

ADDRESS BY THE PRESIDENT OF THE SUPREME POPULAR COURT OF THE REPUBLIC OF CUBA, DR. RUBEN REMIGIO FERRO.

REGIONAL PREPARATORY MEETING FOR THE LAUNCH OF A GLOBAL NETWORK OF JUDICIAL INTEGRITY

October 16 and 17, 2017, Swakopmund, Namibia

Honorable Peter San Shivute, Chief Justice of the Republic of Namibia;

Honorable Zhuldyz Akisheva, Representative of UNODC Regional Office for Southern Africa

Honorable Presidents and magistrates of the Courts and Supreme Courts of Justice of the countries participating in this meeting;

Distinguished authorities and personalities that accompany us;

Ladies and Gentlemen;

It is for me a great honor and a privilege to attend this important meeting and to express a few words of greeting to the distinguished authorities and personalities of the judicial institutions present in this forum, an opportunity that I deeply thank my dear friend, the honorable Chief Justice Shivute, for his generous invitation.

The central theme of this meeting is the strengthening of judicial integrity and the prevention of corruption in the justice system, which is of paramount importance for all States, because of its significance for the effectiveness and transparency in the functioning of the judicial systems in any of our nations and, of course, also valid for my country, the Republic of Cuba.

One of the fundamental pillars of a state based in a system of law is the rule of law and legal certainty and, as all we know, precisely the mission that corresponds to jurisdictional institutions is to ensure and guarantee their preponderance and prevalence. This important role can only be properly fulfilled if the judges who are part the judiciary behave and act as unblemished, irreproachable and incorruptible public servants, focused essentially on judging and deciding the cases in which they intervene, on the basis of clear foundations of justice and of law.

However, the persistence of dysfunctional results in the performance of judicial bodies in many countries, expressed in negative indicators such as excessive delays in the adjudication of cases, exaggerated formalism of judicial procedures and rituals, and unfounded decisions on the basis of twisted investigations of the law, have become almost endemic pathologies of a model of administration of justice, with judges practically inaccessible and unquestionable, who have nothing to do with the most advanced democratic conceptions and, on the contrary, are together with other similar atavisms, causes of the crisis of confidence of the population in the judicial institutions, that suffer not a few countries of the planet.

Faced with this unfortunate situation, the new ontological and deontological vision of the exercise of the judicial function, assumed as a "PUBLIC SERVICE" to the citizens, with standards of quality that ensure expedited access to the prompt and fulfilled justice, and to the effective protection of the exercise of the rights and guarantees of natural and legal persons.

The mentioned rethinking of the judicial function implies the hierarchy of institutional, individual and collective values such as responsibility, a sense of justice, diligent action, impartiality and honesty. Achieving these higher qualitative standards in the delivery of justice, requires the deployment of intentional actions aimed at managing and fostering the continuous improvement of the efficiency and effectiveness of judicial work, in view of the fact that, as it is rightly said, quality is never an accident, but the result of an effort of intelligence and will.

In that sense, the prevailing criterion in Cuba is that it is as important as having clear and precise legal norms and provisions that establish the regulatory framework applicable in judicial processes, it is also that the judges who are in charge of the processing and decision of those matters, are subjectively willing to offer the legal and judicial protection, concrete and sufficient that in law corresponds.

In our opinion, the mission of judges is not to be simple enforcers of norms and dispositions to the case before them, but also implies the duty to do so with a clear notion and sense of what is fair, so that their decisions are characterized not only by their legal support, but also by their transparency and the level of equity, rationality and weighting they denote.

In our case, today's Cuban society would not admit to overly technical and esoteric judges, distant from the surrounding reality. If we were to behave in this way, our courts and judges would lack the authority and social prestige they possess in general.

For us, this perspective, far from undermining the full validity of the principle of judicial independence, strengthens it, as an essential complement so that the exercise does not overflow the limits of what is truly democratic in the delivery of justice. From our point of view it would be absolutely irrational, that the subjective and objective independence of the judges in the performance of their function, would serve as protective cover to the arbitrariness, the anarchy and the irresponsibility in its action.

In other words, for us in Cuba, exercising the "JUDICIAL POWER" implies, in turn, the commitment to comply with "JUDICIAL DUTY"

The main guarantee for a judge to behave and act irreproachable and incorruptible is in him. If his internal jurisdiction is influential and vulnerable, in the face of attempts to undermine his impartiality and integrity, no normative or ethical barrier, he will prevent him from yielding to pressures and bad intentions to predispose his judgment, in favor of spurious interests.

On the other hand, the judge who behaves in that way sooner rather than later gives signs of his weakness, and it is necessary to be attentive and create internal mechanisms to detect these signs and act accordingly before the evil expands and contaminates others in the judiciary.

In our case, we have implemented an internal mechanism of quality control. This has among its fundamental axes periodic and systematic actions of inspection and control to the fulfillment by the judges of the requirements of due process and of the due argumentation and foundation of its sentences, in that way we give full compliance to the spirit and the letter of the article 11 of the United Nations Convention against Corruption.

I hope you apologize me for taking up part of your time to explain our criteria on the subject, but I confess that the importance of its content and the presence of such a qualified auditorium, motivated me to do so.

I cannot pass up this opportunity, without expressing our eternal gratitude to this continent, -where my most beloved ancestors come from, - on behalf of the Cuban judicial system and my people, to all their governments and peoples and, in particular, to our Namibian brothers, for the support offered - and that I am sure will continue be provided - to the just demand of my country to unconditionally lifting of the genocidal and extraterritorial economic, financial and commercial blockade, of the United States against Cuba, whose current President, threatens to intensify, ignoring the unanimity view of the international community

I thank you all for your attention and wish you every success in this important meeting.

Thank you so much.