

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE
NINTH PARLIAMENT OF GUYANA (2006-2007)**

FIRST REPORT

OF THE

COMMITTEE ON APPOINTMENTS

**IN RELATION TO THE APPOINTMENT OF MEMBERS OF THE
JUDICIAL SERVICE COMMISSION**

**COMMITTEES DIVISION
PARLIAMENT OFFICE
PUBLIC BUILDINGS
GEORGETOWN**

10th MAY 2007

FIRST REPORT

1. Introduction

1.1 The Standing Committee established under the Constitution to address matters relating to the appointment of members of commissions, pursuant to article 119C of the Constitution and under the provisions of Standing Order No. 84, has agreed to the following as its First Report -

Members of the Committee

1.2 At a meeting of the Committee of Selection held on 14th December, 2006, the following Members were nominated to the Committee on Appointments to address matters relating to the appointment of Members of the Commission:

Members from the People's Progressive Party/Civic:

- (i) The Hon. Dr. Leslie S. Ramsammy, M.P
- (ii) The Hon. Robert M. Persaud, M.P
- (iii) The Hon. Brindley H.R. Benn, M.P
- (iv) The Hon. Priya D. Manickchand, M.P
- (v) The Hon. Jennifer I. Webster, M.P
- (vi) Ms. Gail Teixeira, M.P.

Members from the People's National Congress/Reform - 1 Guyana:

- (i) Mrs. Deborah Backer, M.P
- (ii) Dr. George A. Norton, M.P
- (iii) Ms. Amna Ally, M.P

Member from the Alliance For Change:

- Mrs. Sheila Holder, M.P

2. Election of Chairman

2.1 The Committee, at its first meeting held on 21st December, 2006 unanimously elected Ms. Gail Teixeira, M.P. as its Chairperson.

3. Terms of Reference

3.1 The Committee, by Resolution No. 17 passed on 8th May, 2003, by the National Assembly was entrusted to discharge the following functions in relation to the appointment of a member of the Commission established under the Constitution -

- “(a) identify appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultations with them and, where necessary, receive nominations from appropriate bodies;
- (b) make recommendations to the National Assembly
 - (i) for a consensual mechanism for the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous Peoples’ Commission and the Rights of the Child Commission;
 - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission; and
 - (iii) in connection with any other matter referred to it by the National Assembly from time to time.
- (c) report to the National Assembly in relation to each Commission as soon as possible upon the discharge of its function in relation thereto.”

4. Mandate

4.1 The Committee was mandated by Article 198 (2) (b) of the Constitution in relation to the Judicial Service Commission to nominate for appointment by the President:

“not less than one and not more than two from among persons who are not attorneys-at-law in active practice, after the National Assembly has meaningfully consulted such bodies as appear to it to represent attorneys-at-law in Guyana and signified its choice of members to the President.”

5. Meetings of the Committee

5.1 The Committee held a total of eight (8) meetings, as follows:

List of Meetings	Dates of Meeting
1 st Meeting of the Committee	21 st December, 2006
2 nd Meeting of the Committee	10 th January, 2007
3 rd Meeting of the Committee	27 th February, 2007
4 th Meeting of the Committee	20 th March, 2007
5 th Meeting of the Committee	27 th March, 2007
6 th Meeting of the Committee	17 th April, 2007
7 th Meeting of the Committee	24 th April, 2007
8 th Meeting of the Committee	2 nd May, 2007

6. Judicial Service Commission

6.1 The Committee acknowledged its task in relation to the appointment of Members of the Commissions as outlined in Resolution 17 passed on 8th May, 2003 agreed to utilise the consensual mechanism approved by the National Assembly to deal with appointment of the Members to the Rights Commission for the purpose of nominating Members of the Service Commissions.

6.1.1 The Committee at its 3rd meeting held on 27th February, 2007 proceeded to consider the Judicial Service Commission. It agreed that the following associations appeared to it to represent attorneys-at-law in Guyana, and decided that each Association be invited to submit nominations for the appointment in accordance with article 198 (2) (b) of the Constitution:

- (i) Guyana Bar Association
- (ii) Guyana Association of Women Lawyers
- (iii) Guyana Association of Legal Practitioners
(formerly the Berbice Bar Association).

6.1.2 The Associations were advised that the Committee would have no objections were they to consult with each other on their nominations.

6.1.3 On 28th February, 2007 invitations were dispatched to the Associations and they were given the date of 15th March, 2007 for their nominations to reach the Committee.

6.2 Nominations by the Guyana Association of Legal Practitioners

6.2.1 On 15th March, 2007, the Guyana Association of Legal Practitioners submitted the name of **Justice of Appeal (retired) Mr. Prem Persaud**, as its nominee. However, it was brought to the attention of the Committee by one of its members that some members of the Association alleged that they were not knowledgeable of consultations held with all the Members of the Association.

6.2.2 As a result, the Committee decided that this be brought to the attention of the Secretary of the Association and that he be requested to provide it with a description in writing, of the process or procedure used to select the nominee, and, if a meeting was held, to include the date it was held. This information was provided in the Association's response dated 2007-03-30 which the Committee accepted.

6.3 Nominations by the Guyana Bar Association

6.3.1 The Guyana Bar Association responded on 15th March, 2007 informing the Committee that they had consulted with the Guyana Association of Women's Lawyers and that they agreed on the following nominations:

- (i) NAME: **Mr. Brynmor Thornton Inniss Pollard, C.C.H., S.C.**
OCCUPATION: Attorney-at-Law

- (ii) NAME: **Professor Harold Alexander Lutchman**
OCCUPATION: Attorney-at-Law

6.3.2 The Committee examined the names submitted. The Government side expressed concern that whilst it had nothing against the nominees themselves, the nominations did not appear to reflect a balance or sensitivity in relation to gender, ethnicity, geography, and/or religion as provided for in the Constitution of Guyana. The Committee, after discussion, decided to ask the Association to review the list of nominations in order to address its concerns.

6.3.3 The Association was also advised that it could submit more than two nominees, from which the Committee would select "not more than one and not more than two" in keeping with its mandate.

6.3.4 The Guyana Bar Association, in its response by letter dated April 4th 2007, submitted the following additional names:

- (i) NAME: **Sandra Veronica Bart**
OCCUPATION: Legal Officer/ Attorney-at-Law

- (ii) NAME: **Aubrey Fitz Ronald Bishop**
OCCUPATION: Professor of Law

6.4 Guyana Association of Women's Lawyers

6.4.1 The Committee noted that the Guyana Association of Women's Lawyers had not responded to its invitation to submit nominations. However, the Guyana Bar Association had indicated that they had arrived at their nominees after consultation with the Guyana Association of Women's Lawyers. The Committee then in writing requested that the Guyana Association of Women Lawyer's confirm the nominations in writing.

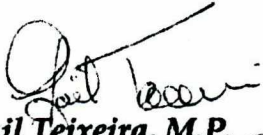
6.4.2 The Association has to date not responded.

7. The Committee's Selection Process

7.1.1 The Committee continued examination of the names before it and at its meeting on 17th April unanimously agreed to **Mr. Brynmor Thornton Inniss Pollard** being one of its nominees to the Judicial Service Commission.

7.1.2 At its April 24th meeting the Committee, by a majority vote, agreed to **Justice of Appeal (retired) Mr. Prem Persaud** as its second nominee.

7.1.3 The Committee now reports to the National Assembly that it has meaningfully consulted the Guyana Association of Legal Practitioners, the Guyana Bar Association and the Guyana Association of Women's Lawyers, bodies that appear to it to represent Attorneys-at-Law in Guyana, and recommends that Mr Brynmor Thornton Inniss Pollard, C.C.H., S.C., and Justice of Appeal (retired) Mr. Prem Persaud, C.C.H., be signified as the Assembly's choice to the President for appointment as Members of the Judicial Service Commission.



Gail Teixeira, M.P.
Chairperson

Committee on Appointments

3rd May, 2007