

Privy Council refuses to allow Cayman Government to hold secret hearings in prisoner transfer case.

Today, we have received the judgment of the Judicial Committee of the Privy Council (JCPC) sitting in the Cayman Islands, allowing our client's challenge to the Governor General's insistence on holding closed hearings of a judicial review.

In 2016 our client Justin Ramoon, was convicted of murder and possession of an unlicensed firearm and was subsequently sentenced to life imprisonment. In 2017, the Secretary of State for Foreign and Commonwealth Affairs (UK) authorised his transfer from the Cayman Islands to a prison in the UK, a country with which he had no ties, under the 'Colonial Prisoners Act 1884'. This has seriously impacted upon Mr Ramoon's ability to have a close relationship with his family, including his young son.

Mr Ramoon and his brother brought a judicial review of the decision of the Cayman Islands Governor to permit his transfer to the United Kingdom. During these proceedings, the Governor of the Cayman Islands and Director of Prisons (the Respondents) refused to disclose relevant evidence, claiming that it would undermine national security to do so.

The Respondents convinced the Court of Appeal that a Closed Material Procedure (CMP) should be held, allowing the court to consider evidence which was withheld from Mr Ramoon and his brother, excluding them from the hearings.

Appealing to the Privy Council, Mr Ramoon argued that there was no legal basis for the courts to hold a CMP and the resulting proceedings would be inherently unfair. During the appeal, the Respondents argued that if the Grand Court in the Cayman Islands could not hold a CMP, then Mr Ramoon's claim should be dismissed. The Governor argued it would be unfair for the court not to see the evidence which they refused to share with Mr Ramoon.

Today, the Privy Council have determined that it is "...*simply not open to [the courts] to invent a CMP for the Cayman Islands.*" The Board explained that due to the inherent unfairness of CMPs to individuals, Parliament is better placed to "...*assess the policy considerations relating to the necessity for such a procedure...and to make detailed procedural rules to regulate the procedure.*"

Dismissing the Respondents' request to strike out the claim, the Board held that the claim should now proceed to trial, solely on the basis of the material which the Respondents were willing to disclose.

Responding to the judgment Prathna Boddan of Samson Law said;

"This is a significant development in Mr Ramoon's long-running battle challenging the decision that he serve his sentence in the United Kingdom. We welcome the Privy Council's ruling that the government cannot hold secret hearings, without express authority. This is a victory for open justice and fairness in the courts of the Cayman Islands."

"The Privy Council's ruling that CMPs cannot take place without proper guidelines and defined procedure upholds important fair trial rights. Excluding individuals from trials should only ever be a last resort. We are pleased that this decision will create a fairer and more transparent justice system."

Full Judgement: [Justin Ramoon \(Appellant\) v Governor of the Cayman Islands and another \(Respondent\) \(Cayman Islands\) - Judicial Committee of the Privy Council \(jcpc.uk\)](#)

ENDS

Notes to editors

Court Sitting

This appeal was heard during the sitting of the Judicial Committee of the Privy Council (JCPC) between 15-18 November 2022, in the Cayman Islands. This was the first time that the JCPC have sat in an Overseas Territory of the United Kingdom.

Closed Material Procedures (CMPs)

A CMP is a procedure by which a government or public body is permitted to rely on evidence which is not disclosed to the other party to litigation, on public interest or national security grounds. A court will consider this evidence in “closed” sessions where the individual and their legal representatives are excluded from the hearing. In such circumstances, the court will appoint a “special advocate”, an independent lawyer who does not represent the individual, but who is permitted to see and comment on the closed material, independently from the public body.

The Legal Team

The appellant was represented by Hugh Southey KC (Matrix Chambers), Prathna Bodden (Partner at Samson Law Associates) and Saul Lehrfreund of SMB, London.

For more information please contact Prathna Bodden at Samson Law on pbodden@samsonlaw.ky