



**Attorney-general Guus Schram,
On the occasion of the installation of members of the Joint Court of Justice
11 September 2015, Philipsburg, Sint Maarten**

Thank you so much. I am deeply honored with this opportunity to speak at the installation of Sander van Rijen.

Dear Mister Chairman, Members of the Joint Court, it indeed gives me great pleasure to congratulate Sander van Rijen. I wish you much judicial wisdom, but of course also a lot of happiness and fun in your new activities. The Public Prosecutor's Office is looking forward to a pleasant cooperation and I also congratulate the Court with this new Judge.

Today no Prosecutors are being installed. Usually this means that the Public Prosecutor's Office only uses a limited amount of your time. of the granted speaking time. I do not know if I will succeed in that, Mister Chairman. In particular I would like to address the current events around the fight against crime in Sint Maarten. And there is a lot to say about that. For that matter the period in which mr Van Rijen starts with his work, can be described as turbulent and exciting at best.

Wednesday, August 5th., Sint Maarten was shocked by a horrific incident, which took place in the middle of the day, nearby the Courthouse in a busy Front street. Officer Gamali Benjamin together with a colleague arrived at the scene of a reported armed robbery at a jeweller's shop. On site the assailants directly opened fire on them. Shopkeepers, tourists and Members of Parliament experienced mortal fear and ran for their lives with dozens of bullets flying around. Also those present in this Courthouse heard the shots and the screaming. They must have experienced the most dreadful moments.

Officer Benjamin turned out to be mortally wounded and passed away after three days. The funeral service made a big impression. The island is in shock. Sadness, anger and indignation struggle for preference. Officer 'Benji', as he was nicknamed, was somebody well known in Philipsburg and loved by many. Sint Maarten has lost an excellent cop and above all a good person. This horrible drama has painfully demonstrated how crime increasingly affects the society, while costing the lives of the best kids of this island.

With the violent death of Officer Benjamin a critical boundary has been crossed.

The Friendly Island has lost its innocence. Needless to say that the Public Prosecutor's Office with its work partners shall do everything within their power to have those responsible for this crime arrested and tried, but more needs to be done. The population of Sint Maarten deserves a safer community with less crime. That is a communal undertaking. Police and Justice have an important role therein, but they cannot do it on their own. The community must also raise its voice and demonstrate adamant rejection of crime. I am calling upon that community to speak out: leaders of civil society organizations and associations, such as churches, schools, trade unions, community centres, as well as business people and politicians. You all can constitute an important counterforce. I would in particular like to call on our parents and families: criminal behaviour is not acceptable and it is threatening individuals and society. Teach your children and lead by example. Protect your children: they are the sons and daughters of this beautiful island.

Another threat exists by the transnational undermining crime, the crime which consists of and results from a mixing of the upper world and the criminal underworld. During the past weeks the Caribbean and Dutch media paid much attention to the discussion between the Governments of Sint Maarten and The Netherlands about how to tackle this type of crime. Not all information published on the subject, formed an accurate representation of reality and not all opinions voiced did correspond with the ones from the Public Prosecutor's Office. Since this issue largely concerns a political matter between both governments, the Public Prosecutor's Office is reluctant to raise its own voice regarding this subject.

However the Public Prosecutor's Office ideas in this matter (on fighting this type of crime?) need to be told to the community of Sint Maarten.

After all it is responsible for and in charge of the investigation and prosecution of criminal offenses. The community has to be informed as objectively and as completely as possible, about the manner in which the Public Prosecutor's Office fulfils that task. Therefore it is essential that the Public Prosecutor's Office actively communicates about this as well.

Three extensive reports about integrity on Sint Maarten were published within a year. The conclusions of these reports are the same: in comparison with international agreements and frameworks concerning integrity promotion and the fighting of corruption, the overall integrity architecture of Sint Maarten falls short. Several serious wrongs have been observed and there were, inter alia, instances that politicians, directors, top officials and other influential people, deliberately went against government policy for the sake of self-interest, interests of third parties, financial gain, or on other illegal grounds. The De Wit Committee sees the political-governmental culture and the official organizations therefore as a transcended problem and states in

its report that, and I quote, “in particular, the time-honoured system of patronage, nepotism and ‘give a little, take a little’ is an obstacle for further improvements”.

Besides these reports, Sint Maarten also knows of specific criminal examples which confirm the image of structural integrity violations. I refer to the case in which a Member of Parliament and a brothel owner were condemned for , subornation and human trafficking amongst other things; or the case in which a Member of Parliament was condemned with regard to tax evasion and forgery. There still criminal cases going on sub judice with reference to election fraud as we speak.

In short , there are numerous indications showing that the underworld and legitimate society in Sint Maarten, are structurally intertwined . This expresses itself through undermining crime: corruption within politics and governance, abuse of power, self enrichment, intimidation, election fraud, criminal organizations which are unassailable, etc. Unfortunately the list of examples is very long.

Subversive crime is a malignant and many-headed monster: violent, unscrupulous, deeply rooted and solely focused on power and financial gain.

Moreover it is extraordinarily well-organized and more or less accepted by a large part of the society. As a result it gnaws away at the foundations of our rule of Law and Democracy.

At this moment the Law enforcement chain is not sufficiently able to fight this type of crime, which seeks the vulnerable shell of our young democracies and small-scale societies in which to nestle. Where the crime has developed itself further, the chain of law enforcement agencies, including my own organization the Public Prosecutor’s Office, is insufficiently organized to respond adequately. We, Mister Chairman, can no longer afford this to go on. It is in the interest of the whole Kingdom, that an incorruptible, broad and well organized, professional Law enforcement system is positioned, which is motivated and able to address all types of criminal behaviour to counter the flood of crime. The Public Prosecutor’s Office considers as her task and responsibility to render a substantial contribution to this.

In that framework plans have been made during the past months and are being put in place to adequately deal with transnational undermining crime. Therein, my Office has an initiating role and can count on widespread support of the Judicial Chain Partners within the Kingdom. The Dutch Government has recently made financial means available to contribute to the realization of these plans. To this end the Joint Criminal Investigation Bureau (RST), the Joint Court of Justice and the Prosecutor’s Office will be strengthened. The need and urgency to take action now, is broadly felt within the judicial chain as well as in the whole community. I am keen to make optimal use of this momentum: if we do not grab it now, when will we ever?

The image may have arisen by the coverage in the media that the collaboration with the local law enforcement agencies, such as the Police Force of Sint Maarten and the Landsrecherche, is dismissed. That is certainly not the case.

A constructive collaboration between the several judicial and law enforcement agencies within the Kingdom is essential for success in fighting crime effectively. That has always been the case and that will always be the case.

Its relevance is recognized and emphasized wholeheartedly by the Public Prosecutor's Office. Would that have been different, the support of those local services for the current plans would have never been so substantial.

This need for cooperation does not change the special approach required because of the nature of the transnational subversive crime. Teams specifically designated for this purpose with specialized detectives must, operate in a shielded environment and set apart from investigation subjects for a longer period of time. They need to be able to conduct complex and sensitive investigations. Such so-called embargo-investigations, have a high risk of failure which need to be limited as much as possible. Therefore it is necessary that such a team can operate independently. Under those circumstances, cooperating with other investigation services is only possible to a certain extent.

The intended result of this approach and the interest which is thereby being served is our, common goal which is a safer and fairer community with more integrity and less crime.

The basic principle is that where possible the current successful cooperation with local law enforcement agencies will continue, and that also a valuable and appreciated contribution will continue to be rendered to the further professionalization of these services. Only in certain cases, such as embargo-investigations on transnational subversive crime, there will be a need for restraint in information sharing in the interest of these investigations.

The Court will also be confronted with these current developments and will have to deal with them. The financial means at our disposal are also intended for a strengthening of the Court, and rightly so. An Extensive RST and Public Prosecutor's Office are meaningless if the judiciary is not organized to deal with the expected influx of large, complex and sensitive criminal cases. In any event sufficiently specialized Criminal Court Judges and Supervisory Judges will have to become available, and the legal and administrative support must be up to standard.

Moreover, attention must be paid to more fundamental issues, such as the question whether it is realistic and desirable to continue the procedure where in first instance only one judge rules in major criminal cases. This not only puts a heavy burden on the individual judge, but also enlarges the risk for intimidation and miscarriages of justice. The mere fact that the Law currently prescribes single settlement, should not stop us from continuing to reflect on how law enforcement may be strengthened and improved

and what would be required to reach that goal. We should not allow ourselves to be limited in reflecting on the future, by the reality of the now and here.

Having said all this, you will understand that these are challenging times. Times in which we need to be inventive to be able to carry out changes in the existing structures and resources, and to get other organizations involved., But it is also a time in which we will be looking for new resources so that further reinforcements are made possible. As the Public Prosecutor's Office we will commit ourselves wholeheartedly to it. Let me finish by inviting mr Van Rijen and by him the complete Law enforcement chain, to do the same. That way we all will render a contribution to a safer and fairer Sint Maarten.

Thank you for the opportunity to speak to you.