

Situational Analysis of Investigative practices in Law Enforcement that undermine justice in Belize



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Part 1: Overview of Investigative Mechanism

Reports of domestic violence between 2016 and 2018 was 6393 cases, but 70% were eventually dropped, the report does not explain why¹. With 71% of LGBT murders happening in urban areas and only 31.7% of our collective cases closed under the human rights Observatory ending 2019. The relation between systemic bias, under-investment of enforcement systems and trauma, clashes with the culture of impartiality of the judiciary.

Though the state has invested in systems like The Office of Ombudsman, the Police Standard Branch, and the judiciary. The state does not initiate the advancement of protection without help to find the resources, an advocacy driver, and a political champion. Our judiciary gives citizens the option of holding a private or public authority accountable, but forces enforcement of constitutional violation unto the back of the of the aggrieved citizen. While constitutional matters are handled at the Supreme Court, The Court of Appeals and the Caribbean Court of Justice, it is the prosecution branch, forensic, ombudsman office and the police standard branch, CIB that supports investigative processes of duty bearers when violations occur. Interestingly, the process of one arm of government supporting the next arm of government is slow and inconsistent. For the Court may make a decision, but the government may take its time. Former Chief Justice alluded to the structural difficulties of maintaining the judiciary budget in 2019 and the need for supplemental income, setting the stage for the difficulties in the system of investigation. He said,

“For the fiscal year 2018, 2019 which terminates at the end of March 2019 the sum of \$10,061,754 has been allocated to the Judiciary. This represents a

¹ [Gender based violence report 2019](#)

percentage of 0.957 of the National Budget which is a decrease from the period 2017, 2018. Words are not enough to demonstrate gratitude to our partners just to name a few: Unicef, UNHCR, OAS, US State Department through the Embassy of the United States in Belize. The Swiss Embassy in Mexico, the National Committee for Families and Children, Human Trafficking Institute and the Duris Project funded by Global Affairs Canada. As we await the appropriations for 2019, 2020 it is hope that the anticipated constricting of funds does not significantly impact the ability of the courts to deliver on the constitutional mandate².

With a total of 1,225 employees, including 1073 police officers, questions abound about capacity to investigate violent crime, manage trauma and follow-up with victims of crime. Absent in is a trauma inform approach to investigation and the delivery of justice as it clashes with the court value of impartiality. This paper will examine the biases of the system, weaknesses and opportunities for strengthening to shape the ingredients for a victim advocacy framework.

² [Kenneth Benjamin](#)

Part II: Literature Review

In a protocol developed for Belizean judicial officers, it was found while 93% believe the protocol was very or extremely important, and 100% of judicial officers agree for the need to identify their gender biases when adjudicating cases. It was found, however, that 60% believed that women should generally be given custody of their children and 67% believed that men's primary role was to provide financial support to the family. Reflecting deep seated stereotypes regarding the proper role of men and woman.

Interestingly, 14% believed that women who dressed in skimpy clothes were more likely to be sexually assaulted; 67% believing, women in abusive relationships, should simply leave the abusive partner; 33% believing that sexual assault victim's previous sexual history with the accused is an important factor in determining whether accused believed the victim was consenting. With regards to being gay, 80% said they did not have a problem, but 40% would be uncomfortable with their son or daughter being gay, 32% believe gay people should practice their gay identity in private and 67% think homosexuality is against God's law.

When the data is looked at for women empowerment and men being beaten, 33% think the empowerment of woman has led to men being marginalised while 13% think less of men who are beaten by their partners. Suggesting that gender analysis and adjudication is an important aspect in the delivery of justice. The protocols call for the following:

Identify whether there is an unequal power relationship at play, and if any person involved is facing a situation of vulnerability or of formal, material, and/or structural inequality.

Apply strict scrutiny if suspect classes, such as sex, gender and/or sexual preference or orientation, are implicated.

Pay particular attention to cases in which two suspect classes overlap – such as sex and socioeconomic position – and that occur in contexts such as poverty, homelessness and migration.

Read and interpret the facts without discriminatory stereotypes, and take into account any contextual inequality already identified.

Question the supposed neutrality of laws or norms and evaluate disparate impacts that facially

neutral laws may impose.

Determine whether stereotypes are reinforced or relied upon in the law, norm or behaviour of

authorities, and make sure to combat those stereotypes in the judicial decision.

Establish the proper legal framework by applying the principles of equality and non-discrimination.

as identified in domestic law, the terms of international human rights treaties, general observations

from UN treaty-monitoring bodies, including General Recommendations, or Merit Reports from

the Inter-American Commission on Human Rights.

Provide holistic and comprehensive remedies to 1) adequately address all of the different types of harm caused by unequal power relations as well as vulnerabilities and inequalities, which are the result of sex, gender, sexual orientation, race, age, socio-economic position or other social status; and 2) support the ability of the affected individual to achieve her/his life's project or purpose³.

While 73.3% of judicial officers who answered the survey were female magistrates. The combined effects of gender biases and the ideals of paragraph (e) of the preamble and section 3,6(1) and 16 of the constitution which guarantees rights of equality and protection under the law remains in legal tension. Laverne “antichrist” Longworth case makes an interesting point who on July 15th, 2010 got into an argument with her

³ [Justice through a gender lens](#)

common law husband and set him on fire. The news interviewed Ms. Longworth and she said,

...“I noh know weh happen. Tuesday I get up and I gone work and I deh out deh so my face just get swell up. I gone dah hospital Thursday and dis dah di outcome ah mi face right now. Nobody no throw nothing pan me as weh dehn seh dat somebody throw acid pan me. Nobody no do me nothing. He always thief mi things and I always have to go pay back fi get back mi things dehn. Sometimes dah problems when I go fi get back mi things dehn from people cause dehn halla he neva lef it deh. Dehn would ah lie or when I do get it back if I get back my phone, I noh get back di chip. Every time I have to pay fi get my thing dehn. Many times dah night I would ah di sleep and have to get up fi look fi something cause he ker it. One and two time we mi fight and so wah time he mi beat mi bad inna mi face fi five dollars. I wah neva forget dat because mi son mi deh da jail. Three weeks mi eye mi shet down weh ih beat mi fi mi five dollars⁴.”

Alluding to the incident the night of throwing kerosene on her common law husband

David White, she said:

“Ih no beat me, ih only haul di knife after me and dah he bring di gas inna di room because he always do it. I sorry fi weh happen because dah me wa take di licking now.”

When ask if she should have a lesser charge, she said:

“Definitely. I noh want get charged wid murder; I no mind get charge fi di manslaughter. At least I could get bail and deh out yah fi help my pickni dem. But if I go to jail who will help dehn? Right now my son fi get bail Friday, I noh even know if dehn wah give ah bail. Me dah ma and pa fi my three pickni dehn.

The public got into the case and made their comments accordingly regarding David

White mother efforts and the victim motive:

Just because Miss Thompson is persistent is not a good enough reason to let her have her way. Despite the death of her abusive son, someone still managed to beat up Lavern after his family threatened her. Dickey, help a sister out.

Lavern did the right thing when she set the !@#\$%^ on fire, she sure got my vote. C'mon Lavern, the bloody marks on your face clearly indicates that

⁴ [Lavern Antichrist Longworth](#)

someone battered you, violently. Amnesia? Seek justice. I hope that she will be charged with a lesser charge if any at all, her no good man abused her, and now the court system is replaced by her no-good man. The mother of David White need to back off, because her son was just like her, soul-less.

This is what happen when domestic violence get out of control. This man bring in the knife and the gasoline to intimidate this woman but that day he was the one to get his last deserts! I bet he neva think she would turn the tables on him. This is self defense and any time she would have gotten should be listed as time served for all the @\$ \$ licking she tek from that now dead scum of the earth

In 2014, the battered woman's syndrome argument was used at the Belize Court of Appeals, that resulted in her charges being reduced to manslaughter after being sentence to life in prison. The evidence presented in the form of affidavits from two experts, Doctor Gillian Mezey, a British based forensic psychiatrist concluded that Longsworth possessed a history and behaviour consistent with Battered Women Syndrome and that at the time of the offense, that condition would have affected her perception, judgment, emotional and behavioural control. Doctor Amy Jex, a local psychologist reaffirmed those views⁵. Ms. Longsworth sentence was reduced to 8 years in prison. Having served 4 years already, she was given four and a half years more⁶. The death penalty project supported Ms. Longsworth rights for a better defence.

The Death Penalty Project notes the following:

Lavern's case was the first instance of a court in Belize accepting Battered Woman Syndrome as part of a defence to murder. It established a legal precedent that has since allowed other women in similar situations to challenge their murder convictions⁷.

While Ms. Longsworth trauma was acknowledged in court, her case showed its insidious nature and the difficulties of giving life to the right to equality before the law.

⁵ [Murder conviction reduced](#)

⁶ [Court of Appeals quashed decision](#)

⁷ [Death Penalty Project](#)

LGBT Belizeans are not acknowledged in any law since 1981. Despite the final decision on section 53 on December 2019 and Justice Samuel words below:

Including sexual orientation gives the word sex in ss. 3 and 16 of the Constitution a purposive and generous meaning for protecting human rights. Accordingly, we hold that s. 53 of the Criminal Code is a law which discriminates based on sex, which includes sexual orientation and is discriminatory against the respondent Orozco, a homosexual. The section is inconsistent with ss. 3 and 16 of the constitution and is void to that extent⁸.

While the Belize Court of Appeals reaffirmed the decision of section 53 by the Chief Justice about constitutional violations, based on dignity (ss3), right to equality before the law (ss6), privacy 14, freedom of expression (ss12) and non-discrimination (ss16). It is noteworthy that the Court has no enforcement mechanism that ensures that parliament enact its ruling. While it may have acknowledged for the first time in Belizean law that sex includes sexual orientation, and that L.G.B.T Belizeans have a right to equality before the law, there is no time stamp on applying the ruling to new legislation or work to revise old ones. The result is systemic impasse, as the attorney general office depends on cabinet for instructions, no instructions, means no action. This impasse showed when the Equal Opportunities Bill was finally tabled in cabinet, but not to parliament, it offered an example of secular vs theological clash in our governance, arguably, demonstrating bigotry in our governance. The news coverage from former PM Barrow highlights the point.

“By and large, Cabinet felt that this is a good bill, this is a necessary bill, it’s an overdue bill and Cabinet was very upset at having to make the decision not to proceed with it. Why did that decision come? The churches, principally, and I am not talking about the Evangelical Churches, We always knew what their position would be and I think we were prepared to contest that on the basis to clear up the misconception that they obviously had. It was never any question of

⁸ [Belize Constitutional Challenge](#)

trying to rush through the bill on the same day to do the three sittings at once. And so we felt that since there would be time for people to make their views known at a House Committee meeting, we were handling it the proper way, but Monday night, before the Tuesday Cabinet meeting, Bishop Philip Wright from the mainstream churches, from the Belize Council of Churches messaged me to say that they could not, the Council of Churches could not support the bill as it now stands. That's game set and match. We're not going to go against all the churches, the Evangelicals plus the Belize Council of Churches⁹."

Additionally, the church reaction about the E.O.B was premised on bigotry and entitlement, the former chair for the National AIDS Commission points out the following in a channel five interview in 2020 the following:

The issue for the evangelicals must be and they told us what the problem is. There is one single problem. In the consultations in January, we were told. It was recorded. We have the recording. They recorded it, brought their recording in our consultations in Belmopan which were wonderful at the end of the day. Because they said, they said it to me 'if you remove anything that has to do with gender, anything that has to do with sexual orientation, anything that has to do with LGBT. If you remove those sections, we will endorse the bill'.

While bigotry shapes the advancement of protections in our parliamentary system of governance, that bigotry trickles down to frontline duty bearers in the delivery of justice. A process that discourages formal state support of victims of violence who are LGBT Belizeans in preventive or curative action that impairs confidence in the system and amplifies trauma. There is no hate crime legislation, based on femicide, sexual orientation or gender identity, thus, no legal obligation to investigate or consider in sentencing.

One example of unequal treatment when reacting to gender base violence is the Garcia vs Middleton case. In 2016, Jason Garcia pleaded guilty to common assault, the problem with this case is that it was not handled under the domestic violence act, but

⁹ [PM Barrow Explains EOB Decision](#)

under the criminal code. Despite section 6 speaking to equality before the law and section 16 speaking to non-discrimination. The Court in its infinite wisdom saw no value in applying these rights to the treatment of the case. Judicially, it was not given that function. The case highlights unequal treatment under the law in the following way:

Jason Garcia pleaded guilty to common assault and damage to property yesterday in the Magistrate's Court. Garcia was charged for beating his male friend, Maurice Middleton, and setting his laptop, valued at \$600, on fire.

According to Middleton, Garcia punched him in the back of his head and stomped on his stomach before leaving and sending a text to end the relationship. Garcia was charged \$300 for common assault, and \$600 in compensation for the burnt laptop¹⁰.

Additionally, femicide is not a term used in our criminal code, there is no hate crime legislation, even when crimes between same sex couple is reported, legal gaps remain, the factors that amplified vulnerability is ignored and services available are limited in scope. The uniqueness of same sex gender base violence cases is reflected in the case of Pamela Perez murder in 2012 amplifies the point of legal inequity under the law,

A Santa Elena woman is in police custody for the murder of her partner, Pamela Perez, a Honduran national who was once married and is the mother of three children. The murder happened on Saturday night at a bar owned by Rosalia Castillo where she allegedly stabbed Perez in a fit of jealousy. Police are considering the murder a crime of passion. If it is, then it will be among the first such cases involving female same-sex partners¹¹.

Confusing report came out that it was Castillo was the victim, the news report pointed out the following,

Friends of Castillo have said her partner was abusing her. But police found that there was no suggestion of Castillo being a victim of abuse - in fact there were statements which portrayed her as the aggressor.

¹⁰ [Man Guilty of Trashing Laptop of male friend](#)

¹¹ [Pamela Vasquez](#)

Those familiar with the couple say they had a long history of violent arguments - and they'd had an argument that day - with Castillo allegedly accusing the deceased of owing her money.

Police say when they visited Castillo's house on the morning after the murder, they found her with scratches to her cheeks, an apparent cut wound to the right hand and bruises on both arms¹².

As the case was tracked to 2016, the Court of appeals dismissed the case submission which upheld the manslaughter charges against Rosalia Castillo in 2016¹³. What is interesting is that the news misnamed the victim in this case. An oversight, maybe, but telling! She left behind children, but the perpetrators actions demonstrate that violence is about a display of power to injure. Replace Rosalia Castillo, with a man and the effect is the same. The grief generated remains unseen, the trauma of the family loss remains undocumented and this case, simply becomes a single data point in the state crime observatory report.

When respect for the rule of law is merged with the judicial system lack of understanding of trauma, as a mitigating circumstance, amplification of mistreatment towards the victims is sustained in the system. The case of Ms. Longworth took a foreign Death Penalty Project to restore some of her rights which state services ignored in the adjudication decision in the Belize Supreme Court. The interplay of factors within our social infrastructure of violence, generational violence, the inadequate response of the state and victim's trauma play a critical role in promoting and sustaining gender-based violence cycles.

Ms. Longworth trauma shows up when she said, “Ih no beat me, ih only haul di knife...” a comment which seems to minimise the effect of a potentially violence

¹² [Lily Charged](#)

¹³ [Court of Appeals uphold manslaughter conviction](#)

moment on the psychology of their woman. The case highlighted that it was the first to used battered woman's syndrome. But what is BWS?

BWS has been identified as a subcategory of posttraumatic stress disorder (PTSD).⁸ Although not all battered women meet all the DSM-IV-TR criteria for PTSD, enough do; thus, a form of trauma treatment is most helpful¹⁴.

With battered woman syndrome, a woman may develop a learned helplessness that causes her to believe she deserves the abuse and that she can't get away from it. In many cases, its why women don't report their abuse to police or avoid telling friends and family what's really going on.¹⁵

We do not really discuss psychological trauma in our system nor define interventions for perpetrators and victim alike. Generally, it is damage caused to a person, because of one or more distressing events which caused overwhelming amounts of stress that exceeded the person's ability to cope or integrate the emotions involved, eventually leading to serious, long-term negative consequences¹⁶. While A trauma trigger is a psychological stimulus that prompts recall of a previous traumatic experience. The stimulus itself need not be frightening or traumatic and may be only indirectly or superficially reminiscent of an earlier traumatic incident, such as a scent or a piece of clothing. Triggers can be subtle and difficult to anticipate. A trauma trigger may also be called a trauma stimulus, a trauma stressor, or a trauma reminder¹⁷. Missing in the conversation as well, is that women are not homogeneous in their needs and economic position. They are attacked directly and indirectly through their children.

The point is made when that Sheline Martinez, homeless and pregnant, was stabbed and killed in Dangriga, Stann Creek in in 2010. The police reported the following:

¹⁴ [Battered Woman Syndrome](#)

¹⁵ [BWS](#)

¹⁶ [Psychological Trauma](#)

¹⁷ [Trauma trigger](#)

On the steps, we found a young lady apparently dead noh. Initial investigation shows she had some stab wounds to her body and to her head. She usually sleeps by the bus stop on George Price Avenue and apparently somebody went and attacked her there drag her to a unfinished construction underway and eventually she made her way somewhere to the steps where she was found. It is believed that she has also been raped because of some items that were found on the scene after we processed the scene, so we believe she was raped. As well information revealed that she was six to seven months pregnant¹⁸.

The commentary from the public was brutal , one person said,

Only a mad animal could commit this crime — and the perpetrator should be treated the same way. The good people of Dangriga should race the police to see who gets to the criminal first!

Another person commented,

Did this woman choose to live in the streets or did she have mental problems which were not being addressed which also left her vulnerable to predators? No one should die this way but she is in a better place. R.I.P.

A third person commented,

100% correct. How would this woman knowing she is pregnant choose to live in the street? Clearly she was either mentally disturb or she was an addict and in both situation was vulnerable to these animals. It is sad to say but the level of crime against women and children in our society tells a hell of lot about Belize. I don't want to be hard on anyone but all the people around this girl failed her. I am sure you have your side of the story but if no other time to protect a woman was when she was carry another life. NO ONE CHOOSE TO LIVE IN THE STREET, what utter nonsense.

The social infrastructure of violence includes, victim shaming, family blaming, and outline the limitation of mental health services or mitigation services for children and women. “All the people around her failed her,” vs “did this woman choose to live on the streets” are a social system of emotional reactionary points that is after the fact, add the insufficient curative or preventative systems operated by the state or civil society, systemic violence by deficiencies completes the loop of violence sustained by the state and reinforced by the perpetrator. In addition, we speak of women and girls, but not

¹⁸ [Pregnant and homeless](#)

much about children and the impact that violence has on them as they grow into adulthood.

Adulthood and professionalism go hand in hand when discussing symbols of the state systemic biases against persons they deemed inferior to them. The LGBT and homeless individuals come to mine. One case in in 2016 highlights systemic biases that shaped the way ordinary citizens are treated. The case of homeless man and woman, the Amandala coverage spoke of,

BELMOPAN, Cayo, Mon. June13, 2016–The unconscionable sexual exploitation of a homeless man and a woman...Reports to our newspaper allege that the persons were bribed with a glass of Coca-Cola to perform explicit, and in some instance's unnatural sexual acts, as a group of persons watched¹⁹.

This was not the first time, this happened, in 2020, again, a man and a mentally challenged woman was recorded allegedly having sex, but the man explained,

*“Me and this young lady mi just di stand by this cement building, you know, and after that me and she just pursued and we tek wahn lee walk eena di building, look ‘round. So by coming out, di officer dehn haul up pan me and di young lady and dehn ask we weh we di do deh. We tell dehn we noh di do nothing. So di officer she “What, da wahn man and wahn young lady. Ih look like unu mi di have sex.” So I tell di officer, “No mein.” So di officer tell me, da sex unu mi di f*cking got so just continue, you know. So me and dis young lady perform like we di have sex but fi be honest, nothing neva really mi di happen. I sih di officer tek out ih phone and start to video we like, yo. One minute when I notice... Yo when we leff di place, I deh spiral pan video, I deh all about me and this young lady, di seh dat I really have this young lady, di chance this young lady because this young lady really cyant help ihself and fi be honest da nothing like that. So I woulda wahn di police dehn listen up and undastand weh I got fi seh to dehn because my lawyer deh right ya with me. That’s all I got fi seh boss²⁰.”*

Interestingly, this case happened during a state of emergency to stop the spread of the COVID 19. We do not often speak about systemic intimidation which amplifies the effect

¹⁹ [Perverse video](#)

²⁰ [Police force man and women to have sex](#)

of gender base violence by the hands of the state, but this case offers an example about duty bearers biases and lack of respect for the rule of law and the dignity of citizens. It offers an example of comradery culture which amplifies inequity and inequality in our justice system.

Finally, we looks at cases involving men and women, cases that are amplified by symbols of the state, but we have not looked closely at the intersection of sexuality, adulthood and family violence. The case of Emil Escalante highlights that gender base violence is nuance in its experience between victims and perpetrators alike, the victim died in 2020, but the reports of the case as factors that may have aggravated the situation. The officer in the case said,

"This morning sometime around 6:45 a.m., Orange Walk police were called to the cemetery on San Antonio Road in Orange Walk Town where they observed a tomb that was opened along with a casket which was beside the tomb and the human remains of Emil Escalante. The family was informed and I believe the issue was taken up and he was buried back²¹.

It was noted that by the police officer,

A death certificate was issued by the attending physician, so we also heard of some information that he was beaten up, but as far as we know no report has been made to the police neither by himself nor by any of his family members.

The conundrum in this case is the victim was dead, there was accusation that he was beaten prior to his death by family members, but the police expected a report. Often, victims of gender-based violence do not make reports. This one was not between a man and woman in a relationship, nor was it a victim in a same sex relationship. What we do know is that his dead body was taken out of the tomb, desecrated and no one will ever know why. What makes a case like this difficult is if witnesses do not come forward,

²¹ [Family Grief over broken grave](#)

evidence is not given, victim advocates are non-existent, the police, unfortunately cannot move forward. In simply terms, no complaint, no evidence, no case.

Part III: Complementary Functions of the Court to support Investigations

Even with these layers of investigative unit, the administration of justice must be complemented with prosecution procedures and legal interpretation of laws in a complementary fashion. The issue of record keeping, now develops in investigative processes, upon an interview, the person quoted,

It was explained to me that the Magistrate writes notes about the case in a log book, but it's the bailiff who serves the summons, the Clerk of Courts who prepared the protection order and in cases of child abuse the prosecutor maintains his own filing system in the Prosecution Branch.

The Belize Family Court has the authority to operate by virtue of the Family Court Act Chapter 93 of the Laws of Belize Revised Edition 2003. The Belize Family Court was established on April 1, 1989 and has been in operation for the past eighteen years.

The Court plays a vital role oversee the administration of justice for family and juvenile justice matters. For example, The Domestic Violence Act #19 of 2007 delegates to the Family Court all cases of Domestic Violence with revisions in 2011²². In addition, the Magistrate Court deals with general criminal matters as well. Six summary jurisdiction **courts** (criminal) and six district **courts** (civil) are presided over by magistrates. To a large extent provides greater protection and assistance for victims of domestic violence in the ACT.

It has increased the power of the Court:

By increasing the duration of the orders from 12 months to 3 years

By including provisions for applicants in visiting relationships

By providing for officers of the Women's Department as

well as experienced and qualified Social Workers to make applications on behalf of victims

To direct a respondent to relinquish to the Police any firearm or other weapon which he/she may have on his possession or and which has been used in domestic violence.

²² [Family Court Act 2011](#):

To direct the respondent, applicant, child or any other person to receive professional counselling or therapy.

“Lower Court” a name also given to Magistrate’s Court deals with summary conviction offences. Belize has Magistrate Courts in each of the six judicial districts, however, because of the demographics and population size, three of these districts have additional courts functioning in separate towns and villages.

The Cayo Judicial District has three Magistrates’ Court, one in the Capital City Belmopan and the other two are located in the towns of San Ignacio and Benque Viejo. The Stann Creek Judicial District has two courts, one in Dangriga Town and the other in Independence Village and the Belize Judicial District besides the eight Magistrate Courts, and two municipal courts, has a Magistrate Court in San Pedro Town which serves the neighboring islands.

Any action by an individual (s) that appears to have gone contrary to any of the Laws of Belize is first brought before a Magistrate’s Court. If the offence with which the individual (s) is charged is a summary conviction offence, his case will be decided in the Magistrate’s Court. Section 3 (1) of the Inferior Courts Act (Chapter 94 of the Laws of Belize) provides for the jurisdiction and constitution of the Magistrate’s Courts. The section empowers the Magistrate sitting on the Bench with the power to pass sentences which may consist of imposing fines and imprisonment.

If a case is of an indictable nature or very serious, such as Attempt Murder, Murder, Rape etc., a Magistrate hears evidence by way of a Preliminary Inquiry. If there is sufficient evidence to support the charge the Magistrate sends the case to be tried in the Supreme Court where a Judge and a jury hear the case and make final determinations as to guilt or innocence. The Magistrate’s Court also has a civil

jurisdiction and hears and determines matters of certain dispute between private individual.

The Supreme Court function:

The Supreme Court of Belize is duly constituted under section 94 of the Constitution of Belize. The Court has jurisdiction to hear civil and criminal matters as well as appeals from the lower Courts. The Court is headed by the Chief Justice and currently consists of 8 other Justices of which 4 are assigned to the civil division (includes matrimonial and family matters) and 4 to the criminal division of the Court. The Chief Justice sits in both criminal and civil divisions.

The Registrar of the Supreme Court is also in charge of the Supreme Court Registry. The Registrar whose functions are both judicial and administrative is assisted by the two Deputy Registrars and an Assistant Registrar²³.

The civil division of the Court also has jurisdiction to deal with matrimonial and family matters including property rights, divorce proceedings (and other matters ancillary thereto) and adoptions.

Court of Appeals:

The Court of Appeal of Belize was established under section 94 of the Constitution of Belize, and Chapter 4 of the Laws of Belize, Revised Edition, 2000. It exercises an appellate jurisdiction with power to hear and determine appeals in both civil and criminal matters.

The court held its first sitting in Belize on March 25, 1969 and now sits three times a year in March, June and October. The duration of each session depends on the number

²³ [Belize Supreme Court](#)

of matters scheduled for hearing in a particular session. Presently each session lasts three weeks with the dedication of the first two weeks of the session primarily to the hearing of criminal appeals. A panel of three judges presides at any one time upon the hearing of any civil or criminal matter.

There are currently four judges of the Court of Appeal which comprises of the President, who is presently a resident Belizean and three other judges, two of which are from the Commonwealth Caribbean²⁴.

Caribbean Court of Justice:

(CCJ) was established in 2001 in Port of Spain, Trinidad and Tobago. It has two jurisdictions: An original jurisdiction and an appellate jurisdiction. In its original jurisdiction, the CCJ is an international court with compulsory and exclusive jurisdiction in respect of interpretation and application of the revised Treaty of Chaguaramas in its appellate. Jurisdiction, the CCJ hears appeals as the final court both in Civil and Criminal matters. Member states who have acceded to it as their final court as of 2011 are Barbados, Belize and Guyana (Prior to the CCJ, Belize's final court was the British Privy Council). In 2009, a constitutional amendment was introduced in the Legislature of Belize providing for its accession to the appellate jurisdiction of the CCJ with effect from June 1, 2010.

This legislation is the Caribbean Court of Justice Act No 5 of 2010 which sets out the guidelines and procedures of the Court as it pertains to Belize as our final court.

In concluding permission to appeal to the Caribbean Court of Justice is required and this is sought for from the Belize Court of Appeal. Some appeals are as of right and the

²⁴ [Court of Appeals](#)

legislation stipulates the determination of these. In the granting of leave to appeal to the Caribbean Court of Justice there are certain conditions which are required to be met and the Court stipulates these in accordance with the legislation.

Together, these court Interpret the law that parliament passes.

Office of the Director of Public Prosecution:

The DPP is appointed under the Constitution with security of tenure. The Office is responsible for advising the Police Department and other institutions with powers of investigation and arrest, on ongoing investigations. The Office of the DPP is bound by the Code for Prosecutors, which sets out the tests involved when considering whether a matter should be proceeded with.

The Belize Constitution, Chapter 4 of the Laws of Belize, Section 50 sets out the role and functions of the Director of Public Prosecutions. The Crown Counsels are subject to the Director of Public Prosecutions who delegate powers to them. Each Crown Counsel signs a contract and must adhere to The Code of Conduct. The Code of Conduct sets out what are some public interests factors in favour of prosecution, the relationship between victims and prosecutors, some public factors against prosecution, pleas, granting immunity, media accountability, and professional conduct and duties of the Crown Counsel.

Part IV: Belizean Case Analysis:

The case of Wade et al in 2019, in Belize City- Wade not his real name- indicates the vulnerability of young black men to state violence. The issue was that a police officer house was burglarised and based on footage, they were looking for 4 young black men in the area. While walking black, the friends we met in a particular area of the country, brutality beaten, two were shot, one left with a lifelong limb and traumatized by the incident. The police did the following:

- Charged one with assault against a police officer against a police officer and attempted burglary, never mind he was shot in the leg.
- Threaten to leave the fellows to bleed out.
- All were charged with attempted burglary.
- Homes were violently searched
- One officer took turns beaten the men with a machete while they were on the ground.

Upon investigation of police procedure, alibi was not examined, identification of the suspects was not considered through the usage of camera footage, only actions that involve torture that include shooting two persons in the leg, carrying out beating machete, firing in the air, ignoring the chain of evidence, laying false charges and harassment after the arrest. The core issue was racial profiling gone awry. UniBAM hired a lawyer to defend the men criminal charges and hired another lawyer to deal with the civil matter. We supported them with medical report collection, picture taking of their injuries, taking them to the ombudsman office for statement documentation and have been following-up with random engagement with the ombudsman office since 2019.

In a separate case in 2013 Tyrell Hyde was extorted of \$1,830, of that \$330 was taken out of the Atlantic Bank ATM. Though there was camera evidence, it took three months and the intervention of the ombudsman office to charge two officers, Police

Corporal Reymundo Requena and Police Constable Edgar Teul who were arraigned in Belmopan before Magistrate Clive Lino. The victim was forced to experience the following:

- Mother had to see the CEO for Ministry of National Security and then Minister, Saldivar.
- He received death threats prior to the ID parade of the officers.
- In 2014 the officers negotiated out of court with the court Magistrate Cayetano striking out the case.

While her son was being extorted, Kaila Nunez made a vile commentary about the decriminalization case in which she quotes in 2013

all the Supreme Court had to do was adjourn the UNIBAM case until Caleb Orozco deis of natural caus on inevitable cause due to sexual preference. By the time the court calls the case Caleb had passed case dismissed.”



What the news did not said was that Hyde may have been granted political asylum and that Rhenae Nunez reported, “my nephew’s life was threatened because she sought Justice-I had to get him out to safety²⁵”

The issue of bias for the individuals, plagues our justice system, one officer reported in a direct interview,

Belize is a small place, a religious place. They belief if they try learn it. You become part of it. when you listen to something like that, they believe they are part of it. So they don’t want to hear nothing.

It is noteworthy in a 2019 case of two males, a minor and one who was intellectually, hearing impaired and mute was charged for a stolen bike in which due

²⁵ [Tyrell Hide, 2013](#)

process was violated for our client. We learnt the following in the investigation of the matter.

Magistrate Court is a victim to its dependency on its Prosecution and Investigative team on this particular case.

while the Sign Language interpreter used is has one of the highest qualifications in American Sign Language - the problem is that one of client did not sign at that level of sophisticated signing.

The Community Rehabilitation Department was not present during the Interview of the minor (14 years old) and was not granted the professional courtesy by the OW POLICE to speak to the minor or to advocate for him as his case worker until the very day of the minor's court (March 12, 2019).

The CRD case worker does not speak Spanish and the grandmother/parent does not speak English. In my case management of her as my client for Victims Rights Advocacy, I always have to speak to her in Spanish and still seek assistance from her daughter who is versed in Castillian Spanish and also fluent in English. Though I've interacted with Mr. Herrera on this case only, so far, I think his intentions are ideal, but he needs the support of either a translator or Community Advocate who speaks Spanish. Yes I would love to collaborate with CRD on this case in whatever manner I can. Summary of Facts of the case was read in complete ENGLISH by the Prosecutor and there was NO Spanish translator in the arraignment court hearing.

And as mentioned before, there are professionals who would be able to attest to the level of comprehension of our 23 year old client had from the very origin of the investigation. Despite being a 23 year old he has the comprehension level of a younger child.

we had even tried to get NaRCIE to do an assesment as the National Resource Center for Inclusive Education - This government entity has truly surprised me with their efficiency, compassion within law and ethics, and their commitment to their vulnerable population of people with Diverse abilities. Representatives from NaRSIE were with me imploring the Police to have the assessment done the day before the second court date in order to not delay proceedings. The police opted not to allow what they termed an "extended visit" with the accused without the court ordering it. Of course, they officer was acting within the limits of Police jurisdiction on the process. However, at least NaRSIE showed up for the attempt. They also showed up for court the following day.

Even the JP in the police interview told the said he told the officers that he did not think the young men were admitting to stealing the bike they are accused of Robbery for.

The interpreter also had concerns during the Interview as he told me personally in front of the Mother. He however was called in by the OW Police and maintained his role as strictly interpreter for the Interview²⁶.

To the extent that investigator of a summary offense matter was thorough in his job, the consequence of the experience led to the jailing of an intellectually impaired 23-year-old and 14-year-old boy. The need to access bail, the need to hire a lawyer to defend them both and document their experience was paramount. We were able to reverse the plea of our clients, especially the 23-year-old. But not before getting an email from the magistrate who said,

It is quite unfortunate that this matter unfolded the way it did, considering that none of these persons were actually present in court for the arraignment to address their concerns properly and judiciously, but rather proceeded to document hearsay.

I have received an official representation letter from Attorney Leslie Mendez, asking for the matter to be addressed Friday, when she will be available to be present in court. I trust that at that time, concerns will be addressed, in accordance with proper court procedure and decorum

Systemic bias and a victim advocacy framework does not exist in our justice system. There is no right to have a court advocate to support a victim of violence or an accused who have be charged with a crime that is supported by inadequate investigation procedures. More deeply, when we look at the poverty rate for Belize which stands at 43%, the invisibility of persons with disability in our citizenship and governance, and our under investment of building capacity with duty bearers to communicate and assess the capacity of persons with diverse abilities to engage the

²⁶ [Police violate rights of intellectually challenged man](#)

legal system, it offers, opportunities for abuse, negligent legal practices and violation of constitutional rights.

Judges are gate keepers of rights, but depend on the police to investigate. An assessment of the police department revealed the following unit in the police department with investigative capabilities. Looking through a victim lens, its noteworthy that investigations are divided up into two basic components. One deals with summary offences which are not serious while another approach serious crimes using the CIB Unit of the police department. This includes, murder, being held up with a gun or being robbed of a large amounts of cash. CIB will address serious crime by going into an area, checking cameras, interviewing people. They are responsible for getting back to you on what is happening to an investigation as a victim of a crime.

It is the relieve unit that handles the intake of statements and its officer in charge who will determine where the statement goes if it's a serious crime of summary offenses issue. Affecting investigations is poverty and intergenerational violence. One Officer reported,

We listen to parent issues and can see houses don't have adequate facilities. Some have nice living rooms vs chairs that uses a piece of trunk with no lights and use of bucks to through our waste. Sometimes we meet kids spoilt, don't want to listen to parents. Threatening parents with parents afraid to discipline them. People who no finish high school or primary school are raised in ignorance, it's hard for them to navigate or understand the situation. Parents never learn how to handle difficult situation. Their attitude is you have to be this way or that way.

While the tone is generic, it alludes to how biases impact investigative processes, with a commentary about officer's biases that is shaped by general values and exposure to diverse experiences. The point is made when he said,

When they see something strange. They react in a negative way. Doing their job through a narrow lens. But I will look at you as a human being.

He added some level of hope when he said, "exposure to training impacts the way officers engage work with the public" Personal biases are only one-way duty bearers work are affected in the coordination of an investigation. Where the relieve unit, is responsible for vehicle hand overs, ensuring there are designated drivers, ensuring a diarist is available to take statements. When a diarist is a rookie, the relive supervisor ensures information collected is entered correctly into the system.

In rural cases, there is sometimes a quick response unit who will response to calls of violence. Responses are not creating equally however, because CIB might work 8 to 5 pm, but relieve officers may work around the clock receiving statements and are the backbone or administrator of the system. If a report is not taken, no investigation can start. CIB in the system may have more time to investigate a serious crime matter, with a sergeant in charge of evidence room. Such a person may take the evidence to the Forensic lab in Ladyville and is responsible for maintain a chain of custody for that evidence. But if the evidence broken, all investigation done, could be undermined once the case gets to court for attorneys can question the integrity of the evidence presented to the court.

The investigative process is supported by units who work as complementary or singular components to breakdown investigations process. The table below provides an

inside into what a victim can expect with regards to specific concerns for seeking justice. Not all units are created equally, for depending on the district, different structures are created with different levels of staffing. Belize City may have a staff of 20 doing foot patrol and collecting statement, but in Orange Walk it may be only 7 or 8. Investigations, generally, are affected by summary offenses which require officers to charges a person in two weeks and indictable offenses for which the time period to charge is one month. There are no formal programs to received capacity training so one officer shared” yo learn along the way, if yo willing to learn about evidence collection.”

#	Unit	function
1	Information Technology	Works with interpol
2	Intelligence	collecting information through social media
3	Domestic Violence	Addresses general violence in relationships
4	Community Policing	Community prevention program
5	Criminal Investigating Branch	Investigate serious crime using gun, murder
6	Special Branch	Conduct background checks
7	Canine	Use dogs to search for drugs
8	Multilateral Investment Treaty	US bi lateral relationship
9	Police Training Academy Unit	Training new recruits
20	Record	Dealing with police records etc
11	Anti-drugs	Drug investigation
12	Operational	To search for drugs and arms

With all these Unit one would think that they all have access the same resources. In Belmopan, we discovered the Canine Unit did not have a cadaver dog, so we found one for the investigator. Separately, we did geographic profile of where the body or at least the body parts would be found. We were correct. We did a profiling of whom could have killed him, we learnt later the person has a criminal record and had a history of harming animals. Even when, the police seek to investigate a missing person, such as, 17-year-old Gerardo Vasquez, we discover the inadequate capacity to investigate, investigative tools to track down the victim phone was not available. If it was not because of investigative support to acquire cadaver dog, or the forensic research of the United Belize Advocacy Movement work on L.G.B.T murders, the police would not have even been able to find the two legs they did in 2018. The follow-up work to ensure the mother got the DNA results of her child and tracking down her child two legs was a 736day process. She now knows her child is dead, with mere suspicion of who killed her child. The legs were buried on the 5th of October, 2020

It can be argued that hate crime legislation, or intimate partner violence matters are not automatic priorities in any state plan for L.G.B.T persons or even sex workers. The result is systemic discrimination that delegitimize citizens' rights for personal security and right to live.

Understaffing in the various districts, budget shall falls, capacity and systemic practices combine to wither the confidence of state systems ability of victims to get justices as there are no mechanisms that promote victim statements, procedural process for restorative justice, no capacity agenda for duty bearers and rights holders. The trauma of victims are not a factor in investigation or in court proceedings as a result, retruamatisation of the victim is the rule, not the exception along with the family members left behind.

Part V: Conclusion:

The literature review highlights allude to the state lack of incentive to address trauma. The case of Lavern Longworth speaks to the disposable nature of a woman long a victim of violence who was sentence to life in prison. If it was not for the Death Penalty project, she would have stayed there as she got life in prison for killing her common law husband, but later reduced to 8 years after a civil society organization defended her rights to a fair trial.

The disposability of a citizen seems to be part of state systems as our 23-year-old client with intellectual and hearing impaired issues was misled into a plea that he did not understand. The trauma of being placed in jail with people he did not know and a charge he did not understand with a mother short of resources and working for minimum wages offers insight into the differential treatment in the justice system. Again, it was civil society who intervene on the matter, provide a lawyer and ensured bail was accessed, the state, with no expert on intellectual and hearing impaired experts, through their system of treatment, showed it had no incentive to address the mental capacity issues of our client.

Sheline Martinez, a homeless, pregnant woman who was stabbed, is insightful for the lack of a support system for person suffering with mental health. Its only when she died that social systems in the community sought to assign blame. To add insult to injury, the mother became a scape goat for the deficiency of state system and their inability to deal with a mentally ill, pregnant woman. The reaction of community in quotes, “All the people around her failed her,” vs “did this woman choose to live on the streets” makes the point that when state systems a deficient we are drawn in the wrong direction for establishing systemic response. This case points out that resource deficiency of the state, the community and her family helped to amplify her vulnerability to violence. Establishing the limitation of

our investigative system by the system and CSO's complementary role in sustaining and strengthening health systems in the country. The result is the amplification of a culture of expendability and complicity that promotes a minimalist response in our governance. In essence, a trauma inform approach to managing state services will remain non-existent or inefficient in national operation.

While the state has invested less than nine million in the judiciary in 2019-2020, have hired 1225 police and civilian employees to address internal security, created an organizational chart that include about 12 Units at the district level, questions about the resources available for investigating cases that affect victims of violence. The Gerado Vasquez case show, that internal regulations, the culture of central command, budget allocations cycle to support investigations to confirm the DNA of the victim was dependent on UNIBAM victim advocacy monitoring interventions to drive the investigation, to drive confirmation of the legs belonging to the victim and returning the legs to the mother for burial. Sadly, there is no culture of coordination or partnership to support victim of violence in an investigation. The progress of this case, was reliant on good will, initiative and desire to give the mother closure. The sad part of this case. The perpetrator was never arrested and remain at large. As the investigating officer had no incentive to track the victim phone, to search of the victim remaining body parts.

While the Units created are designed to investigate serious crimes versus summary offenses, the use of technology, a capacity program to improve on evidence collection procedure, forensic interviewing and addressing the use of information technology to support investigative processes remain lacking. In addition, victims are unaware about the breakdown of the police department investigative process. As a

result, navigating the department across the districts, require a working knowledge of each district procedure. It demands as well an understanding of court function and how to leverage the office of the director of public prosecution to support need for information about investigations that is occurring in the system. The DPP Office is not the only Office; the Ombudsman office becomes an alternative choice to support stalled investigations. The case of Thryell Hyde showed the value of collecting evidence, making a statement to push investigations along. While his case took three months to have charges confirmed, it offers insight into our system. Thryell Hyde, should not have needed to push the ombudsman to insist on charges, he was the victim, Gerado Vasquez mom should not have needed an advocate to track and monitor her son investigation. She was the victim. Lavern Longsworth, should have never been jailed for life, for she was the victim of violence. Lavern case showed that our civil rights and enforcement mechanism is weak, that marginalised or poor citizens are left to the mercy of the state, the available resources of CSO's that do victim advocacy and international partners with a mandate to help victims of rights violation.

Accountability systems of victim advocacy is absent as victim advocate are at a disadvantage when engaging systems be it the magistrate Court, human development or the police as state system legislate their function regardless of their efficiency and available resources. Design to support state function, legislation assumes that the state has enough resources to support a victim of violence. The problem of systemic assumption about state support is to ignore the ingredients of investigative bias, the mass production interventions in the court system that is about quantity not quality.

Often victims have to deal with inadequate trained prosecutors, the result, is questionable judicial outcomes.

The interplay of investigator, prosecutor, court interpretation of the law and absent of victim participation results in fragmented recorded keeping of cases and no monitoring or evaluation of case management outcomes that could help improve the delivery of justice. It is part of the reason, most people will not report a robbery, will not report a common assault. The lack of legislative protection for sex workers and LGBT Belizeans helps to de-prioritize investigations because there are not legal obligations to address violence based on a characteristic.

The deferential treatment of hate crime investigations encourages investigators to move onto traditional crimes like murder, rape or assault as the court has a history of procedure, that include evidence collection, social narrative and legislation that define a clear path in judicial case management. In essence, acceptable practices unofficially sanctioned by the state, do not hold perpetrators of violence. In simple terms, no legislation, no accountability, no accountability means the state gives the perpetrator action legitimacy that goes on to affect another person. In simple terms, perpetrating a cycle of physical and psychological violence the state will not document or acknowledge in its response to citizen's security.

Part VI: Recommendation

Improve judge's rules to support victims of violence in court and address regulations that allow a court advocate in all matters of judicial review or case management. This must be complemented with a strategic plan that promotes CSO/State partnership to support victims of violence. While a plan of action for gender base violence have been developed for the country, a victim advocacy framework needs to be defined that is informed by a trauma inform approach in case management.

Data collection for LGBT and sex worker population needs to have a tech-based approach right along with the need to digitized gender-based violence case files that is stored within the Magistrate Court. In a system that is short of staff, funds and coordination of resources, getting a better handle of how violence is affecting population is paramount in the improvement of justice.

While the courts are there to interpret law, its ability to identify trauma in the court room, intellectual capacity issues in a hearing for a victim or an accused will continue to impede the administration of justice. A capacity agenda that looks as systemic bias against various marginalised population becomes an important issue in adjudicating cases.

A coordination effort to leave no one behind, means that National Women's Commission, Bar Association, Police Department, Public Prosecution and CSO offers an opportunity to strengthen interventions for SDG 16 and 5 to address justice access and gender equality. The process require a driver that is non-existent at the moment.

