



COMMONWEALTH OF DOMINICA

MINISTRY OF NATIONAL SECURITY AND HOME AFFAIRS

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9th June 2020

Dame Janice M. Pereira, DBE
Chief Justice
Eastern Caribbean Supreme Court
P.O. Box 1093
Castries
Saint Lucia

Dear Chief Justice

**Re: Various Petitioners v Various Elected Representatives;
Case No. DOMHCV2019/0307**

I am writing with a deep sense of concern and foreboding for the likely serious detriment to the integrity of the Court and justice system which led to Orders made by Her Ladyship, Hon. Justice Birnie Stephenson "without hearing ex proprio mutuo", in which Her Ladyship recused herself "from all the Election Petitions involving different parties but carrying the same suit number aforesaid."

It is my understanding that Her Ladyship's action may well have been prompted by a hostile, public, and pejorative campaign against Her Ladyship on public radio, and demands that Her Ladyship recuse herself from this case. By all appearances, this campaign was calculated to instil fear and other questionable influences unconnected with and antithetical to the interests of justice over the High Court, and to undermine the integrity of the Court and Her Ladyship.

This risk setting an extremely disturbing and regrettable trend, especially for small jurisdictions such as ours. The critical public interest question which however now arises is who could or should replace Madame Justice Stephenson.

The other Judge in Dominica is a national of Dominica, was a former Solicitor General under a Roosevelt Skerrit led administration, and was for a number of years immediately prior to her appointment to the Bench, in private practice in Dominica. Quite apart from any issue which may arise from her former post as Solicitor General and private practice engagements, it is highly likely that Her Ladyship would be familiar with persons who are interested in these petitions and applications to strike. Also, these petitions and applications to strike concern highly contentious political matters, as is evident from the hostile public attacks against Her Ladyship, Hon. Justice Stephenson.

Consequently, in the interests of justice not merely being done but being seen to be done, I would respectfully suggest that Your Ladyship may wish to consider assigning a Judge from outside of the jurisdiction of Dominica, to hear these applications to strike, and if necessary, the petitions. In my respectful opinion this would best serve the interests of the High Court and public. I should add that to do so would not be departure from precedent as this has previously been done in Dominica for the petitions and strike out applications following the 2005 and 2009 general elections.

I await Your Ladyship's response in this extremely important matter.

Respectfully



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HON. LEVI A. PETER
ATTORNEY GENERAL

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