



Statement of Concern regarding the Administration of the Caribbean Court of Justice

The Commonwealth Lawyers Association (CLA) is an international professional legal organisation whose primary object is to promote the rule of law throughout the Commonwealth by ensuring that the people of the Commonwealth are served by an independent and efficient legal profession. The CLA works to maintain the honour and dignity of the legal profession and to promote the administration of justice and the protection of human rights in accordance with the principles enshrined in the Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) and the Commonwealth Charter (2013).

It is in this capacity that the CLA issues the following statement regarding recent developments at the Caribbean Court of Justice (CCJ).

Background

The CLA has noted with concern reports, first published in the Trinidad Express in August 2026, of leaked internal correspondence revealing serious allegations made by five of the six sitting judges of the CCJ against its President, Justice Winston Anderson.

A majority of the Court's sitting judges have reportedly accused Justice Anderson of authoritarian and dictatorial leadership, panel manipulation, and attempts to influence judicial opinions. Specifically, allegations concern the composition of judicial panels, the imposition of judicial dress codes, alleged efforts to influence deliberations and judicial outcomes, and engagement with political leaders in Guyana regarding substantive judicial appointments.

On 15 August 2026, Justice Anderson issued a statement rejecting allegations of panel fixing and of influencing judgments as "wholly untrue," while conceding that he may have handled the dress code matter "too strongly." He also acknowledged that he had engaged with political leaders in Guyana concerning judicial appointments to the positions of Chancellor of the Judiciary and Chief Justice and that looking back another course such as public statements would have been better.

Justice Anderson also announced that all future CCJ sittings would be conducted *en banc*, removing the basis for claims of panel manipulation, and undertook to consult with leaders of other regional courts on the dress code issue.

The CLA welcomes these steps as positive remedial measures, while observing that they do not fully address the broader concerns raised.

Caribbean heads of judiciary have issued a joint statement expressing "grave concern" about the breach of confidentiality but declining to comment on the merits of the allegations.

The CLA recognises, as the Caribbean heads of judiciary has noted, that the breach of judicial confidentiality is a serious matter. At the same time, the matters raise fundamental questions about judicial independence and institutional governance.

The CLA's position

The CCJ occupies a unique and vital role within Caribbean legal architecture, serving as both the final appellate court for those CARICOM member states that have acceded to its appellate jurisdiction and as the court with original and exclusive jurisdiction in matters arising under the Revised Treaty of Chaguaramas. Public confidence in the CCJ is essential not only for the states within its jurisdiction but for the supremacy of the rule of law across the Commonwealth Caribbean.

The CCJ is governed by the Agreement Establishing the Caribbean Court of Justice (Agreement), which entrenches specific safeguards for judicial independence and sets out the governance framework for the Court and the Regional Judicial and Legal Services Commission (RJLS or Commission).

The CLA observes that the allegations against Justice Anderson have been raised from within the Court itself, by five of its six sitting judges, and that such a development is exceptional and troubling. Without concluding on the merits of any of the allegations, the CLA considers that the following matters raise fundamental principles of judicial governance:

1. Judicial independence and impartiality

The UN Bangalore Principles of Judicial Conduct affirm that judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. Allegations of panel manipulation and attempts to influence judicial deliberations, if substantiated, would represent grave interference with the independence of individual judges and the integrity of the adjudicative process.

Further, Article IV (3) of the Agreement provides that “the Court may sit in such number of divisions as may be directed by the President but every Judge of the Court may sit in any division.” This provision vests considerable discretion in the President regarding panel composition, which makes the allegations of panel manipulation particularly significant, as such discretion must not be exercised to predetermine outcomes.

2. Propriety and the appearance of propriety

The Bangalore Principles require that a judge's conduct, both in and out of court, must maintain and enhance the confidence of the public, the legal profession, and litigants in the impartiality of the judge and of the judiciary. The Commonwealth (Latimer House) Principles emphasise that relations between the judiciary and the other branches of government must be conducted with mutual respect and in a manner that maintains the independence of the judiciary, and provide specifically that “interaction, if any, between the executive and the judiciary should not compromise judicial independence.”

The admission by Justice Anderson that he engaged directly with political leaders regarding judicial appointments in a specific jurisdiction raises serious questions of propriety, regardless of the motivation behind such engagement.

3. Institutional governance and accountability

The CLA recognises that the CCJ, as a treaty-based institution, operates within a specific governance framework. Under Article V(1)(a) of the Agreement, the President serves as Chairman of the Commission. Under Article V(3)(2), the Commission exercises disciplinary control over Judges other than the President. Under Article IX(5)(1), the President of the CCJ can be removed only by the Heads of Government on the recommendation of the Commission, following referral to a tribunal. Article IX(6) requires at least three Heads of Government jointly to refer the question of the President's removal to a tribunal.

These provisions create a structural challenge in the present circumstances: the President chairs the very body tasked with disciplinary oversight of other judges, while his own accountability is mediated through the Heads of Government.

The CLA therefore urges the Commission to adopt procedures that address any conflict of interest arising from the President's dual role, including by ensuring that the President is recused from any proceedings related to the current concerns. It is imperative that the RJCSC, as the body constitutionally mandated to safeguard the Court's integrity, fulfil its oversight function and address the concerns that fall within its jurisdiction through a transparent, fair, and expeditious process.

In light of the above, the CLA:

- i. Calls upon the institutions and authorities entrusted with responsibility under the Agreement establishing the CCJ to consider promptly, and in accordance with the procedures prescribed by the Agreement, what steps are necessary to ensure that the serious allegations which have entered the public domain are independently, fairly and promptly addressed;
- ii. Affirms that, while the CLA recognises the importance of judicial confidentiality, the substantive concerns raised must also be addressed through appropriate institutional processes, in the interest of public confidence in the Court; and
- iii. Stands ready to provide such assistance or to participate in such processes as may be consistent with its mandate, including engaging with any tribunal or other body established for this purpose, the Commonwealth Magistrates' and Judges' Association (CMJA), and other Commonwealth organisations in support of judicial integrity in the region.

The CLA reaffirms its commitment to the rule of law, judicial independence, and the integrity of legal institutions throughout the Commonwealth. It urges all stakeholders to approach this matter with the seriousness and transparency it demands, in the interest of justice and of the peoples served by the CCJ.

25th 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