

**THE OFFICE OF THE CHIEF JUSTICE
JUDICIARY OF THE BAHAMAS**

PRESS RELEASE

17 March, 2020

The Judiciary has now developed its coronavirus mitigation protocols reflecting the twin priorities of:

- (i) protecting the safety and health of our judicial officers and staff, the law enforcement personnel assigned to the Courts, members of the Bar who work in and around the Courts and all public users of the Courts; and**
- (ii) keeping the Judiciary operating to provide continued access to justice as it discharges its mission-critical functions in a democratic society.**

Our consideration of the Court's coronavirus mitigation policies were informed by the measures announced by the Prime Minister during his National Address on Sunday, 15 March and the terms and scope of the Government's response to the COVID-19 virus. The situation is serious and requires early intervention in a rapidly changing environment and the Judiciary will continue to closely monitor developments on the ground and respond accordingly. Based on current circumstances the first phase of the Court's mitigation plan involves the following:

- (1) Enhanced cleaning regimes in all high traffic public areas of Court buildings involving multiple cleaning cycles throughout the day with sanitizing liquids;**

- (2) Establishing hand sanitizing stations at strategic locations within Court buildings with protocols for staff and court users enforced by Court Marshalls;
- (3) Increased vigilance and control at entry points of Court buildings;
- (4) Adherence to 'social distancing' policies. This means using video conferencing, telephone conference calls, online conferencing video applications and disposition of applications on written submissions for court hearings whenever possible thereby minimizing 'in person' hearings. When 'in person' hearings are unavoidable (i) attendance in Court rooms will be limited to persons who must be in attendance and press representatives subject to maximum numbers imposed under these protocols; (ii) at least 3 feet will be maintained between persons in the court room whenever possible; and (iii) the duration will be limited by the presiding judicial officer.

In order to reduce the number of persons using court buildings we will adopt the following protocols with regard to court hearings effective Wednesday, 18 March, 2020 until 14 April, 2020:

Supreme Court – Criminal Side:

Part heard criminal trials before a sitting jury will be completed unless the Judge adjourns the case for reasons unconnected to the coronavirus protocols. These should all be dealt with within the next 7 days.

New criminal jury trials will be suspended until 14 April, 2020 when the position will be reviewed on the basis of prevailing circumstances at that time. The members of the jury pool for each criminal court will be

contacted by the Bailiff of that court to inform them when to return to court.

Arraignments will continue to be dealt with by video link to the Remand Court at The Bahamas Department of Correctional Services facility.

Bail applications heard by the Judge – video link with the Remand Court with lawyer in court;

Urgent Bail applications heard by the Roster Judge - where possible hearing with lawyer alone in court or by video conference. If accused person in court, must adhere to ‘social distancing’ procedures.

Case Management Conferences – where the accused is in custody, applications will be heard by video link with the Remand Court at The Bahamas Department of Correctional Services facility with lawyer in court. Where accused is on bail, hearing by video conference.

Supreme Court – Civil Side (all cases which are not Criminal):

Part heard Trials – part heard trials will be completed. Social distancing procedures to be followed. Wherever possible witnesses (in New Providence and elsewhere) to give evidence by video conference.

New trials - proceed by video conference. If this is not possible, the judge will decide if the trial can proceed by ‘in court hearing’ provided there are no more than 12 persons in the court room and ‘social distancing’ procedures can be followed. The trial will be adjourned for a date after 14 April, 2020 if such procedures cannot be followed.

Interlocutory applications - hearing by video link, telephone or disposition on written submissions. If not possible, Judge will

determine if hearing is to be adjourned until after 14 April, 2020 or proceed with 'social distancing' procedures.

Urgent interlocutory applications – hearing by Duty Judge Roster by video link, telephone or disposition on written submissions.

Hearing by Registrar/ Deputy Registrars / Assistant Registrars:

Whenever possible, hearings by video conference, telephone or disposition on written submissions. If not possible, the registrar will determine if hearing is to be adjourned until after 14 April, 2020 or proceed with 'social distancing' procedures.

Magistrate Courts – Criminal Side:

Arraignments / first time pleas – will proceed subject to 'social distancing' procedures. Only persons who must be in the court room will be allowed to enter and in any event no more than 15 persons at any time. Hearings to be sequenced under the oversight of the Police to avoid overcrowding.

Bail / Variation of bail applications – will proceed under the guidelines applicable to arraignments.

New trials – will be suspended in criminal cases, juvenile cases and Coroner Inquests until 30 March, 2020 when the position will be reviewed. A determination will be made at that time with regard to the future course of these trials

Traffic cases – first pleas in traffic cases will proceed but subject to ‘social distancing’ procedures and maximum of 20 persons in the court room at any one time. Fines under Fixed Penalty Notices in traffic cases can be paid under current procedures. New trials in traffic cases will be suspended until 30 March, 2020 when the position will be reviewed.

Remands – will continue by video link with the Remand Court at the Bahamas Department of Correctional Services facility.

Part heard criminal trials and Inquests by Coroner – will proceed subject to ‘social distancing’ procedure (i) where the accused (or any one of them where there is more than one accused) is in custody; and (ii) juvenile cases where all the parties, witnesses and lawyers are resident on the island where the Court is sitting subject to ‘social distancing’ procedures. All other part heard criminal cases will be suspended until 30 March, 2020. Only persons who must be in attendance at the trial and press representatives will be allowed in the court room. Part heard Coroner Inquests will be completed subject to ‘social distancing’ procedures.

Voluntary Bills of Indictment – will proceed in the usual way.

Immigration cases – will proceed but held in open area of the Magistrates Court Complex when involving large number of defendants.

Magistrate Courts – Civil Side (any cases not criminal, traffic or juvenile):

New trials – suspended until 30 March, 2020.

Part heard matters – will be suspended until 30 March, 2020.

Urgent applications - in cases where hearings are suspended can be made to the Chief Magistrate.

All travel by Magistrates for Circuits will be suspended until 14 April, 2020 when the position will be reviewed.