

Anthony Henry and another (Appellant) v Attorney General of St Lucia (Respondent) (Saint Lucia)

Case ID: JCPC 2022/0067

Jurisdiction: Court of Appeal of the Eastern Caribbean Supreme Court (St Lucia)

Case summary

Issue

Did the Court of Appeal err in its assessment of the alleged breaches of the Appellants' constitutional rights?

Facts

Francis Noel was arrested and charged on 13 December 1987 with causing grievous harm. He was remanded in prison. On 21 November 1991, a jury found him unfit to plead due to mental illness. Anthony Henry was arrested and charged on 26 September 1995 with the murder of two persons. He was remanded in prison. On 7 February 2000, a jury found him unfit to plead due to mental illness. Mr Noel remained in prison until the High Court trial in this matter on 24 October 2019. The total period of Mr Noel's incarceration as at the date of trial was 32 years. Mr Henry was discharged unconditionally by the High Court sitting in its criminal jurisdiction on 30 May 2019. The total period of Mr Henry's incarceration was 24 years.

Mr Noel and Mr Henry (the "Appellants") brought constitutional claims in the High Court, seeking damages for breach of their constitutional rights to personal liberty, to a fair trial within a reasonable time, and to protection from inhuman and degrading treatment. Their cases were advanced on the basis that the Respondent had detained them in prison instead of a mental health facility and had failed to conduct any periodic review of their fitness to plead.

The High Court found in the Appellants' favour. The Respondent appealed to the Court of Appeal, and the Court of Appeal allowed the appeal in part, reducing the damages awards and setting aside declarations made by the High Court. The Appellants now appeal to the Judicial Committee of the Privy Council.

Parties

Appellant(s)

- (1) Anthony Henry
- (2) Francis Noel

Respondent(s)

Attorney General of St Lucia

Appeal

Justices

Lord Reed, Lord Lloyd-Jones, Lord Sales, Lord Hamblen, Lord Leggatt

Hearing start date

12 June 2023

Hearing finish date

12 June 2023

Watch hearing

12 June 2023 [Morning session](#) [Afternoon session](#)