



Statement of Concern regarding remarks made by the Prime Minister of Antigua and Barbuda, the Hon. Gaston Browne, affecting judicial independence in Antigua and Barbuda

Pursuant to its constitutional objects of maintaining and promoting the rule of law throughout the Commonwealth and promoting the administration of justice in accordance with the Commonwealth (Latimer House) Principles, the CLA issues this Statement of Concern.

The Commonwealth Lawyers Association (CLA) is perturbed by remarks made by the Prime Minister of Antigua and Barbuda, the Hon. Gaston Browne, on 10 August 2026 at a National Security Meeting. The CLA calls for those remarks to be withdrawn and for the independence of the judiciary in Antigua and Barbuda to be publicly reaffirmed.

The Prime Minister, whilst addressing the increase in gun crimes and violence in Antigua and Barbuda, criticised the Judiciary for what he considered to be unduly lenient and short prison sentences. He referred to a *"particular judge who has a propensity to give criminals a break"*. The Prime Minister went on to say, *"if you cannot follow the lead of parliament to give longer sentences, leave our country voluntarily otherwise we are going to deport you and make you persona non grata. You know who you are. This is the Prime Minister of the country saying this."*

These remarks have rightly attracted criticism and condemnation from legal and other organisations in the region and elsewhere.

The Antigua and Barbuda Bar Association (ABBA) immediately responded: *"The Prime Minister's statement is a direct and public threat against an identifiable judge, made for the express purpose of influencing the exercise of judicial power. The violation of constitutional principle is manifest"*. The ABBA also said that the Prime Minister's statement, in directing a judge to "follow the lead of parliament" on sentencing, is *"precisely the kind of executive encroachment upon judicial power that the separation of powers is designed to prohibit"*.

The Prime Minister's response to the ABBA was to dismiss the Association as *"defunct"* and to state publicly: *"Piss off."* This derisory response to the organised legal profession compounds the original threat and demonstrates a disregard for legitimate institutional criticism of executive overreach.

The Organisation of Eastern Caribbean States Bar Association (OECS) has also expressed concern that such remarks may undermine judicial independence and that *"the government may be creating a situation where Antigua and Barbuda becomes an unsafe place of work for judges"* and that the Court may be unable to find judges willing to sit in Antigua and Barbuda under threat of deportation and the risk of being declared persona non grata.

The Caribbean Heads of the Judiciary have also considered the remarks of Prime Minister Browne and observed *“not only are such statements regrettable but they are a threat to the very independence of the judiciary. They have the potential to erode and weaken the efficacy of the doctrine of separation of powers, which is the very bedrock upon which democratic governance rests.”* The Heads of Judiciary continued: *“For this reason, the Heads of Judiciary denounce the Prime Minister’s remarks as unproductive and dangerous, bearing only the potential to undermine public confidence in the administration of justice.”*

On 14th August 2026, the Commonwealth Magistrates and Judges Association (CMJA) stated: *“The Courts are the guardians of justice, the cornerstone of a democratic system based on the rule of law. Democracy will be gravely undermined if judgments of the courts are not respected and if there are uncorroborated and unfounded accusations against any member of the judiciary at any level. Each judicial officer must be free to decide each case on its own merits without interference or influence.”*

The CLA welcomes and supports these statements, recognising the important constitutional role played by an independent Bar and Judicial Associations throughout the Commonwealth in safeguarding the rule of law, defending judicial independence and maintaining public confidence in the administration of justice.

The CLA emphasises that effective criminal justice reform and judicial independence are not binary objectives. Both are essential elements of a democratic society governed by the rule of law. Governments must be able to pursue policies aimed at reducing crime and protecting the public, while judges must remain free to determine individual cases according to law, evidence and established sentencing principles. The constitutional question is therefore not whether concerns about public safety may be raised, but how those concerns are pursued within the framework of the rule of law.

The principles underlying judicial independence are well established within the Commonwealth, reflected in the Commonwealth Charter. The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) emphasise the importance of respect between the three branches of government in their separate spheres of the rule of law and assert: *“An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice.”*

The UN Basic Principles on the Independence of the Judiciary (1985) state:

“1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.

2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”

Together, these Commonwealth statements and international instruments underline the fundamental importance of judicial independence.

At the 23rd Commonwealth Law Conference (CLC) 42 Bar leaders from around the Commonwealth expressed their unanimous approval for the Commonwealth Bar Leaders' Goa CLC 2023 Declaration. This stated in the preamble *"that an independent judiciary is critical to dispensing fair and impartial justice and ensuring public confidence in the criminal and civil justice systems and the administration of justice"* and recorded that *"the independence and impartiality of the judiciary must be upheld and protected by governments, including under domestic laws, regulations, and policies."*

The CLA notes that, in an open society, judges may be criticised for their conduct in a manner that does not challenge the rule of law. Such criticism must not diminish, however, public confidence in the judiciary. The threat of deportation goes far beyond reasoned public criticism and can cause palpable damage to public confidence in the judiciary. It is therefore disappointing that the Prime Minister has not retracted his statement. The CLA encourages further public clarification that concerns regarding public safety, sentencing outcomes and criminal justice effectiveness should be examined through constitutional, institutional and appellate processes.

The CLA also notes the Prime Minister's proposal that an independent review be undertaken concerning firearm sentencing, repeat offending and wider criminal justice coordination. The CLA considers this to be an appropriate and constructive proposal and acknowledges the standing and experience of the distinguished proposed members of the review Committee.

The CLA strongly urges Prime Minister Browne, in confirmation of a commitment to the rule of law, to withdraw the highly damaging remarks he made during the National Security Meeting.

These remarks are particularly regrettable in the period before Antigua and Barbuda hosts the Commonwealth Heads of Government Meeting this year. A full retraction and genuine expression of regret would help restore confidence that the host of CHOGM remains committed to the core democratic principles reflected in the Commonwealth Charter and to the rule of law in a democracy.

The CLA urges the Prime Minister and the Government of Antigua and Barbuda to:

- Uphold, preserve and protect the independence of the judiciary;
- Publicly affirm that no immigration or other executive power will be used to influence, intimidate, punish or remove a judicial officer because of decisions made in the lawful exercise of judicial office;
- Respect the jurisdiction, duty and functions of Judges in the discharge of their judicial powers;

- publicly re-affirm that concerns regarding sentencing policy and criminal justice reform will be pursued through constitutional, institutional and appellate processes, with full respect for judicial independence and the separation of powers;
- Formally withdraw, in writing to the Eastern Caribbean Supreme Court, the highly damaging statements made during the National Security Meeting on 10 August 2026, and desist from repeating such statements that offend principles of judicial independence;
- Allow the proposed independent commission to act independently;
- encourage respectful and constructive dialogue regarding criminal justice reform, sentencing policy and public safety.; and
- Ensure that the Prime Minister and Government act consistently with the Constitution and Antigua and Barbuda's international obligations as well as adhere to the rule of law.

The CLA reaffirms its commitment to the Commonwealth's shared values of democracy, the rule of law, judicial independence and respect for constitutional governance, and stands ready to support efforts directed towards strengthening both public confidence in criminal justice systems and the institutions that protect the rule of law.

18th August 2026

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. commonwealthlawyers.com