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CICAD**

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**ALTERNATIVES TO INCARCERATION
JUSTICE GEOFFREY A HENDERSON
JUDGE OF THE INTERNATIONAL CRIMINAL COURT, THE HAGUE**

ALTERNATIVES TO INCARCERATION INFLUENCING POLICY IN AN INNOVATIVE DIRECTION

**Mr. Justice Geoffrey Henderson – Judge of the
International Criminal Court**

Tracing My Experiences

- An Attorney
- A Prosecutor
- A DPP
- Judge
- ICC Judge

Sentencing Objectives

The five objects of sentencing as set out in **Benjamin v R (1964) 77 WIR 459** are;

- (i) retribution
- (ii) deterrence vis-à-vis potential offenders
- (iii) deterrence vis-à-vis the particular offender
- (iv) preventative
- (v) rehabilitation

Why Re-think the Process

- Retribution, deterrence, and preventative objects tend to predominate leading to many drug offenders being incarcerated.
- The need to address the number of persons in prison – Trinidad and Tobago
 - Approximately 4000 arrests per year
 - Over 4500 persons in prison – 4300 Males and 200 Females

Juveniles in care under court orders

- Approximately – 400 Juvenile Males
 - Approximately – 150 Juvenile femals
- Address issues of recidivism

Undertaking a New Perspective

As judicial officers we may be aloof finders of fact, impartial and nearly devoid of intimate contact with and knowledge of litigants and their circumstances,

OR

As judicial officers we may be possible partners to a diagnostic, therapeutic oriented response process to ameliorate underlying and messy problems of litigants.

Experience as a Judicial Officer

- My First Case – An Army Officer
- Tough Love in action – Sentencing a father to a period of Incarceration
- Leading the “Love Court” – Chairman of the DTC Steering Committee

Implementing Some Initiatives

Trinidad and Tobago begun to implement a series of “Solution Focused” Initiatives

- Plea Bargaining
- Bail Boys
- DTC's
- Community Service Orders
- Probation Supervision

The Value of the Alternatives Working Group

- Advocacy for institutionalising a new approach
- Examining Best practices
- Particularly encouraged by the following recommendations:
- Examining a menu of alternatives that can be adjusted to the different national realities
- Using a public health approach
- Undertaking coordinated strategies involving various agencies- Prosecutors, Judges, public offenders and others.
- Efficient utilization of the System of Justice – Removal of minor drug related crimes

Setting a new Paradigm



“All Christians and men of good will are called today to fight not just for the abolition of the death penalty in all its forms, whether it be legal or illegal, but also the goal of improving prison conditions, out of respect of the human dignity of people deprived of their freedom.”

He added that the Vatican had [abolished life terms](#) in prison from its criminal code a while back: “A life sentence is a hidden death penalty,” and “a form of torture is often what which is applied via detention in maximum security prisons.” The pope also condemned preventive custody in jail as “an illicit and concealed punishment

Thank you