Terms of Reference - Justice of the Supreme Court

Post title: Justice of the Supreme Court
Project title: Reducing backlogs in Belize’s Civil and Criminal Justice System
Organisational Section/ Unit: The Judiciary of Belize/ The Belize Supreme Court
Duty Station: The Belize Supreme Court, Belize City
Responsible to: The Chief Justice of Belize
Proposed period: June 2021 - June 2022
Number of vacancies: Four (4)

1. Background:

Belize is an English-speaking Caribbean country located on the northeast coast of Central America. Like the rest of the Commonwealth, Belize’s civil and criminal justice system has experienced significant challenges because of the COVID 19 pandemic. Case backlogs in Belize’s Supreme Court and the Court of Appeal increased due to court closures and other measures adopted in response to the pandemic. However, the country was already struggling to address the backlog because of resource and manpower challenges.

Over the past 18 months, Belize’s Supreme Court has lost 5 judges. Two judges retired and three relocated from Belize. The Supreme Court’s usual complement of judges is twelve.

It is against this backdrop that the Commonwealth Secretariat is assisting Belize to address its growing backlog of both civil and criminal cases through the recruitment of judges on fixed-term contracts.

The Supreme Court of Belize

Belize’s Constitution establishes the Supreme Court, which is headed by the Chief Justice who has the overall responsibility for the administration of justice in Belize.

The Supreme Court of Belize has unlimited original jurisdiction in both civil and criminal proceedings. In addition, the Supreme Court has jurisdiction to hear appeals from the inferior courts, such as the magistrate’s courts. The constitutional requirements for a person to be appointed as a judge of the Supreme Court is that the person is qualified to practice law in Belize or an advocate in a court in any part of the Commonwealth having unlimited jurisdiction and has been so qualified for no less than five years. The successful candidate is appointed by the Governor General on the advice of the Judicial and Legal Services Commission and with the concurrence of the Prime Minister after consultation with the Leader of the Opposition.

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1 Belize’s Supreme Court is a court with original jurisdiction and for comparison purposes, it is similar to a High Court as found in many Commonwealth countries.
Belize’s strategic goals
Belize has been especially affected by the COVID-19 pandemic because of its economic dependency on tourism, which was adversely affected due to the preventative travel measures implemented to manage the pandemic. Revenue from this industry dramatically dropped and this has caused public finances to go into dire distress. However, the Government hopes to have fully implemented by 2022 its plans to strengthen its justice delivery system.

Since February 2021, the government has embarked on several initiatives, which will see the reduction of costs, complexity, and delays in the justice sector, including through the adoption of digital technologies. The government intends to recruit a full complement of judges and fill all the existing vacancies and ensure a complete cohort of judges in all divisions of the Supreme Court by 2022. Other initiatives include a plan to introduce institutionalized courts that will allow for a quicker turnaround time in addressing matters filed at the Supreme Court by 2022/2023.

2. Purpose of the project
The aim of the project is to provide judicial assistance to the Government of Belize to enable it to appoint Judges to the Supreme Court with the objective of reducing the significant backlogs affecting the Supreme Court in both civil and criminal matters.

3. Scope of work
Under the guidance of the Chief Justice, the assigned Justices of the Supreme Court shall:

▪ Adjudicate fairly and in a timely manner over all allocated criminal and civil matters.
▪ Interpret and apply applicable laws, rules and precedents to resolve cases before the Supreme Court and to produce written judgments.
▪ In criminal trials, instruct juries or assessors on the rules applicable to the facts and evidence at trials and how to treat those in arriving at their verdict.
▪ Perform any other function or scope of work normally assigned to or required from a justice of the Supreme Court, including with respect to reforms to strengthen Belize’s civil and criminal justice system.

4. Deliverables

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<thead>
<tr>
<th>Key activities</th>
<th>Deliverables/ outputs</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>▪ Adjudicate over and produce written judgements in allocated civil and criminal matters.</td>
<td>▪ Rule on applications and all arising matters.</td>
<td>12 months</td>
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<tr>
<td>▪ Attend to all other incidental issues arising from the role of a Supreme Court Judge in Belize.</td>
<td>▪ Produce written judgments on matters before the Court.</td>
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<td>▪ Determine and pronounce appropriate sentences in criminal matters.</td>
<td>▪ Produce a detailed report at the end of the 12-month period outlining the number of matters presided and judgments.</td>
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5. Experience and Qualifications
The successful candidate should possess the following qualifications and experience to be considered for this post:
A high level of understanding of relevant principles of law and jurisprudence.

Be qualified to practice as an attorney-at-law in a court in Belize or as an advocate in a court in a Commonwealth country having unlimited jurisdiction in either civil or criminal causes or matters and has been so qualified for not less than five years.

Experience as a judge of a court having unlimited jurisdiction in civil and criminal matters in a Commonwealth country will be an advantage.

Comprehensive knowledge of relevant rules of evidence and of court practices and procedure.

Possess demonstrable experience of leading the development and/or delivery of reforms to strengthen justice systems, including to rules of procedure and evidence, adoption of effective case management systems, or the adoption of digital technologies.

6. Skills and Abilities

(i) **Sound judgement** • Demonstrates integrity and applies independence of mind to make incisive, fair, and legally sound decisions, including: (a) making timely and appropriate decisions; (b) exercising sound judgement and common sense; (c) reaching clear, reasoned decisions objectively, based on relevant law and findings of fact; (d) demonstrating integrity and independence of mind; and (e) not exercising bias or prejudice.

(ii) **Intellectual and analytical ability** • Detailed knowledge of a relevant jurisdiction, law and practice and demonstrates an ability and willingness to learn and develop professionally. Ability to weigh relevant issues and matters of law in order to formulate them for reasoned and coherent presentation.

(iii) **Managing work efficiently** • Works effectively and plans to make the best use of available resources, including (a) running trials/hearings effectively to facilitate fair, timely, and efficient conclusions; (b) prioritising effectively and minimising delays and irrelevancies; (c) showing ability to work at speed and under pressure; (d) dealing effectively with case management; (e) undertaking necessary preparatory work.

(iv) **Working with Others** • Conducts proceedings appropriately, values diversity and shows empathy and sensitivity in building relationships, including (a) managing hearings through fair and objective direction and intervention; (b) possessing an awareness of the diversity of the communities in which the court operates; (c) working constructively with others to encourage co-operation and collaboration when needed; (d) treating people with respect, sensitivity and in a fair manner without discrimination and ensuring the requirements of those with differing needs are properly met; (e) maintaining effective relationships, demonstrating the appropriate balance between formality and informality in hearings and with all contacts; (f) ability to recognise and deal appropriately with actual or potential conflicts of interest.

(v) **Communication and listening skills** • Demonstrates good oral and written communication skills and authority, including: (a) ability to communicate effectively with all types of court users including lay people involved in court proceedings; (b) ability to establish authority and inspire respect and confidence; (c) ability to remain calm and authoritative even when challenged; (d) ability to explain relevant legal or procedural information in language that is succinct, clear and readily understood by all; (e) ability to ask clear, concise, relevant and understandable questions; (f) willingness to listen with patience and courtesy.
(vi) **Leadership** • willingness and ability to improve judicial performance across the wider justice system to meet existing and future needs.

7. **Personal Qualities**

(i) **Integrity** • Having a history of honesty, discretion and plain dealing with professional colleagues, clients, and the courts; Possessing independence of mind and moral courage, being prepared to take and maintain unpopular decisions when necessary; Displaying discretion as to the publication of any personal views on issues whether in writing or orally or video graphically on social media or any media platform or forum.

(ii) **Fairness** • Being open-minded and objective, with the ability to recognize and personal prejudices and to set them aside.

(iii) **Impartiality** • Being able to deal impartially with all matters which come before them and ensure that all those who appear before them have an opportunity for their cases to be clearly presented and considered as fully and dispassionately as possible.

(iv) **Understanding of People and Society** • Having knowledge and understanding of, and respect for people from all social backgrounds, being sensitive to the influence of different ethnic and cultural backgrounds on the attitudes and behaviour of people whom they encounter in the course of their work.

8. **Implementation arrangements**

Judges of the Supreme Court preside over hearings at the Supreme Court Building in Belize City, Belize. Judges in the Criminal division of the Supreme Court may be required to sit in jurisdictions outside of the Belize Central Jurisdiction (Belize City) and may be required to preside over matters in the Northern or Southern Judicial Districts in Belize.

The Government of Belize will make the necessary arrangements for the proper accommodation, security, and travel arrangements of all judges while resident in Belize.

All judges are required to liaise, communicate, and report to the Chief Justice of Belize.

9. **Remuneration**

The Judge will be remunerated in accordance with arrangements made between the Commonwealth Secretariat as to emoluments and allowances. The Government of Belize will provide the Judge with housing as well as in country transportation and the services of a driver and a security officer.

10. **Reporting**

The Judge shall submit to the Chief Justice reports on the matters they presided over, judgments delivered, or sentences delivered. As well at the end of the term, the judge shall provide to the Chief Justice a report on assigned matters which could not be completed due to the expiration of time or assigned matters that the trial process has been completed with only a judgement outstanding, if any.