha Toote, Gelize Ferguson, Flora Moss; Front Row: Cecelia Strachan, Delmon Rolle

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display evidence by way of the video link. For instance, forensic evidence could be viewed from crime scenes and laboratories whether local or abroad for use in the courts.

- Video link could be used for training. For example, it could be used for training of prosecutors and civil litigators from various jurisdictions;
- Prosecutors and Police collaborating through an I-Pod, I-Phone or any other PDA devices can have access to this video network from the investigative stage in preparing the case;
- Video link with the Public Hospital Authority allows doctors to give live testimony without having to attend court because of their heavy schedules and demands;
- The Attorney-General, Prosecutors and, Civil Litigators by video link will be able to consult with officials of the

Justice Departments of other countries with similar facilities;

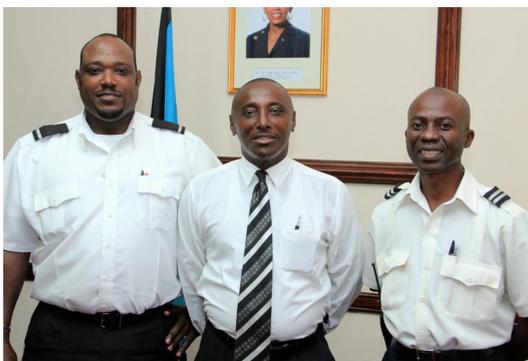
- The Attorney-General by video-conferencing will be able to participate in meetings with her counter-parts both internationally and regionally where there are similar facilities;
- Video-conferencing link could also be used as redundant communication link by NEMA in the event of national disaster. 



Standing: Kasa Hanna, Bemis Pinder, Anthier Braynen  
Seated: Darlene Taylor, Cleopatra Christie, CON



Ronica Montrieul (centre) is flanked by members of the Housekeeping Staff. BACK ROW: Agnes Pratt, Shanika Nottage, Shavonne Newbold, Wesley Calix, Jacqueline Stubbs, Deloris Ferguson; SEATED: Helena Rigby, Ronica Montrieul, Joycelyn Brown.



**MEMBERS OF THE SECURITY TEAM**  
Jason Sweeting, CSO James Ingraham, Gilbert Saunders.



**CASE MANAGEMENT UNIT**  
Roswell Bennett, Lavern Cooper, Cherise Clark

## The success of the Swift Justice Initiative is acknowledged

Since the reintroduction of Swift Justice, statistics reveal that there has been an eighteen percent increase in the criminal conviction rate.

Statistics show that from May to December 2012, there has been a total of sixty-nine cases that were completed and of that amount, twenty-nine persons were found guilty. This represents forty-two per cent success rate.

The Department of Public Prosecution hopes to be able to demonstrate, equally as graphically every month that the project is working, that stakeholders are working together so that matters aren't being adjourned. Offenders will understand that they will be caught, they will be tried and they will be prosecuted.

The Office of Public Prosecution is also moving in the right direction in disposing of matters before the courts. Records show that in less than twelve weeks we were able to dispose of twenty-three matters with only five judges.

It is projected that if this trend continues, that by the end of the year we will easily dispose of at least two hundred matters, thus achieving our target.



Attorney General and Minister of Legal Affairs the Hon Allyson Maynard-Gibson talks about the increase in convictions, as she touts the success of the Swift Justice programme, during a press conference at the Office of Attorney General on Wednesday, April 17, 2013. (BIS Photo/Patrick Hanna)

Presently, there are only twelve judges in the country with five of them being in the Supreme Court in New Providence and one in Grand Bahama. This shortage of judges also adds to the backlog problem.

Our system has its difficulties. A trial is set, witnesses are flown in, the family is ready, but the prosecutor or defence may not be ready.

The courts sit all times ready to hear matters, but there are delays because a key witness didn't turn up or the jury cannot be impanelled or some other reason that could have been avoided. That just adds to the backlog. The Swift Justice initiative ensures that everything that is within our control to bring to the table is in fact coming to the table in a manner that matters can proceed. 



Members of the Swift Justice team assemble at the Office of the Attorney General and Ministry of Legal Affairs, on Wednesday, April 17, 2013. Pictured centre is Attorney General and Minister of Legal Affairs the Hon Allyson Maynard-Gibson. (BIS Photo/Patrick Hanna)



**OFFICIALS MEET JOE BROWN** - Senior officials of the Office of the Attorney General are pictured with Judge and television show host Joe Brown during a courtesy call on July 13, 2012. Pictured from left Archie Nairn, Permanent Secretary; Debra Fraser, Director of Legal Affairs; Minister of Legal Affairs Senator the Hon. Allyson Maynard Gibson, Judge Joe Brown, Minister of State in the Ministry of Legal Affairs the Hon. Damian Gomez and Vinette Graham Allen, Director of Public Prosecutions. (BIS Photo/ Letisha Henderson)

## Judge Joseph Brown calls on the Attorney General

Judge Joseph “Joe” Brown, television court show judge, made a courtesy call on the Attorney General and Minister of State the Hon. Damian Gomez at the Office of the Attorney General (OAG) on July 13, 2012. Judge Joe Brown engaged in a private discussion on the subject of Swift Justice with senior officials of the OAG and attorneys representing the department. He described the Bahamas as “hope for the hemisphere”. 



**LAW REFORM & REVISION COMMISSION**  
Rashiff Duncombe, (Cons) Camille Ferguson, Brandace Duncanson, Rudesha Mackey.  
Seated: Tina Roye DLR; MOS Damien Gomez, Cheryl Bethel DLR



**LAW LIBRARIANS** - Carmen Moss, Primrose Chase.  
*Did you know that the law library at the AG’s office houses over 3,000 books?*



**COURT LIAISO SECTION** - Inspector Nixon and Team.



**DIRECTOR OF LEGAL AFFAIRS & OTHER MEMBERS OF CIVIL CHAMBERS** - BACK ROW: Candi Stubbs, Caroline McKenzie, Kirk Mackey; SECOND ROW: Darren Hendfield, Celeste Williamson, Cordell Frazier, Sophia Williams, Melissa Wright, Darcel Williamson, Ingrid Brooks, Hyacinth Smith; SEATED: David Higgins, Deborah Fraser, Com. Loren Klien.

## The Registrar General Department A New Look... A New Attitude

On the 5 December, 2012, the Attorney General and Minister of Legal Affairs announced changes that will speed up the process of business formation in The Bahamas.

Processing business applications and collecting business tax revenue is one of the Bahamas Government's Registrar General's most frequent means of public income. The Attorney General's Office is currently drafting amendments to the Companies Act and the IBC Act to create Schedule Companies.

Named to the Companies Advisory Committee are: the Hon. Damian Gomez, Jacinda Butler, Donna Smith, Felix Stubbs, Aliya Allen, Cherise Cox-Nottage, Michelle Pindling-Sands, Donna Lee-Harding, Antoinette Russell, Robin Scavella, and Debi Williams.

This advisory committee comprises a cadre of young and dynamic attorneys, accountants and practitioners in company registration. They represent some of the most talented and brightest minds capable of competing with anyone at the world level.

Financial and Corporate Service Providers incorporating a Schedule Company will be able to do so within minutes. The ability to immediately obtain online a certificate of incorporation will also be possible for these newly formed companies to file annual returns and pay annual fees online. Certificates of good standing will be able to be obtained online in seconds, as opposed to the days or weeks as now is the case.



The Bahamas Attorney General, The Hon. Allyson Maynard-Gibson, Alyia Allen, Donna Smith.

The Attorney General's Office has engaged IBM, which is the world's leader in creating business systems to work with vendors and RGD teams. The technology magnate will advise the Bahamas Government on how to deliver companies within minutes. The AG's office has also consulted the private sector for support and this had been evidenced by willingness of the committee members to volunteer their time to help bring into the RGD, Twenty-first Century best practices.

Currently, The Bahamas ranks 77<sup>th</sup> in the World Bank's IFC Report on the ease of doing business. The Bahamas' ranking as 77<sup>th</sup> is down six points from last year's rating as 71<sup>st</sup>. It takes ten to eleven days to form a company. This is unacceptable. In other jurisdictions it is possible to form a company in minutes. The primary mandate of this committee is to advise the Attorney General on ways to improve company registration thereby enhancing the ease for doing business in The Bahamas.

The Advisory Committee will also look at other areas of service that can easily be provided on line in Phase 1 of

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**ATTORNEY GENERAL CONSULTS WITH BAHAMAS CHRISTIAN COUNCIL** - In keeping with the government's commitment to consult broadly with Civil Society on national issues, the Attorney General and senior management staff met today with the Bahamas Christian Council (BCC) at the Office of Attorney General. This meeting is just one in an ongoing series of quarterly meetings between the AG's office and the BCC. Seated from left to right: Rev. Roslyn Astwood; Rev Ranford Patterson, President of the BCC; Sen. Allyson Maynard-Gibson, Attorney General and Minister of Legal Affairs; Rev. Gloria D. Ferguson, Secretary of the BCC; Archie Nairn, Permanent Secretary in the Ministry of Legal Affairs and Deborah Fraser, Director of Legal Affairs. Standing from left to right: Rev Rex Major; Rev. Laish Boyd, Bishop of the Anglican Diocese; Bishop Leroy Emmanuel; Bishop Ross Davis, Head of the Apostolic Network of Churches; Rev. Christopher Neely; Randolph Dames, AG's Office; Rev Patrick Paul, General Overseer-Assemblies of God; Loren Klein, Attorney in the AG's Office; Rev Victor Cooper, Vice President of the BCC; Pastor Leonard Johnson, Head of the Seventh Day Adventist Church; Rev Timothy Stewart; Rev. Anthony Sampson; Ms. Jewel Major, Chief Counsel in the AG's Office and Delmon Rolle, Sr. Asst. Secretary in the AG's Office. (BIS Photo/Elcott Coleby)

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the Project, in order for The Bahamas to meet national and international standards, challenges, and demands. In order to accomplish this goal, the Committee will meet with staff to sensitize them to the needs of the industry practitioners. They have offered that the staff from the Companies Section at the Registrar General's Department the opportunity to understudy the processes within the private sector.

The Attorney General's Office believes that this training will give staff of the Registrar General's Office a first hand appreciation of private sector demands and operations. The old adage time is of the essence and time is money is well understood in the business sector. The AG's Office also believes the turnaround time for doing business within The Bahamas will be reduced substantially with the adaption of new processes.

IBM has indicated that with proper support, this project will be operational within six months.

This effort is a classic case of private/public sector cooperation and a focused attempt to heighten the level of efficiency in the Registrar General's Department.

The objective is for our Registry to be the most efficient registry in the region. Together with the private sector and BFSB several projects have commenced.

**Deeds and Documents** - We are working on the logistics of restoring the system whereby deeds and documents were received, scanned, indexed and returned in thirty days. We also wish to ensure that in the shortest possible time we enable persons to conduct reliable online searches on the database.

**Companies** - An active private/public sector committee whose objective is enable the process of incorporation of a company to take place entirely online; whether the incorporation takes place under the IBC Act or the Companies Act. Together with our Vendor, we are also exploring options by which other services can take place entirely online. These services include, but are not limited to: filing annual returns, obtaining certificates of good standing, certificates of dissolution and incorporation in languages other than English. The immediate result of this system will be that from launch on a go forward basis, it will be possible for reliable searches to be conducted of the database. The objective is to systematically upgrade all company services so that they can be provided online. We are well on the way to launching in 2013 the services previously mentioned. A great debt of gratitude is extended to the companies who have volunteered to have RGD Team Members attached to their companies for training opportunities.

**Births and Deaths** - Our Vendor is also assisting us with designing and implementing a system whereby births

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**CIVIL SOCIETY** – Attorney General and Minister of Legal Affairs the Hon. Allyson Maynard-Gibson, along with senior members of the AG’s Office, welcome members of Civil Society Bahamas for a Courtesy Call at the Office of the Attorney General January 14. (BIS Photo / Kristaan Ingraham)

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and deaths that occur in a hospital can be Registered online from that facility. In this regard, legislation has been passed. The RGD was extremely proud to be able to roll out from Abaco the ability for Family Island Administrators to provide certified copies of birth and death certificates from Abaco. A “roll out” plan for other Family Island this year in the making. A part of this year’s plan is to enable Administrators in the Islands where this service is available to provide certified copies of any document in the Registrar General’s database. This means that persons will no longer need to travel to Nassau for these services. They will be able to get certified copies from Administrators on their Island.

The cost to our Family Islanders for this basic service has been very prohibitive for too long. This initiative will bring relief to all Family Island communities in time

**The New Maritime Marriages Regeme** - In short order, these services will be available entirely online. A great debt of gratitude is to the cruise line Industry for sponsoring training days for RGD Team Members.

**Intellectual Property** - It is the Government’s intention for our registry to become a WIPO recognized registry. A WIPO recommended expert is in the process of enabling that recognition to take place in respect of trademarks. When the trademark project if finished, we will commence copyrights.

These are five significant projects the AG’s Office is optimistic that by next year we will be able to report well how they are working as well as announce new projects that will help us to achieve the goal of having the most efficient registry in the region. The service industry is a two way street – the service provider and the customer. We invite customer feedback. 



**CIVIL LIGATION** - *Standing:* Christine Brown, Petrocelli Edwards, Karen Dorsett, Shari Moxey, Shantel Taylor, Crispin Rolle, Ryan Albury, Candia Ferguson; *Seated:* Shane Miller, Deborah Fraser - DLA, Danya Parker-Wallace



LEFT TO RIGHT SEATED: Bishop Leroy Emmanuel, Rev Victor Cooper, Pastor Leonard Johnson, Rev. Gloria D. Ferguson, Secretary of the BCC; Rev. Ranford Patterson, President of the BCC; PS Archie Nairn, Sen. Allyson Maynard-Gibson, Attorney General and Minister of Legal Affairs; Loren Klein, Attorney in the AG's Office; Debra Fraser, Director of Legal Affairs; Rev. Laish Boyd, Bishop of the Anglican Diocese; Bishop Neil Ellis, Rev. Roslyn Astwood; Permanent Secretary in the Ministry of Legal Affairs; Bishop Ross Davis, Head of the Apostolic Network of Churches. STANDING: Melany Zonicle, Angelica Hillebrandt, Jewel Major and Tiffany Moss. (BIS Photo/Elcott Coleby)

## The Christian Council meets with Attorney General

In keeping with the government's commitment to consult broadly with Civil Society on national issues, the Attorney General and senior management staff met with the Bahamas Christian Council (BCC) at the

Office of Attorney General. This meeting is just one in an ongoing series of quarterly meetings between the AG's office and the BCC. ☞



INTERNATIONAL SECTION - BACK ROW: Keith Cargill, Jacquelyn Forbes-Foster, Jewel Major, Randolph Dames. SEATED - Kenrah Newry, Michelle Dean, Dr. Evanthe McPhee.



Construction of parking facilities at the Administration Court Complex is winding down and expected to be completed by the end of August. One hundred and thirty two parking spaces will be provided. (BIS Photo/Letisha Henderson)

## Magistrates Courts Inspected

In the Government's continued quest to upgrade and modernize the courts of The Bahamas, the Attorney General, Hon. Allyson Maynard-Gibson and the Hon. Damian Gomez, Minister of State in the Ministry of Legal Affairs, headed a team of senior officials from the Office of the Attorney General and inspected the new Supreme Courts in the Ansbacher Building, Bank Lane, and the Administrative Court Complex on Nassau Street on July 12, 2012.

The Attorney General expressed the Government's commitment to ensuring that all Bahamians are safe and secure as the administration of justice is carried out.

Also joining them during that inspection were Vinette Graham-Allen, Director of Public Prosecutions; Deborah Fraser, Director of Legal Affairs; Roger Gomez, Chief Magistrate; Marco Rolle, Undersecretary and Livingston Forbes, Chief Architect of the Ministry of Works and Urban Development.

The AG emphasized that security is "paramount" and Bahamians have a right to expect that they are secure. Everyone in the precincts of the building is in a sterile environment where law and order are paramount.

The complex has space for twelve Magistrates' Courts, a police station, facilities for court reporters, holding cells for males and females, a treasury for the purposes of collecting fines and administrative chambers and offices. Renovations to the Ansbacher building on East Street and Bank Lane building included two courts, judges' chambers, a jury room and ancillary accommodations. 



Attorney General and Minister of Legal Affairs the Hon. Allyson Maynard Gibson (left) speaks about the many weapons collected from individuals entering the Nassau Street courts. Also shown are the Hon. Damian Gomez, Minister of State in the Ministry of Legal Affairs (right) and at back Chief of Security Supt. Oscar Sands (deceased) and a Police Officer. (BIS Photo/Letisha Henderson)



Pictured are some of the weapons found on individuals who were searched before entering Administration Court Complex at Nassau Street. Items included scissors, knives, rat tail combs, daggers and turkey bones. (BIS Photo/Letisha Henderson)



Supt. Oscar Sands leads officials from the Office of the Attorney General on a tour of the Administration Court Complex on Nassau Street. At left is the Hon. Damian Gomez, Minister of State in the Ministry of Legal Affairs and at right is Attorney General and Minister of Legal Affairs the Hon. Allyson Maynard Gibson. (BIS Photo/Letisha Henderson)



**COURTESY CALL** - Attorney General and Minister of Legal Affairs the Hon. Allyson Maynard Gibson was in Grand Bahama August 16 and paid a courtesy call on the Minister for Grand Bahama before touring the various courts on the island. *Pictured left to right:* Melvin Seymour, Permanent Secretary in the Ministry for Grand Bahama; the Hon. Dr. Michael Darville, Minister for Grand Bahama; Mrs. Maynard Gibson; Hon. Damien Gomez, Minister of State in the Ministry of Legal Affairs; and Archie Nairn, Permanent Secretary, Office of the Attorney General.

## Visit to Grand Bahama Courts

In her first official visit to Grand Bahama, after coming into office, Attorney General and Minister of Legal Affairs, Senator Hon. Allyson Maynard-Gibson made it clear that her team was in Grand Bahama to carry out the Prime Minister's mandate on the war on crime.

On August 16, 2012, she said the mandate details that there be the most relentless and sustained assault on crime in The Bahamas.

The AG traveled to Grand Bahama with a number of senior persons from her ministry including the Minister of State in the Ministry of Legal Affairs, the Hon. Damien



**EMR COURT** - Attorney General and Minister of Legal Affairs, the Hon. Z.C. Allyson Maynard Gibson is pictured as she toured and spoke with employees at the Eight Mile Rock Magistrate Court August 16, during her official visit to Grand Bahama.

Gomez, and the Permanent Secretary in the Office of the Attorney General, Archie Nairn.

They visited all the courts in Freeport and the one in Eight Mile Rock where the team engaged an excellent working lunch with the magistrates. She also informed of additional staffing for the Attorney General's office in Grand Bahama and improved accommodations that allows for a more productive output. 

## The Attorney General urges Bahamian men to support Women's Rights

In November 2012 as a member of the Upper Chamber of Parliament, Senator The Hon. Allyson Maynard-Gibson called on men, as they did fifty years ago, to support the fight to end discrimination against women.

She made the call as she seconded a Resolution to amend the Constitution of The Bahamas to remove all forms of discrimination against women, during an historic Special Joint Sitting of the Senate and the House of Assembly on the occasion of the Celebration of the 50<sup>th</sup> Anniversary of the Women's Suffrage Movement.



Senator the Hon. Allyson Maynard-Gibson addressing the historic Special Joint Sitting of the Senate and the House of Assembly on the occasion of the Celebration of the 50<sup>th</sup> Anniversary of the Women's Suffrage Movement on Monday, November 26, 2012. *(BIS Photo/Patrick Hanna)*

She noted that any vestige of discrimination against women is destructive and profoundly affects men and the entire Bahamian society.

Bahamian men were urged (as they were during the

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Suffrage Movement) to join their mothers, wives and daughters in the fight to eradicate discrimination from our Constitution so as to fully and irrevocably engage and utilise the indomitable spirit of Bahamian womanhood in nation building.

The AG noted that it is no coincidence that the 50<sup>th</sup> Anniversary of Women's Suffrage is observed during the 40<sup>th</sup> Anniversary of Independence of the country.

In acknowledging the forerunners of the movement namely Mary Ingraham, Eugenia Lockhart, Georgiana K. Symonette, Mabel Walker, Dame Albertha Isaacs, Dame Doris Johnson and the thousands of men and women who supported the movement, she said they heeded "God's call" to promote a common cause for the modern Bahamas.

"We must act with alacrity to remove all forms of discrimination against women from our Constitution. We

must release the shackles of second class citizenship from Bahamian women," she said.

It is acknowledged that stable, meaningful and fruitful national development mandates that the spouse of a Bahamian woman has the same right to citizenship as the spouse of a Bahamian man and that all children of Bahamian women have the same right to Bahamian citizenship as the children of all Bahamian men.

"As we increase our quest for excellence in national and international development, now is the time to measure all of our efforts by this yardstick," she said.

Equal rights is a unique formula that promotes equal pay for equal work, elimination of poverty, equity in access to health care, a safety net for children and disadvantaged citizens, more women in parliament, amongst other things. 

## LEGAL YEAR OPENS



THE SERVICE to mark the Opening of the 2013 Legal Year was held January 9, at Christ Church Cathedral. In attendance: The Chief Justice, President of the Court of Appeal, Justices of the Court of Appeal, Justices of Supreme Court, Attorney General, Registrars, Magistrates and members of the Legal Profession. *(BIS Photos/Patrick Hanna)*

**O**n January 9, 2013 the legal year opened with the usual pomp and pageantry. On that occasion Attorney General, Allyson Maynard-Gibson observed that The Bahamas was celebrating her 40th anniversary of independence and was moving into a new era of our national life. It is acknowledged and recognized

that the concepts of justice and the Rule of Law, are central to our democracy.

She expounded on the purpose of the country having an Attorney General, whose office is entrenched in our

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Constitution.

Article 78 states the **purpose** of the Attorney General.

- (a) ***institute and undertake criminal proceedings against any person before any court in respect of any offence against the laws of The Bahamas;***
- (b) take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
- (c) discontinue, at any stage before judgment is delivered, any such criminal proceedings instituted or undertaken by himself or any other person or authority.

The legal team at the OAG helps with the institution and undertaking of criminal proceedings.

It should be noted that the power to take over, continue and discontinue proceedings at any stage before judgment is vested in the Attorney General alone to the exclusion of any other person. Such decisions are made in the AG's own deliberate judgement.

The Attorney General is also the government's chief legal advisor and is also responsible for relations with the:

- Judiciary
- Industrial Relations Tribunal
- The Magistracy

In short, the Attorney General is critical to the efficient administration of justice.

At that time the AG set out her vision for the office. First and foremost it was for The Bahamas to have the most efficient justice system in the Region. She commented if this could be achieved during her tenure, the next Attorney General can, if he wishes, aim for The Bahamas

to have the most efficient justice system in the world.

The most efficient Justice System would mean that the police and the OAG work so effectively together that matters are routinely brought before the Courts within a reasonable period, without avoidable adjournments. Other earmarks could be as follows:

- Trials take place within a reasonable period
- Appeals are heard expeditiously.
- Courts are considered the best equipped in the Region
- The administrators in our Courts are considered the best in the Region
- Judges receive transcripts expeditiously.
- Accuseds can swiftly assert innocence
- Victims feel that their rights are acknowledged and swift closure brought to crime and tragedy
- Families of victims develop confidence in the justice system.
- Citizens can follow matters online
- The backlog is under control and systematically decreasing
- The Family Court System is implemented and operational
- Community Courts operate and function as a part of Urban Renewal
- Judges are appropriately remunerated so as to have no concerns about their independence
- Magistrates, Registrars and all in the Judicial and Legal Services salary scales are appropriately remunerated.

The achievement of these goals however, will be linked in part to having all Department adequately resourced, inclusive of financial, physical and human resources. 

# CARIBBEAN FINANCIAL ACTION TASK FORCE January – December, 2013



TEES - Sir Arthur & Lady Foulkes flanked by DPM P. Davis, AG & delegates to CARIFTA.

The Bahamas began the year as deputy chair of the CFATF and demonstrated its commitment to the organization through participation in all aspects of its work. This was evident in the fact that The Bahamas had representation and active participation in every meeting held by the CFATF. Presented below is a list of the various meetings held by CFATF along with some salient points related thereto.

**Steering Group Meetings** - The Bahamas played an integral role in the work of the CFATF'S steering group. This effort was led by Sen. Hon. Allyson Maynard-Gibson, Attorney-General and Minister of Legal Affairs who was assisted by Messrs. Garvin Gaskin and Stephen Thompson and Ms. Michelle Dean. Of significance was the steering group meeting of 19th December, 2013 which was chaired by our Attorney General and, from all indications, was a productive meeting. It was during this meeting that the Attorney General articulated her vision and expectation for the CFATF during 2014.

**CFATF Plenary Meetings** - the CFATF convened two (2) plenary meetings during the year - the first was held in Nicaragua in May and the second in Freeport, Grand Bahama, The Bahamas in November. The Bahamas had a strong delegation at both meetings. However, the significance of The Bahamas' hosting of the CFATF XXXVIII plenary meeting in November cannot be overstated. The Executive Director of the

CFATF described execution of the event - "effortless perfection". The CFATF was also commended by Mr. Vladimir Nechaev, the president of the Financial Action Task Force, as "one of the best in its class". The Bahamas assumed the chair of the CFATF at the conclusion of the meeting. Its delegation contributed tremendously to every discussion held either through points made on the floor or through presentations by Mr. Basil Collie for the accreditations working group and Mr. Stephen Thompson for the donors' forum. The Attorney General proposed an eleven point action plan aimed at predominantly strengthening the anti-money laundering and combating the financing of terrorism regimes resulting in a minimum of seventy-five percent compliance with CFATF recommendations. At the end of the meeting, it was clear that The Bahamas is poised to move the CFATF to the next level. 





*Standing:* Patrice Higgins, Katherine Petty, Celestina Williams; *Seated:* Hyacinth Smith, David Higgins - Asst. DLA, Sophia Thompson



*Standing:* Camille Ferguson, Rashiff Duncombe, Brandace Duncanson, Rudesha Mackey; *Seated:* Tina Roye (DLRC), Damien Gomez, MOS, Danya Parker-Wallace



*L-R:* Melvern Sands, Charleetta Toney, James Cooper, Patrice Mayard, Geneva Campbell

# Attorney General appears before Constitutional Commission

The Attorney General joined the voices of a broad cross section of civil society when she appeared before the Constitutional Commission on Monday, June 10, 2013. She made representation on behalf of the government on recommended changes toward constitutional reform. This historic review process came as The Bahamas celebrated its 40th Anniversary of Independence. The AG deemed it a generation of nationhood and a wonderful opportunity to reflect and allow for both self-examination and introspection of the last forty years of nationhood. Appointed by Prime Minister the Rt. Hon. Perry Gladstone Christie, the Constitutional Commission under the chairmanship of Sean McWeeney QC was mandated to conduct a comprehensive review of the (1973 Independence) Constitution of the Bahamas and to recommend changes to the Constitution in advance of the 40th anniversary of Independence.

AG Maynard-Gibson pointed out that her contribution to constitutional reform originated from her dual roles as a member of the political Executive (cabinet minister) – the dual (and sometimes opposable) roles imposed on an Attorney General under the Westminster system, as both



guardian of the Constitution and chief law minister of the Crown.

Confining her remarks

primarily to matters impacting the administration of justice, the Attorney General briefly covered the following issues: (i) fundamental rights, in particular the issue of gender discrimination; (ii) the question of granting constitutional and operational autonomy to the Office of the Department of Public Prosecution (DPP); and (iii) miscellaneous matters relating to the functioning of the Judiciary and the Legal System.

### *Fundamental rights and freedoms*

The Bahamas signed and ratified without reservation the International Covenant on Civil and Political Rights in December 2008 and ratified it on 7th May 2009, Article 26 of which also provides for equal protection of the law and prohibits discrimination on the grounds of sex.

In that regard Sen. Hon. Allyson Maynard-Gibson said that she “would also support the expansion of the grounds in Article 26 to include “sex” as one of the prohibited grounds of discrimination, which would have an immediate ameliorative effect on provisions in the Constitution and other laws which directly or in their effect discriminate against women. Further, this expansion “would also address, what is described as the ‘rights anomaly’ or ‘dissonance’ between Article 15, which purports to declare the existence of fundamental rights, without regard to sex, and Article 26, which omits “sex” from the enumerated and hence specifically justiciable rights.”

Additionally, she pointed out that the Government intended to accede to the Convention on the Rights of Persons with Disabilities and to enact the Disabilities Act before the end of 2013. Concerning discrimination on the basis of sexual orientation, the Attorney General confirmed that “there are no provisions in the Sexual Offences and Domestic Violence Act which in any way might be perceived as positively discriminating against persons on the basis of sexual orientation.”

### *Constitutional autonomy of the Director of Public Prosecutions (DPP)*

Turning her attention to the independence of the DPP, the Attorney General expressed full support

*(continued on next page)*



ACCOUNTING STAFF - Standing: Kathy Robbins, Erica Duncombe; Seated: Gwen Johnson, Patrice Bowe (accountant)



SECRETARIES DEPARTMENT OF PUBLIC PROSECUTIONS - Personal Assistants to the Director & Deputy Director of Public Prosecutors - Kyshna Miller, Illiana Smith, Ingrid Laroda

## Constitutional Commission

for an independent DPP with constitutionally vested prosecutorial powers of the state. She however cautioned the government to remedy the inherent deficiencies of the justice system before such a transition. “While I fully support this change, it is important in our particular context that we do not move too hastily in seeking to transition to a constitutionally independent DPP without first a concerted effort by the executive to remedy the institutional deficiencies in the justice system and improve the delivery of justice. In fact, in the 1981 case of the AG of Fiji v DPP, the PC underscored the point that placing certain administrative and other matters under the “general direction and control” of the AG did not erode the independence of a constitutionally appointed DPP.”

### Functioning of the Judicial System

Questioning whether the amendment to the Juries Act in 2007 positively impacted the efficiency of the courts’ operations, the Attorney General fully supported the adjudication of criminal cases by judges alone. She espoused the view that our criminal justice system would be better served by Constitutional provision for clearly defined circumstances where criminal matters may be tried by Judges alone. It was noted that as the right to jury trial is enshrined in the Constitution and entrenched, it will require a constitutional amendment and referendum to effect change. On the issue of Public Defenders, the Attorney General referred to Article 20 of the Constitution which provides equal protection under the law by a right to counsel for those accused of serious crimes but unable to pay for one. The process of “Crown Briefs” is inadequate, causing administrative delays in dispensing justice and failing to meet the demands in the legal system. As a remedy, she recommended an institutional public defenders system as a possible solution to this challenge:

Many have advocated the implementation of a system of public defenders, including a former CJ who has perhaps been the most ardent proponent for public defenders. On the issue of the retention of the death penalty, the Attorney General invited the Commission to consider a suitable amendment to protect the rights of The Bahamas to impose the death penalty. This matter resonates the minds of Commissioners and the general public. The Commission was invited to give consideration as to whether a suitable amendment needs to be made to the Constitution to protect the right to impose the death penalty in the appropriate circumstances (as has been done or attempted by several of our Caribbean states). ☞

(BIS Story/Elcott Coleby)

## US AG Eric Holder

Ambassador Luis CdeBaca who heads the Department of State’s Office that Monitors and Combats Trafficking in Persons globally.

These meetings followed on the heels of two days of bilateral talks between the two countries in Nassau in December 2012, culminating in the signing of an Amended Letter of Agreement (ALOG) and a presentation of \$2,135,000 through the Caribbean Basin Securities Initiative (CBSI) in support of this fight. The presentation took place on the 18th December 2013 at the Cabinet Office.

Signing the agreement on behalf of The Bahamas was Minister of Foreign Affairs and Immigration the Hon. Fred Mitchell and the Deputy Assistant Secretary of State for Central America and the Caribbean Liliana Ayalde signed for the United States.

This December talks offered an opportunity to review the current bilateral partnership with a goal of identifying emerging threats to both countries, strengthening existing security mechanisms, concluding negotiations on pending agreements, formalizing new areas of potential cooperation and seeking how new avenues through the partnership dialogue can be enhanced.

The Washington DC meetings with Eric Holder and Ambassador CdeBaca provided an opportunity for both countries to review the progress made to date and to continue to develop the initiatives explored during the December 2012 meetings. ☞



RESEARCH DEPARTMENT - Brittany Rahming and Dawne Sturup



**BACK ROW** - Kevin Sweeting, Abigail Farrington, Ralph Munroe, Terry Archer. **SEATED** - Cheryl Robinson, Vernal Collie.



**TELEPHONISTS** - Giovanni Alleyne, Abby Daxon.



Chief Counsel Linda Evans and Aaron Johnson, Asst. Counsel

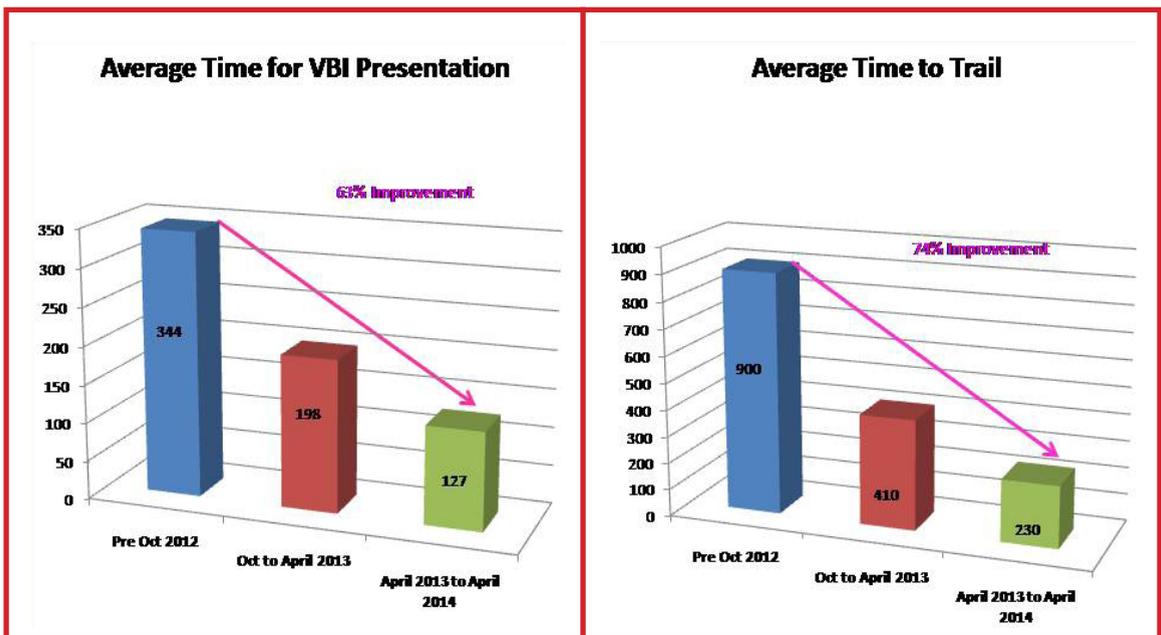


**DIRECTOR & DEPUTIES DEPARTMENT OF PROSECUTION**  
Garvin Gaskin (DDPP), Vinette Graham-Allen (DPP) and Franklyn Williams (DDPP)

# Swift Justice is Working

Matters are getting to trial within a reasonable time - which should reduce numbers released on bail for murder.

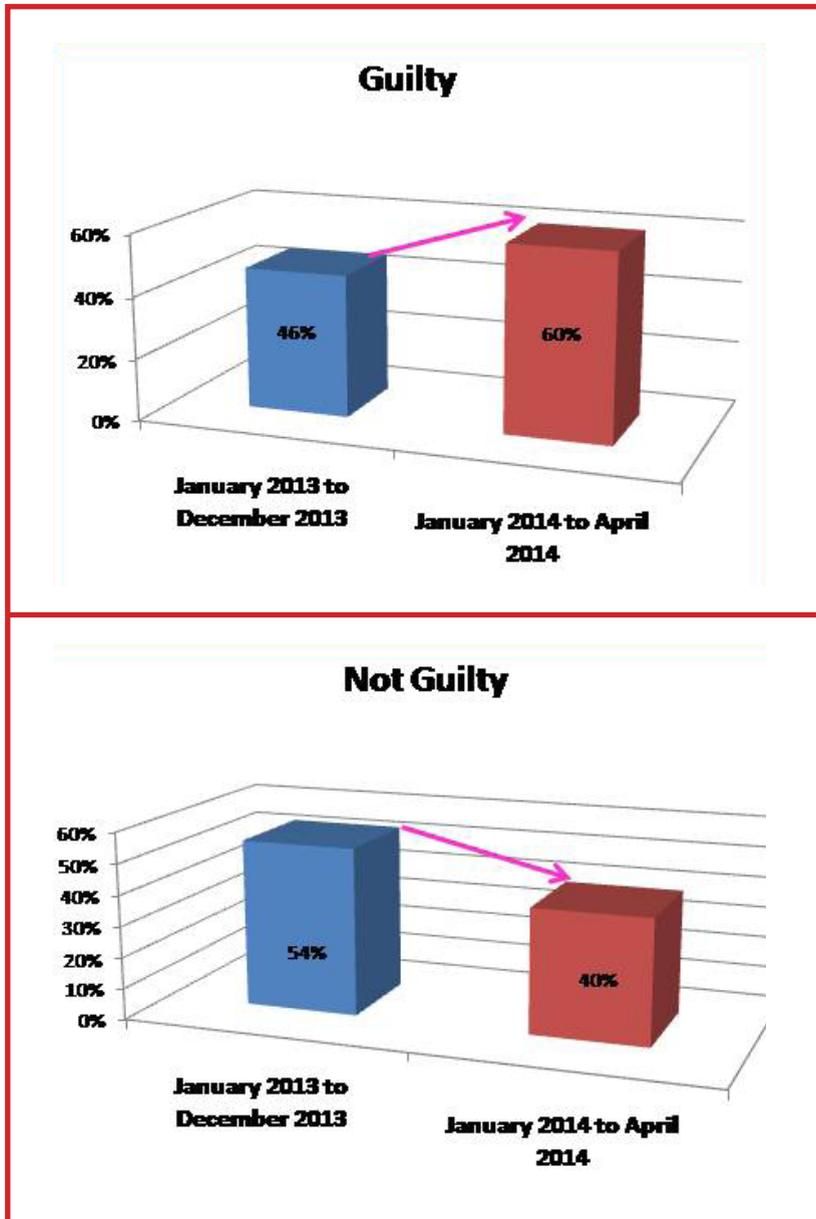
- VBI time for presentation down from 344 days pre October 2012 to 127 days from April 2013 to April 2014. (A 63% IMPROVEMENT)
- Time from arraignment to trial down from 900 days pre October 2012 to 230 days April 2013 to April 2014. (A 74% IMPROVEMENT)
- Since 2013, 3 murder trials were held within 1 year of charge.
- The attack on policeman was tried within 9 months of charge.



- 5 new state of the art courts set to open in May 2014
- All will be equipped with video conferencing capacity.
- Digital photography capacity.
- Internet capacity.

WILL RESULT IN 10 CRIMINAL COURTS OPERATING CONCURRENTLY TO ACHIEVE A STABLE STATE OF AFFAIRS AND FURTHER ENHANCE

## Swift Justice has resulted in an improvement in trial outcomes



### COURT REPORTED UNIT REVAMPED

- One Unit
- All reporters have computers and keys
- Career path agreed

# Drafting Department



**DRAFTING DEPARTMENT** - Seated [L-R] - Sheena Wilson - Assistant Director Legal Affairs; Deborah Fraser - Director of Legal Affairs; Standing [L-R] - Cherita Symmonett - Counsel; Samantha Collie - Chief Clerk; Kim Bodie - Clerk.



**LANELL WILLIAMS**  
*Assistant Counsel*



**DARNELL DORSETT**  
*Senior Counsel*



**KENRIA SMITH**  
*Counsel*



**SANDRADEE GARDINER**  
*ADPP*



**JILLIAN WILLIAMS**  
*ADPP*



**MORNETT MAYCOCK**  
*Snr. Private Secretary*



**YVONNE ROLLE**  
*Case Management*



**NATASHA GIBSON**  
*Chief Clerk*



**LITIGATION** - Seated - Albertha Bartlett - Deputy Director of Legal Affairs; Kayla Greene-Smith - Chief Counsel; Rhoda Bullard-Stamp - Attorney.



Attorney General and Minister for Legal Affairs the Hon. Allyson Maynard-Gibson welcomes the Ambassador of the Republic of Cuba, Ernesto Soberon Guzman, during a courtesy call on October 5. Pictured from left: Ambassador Guzman, Minister Gibson and Damian Gomez, Minister of State for Legal Affairs. (BIS Photo/Kristaan Ingraham)

Notes...



*Dec. 16th 2013 was a glorious day in the life of the AG's Office. It was the first day of official business in our new building. The day commenced with a prayer of thanksgiving by the PS Nairn, The AG, Minister of State, and other senior members of staff offered expression of gratitude with respect to the move and then it was business as usual at the regular Monday morning management meeting.*

*The AG in her usual "get it done" manner instructed that we make the move and without ado on Thursday 12 Dec. 2013 and throughout that weekend we moved office. The official movers, staff, spouses all pitched in to make the move a reality. Hundreds of boxes later and without incident we took up residence at JFK.*

*The Office of the Attorney General thanks Prime Minister, the Rt. Hon Perry G. Christie and his Government for providing the resources that enabled it to move to new offices, the Paul L. Adderley Building, in December 2013.*



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