

Privy Council judges to hear exiled prisoners case in Cayman

Prestigious court decamps to Cayman

By **James Whittaker** - October 20, 2022



Justin Ramoon at a site visit to the crime scene at the Globe Bar in George Town during his trial for murder (officers' faces have been deliberately blurred). - Photo: File

Five of the UK's top judges will be in Cayman next month for an historic sitting of the islands' highest court to determine if secret closed-door trials can be held for matters impacting national security.

The Privy Council – which is the highest court of appeal for Overseas Territories and some Commonwealth countries – will decamp from its Westminster headquarters to Grand Cayman on 15-18 Nov.

It will be the first time the court has been held in any British Overseas Territory and only one of a handful of occasions it has been held outside London, the *Cayman Compass* understands.



Lord Reed of Allermuir, president of both the Judicial Committee of the Privy Council and the UK's Supreme Court. – Photo: Submitted

Among the elite panel of judges flying in for the week-long session mid-November will be Robert John Reed, Lord Reed of Allermuir, the president of the UK's Supreme Court.

The three cases under consideration include the six-year saga of two brothers, Osbourne Douglas and Justin Ramoon, deported to the UK to serve life sentences for an “execution-style” gang murder.

The case, which involves complex human rights and national security issues, has already wound its way through the lower courts and was extensively reported by the *Compass* in our investigative ‘[Prison Papers](#)’ series.

Resolving an ‘untrialable case’

Dubbed an “[untrialable case](#)” by lawyers at earlier hearings, it raises fundamental issues about open justice and human rights.

The Governor’s Office in Cayman, citing reports that the brothers were planning an [armed escape](#) aided by hitmen smuggled into the jurisdiction from Jamaica, authorised their removal from Cayman.

Ramoon and Douglas argued the decision to transfer them from HMP Northward to maximum security prisons in the UK was based on flawed intelligence and unnecessarily separated them from their children, interfering with their fundamental [right to a family life](#).

The conundrum for the courts has been the governor’s claim – based on advice from prison and police chiefs – that the evidence justifying the decision could not be disclosed to the two men or their lawyers for [national security reasons](#).

The Court of Appeal sought to solve that impasse, ruling that a ‘[Closed Material Procedure](#)’ – a secret hearing behind closed doors, used in the UK for terror trials and other important national security matters – could be held in Cayman.

However, no explicit legislation for that type of hearing exists in the jurisdiction. And Ramoon’s lawyers argue that the case should be heard in public.

Prathna Bodden, of Samson Law, said the onus should be on the authorities to produce evidence to back up their claims or for Ramoon to be allowed to serve out his life sentence in Cayman.

She said there was no legislation or precedent for a Closed Material Proceeding to be held on the island. Hugh Southey, KC, instructed by Bodden, will argue the case in front of the Privy Council judges on 18 Nov.

“I think it is an important milestone for the jurisdiction to have the Privy Council come here and to see justice run to this level in this country,” said Bodden. “These are important, complex cases that have significant impact for the jurisdiction and it is great to be involved.”

Issues to be decided

Only Ramoon is appealing the decision. His brother is not involved in this hearing.

A **summary of the issues** to be decided, posted on the Privy Council website, indicates, “This appeal concerns the lawfulness of the appellant’s removal from the Cayman Islands to serve his prison sentence in England.

“It raises the following issues. First, whether the Grand Court of the Cayman Islands has an implied statutory power or an inherent power to hold a closed material procedure when determining claims brought under the Bill of Rights of the Cayman Islands.

“Second, if there is no power to order a CMP, what approach should the Grand Court adopt? Third, whether the appellant’s rights were sufficiently safeguarded to ensure compliance with the Cayman Bill of Rights when the challenged decision was taken.”

The Ramoon case is one of three that the elite panel of judges will consider.

One of the other cases involves a **dispute between partners** in a Chinese chain of convenience stores, with holding companies registered in Cayman. A third case involves **two disputed commercial property transactions** dating back to the 1990s.

Prestigious occasion

The holding of the court in Cayman, on 15-18 Nov., is expected to be a prestigious occasion and a significant moment for the jurisdiction.

Lord Reed, in a statement about the upcoming sitting, said that as the final court of appeal for the Cayman Islands, the Judicial Committee of the Privy Council hears cases “of profound importance to everyone across the island”.

He added, “My colleagues and I strongly believe that the experience of attending a court hearing in person should not be limited to those able to get to London. I am very pleased that people in the Cayman Islands will have the opportunity to see the Court in operation locally and I look forward to meeting members of the legal profession and law students.

“The JCPC is committed to being one of the most open and accessible courts in the world and, like all our hearings, the cases we hear in the Cayman Islands will be live streamed for everyone who cannot get to see us in person.”

As the final appellate court for the Cayman Islands, the Judicial Committee of the Privy Council, normally based in the UK, is, therefore, “as much our Court as it is (in the form of the Supreme Court) for the populations of the United Kingdom,” Chief Justice Sir Anthony Smellie said in the statement.

“The visit, therefore, signifies that the JCPC is an integral part of the Cayman Islands Justice System when it provides a final opportunity for judicial resolution of cases that may be appealed to it from the Cayman Islands Court of Appeal,” he said. “So, the visit really symbolises the connectivity and links among all our courts right up to the final appellate court for the Cayman Islands – the Judicial Committee of the Privy Council.”

Premier Wayne Panton said Cayman “benefits tremendously” from having the Privy Council as the islands’ highest court. “Across all areas of jurisprudence, including international financial services matters, it underpins confidence in our good governance. We eagerly look forward to welcoming the Privy Council on their first ever visit and sitting in the Cayman Islands,” he said.

What is the Privy Council?

The Judicial Committee of the Privy Council is the final court of appeal for the UK Overseas Territories and Crown Dependencies, as well as some Commonwealth countries, including the Bahamas, Trinidad and Jamaica.

In May this year, the panel of judges ruled that the Cayman Islands Constitution does not provide a right for same-sex marriage and ruled in favour of the Cayman Islands government by **dismissing the case** of same-sex couple Chantelle Day and Vickie Bodden Bush.

Why is it so important?

As the highest court for Cayman and multiple other jurisdictions, the court’s interpretations of complex legal matters become binding. Its decisions are final and can impact future cases and future legislation.

Who are the judges coming to Cayman?

The panel of judges that will hear the cases are among the most experienced in the UK.

They are:

- Lord Robert John Reed (Baron Reed of Allermuir) – president of the Supreme Court of the UK;
- Lord Patrick Hodge – Deputy president of the Supreme Court of the United Kingdom;
- Lord David Lloyd Jones;
- Lord Michael Briggs (Lord Briggs of Westbourne) and;
- Lord David Kitchen.

Where is it located?

The Judicial Committee of the Privy Council shares a home with The Supreme Court of the United Kingdom at Middlesex Guildhall in Parliament Square, London. The court has been held outside London on only a handful of previous occasions, in the Bahamas and Mauritius.

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