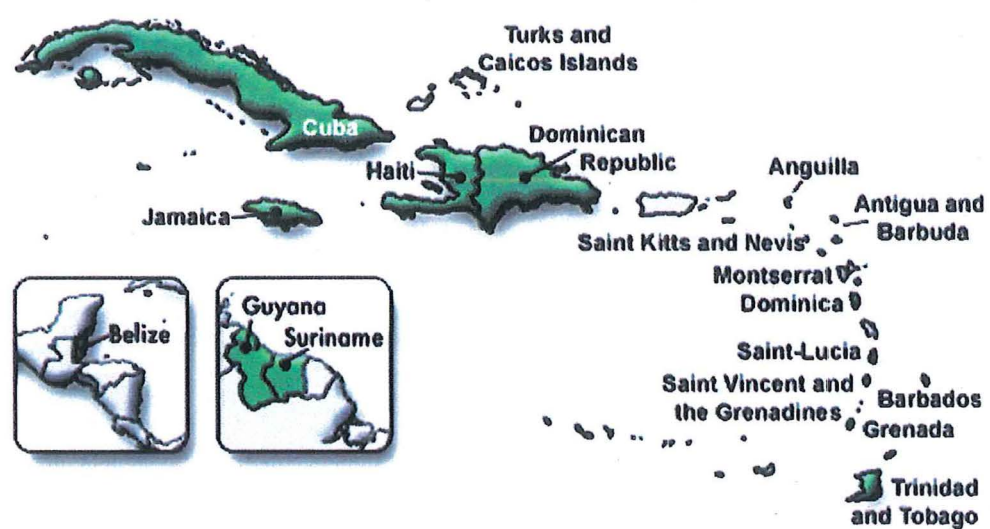




## REGIONAL JUDICIAL AND LEGAL SERVICE COMMISSION



### **ANNUAL REPORT OF THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION FOR THE PERIOD 1<sup>ST</sup> JANUARY 2006 TO 31<sup>ST</sup> DECEMBER 2006**



REPORT OF THE REGIONAL JUDICIAL AND LEGAL SERVICES  
COMMISSION PURSUANT TO ARTICLE V.10 OF THE AGREEMENT  
ESTABLISHING THE CARIBBEAN COURT OF JUSTICE FOR THE  
YEAR JANUARY 1, 2006 TO DECEMBER 31, 2006



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## 1. DEFINITION OF TERMS

In this Report the following terms which are frequently used have the meanings assigned to them below -

**"the Agreement"** means the Agreement Establishing the Caribbean Court of Justice;

**"the Commission"** means the Regional Judicial and Legal Services Commission;

**"the Court"** means the Caribbean Court of Justice;

**"OECS"** means the Organisation of Eastern Caribbean States;

**"the Treaty"** means the Revised Treaty of Chaguaramas;

**"the Trustees"** means the Board of Trustees of the Caribbean Court of Justice Trust Fund";

**"the Trust Fund"** means the Caribbean Court of Justice Trust Fund established by the Revised Agreement dated January 12, 2004.





## 2. INTRODUCTION

Article V.10 of the Agreement provides that: *"The Commission shall, no later than 31 March in every year, submit to the Heads of Government, an Annual Report of its work and operations during the previous year."*

This report for the year 2006 records a number of changes in the membership of the Commission and identifies some of the challenges which the Commission faced in its ongoing mission to establish the Caribbean Court of Justice throughout the region in both its appellate and original jurisdictions.

The original jurisdiction of the Court involves the determination of disputes between Contracting Parties to the Agreement concerning the interpretation and application of the Treaty.

In its appellate jurisdiction the Court acts as the final Court of Appeal for those Contracting Parties which have, by amending their Constitutions, empowered the Court to perform this function. During the year under review the countries which had made this provision were Barbados and Guyana.



The Chairman and Members of the Regional Judicial and Legal Services Commission

**Back Row:** L to R- Sir David Simmons, Professor Aubrey Bishop, Mrs. Gloria Gray, Dr. Lloyd Barnett, Ambassador Christopher R. Thomas.

**Front Row:** L to R- Ms. Nelcia Robinson, The Rt. Hon. Mr. Justice Michael de la Bastide, Chairman of the Commission, Sir Vincent Floissac, Professor Magda Hoever-Venoaks.

**Missing:** Mr. Allan Alexander, Dr. Joseph Archibald, Mr. C. A. Blazer Williams.

### **3. CHANGES IN MEMBERSHIP OF THE COMMISSION**

During the year 2006 there were three changes in the membership of the Commission. Firstly the terms of office of two *ex officio* members expired. Sir David Simmons, Chief Justice of Barbados, sat on the Commission by virtue of his office of Chairman of the Judicial and Legal Services Commission of Barbados. He had acted as pro tem Chairman of the Commission prior to the appointment of the Right Honourable Mr. Justice Michael de la Bastide, T.C. as President of the Court. Sir David's term of office expired on August 19, 2006.

As Belize was next in alphabetical order of the Contracting Parties, Sir David was replaced on the Commission by Mr. Anthony Sylvestre, the Chairman of the Judicial and Legal Services Commission of Belize. Mr. Sylvestre in fact took the oath of office as a Commissioner on January 12, 2007.

The other Commissioner whose term of office expired, was Ambassador Christopher R. Thomas, the Chairman of the Public Services Commission of Trinidad and Tobago. Ambassador Thomas had replaced Mr. Kenneth Lalla S.C. on the Commission in November 2004 when he succeeded Mr. Lalla as Chairman of the Public Service Commission upon Mr. Lalla's retirement from that post. Ambassador Thomas' term of office also expired on August 19, 2006.

Suriname was the next Contracting Party in reverse alphabetical order but as this country had no office equivalent to that of Chairman of a Public Service Commission it was not in a position to offer someone to fill the vacancy created. As a result St. Vincent and the Grenadines, being the next in reverse alphabetical order, the Chairman of the Public Service Commission of that country, Mr. Cecil Alfred Blazer Williams replaced Ambassador Thomas as a member of the Commission. Mr. Williams was sworn in as a member of the Commission on September 29, 2006.

The third member of the Commission to demit office was Mr. Othniel Sylvester Q.C., a citizen of St. Vincent and the Grenadines, who was one of the two Commissioners nominated by the Organisation of the Commonwealth Caribbean Bar Associations (OCCBA) and the OECS Bar Association pursuant to Article V.1(b) of the Agreement. On March 14, 2006 Mr. Sylvester tendered his resignation as a Commissioner because of ill-health. The Associations who had nominated him, nominated Dr. Joseph Archibald, Q.C. as his replacement on the Commission. Dr. Archibald was sworn in on July 7, 2006.

In the course of 2006 the term of office of two other Commissioners expired but they were re-appointed having been nominated for a second term by the designated officials. They were Ms. Gloria Gray and Ms. Nelcia Robinson, who were jointly nominated (and re-nominated) pursuant to Article V.1(e) of the Agreement by the Secretary-General and the Director General of the OECS. Their second term in office commenced on August 21, 2006.

The composition of the Commission as set out in Article V.1 of the Agreement is as follows:

- "(a) The President who shall be the Chairman of the Commission;*
- (b) Two persons nominated jointly by the Organisation of the Commonwealth Caribbean Bar Association (OCCBA) and the Organisation of Eastern Caribbean States (OECS) Bar Association;*
- (c) One chairman of the Judicial Services Commission of a Contracting Party selected in rotation in the English alphabetical order for a period of three years;*
- (d) The Chairman of a Public Service Commission of a Contracting Party selected in rotation in the reverse English alphabetical order for a period of three years;*
- (e) Two persons from civil society nominated jointly by the Secretary General of the Community and the Director General of the OECS for a period of three years following consultations with regional non-governmental organisations;*
- (f) Two distinguished jurists nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, the Deans of the Faculties of Law of any of the Contracting Parties and the Chairman of the Council of Legal Education; and*
- (g) Two persons nominated jointly by the Bar or Law Associations of the Contracting Parties."*

The following table shows the persons who served as members of the Commission in 2006 and the basis for their appointment:-

**Table 1**

<b>Date of Assumption</b>	<b>Name of Commissioner</b>	<b>Basis for Appointment</b>	<b>Relevant paragraph of Article V.1</b>
August 18, 2004	The Rt. Hon. Mr. Justice Michael de la Bastide T.C.	President of the Court	(a)
August 21, 2003 [resigned March 2006]  July 7, 2006  September 12, 2003	Mr. Othniel Sylvester, CMG, Q.C.  Dr. Joseph Archibald, Q.C.  Dr. the Hon. Lloyd George Barnett, O.J.	Nominated jointly by OCCBA & OECS Bar Associations	(b)
August 21, 2003 [to August 20, 2006]	Sir David Simmons, K.A., B.C.H.	Chairman, Judicial Services Commission of Barbados	(c)
November 26, 2004 [to August 20, 2006]  September 29, 2006	Ambassador Christopher R. Thomas, CMT D Laws  Mr. C. A. Blazer Williams B.A., M.Sc., L.L.B.	Chairman of the Public Service Commission of Trinidad and Tobago  Chairman of the Public Service Commission of St. Vincent and the Grenadines	(d)
August 21, 2003  [Both re-appointed from August 20, 2006]	Ms. Gloria Gray, B.Sc., M.Sc.  Ms. Nelcia Robinson, B. Sc.	Nominated jointly by the Secretary General of the Community and Director General of the OECS	(e)
August 21, 2003  October 10, 2003	Professor Aubrey Bishop, OR, CCH, B.Sc., LL.M.  Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.	Nominated jointly by the Dean of the Faculty of Law of the University of the West Indies, Deans of the Faculties of Law of the Contracting Parties and Chairman of the Council of Legal Education	(f)
August 21, 2003	The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M.  Mr. Allan Alexander, S.C.	Nominated jointly by the Bar or Law Associations of the Contracting Parties	(g)

The following table shows the membership of the Commission in 2006, the date of expiration of the term of office of each member and the nationalities of the members.

**Table 2**

<b>Name of Commissioner</b>	<b>Nationality</b>	<b>Date of Expiration of Term of Office</b>
The Rt. Hon. Mr. Justice Michael de la Bastide T.C.	Trinidad and Tobago	July 18, 2009
Mr. Othniel Sylvester, CMG, Q.C.	St. Vincent and the Grenadines	March 24, 2006
Dr. Joseph Archibald, Q.C.	St. Kitts and Nevis	August 19, 2007
Dr. the Hon. Lloyd George Barnett, O.J.	Jamaica	August 19, 2007
Sir David Simmons, K.A., B.C.H.	Barbados	August 19, 2006
Ambassador Christopher R. Thomas, CMT D Laws	Trinidad and Tobago	August 19, 2006
Mr. C. A. Blazer Williams B.A., M.Sc., L.L.B.	St. Vincent and the Grenadines	September 19, 2009
Ms. Gloria Gray, B.Sc., M.Sc.	Trinidad and Tobago	August 20, 2009
Ms. Nelcia Robinson, B. Sc.	St. Vincent and the Grenadines	August 20, 2009
Professor Aubrey Bishop, OR, CCH, B.Sc., LL.M	Guyana	August 19, 2007
Dr. Magda Hoever-Venoaks, M.Sc., Ph.D	Suriname	August 19, 2007
The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M	St. Lucia	August 19, 2007
Mr. Allan Alexander, S.C.	Trinidad and Tobago	August 19, 2007



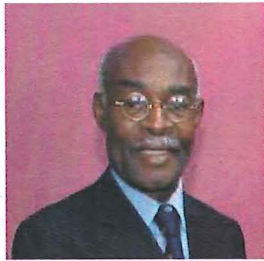
**The Right Honourable Mr. Justice Michael de la Bastide, TC**

The Right Honourable Mr. Justice Michael de la Bastide, TC, a citizen of Trinidad and Tobago obtained the degrees of Bachelor of Arts (Jurisprudence) with First Class Honours in 1959 and the Bachelor of Civil Law, also with First Class Honours, in 1960. He was called to the Bar in 1961. After working as Crown Counsel in the Office of the Attorney General of Trinidad and Tobago, he entered private practice and was appointed Queen's Counsel in January 1975.

Mr. de la Bastide served as an Independent member of the Senate from 1976 to 1981 and as a member of the Wooding Constitution Commission from 1971 to 1974 and of the Hyatali Commission from 1987 to 1990. He was elected the first President of the Law Association of Trinidad and Tobago and served in that capacity for three terms.

He was appointed Chief Justice of Trinidad and Tobago on May 31, 1995 and awarded Trinidad and Tobago's highest national honour, the Trinity Cross, in 1996.

He was elected an Honorary Bencher of Gray's Inn in November 1996 and created Fellow of the Society for Advanced Legal Studies in 2000. Mr. Justice de la Bastide demitted office as Chief Justice on July 18, 2002. He was sworn in as a member of the Privy Council by her Majesty Queen Elizabeth II on July 27, 2004 and as President of the Caribbean Court of Justice on August 18, 2004. He was made an Honorary Student [Fellow] of Christ Church Oxford University in January 2005.



**Dr. Joseph Archibald, Q.C.**

Joseph Samuel Archibald was born in St. Kitts and Nevis. Mr. Archibald was admitted as a Barrister-at-Law of Lincoln's Inn, London, on 12 July 1960. He is the holder of the Inns of Court Special Certificate in Public International Law, London (1960).

Mr. Archibald has practised law in the Eastern Caribbean from Chambers in the British Virgin Islands (BVI) at all Court levels in the Caribbean up to the Judicial Committee of the Privy Council in England. He has also held many senior official legal positions including High Court Registrar, Magistrate, Crown Counsel, Director of Prosecutions, Attorney General in St. Kitts-Nevis-Anguilla. He was appointed Queen's Counsel in 1980.

Dr. Archibald acted as a Judge of the Supreme Court of the West Indies Associated States (1978) assigned to Dominica. He has also acted as a Judge of the Eastern Caribbean Supreme Court (ECSC) assigned to St. Lucia and served as a Justice of the Court of Appeal of the ECSC from June to July 2004. In 2005, he was awarded the Degree of Doctor of Laws (*honoris causa*) of the University of the West Indies.

Dr. Archibald's accomplishments as a Caribbean legal luminary have also won him appointment or election, on many legal and statutory bodies including Constitutional Committees, Task Forces and the BVI Bar Committee. He is also very involved with the Methodist Church regionally and internationally.

Dr. Archibald is married to Inez Hodge, Speaker of the Legislative Council of the British Virgin Islands from July 2003 to the present. They have three children.



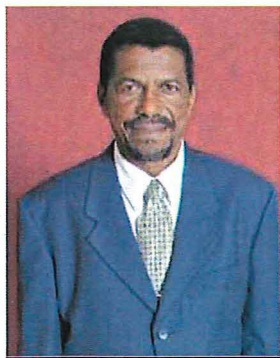


**Dr. the Honourable Lloyd Barnett, O.J.**

Dr. Barnett, a citizen of Jamaica, is a practising attorney-at-law. He holds the B.A. (1954), LL.B (1957), LL.M. (1960) and the Ph.D. (1966) all from the University of London. He was admitted to the Bar of Lincoln's Inn in December 1960. He has served as Crown Counsel in the Chambers of the Attorney General and the Office of the Director of Public Prosecutions.

He has also served as President of the Jamaica Bar Association, Chairman of the Jamaica Council of Human Rights and as Vice President and President of the Organisation of Commonwealth Caribbean Bar Associations (OCCBA).

From 1995 to the present he has been Chairman of the General Legal Council of Jamaica. He was named a member of the Police Service Commission in 2003. In 1999 Dr. Barnett was awarded the Order of Jamaica for his outstanding contribution to jurisprudence and legal education in the Caribbean region.



**Mr. C. A. Blazer Williams BA, MSc., LL.B.**

Mr. Cecil Alfred Blazer Williams, a citizen of St. Vincent and the Grenadines, obtained the B.A. from the University of the West Indies in 1973; he obtained the M.Sc. in National

Development and Project Planning from the University of Bradford in England in 1979 and obtained the LL.B. degree from the University of London in 1996.

Mr. Williams is currently the Chairman of the Public Service Commission and Police Service Commission in St. Vincent and the Grenadines. He is a practising barrister-at-law.

His work experience spans many fields. He has served in the Civil Service of St. Vincent as a Customs Officer (1968-1969); as a teacher (1969-1970, 1973-1975 and 1976-1978). He also served as the 2<sup>nd</sup> Vice President of the St. Vincent Union of Teachers (SVUT) (1976-1977) and as the President of the SVUT Co-operative Credit Union Limited (1983-1995).

Mr. Williams has held executive as well as general membership positions in youth, sporting and cultural organizations and is deeply involved in drama productions and the performing arts in St. Vincent and the Grenadines. He was the first Chairman of the Eastern Caribbean Popular Theatre Organisation (ECPTO) 1984-1986, the Founder and a Director of the New Artists Movement (1973) and a member of the Carnival Development Committee (CDC) and producer of numerous shows since 1974. Mr. Williams has written and directed many plays, some of which have been performed regionally. He has also written monographs and essays and presented numerous papers on economics, politics, and social issues.

Mr. Williams has also held the positions of Administrative Coordinator (1982-1988) and Managing Director of Projects Promotions Limited (1988-1995). He served as Secretary and President respectively of the St. Vincent and the Grenadines Karate Association during the periods 1974-1978 and 1980-1982. He was also Legal Advisor to the Carnival Development Committee and a Member of the Subject Panel for CAPE Law.

Mr. Williams is married and is the father of three children.



**Mrs. Gloria Gray, B.Sc., M.Sc.**

Mrs. Gloria Gray is a citizen of Trinidad and Tobago. She is the holder of a B.Sc. degree in Sociology from the University of the West Indies and a M.Sc. degree in Sociology with

specialization in Social Psychology. Mrs. Gray has worked at the University of the West Indies as a full-time Teaching Assistant in General Psychology, Sociological Theory and Criminology and part-time Teaching Assistant in Sociology. She has also worked at UNECLAC in the Social Affairs Unit.

Currently and since 1991, internationally and locally, Mrs. Gray has been involved on a full time basis with Christian Counselling and the Deliverance Ministry, activities aimed at the healing, restoration and growth of those in need. She possesses a good reading knowledge of French and is fluent in Spanish.

Mrs. Gray is married to Arthur A. Gray whose career has spanned the Foreign Service of Trinidad and Tobago, the CARICOM Secretariat (where he occupied the position of Director, Foreign Policy and External Economic Relations) and UNECLAC, from which he recently retired, as the Regional Economic Adviser.



**Ms. Nelcia Robinson, B.Sc.**

Ms. Nelcia Robinson is a national of St. Vincent and the Grenadines. She is of Garifuna/Black Carib descent, and is currently Coordinator of the Caribbean Organisation of Indigenous Peoples. She has extensive experience in community development and knowledge of social issues in the Caribbean, and is the recipient of many Awards, including the IICA Award for her contribution to agriculture and rural development. Ms. Robinson is also a member of the Commonwealth Foundation Civil Society Advisory Committee. Prior to her full time involvement in the NGO community, Ms. Robinson worked in senior public administration positions with the Government of St. Vincent and the Grenadines.

Ms. Nelcia Robinson is Coordinator of the Caribbean Association for Feminist Research and Action (CAFRA) and of the Caribbean Gender and Trade Network. A Kellogg Fellow, Ms. Robinson has majored in International Development. She has wide experience in researching the social impact of trade agreements on Caribbean people and Caribbean women especially. She has also been actively involved in activities for the implementation of the Beijing Platform for Action at local, regional and global levels. Ms. Robinson is a community educator, lobbyist and researcher. Her special focus is human rights and economic development.

She is currently Chairperson of the Caribbean Policy Development Centre (CPDC), a network of Non-Governmental organisations in the English, Spanish, French and Dutch-speaking Caribbean.



**Professor Aubrey Bishop, OR, CCH, B.Sc., LL.M**

Aubrey Fitz Ronald Bishop was born in Georgetown, Guyana and educated at Queen's College. He was called to the English Bar in July 1963. He enjoyed great success at both the Civil and Criminal Bars in Guyana. He was elevated to the High Court in 1976; to the Court of Appeal in 1987; became Chief Justice in 1992; and Chancellor and Head of the Judiciary in 1995. He has written two landmark judgments which are firsts in the entire Commonwealth, the better known being Barnwell -v- The Attorney General of Guyana [1994] 3 LRC 30.

Professor Bishop, who holds a B.Sc. Degree in Industrial Relations and Management, as well as an LL.M. degree, has been lecturing for 30 years at the University of Guyana and was instrumental in developing the Industrial Relations and Management Programme of the Institute of Distance and Continuing Education (IDCE). Immediately upon demitting office as Chancellor of the Judiciary, Professor Bishop assumed a full-time Professorship of Law.

He has been Vice President of the Methodist Church in the Caribbean and the Americas (MCCA) and is currently legal adviser to the Methodist Conference in Guyana and a member of the Judicial Council of the MCCA.

He is a Past President of the Guyana Football Association and represented Guyana nationally and overseas at cricket and football and was a FIFA International Soccer Referee. He was also nominated and appointed to the arbitration panel of the International Court of Arbitration for Sport (CAS) based in Lausanne, Switzerland.

Professor Bishop has twice been honoured nationally with the Cacique's Crown of Honour (CCH), and the Order of Roraima (OR), Guyana's third and second highest awards, respectively.

Professor Aubrey Fitz Ronald Bishop is married to Dr. Carole Maison-Bishop. They are the parents of three adult children, all University graduates.



**Dr. Magda Hoever-Venoaks, M.Sc., Ph.D.**

Dr. Magda Renata Hoever-Venoaks, a citizen of the Republic of Suriname, is an Associate Professor in the Department of Law at the Faculty of Social Sciences of the University of Suriname and facilitates courses in Administrative Law and Legislative theory and practice.

Dr. Hoever-Venoaks graduated from Teacher Training College in Suriname and from the Social Academy CICSA and the management training of the Netherlands Federation for Elderly Care in the Netherlands. In 1990 she was awarded her Master's Degree in Law and commenced working as a Lecturer in Law in the Department of Law at the Faculty of Social Sciences of the University of Suriname.

In 1999 she was awarded a Doctorate (PH.D) in Administrative Law from the University of Suriname. Her dissertation is published under the title: 'Surinamese civil servants' law in development perspective'.

She has written together with L.J.A. Damen, Professor of Law of the University of Groningen, the Netherlands the (first Surinamese) college textbook, 'Administrative Law' of which the second edition was published in 2003.

She has also written articles for many publications including the Surinamese Jurist Journal, the Syllabus Surinamese Environmental Law and the Memorial Book 'Moi Wana 10 years Human Rightswork in Suriname'.

Dr. Hoever-Venoaks is also a member of the Council for the selection and training of members of the Judiciary in Suriname.

Dr. Hoever-Venoaks is married to Stanley Hoever, who is also a lawyer. They have two children.



**The Rt. Hon. Sir Vincent Floissac, C.M.G., O.C., LL.M.(Lond)**

The Right Honourable Sir Vincent Floissac is a former Chief Justice and President of the Court of Appeal of the Eastern Caribbean Supreme Court having served in that capacity from November 1991 to July 1996.

Sir Vincent was St. Lucia's Open Island Scholarship winner in 1948. He enrolled at the University College, London University, where he obtained his LL.B degree with Honours in 1951. He then entered the Inns of Court School of Law (Gray's Inn) where he successfully completed the Bar Finals before being called to the Bar of England in 1952. He also obtained his LL.M. at the London University in 1953.

Sir Vincent practised law in the island of St. Lucia for 37 years between 1953 and 1991.

He was a member of the Seychelles Court of Appeal between 1988 and 1991.

Sir Vincent, a former President of the St. Lucia Bar Association, is currently an Honorary Bencher of Gray's Inn, and has been a member of the Judicial Committee of the Privy Council since 1992.

Between 1969 and 1975, Sir Vincent was a nominated Member and Deputy Speaker of the St. Lucia House of Assembly. In 1979 he was installed as the First President of the Senate of St. Lucia.

He was Governor General's Deputy on various occasions in 1983 and 1988, and acted as Governor General of St. Lucia from May 1987 to October 1988.

For his numerous contributions to the legal profession, and his public service, Sir Vincent was awarded Silk in 1969; made a Member of the Order of the British Empire in 1973, a Commander of the Order of St. Michael and St. George in 1985 and awarded a Knight Bachelorhood in 1992.

Sir Vincent is married to Lady Marilyn Floissac and they are the parents of twin daughters, Heather and Brenda.



**Mr. Allan Alexander S.C.**

Mr. Allan Alexander is a citizen of Trinidad and Tobago and a Barrister-at-law. He was called to the Bar of England and Wales in September 1959 and was admitted to practise law as a Barrister-at-law in Trinidad and Tobago in January 1960. He accepted silk in July 1980 and has acted as a Judge of the High Court of Trinidad and Tobago.

Mr. Alexander also served as an Independent Senator in the Parliament of Trinidad and Tobago from 1986 to 1991. He was also past President of the Trinidad and Tobago Bar Association, the Law Association of Trinidad and Tobago and the Organisation of Commonwealth Caribbean Bar Associations.

#### 4. FUNCTIONS OF THE COMMISSION

In 2006 the Commission held nine meetings and sub-Committees of the Commission met on ten occasions. Lists of the meetings of the Commission and its sub-Committees are set out in **Appendix A** and **Appendix B** respectively.

The main functions of the Commission are set out in Article V.3 (1) of the Agreement. This Article provides that-

*"The Commission shall have responsibility for:*

- (a) making appointments to the office of Judge of the Court, other than that of President;*
- (b) making appointments of those officials and employees referred to in Article XXVII and for determining the salaries and allowances to be paid to such officials and employees;*
- (c) the determination of the terms and conditions of service of officials and employees; and*
- (d) the termination of appointments in accordance with the provisions of the Agreement."*

The Agreement also sets out other functions of the Commission. Such functions include-

- the exercise of disciplinary control over Judges of the Court, other than the President, and over officials and employees of the Court; Article V.3(2)
- the making of recommendations to the Heads as to the person to be appointed President and for the removal of the President from office; Article IV.6
- the determination of the terms and conditions and other benefits of the President and other Judges of the Court with the approval of the Heads of Government; Article XXVIII as amended
- the making of Regulations -
  - to govern the appointment, discipline, termination of appointment and other terms and conditions of service and employment for Judges, other than the President, and officials and employees of the Court,
  - to prescribe the procedure governing the conduct of such proceedings, and
  - generally to give effect to the Agreement; Article XXXI.

The Commission is also given the responsibility under Article 172 of the Revised Treaty of Chaguaramas for appointing the members of the Competition Commission.



## 5. ACTIVITIES OF THE COMMISSION

Activities of the Commission during the period under review included:

- The initiation of the process for the selection of a Judge to replace Justice Pollard in the event of his retirement;
- The settling of terms and conditions for Court Administration Staff and support staff;
- Participating in the preparation of the budget for the Court and Commission and the setting up of a pension plan for staff of the Court and Commission;
- The appointment of the following staff for the Commission:

POSITIONS
Driver/Messenger
Clerk

- The recruitment and appointment of the following administrative personnel for the Court:

POSITIONS
Court Security Manager
Court Facilities Manager
Secretary to the Security and Facilities Managers

## 6. APPOINTMENT OF REPLACEMENT JUDGE

Article IX.3 of the Agreement provides that "*Subject to the provisions of this Article, a Judge of the Court shall hold office until he attains the age of seventy-two years, ...*".

The Commission, being mindful that the Honourable Mr. Justice Duke Pollard would attain the age of 72 on June 10, 2007 began the process in 2006 for selecting and appointing a replacement for him. The Commission decided to adopt the same procedure it had utilised in 2004 for the appointment of the first judges of the Court. On November 22, 2006 a notice inviting applications for appointment as a Judge of the Court was posted on the Court's website. The position was advertised in newspapers regionally and within the Commonwealth. In addition to the qualifications specified in Article IV.10 and 11 of the Agreement, applicants were advised that they should possess expertise in International Law and International Trade Law. Nine (9) applications were received by the Commission before the deadline date of December 29, 2006.

As it turned out, no new appointment to the Court was made for reasons which will be explained in the 2007 Report.

## **7. THE SECRETARIAT OF THE COMMISSION**

On 18<sup>th</sup> May 2006 the Secretariat of the Commission moved into more spacious accommodation on the second floor of a building located at No. 134, Henry Street, Port of Spain. This is more fully dealt with at item 10 of this Report.

The support staff of the Commission which comprised only the Secretary to the Commission, Ms. Paula Pierre, (who is also the Registrar of the Court) and the Executive Secretary, Mrs. Mary Barrow, was expanded in 2006. In January 2006 Mr. Hucliffe Samuel was appointed to the position of Messenger/driver, and in October 2006 Ms. Roslyn Guvara was appointed to the position of Clerk to the Commission.

The Commission also decided to purchase its own vehicle to assist in transporting the members of the Commission to and from meetings and for routine mail delivery for both the Court and the Commission. After a careful survey of the market, an eight-seater vehicle was selected appropriate to the needs of the Commission.



**Centre:** Ms. Paula Pierre, Secretary to the Commission  
**Right:** Mrs. Mary Barrow, Executive Secretary to the Commission  
**Left:** Mr. Hucliffe Samuel, Driver/Messenger to the Commission  
Missing: Ms. Roslyn Guvara, Clerk to the Commission

## 8. APPOINTMENT OF COURT STAFF

During 2005 the Commission approved the creation of several new positions for the Court including two management positions, namely the Court Security Manager and the Facilities Manager, a Court Security Unit comprising twenty-four (24) posts, a Library Assistant, a Registry Supervisor and Court Support Officer, an Information Systems Clerk, a secretary for the Court Security and Facilities Managers and two (2) Customer Service Representatives. The successful applicants for these posts all assumed duty in 2006:

The persons appointed to these posts are identified in the following table.

**Table 3**

Name	Position	Nationality	Date of Appointment
Lavaughn Agard	Information Systems Clerk	Trinidad and Tobago	January 3, 2006
Nandlal Hardial	Registry Supervisor	Trinidad and Tobago	February 1, 2006
Jacqueline Swaby	Court Support Officer	Jamaica	February 1, 2006
Sandra Sandiford-Carr	Court Security Manager	Trinidad and Tobago	March 3, 2006
Vaughn Halliday	Court Facilities Manager	St. Kitts and Nevis (resident in Barbados)	May 1, 2006
Sheryl Washington-Vialva	Court Library Assistant	Trinidad and Tobago	May 1, 2006
Carole Noble	Secretary to Security and Facilities Managers	Guyana	October 2, 2006

The Commission appointed a sub-Committee to select and appoint persons to the positions of Information Systems Clerk, Registry Supervisor, Court Support Officer, Court Security Manager, Court Facilities Manager, Library Assistant and secretary to the Security and Facilities Managers. This sub-Committee comprised Ambassador Christopher R. Thomas (Convenor), Professor Aubrey Bishop, Ms. Gloria Gray and Ms. Nelcia Robinson.

By the authority given it by Article V.9 of the Agreement, the Commission delegated to the Court Executive Administrator, the power to select and appoint persons to the positions of Customer Service Representative, Security Supervisor and Security Officer. These positions were advertised locally and all officers appointed to these positions are citizens of Trinidad and Tobago. The following appointments were made of persons who assumed duty in 2006.

**Table 4**

<b>Name</b>	<b>Position</b>
Seanna Annisette	Customer Service Representative
Gina Affonso-Smith	Customer Service Representative
Christopher Hoyte	Security Supervisor
Ozni Smith	Security Supervisor
Mark Hughes	Security Supervisor
Jerry Clarke	Security Officer
Everard Khellawan	Security Officer
Catherine Narine	Security Officer
Whitfield Pilgrim	Security Officer
Marlon Williams	Security Officer
Erica La Barrie	Security Officer
Veronica Brooks	Security Officer
Dianne Silverton	Security Officer
Claudia Belfon-Williams	Security Officer
Joel Bernard	Security Officer
Alec Baptiste	Security Officer
Richard Lewis	Security Officer
Howard Marcelle	Security Officer
Kevin M. Thorne	Security Officer
Kevin S. Williams	Security Officer
Cleve Burnett	Security Officer
Anson D. Figaro	Security Officer
Earl Weekes	Security Officer
Stewart Matthews	Security Officer
Michelle Andrews	Security Officer

## **9. PROJECTED AND ACTUAL EXPENDITURE OF THE COMMISSION**

During the period under review the Commission was financed by funds disbursed periodically by the Trustees to the Court and Commission from the Trust Fund. The disbursements were based on the 2006 budget which had been prepared by the Court and Commission in the latter part of 2005 and revised and substantially reduced in June 2006.

It is to be noted that the estimates of anticipated expenditure by reference to which the quantum of the Trust Fund was determined, were somewhat rudimentary and did not, for example, make any separate provision for the expenses of the Commission.

In 2006 the Court and Commission submitted to the Trustees a biennial budget for the years 2007 and 2008. This budget included provision for contributions to the pension plan of the Judges and the staff of the Court and Commission.

Trinidad and Tobago Insurance Consultants were appointed the pension brokers of the Court and Commission. After reviewing plans offered by Guardian Life and Colonial Life Insurance Company (CLICO), and on the recommendation of the brokers, the pension plan of the Court and Commission was placed with CLICO. The pension plan became effective from 1<sup>st</sup> June 2006. In keeping with the terms and conditions of service of the Judges, a defined benefit plan was instituted for them. A defined contribution plan was instituted for staff of the Court and Commission. The defined contribution plan was based upon a retirement age of 65 years. A member of staff would contribute 5% of his/her salary towards his/her pension and the employer would contribute 10% of the employee's salary. An employee whose service did not exceed five years would receive a gratuity based on total salary earned in lieu of a pension.

In March 2006 the Commission appointed the firm KPMG as its external auditors. The auditors proceeded to audit the financial statements of the Commission for two periods, viz August 2003 to December 31, 2004 and January 1 to December 31, 2005.

The audited financial statements of the Commission for the 12 month period ending December 31, 2006 are attached as **Appendix C**.

## **10. INTERACTION WITH THE TRUSTEES AND THE TRUST FUND**

During the course of 2006 the Court and Commission and the Trustees made considerable progress in reconciling their originally divergent views as to their respective roles and functions in relation to the preparation and finalization of the budget of the Court and Commission.

At a meeting held on May 26, 2006 under the Chairmanship of the Secretary-General of CARICOM, with representatives of the Court, the Commission and the Trustees, the Secretary-General and his team sought to promote a better rapport between the organisations. The Commission was represented by its Chairman, The Rt. Hon. Mr. Justice Michael de la Bastide, Sir David Simmons, Ambassador Christopher R. Thomas and Ms. Gloria Gray. The representatives from the Trustees were led by their Chairman and the representatives of the Court by the Court Executive Administrator.

Each organization was given the opportunity to air the concerns which had given rise to the meeting. There was full and frank discussion of the main areas of concern at the end of which representatives had narrowed and defined the differences which separated them.

At the suggestion of the Secretary-General, it was agreed that a group be formed to work out the details of a draft Protocol to govern the Interfacing and Interaction of the Commission, the Court and the Trustees. The group comprised three representatives of the Trustees, two representatives of the Court and two representatives of the Commission. The representatives of the Commission were Sir David Simmons and Ambassador Christopher R. Thomas. The group met on two occasions in 2006 i.e. on July 8 and October 9, and substantial progress was made in settling the terms of the draft Protocol.

By the end of the second meeting the parties had agreed in principle on all substantive issues in dispute and by the end of the year the prospects of an agreed Protocol seemed very bright.

## **11. ACCOMMODATION OF THE COMMISSION AND THE COURT**

As mentioned earlier in this Report the secretariat of the Commission moved into its third temporary home on May 18, 2006 in a building located at 134, Henry Street Port of Spain. This building which houses both the Court and the Commission was customized to suit the needs of the organizations at the expense of the Government of Trinidad and Tobago. The re-furbishment of the building started in June 2005 and the Court and Commission moved into occupation of the premises in May 2006, the refurbishment having by then been substantially completed.

The Commission is now accommodated more adequately in a portion of the second floor of the building. The accommodation consists of a conference room, lounge, filing room and office space for the Secretary and support staff.

## **12. COMPETITION COMMISSION**

On April 3, 2006 a meeting of the Commission was convened at the request of the Secretary-General of the Caribbean Community in order *"to discuss arrangements for bringing into operation the Community Competition Commission, with particular reference to the role of the RJLSC. ..."*

The Secretary-General and his team, which comprised Dr. Winston Anderson, General Counsel, CARICOM, and Mr Ivor Carryl, Programme Manager, CSME, informed the Commissioners that the Legal Affairs Committee had agreed on the privileges and immunities to be granted to members of the Competition Commission and that the Seat of the Competition Commission would be in Suriname.

Mr. Carryl pointed out that while the Treaty dealt with the appointment of members of the Competition Commission, it was silent as to its structure. A structure had been proposed but it required a budget which Member States had not yet agreed.

Dr. Anderson pointed out that the Competition Commission was given both investigative and adjudicatory powers and that the proposed structure sought to vest the investigative functions in a Secretariat to the Competition Commission and the judicial functions in the Competition Commissioners. He also referred to the case of Jamaica Stock Exchange v Fair Trading Commission (Jamaica Supreme Court Civil Appeal No. 92 of 1997) where it was decided that the merging of the investigative and adjudicatory powers of the Fair Trading Commission breached the rules of natural justice.

The Task Force which had been set up in 2005 to implement Chapter 8 of the Treaty had made recommendations for the procedure to be adopted for the appointment of Competition Commissioners. However decisions were still to be taken on the structure and function of the Competition Commission, matters which would impact the appointment of its members. The Commission would be informed of those decisions when they were taken so that it could begin the process of selection and appointment of members of the Competition Commission.

## **13. CONSTITUENT INSTRUMENTS**

### **Privileges and Immunities**

Pursuant to a decision taken in 2005 by the Conference of Heads of Government CARICOM Laissez-Passer travel documents were issued to the members of the Commission. This assisted the Commissioners from other CARICOM countries when they entered Trinidad and Tobago to attend meetings even though problems with Immigration officers were not totally eliminated.

Despite repeated requests to the relevant authorities Judges of the Court and Commissioners have not been included in the Table of Precedence of Trinidad and Tobago.

### **Protocol for the Security of Tenure of Members of the Commission**

In 2004 the Commission had recommended that the Agreement be amended to make provision for the security of tenure of Commissioners. On July 6, 2006 at the meeting of the Heads of Government held in St. Kitts and Nevis, a Protocol to the Agreement was signed which made provision for the removal from office of a Commissioner *"only for inability to perform the functions of his office, whether arising from illness, or any other cause or for misbehaviour"*.

There had however been no prior consultation with the Commission on the terms of the Protocol and after reviewing the mechanisms laid out in it for the removal of Commissioners, the Commission decided to make recommendations for its amendment. A sub-Committee was formed for this purpose comprising Commissioners Archibald (Convenor), Floissac, Bishop, Barnett and Alexander.

The Report of the sub-Committee had not been received at the end of 2006.

#### **14. APPRECIATION OF COMMISSIONERS WHO DEMITTED OFFICE IN 2006**

The Commission acknowledges its indebtedness to the three Commissioners who demitted office in 2006, namely Sir David Simmons who served from August 2003 to August 2006, Ambassador Christopher R. Thomas who served from August 2004 to August 2006 and Mr. Othniel Sylvester, who served from August 2003 to March 2006 when he resigned on the grounds of ill-health.

The Commission wishes to record in particular its appreciation of the dedicated service of Sir David Simmons as pro tem Chairman of the Commission from August 2003 to August 18, 2004 when the present Chairman assumed office and that of Ambassador Christopher R. Thomas as Chairman of the Selection sub-Committee.



#### **Sir David Simmons, K.A., B.C.H.**

Sir David Simmons, a citizen of Barbados, assumed office as the 12<sup>th</sup> Chief Justice of Barbados on January 1, 2002. He graduated from the London School of Economics and Political Science with the LL.B. degree in 1963. After additional reading he was awarded the LL.M degree in 1965. He is a barrister-at-law of Lincoln's Inn.

Sir David lectured in law in London until his return to Barbados in 1970. Between 1970 and 1974, he was a part-time lecturer in Law at the Faculty of Law of the University of the West Indies.



Sir David has had an outstanding career as a lawyer in Barbados and was appointed Queen's Counsel in 1984. He served continuously for 25 years in the Parliament of Barbados from February 1970 to August 27, 2001 on which date he retired from active politics.

Twice he served as Attorney General of Barbados; first from 1985 to 1986, and, more recently, from September 1994 to August 2001. On many occasions during the latter period, Sir David acted as Prime Minister of Barbados.

As Attorney-General, Sir David chaired many initiatives and conferences including the Caribbean Financial Action Task Force (1997/98); the Joint US/Caribbean Sub-Committee which developed a Plan of Action on Justice and Security issues; the Regional Committee for the establishment of a project for Maritime Cooperation Against the Traffic In Illicit Narcotic Drugs in the Caribbean (1999-2002); and the Preparatory Committee to establish the Caribbean Court of Justice (1999-2001).

For his contribution to public service and politics, he was awarded both the Barbados Centennial Honour (B.C.H.) and the Knight of St. Andrew (K.A.) in 2001.

In December 2003 Sir David was awarded the degree of Doctor of Laws honoris causa of the University of London.

Sir David Simmons is married to former High Court Judge, Madam Justice Marie MacCormack. They have two children, Gavin and Lynne-Marie.



**Ambassador Christopher R. Thomas, C.M.T., D.Laws**

Ambassador Christopher R. Thomas, a citizen of Trinidad & Tobago, obtained his primary and secondary education at St. Agnes' EC School (1942-1949), Tranquillity Boys' Intermediate School (1950-1953), Fatima College (1954-1955) and St. Mary's College (1956-1957).

Ambassador Thomas is the holder of the B.A. in General Studies of the University of London (1961); the Diploma in Education of the University of the West Indies (1963);

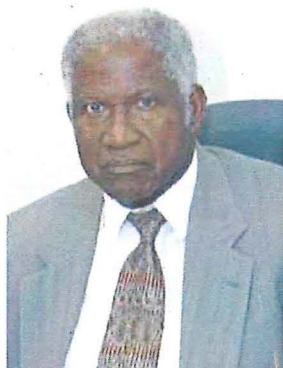
the M. Litt. of the University of Bristol (1970) and the M.A. in International Politics of New York University (1977). He also holds the degree of Doctor of Laws (*honoris causa*) from the University of Maine (2003).

During his long and distinguished career in the public service of Trinidad & Tobago, Ambassador Thomas has served as a graduate teacher and university lecturer (1958-1962). He sat as an Independent Senator for 3 years (2001-2003) and was Permanent Secretary of the Ministry of Foreign Affairs from 1983 to 1985. He was Ambassador of Trinidad and Tobago to Venezuela from 1985 to 1990 and subsequently elected as Assistant Secretary General of the Organisation of American States for two consecutive terms, from 1990 to 2000. He held the office of Chair of the United Nations Finance Committee in 1975 and served as senior member of the Administration and Budgeting Committee of the United Nations for a period of 14 years (1976-1990). He also served as a UN Inspector from 2003-2004.

Ambassador Thomas currently serves as Chairman of the Public and Police Service Commissions of Trinidad & Tobago to which posts he was appointed in 2004 for a three year term of office. He was appointed Member of the Regional Judicial and Legal Services Commission in August 2004.

Ambassador Thomas has been inducted into the Halls of Fame of both Fatima and St. Mary's Colleges. He was awarded the Chaconia Medal (Gold) (1994) and the *Gran Cordón del Libertador* of Venezuela (1990), Venezuela's highest honour to foreign serving dignitaries. He was also granted the first-ever award for distinction in diplomatic representation by the Caribbean Studies Association in Washington (1999).

Ambassador Thomas is married, with three children. His hobbies include golf, reading and writing.



**Mr. Othniel Sylvester, C.M.G., O.C.**

Mr. Othniel R. Sylvester, a citizen of St. Vincent and the Grenadines, is a Practising Barrister-at-Law.

After embarking on a career in the Teaching Profession that spanned the years 1948 to 1956, Mr. Sylvester switched careers when he enrolled with the City of London College, University of London, to read for a degree in law.

In 1958 Mr. Sylvester was awarded First Class Honours with a distinction in Public International Law. That year he graduated from the Inns of Court (Inner Temple) Law School with Second Class Honours.

He was called to the Bar of England in 1958 and to the St. Vincent and the Grenadines Bar the following year, 1959.

Mr. Sylvester was a former Speaker of the House of Assembly (1966-1968); a former Member of Parliament and Minister of Government from 1972 to 1974; and a former Director of the Eastern Caribbean Central Bank (1984-1986).

After distinguishing himself at the Bar for a period in excess of twenty-six (26) years, Mr. Sylvester was appointed one of Her Majesty's Counsel in 1985.

During the period 2001 to 2002, Mr. Sylvester acted as a High Court Judge of the Eastern Caribbean Supreme Court.



## APPENDIX A

### Meetings of the Commission

During 2006 the Commission met on the following dates from 9:00 a.m.

<b>No.</b>	<b>Dates of Meetings of Commission</b>
1.	February 3
2.	March 24
3.	April 27
4.	June 2
5.	July 7
6.	August 2
7.	September 29
8.	October 27
9.	December 1

## APPENDIX B

### Other Meetings

Other Meetings including Sub-Committee Meetings of the Commission were held on the following dates

<b>No.</b>	<b>Dates of Other Meetings</b>
1.	February 8
2.	February 14
3.	February 17 and 18
4.	April 3
5.	May 26
6.	June 7
7.	July 8
8.	August 10 and 11
9.	October 9

## **APPENDIX C**

Audited Financial Statements for the year ended December 31, 2006







Financial Statements of

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2006





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## INDEPENDENT AUDITORS' REPORT

To the Commissioners  
of the Regional Judicial and Legal Services Commission

### Report on the Financial Statements

We have audited the financial statements of The Regional Judicial and Legal Services Commission (the Commission) set out on pages 2 to 13 which comprise the balance sheet as at December 31, 2006, and the statements of income, changes in retained earnings and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with International Financial Reporting Standards. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and consistently applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

In our opinion, the financial statements, which have been prepared in accordance with International Financial Reporting Standards, present fairly, in all material respects, the financial position of the Commission as at December 31, 2006 and of its financial performance, changes in retained earnings and cash flows for the year then ended.

Signed KPMG

Chartered Accountants

May 31, 2007

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Balance Sheet

December 31, 2006

	Notes	2006	2005
<b>Assets</b>			
<b>Non-current assets</b>			
Net fixed assets	1	\$ 58,015	103,429
<b>Current assets</b>			
Due from related party	2	3,588,932	4,906,301
Other receivables	3	13,470	133,417
Cash and cash equivalents		271,500	745,305
<b>Total current assets</b>		<b>3,873,902</b>	<b>5,785,023</b>
<b>Total assets</b>		<b>\$ 3,931,917</b>	<b>5,888,452</b>
<b>Accumulated Fund and Liabilities</b>			
<b>Accumulated fund</b>			
Retained earnings		\$ 3,864,877	5,068,465
<b>Current liabilities</b>			
Deferred income	4	51,715	784,468
Other payables	5	15,325	35,519
<b>Total current liabilities</b>		<b>67,040</b>	<b>819,987</b>
<b>Total accumulated fund and liabilities</b>		<b>\$ 3,931,917</b>	<b>5,888,452</b>

*The accompanying notes form an integral part of these financial statements*

On behalf of the Regional Judicial and Legal Services Commission

Signed Lloyd Barnett Commissioner      Signed Aubrey Bishop Commissioner

## Statement of Income

For the year ended December 31, 2006

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	Notes	2006	2005
Revenue	6	\$ 57,222	61,740
Administrative expenses	7	<u>(1,260,810)</u>	<u>(913,122)</u>
<b>Deficit of expenditure over income for the year</b>		<b>\$ <u>(1,203,588)</u></b>	<b><u>(851,382)</u></b>

---

*The accompanying notes form an integral part of these financial statements*

## Statement of Changes in Retained Earnings

For the year ended December 31, 2006

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	Retained Earnings
<b>Year ended December 31, 2005</b>	
Balance as at January 1, 2005	\$ 5,919,847
Deficit of expenditure over income for the year	<u>(851,382)</u>
Balance as at December 31, 2005	\$ <u>5,068,465</u>
<b>Year ended December 31, 2006</b>	
Balance as at January 1, 2006	\$ 5,068,465
Deficit of expenditure over income for the year	<u>(1,203,588)</u>
Balance as at December 31, 2006	\$ <u>3,864,877</u>

---

*The accompanying notes form an integral part of these financial statements*



## Statement of Cash Flows

For the year ended December 31, 2006

	2006	2005
<b>Cash Flows from Operating Activities</b>		
Deficit of expenditure over income for the year	\$ (1,203,588)	(851,382)
Adjustments to reconcile deficit of expenditure over income for the year to net cash used in operating activities:		
Depreciation	53,814	51,714
Amortisation of deferred income	(732,753)	(360,492)
Due from related party	1,317,369	(4,349,305)
Other receivables	119,947	4,963,480
Other payables	(20,194)	7,238
<b>Net cash used in operating activities</b>	<u>(465,405)</u>	<u>(538,747)</u>
<b>Cash Flows from Investing Activities</b>		
Purchase of fixed assets	<u>(8,400)</u>	-
<b>Net cash used in investing activities</b>	<u>(8,400)</u>	-
Decrease in cash and cash equivalents	(473,805)	(538,747)
Cash and cash equivalents at the beginning of the year	<u>745,305</u>	<u>1,284,052</u>
<b>Cash and cash equivalents at the end of the year</b>	<u>\$ 271,500</u>	<u>745,305</u>
<b>Analysis of cash and cash equivalents</b>		
Cash and cash equivalents	<u>\$ 271,500</u>	<u>745,305</u>

*The accompanying notes form an integral part of these financial statements*

## THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

### Notes to Financial Statements

December 31, 2006

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#### Establishment and principal activity

The Caribbean Court of Justice (the Court) and the Regional Judicial and Legal Services Commission (the Commission) were established on 14<sup>th</sup> February 2001 by the Agreement Establishing the Caribbean Court of Justice (the Agreement). The Agreement was signed on that date by the following Caribbean Communities (Caricom) states of Antigua & Barbuda, Barbados, Belize, Grenada, Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the agreement on 15<sup>th</sup> February 2003, bringing the total number of signatories to 12.

The Court was inaugurated on April 16, 2005 in Port of Spain, Trinidad and Tobago.

The first Commissioners came into force on August 21, 2003. The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves. The functions of the Commission include:

- Making appointments to the office of Judge of the Court, other than that of President;
- Making appointments of officials and employees of the Court;
- Determination of the salaries and allowances to be paid to such officials and employees;
- The determination of the terms and conditions of service of officials and employees; and
- The termination of appointments in accordance with the provisions of this Agreement.

The Court is the highest judicial tribunal, designed to be more than a Court of last resort for member states of the Caribbean Community. For, in addition to replacing the Judicial Committee of the Privy Council, the Court is vested with an original jurisdiction in respect of the interpretation and application of the Treaty Establishing the Caribbean Community. The Court is designed to exercise both an appellate and an original jurisdiction.

These financial statements were approved for issue by the Court Executive Administrator on May 31, 2007.

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## Notes to Financial Statements

December 31, 2006

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**Significant accounting policies****(a) Statement of compliance**

These financial statements have been prepared in accordance with the International Financial Reporting Standards ("IFRSs") and its interpretations adopted by the International Accounting Standards Board.

**(b) Basis of preparation**

These financial statements have been prepared on the historical cost basis.

**(c) Functional and reporting currency**

The financial statements are presented in Trinidad and Tobago dollars which is the Commission's functional currency.

**(d) Use of estimates**

The preparation of these financial statements in conformity with IFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results could differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

In particular, information about significant areas of estimation uncertainty and critical judgements in applying accounting policies that have the most significant effect on the amount recognised in the financial statements are described in the notes.

**(e) Fixed assets**

Fixed assets are stated at cost less accumulated depreciation and impairment losses. The Commission recognizes in the carrying amount of an item of fixed assets, the cost of replacing part of such an item when that cost is incurred if it is probable that the future economic benefits embodied with the item will flow to the Commission and the cost of the item can be measured reliably.

All other costs are recognised in the income statement as an expense as incurred.

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## Notes to Financial Statements

December 31, 2006

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**Significant accounting policies (continued)****(e) Fixed assets (continued)**

When parts of an item of fixed assets have different useful lives, those components are accounted for as separate items of fixed assets.

Depreciation is charged using the straight line method at the rate of 25% which is designed to write off the cost of the assets over their estimated useful lives:

**(f) Other receivables**

Other receivables are stated at cost less impairment losses. Impairment losses include any specific provision established to recognize anticipated losses for bad and doubtful debts. Bad debts are written off during the period in which they are identified.

**(g) Cash and cash equivalents**

For the purposes of the statement of cash flows, cash and cash equivalents comprise cash at hand and in bank.

**(h) Other payables**

Other payables are stated at cost.

**(i) Provisions**

A provision is recognised in the balance sheet when the Commission has a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation. If the effect is material, provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments at the time value of money and, where appropriate, the risks specific to the liability.

**(j) Grants**

Unconditional grants related to the ongoing operations of the Commission are recognised in the statement of income as revenue when the grant becomes receivable. Grants that compensate the Commission for expenses incurred are recognised as revenue in the statement of income on a systematic basis in the same periods in which the expenses are incurred. Grants that compensate the Commission for the cost of an asset are recognised in the statement of income as revenue on a systematic basis over the life of the asset.

**(k) Impairment**

The carrying amounts of the Commission's assets, other than fixed assets and inventories, are reviewed at each balance sheet date to determine whether there is any indication of impairment. If such an indication exists, the asset's recoverable amount is estimated.

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## Notes to Financial Statements

December 31, 2006

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**Significant accounting policies (continued)****(k) Impairment (continued)**

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the income statement.

The recoverable amount of other assets is the greater of their net selling price and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset. For an asset that does not generate largely independent cash inflows, the recoverable amount is determined for the cash-generating unit to which the asset belongs.

An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

**(l) Foreign currency transactions**

Transactions in foreign currencies are translated to the respective functional currency of the Commission at exchange rates at the dates of the transactions. Monetary assets and liabilities denominated in foreign currencies at the reporting date are retranslated to the functional currency at the exchange rate at that date. The foreign currency gain or loss on monetary items is the difference between amortised cost in the functional currency at the beginning of the period, adjusted for effective interest and payments during the period, and the amortised cost in foreign currency translated at the exchange rate at the end of the period. Non-monetary assets and liabilities denominated in foreign currencies that are measured at fair value are retranslated to the functional currency at the exchange rate at the date that the fair value was determined.

Foreign currency differences arising on retranslation are recognised in profit or loss, except for differences arising on the retranslation of available-for-sale equity instruments or a financial liability designated as a hedge of the net investment in a foreign operation.

**(m) Taxation**

Pursuant to the terms of an agreement entered into on July 4, 2003 between the Commission and the Government of the Republic of Trinidad and Tobago, the Commission is exempt from all direct and indirect taxes, duties and levies imposed in Trinidad and Tobago.

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## Notes to Financial Statements

December 31, 2006

**1. Net fixed assets**

	Computers	Furniture Fittings and Equipment	Total
<b>Cost of valuation</b>			
At January 1, 2006	\$ 15,232	191,625	206,857
Additions	-	8,400	8,400
<b>At December 31, 2006</b>	<b>\$ 15,232</b>	<b>200,025</b>	<b>215,257</b>
<b>Accumulated depreciation</b>			
At January 1, 2006	\$ 7,616	95,812	103,428
Charge for the year	3,808	50,006	53,814
<b>At December 31, 2006</b>	<b>\$ 11,424</b>	<b>145,818</b>	<b>157,242</b>
<b>Net book value</b>			
<b>At December 31, 2005</b>	<b>\$ 7,616</b>	<b>95,813</b>	<b>103,429</b>
<b>At December 31, 2006</b>	<b>\$ 3,808</b>	<b>54,207</b>	<b>58,015</b>

**2. Due from related party**

	2006	2005
The Caribbean Court of Justice	\$ 3,588,932	4,906,301

**3. Other receivables**

	2006	2005
VAT recoverable	\$ 11,994	133,080
Other receivables	1,476	337
	<b>\$ 13,470</b>	<b>133,417</b>

## Notes to Financial Statements

December 31, 2006

**4. Deferred Income**

	UNDP	Office of the Attorney General	Total
<b>Year ended December 31, 2005</b>			
Balance at January 1, 2005	\$ 989,817	155,143	1,144,960
Less : United Nations Development	(308,778)	-	(308,778)
Project (UNDP) approved expenditure Amortisation of deferred income	-	(51,714)	(51,714)
Balance at December 31, 2005	\$ <u>681,039</u>	<u>103,429</u>	<u>784,468</u>
<b>Year ended December 31, 2006</b>			
Balance at January 1, 2006	\$ 681,039	103,429	784,468
Less : United Nations Development	(681,039)	-	(681,039)
Project (UNDP) approved expenditure Amortisation of deferred income	-	(51,714)	(51,714)
Balance at December 31, 2006	\$ <u>-</u>	<u>51,715</u>	<u>51,715</u>

The deferred income relates to:

- a grant of fixed assets from the Office of the Attorney General
- cash grants received from the UNDP which is available for set off against future expenses.

**5. Other payables**

	2006	2005
Accounts payable	\$ 5,325	13,519
Accruals	<u>10,000</u>	<u>22,000</u>
	\$ <u>15,325</u>	<u>35,519</u>

## Notes to Financial Statements

December 31, 2006

**6. Revenue**

	2006	2005
Amortisation of deferred income	\$ 51,714	51,714
Interest income	5,508	10,026
	<u>\$ 57,222</u>	<u>61,740</u>

**7. Administrative expenses**

	2006	2005
Salaries and allowances	\$ 208,699	138,574
Depreciation	53,814	51,714
Administrative expenses	524,712	403,393
Commission and recruitment expenses	460,511	306,274
Audit fees	10,000	10,000
Bank charges	3,074	3,167
	<u>\$ 1,260,810</u>	<u>913,122</u>

**8. Financial instruments**

The following summarises the major methods and assumptions used in estimating the fair values of financial instruments.

*Other receivables and payables*

For receivables and payables with a remaining life of less than one year, the notional amount is deemed to reflect the fair value. All other receivables and payables are discounted to determine the fair value.



## Notes to Financial Statements

December 31, 2006

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**9. IFRS not yet effective**

At the date of authorisation of the financial statements, there were certain standards and interpretations which were in issue but were not yet effective. The effective dates of those standards and interpretations are as follows:

IFRS 7	Financial Instruments: Disclosure	January 1, 2007
IFRS 8	Operating Segments	January 1, 2009
IAS 1	Amendment: Presentation of Financial Statements Capital Disclosures	January 1, 2007
IAS 23	Amendment: Borrowing Costs – Capitalisation of Borrowing Costs	January 1, 2007
IFRIC 7	Applying the Restatement Approach under IAS 29 Financial Reporting in Hyperinflation Economies	March 1, 2006
IFRIC 8	Scope of IFRS 2	May 1, 2007
IFRIC 9	Reassessment of Embedded Derivatives	June 1, 2006
IFRIC 10	Interim Financial Reporting and Impairment	November 1, 2006
IFRIC 11	Group and Treasury Share Transactions	March 1, 2007
IFRIC 12	Service Concession Arrangements	January 1, 2008

The adoption of these standards and interpretations are not expected to have a material impact on the financial statements.

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Supplementary Financial Information

**THE REGIONAL JUDICIAL AND LEGAL  
SERVICES COMMISSION**

December 31, 2006

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## **Independent Auditors' Report On The Supplementary Financial Information**

**To: The Commissioners of the  
Regional Judicial and Legal Services Commission**

We have audited the financial statements of the Regional Judicial and Legal Services Commission for the year ended December 31, 2006, and have issued our report thereon dated May 31, 2007.

We conducted our audits in accordance with International Standards on Auditing, issued by the International Federation of Accountants. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements.

We conducted our audits for the purpose of expressing an opinion on the financial statements of the Commission taken as a whole. The accompanying supplementary financial information, set out on pages 15 to 16, consisting of the balance sheet and statement of income, is presented for the purpose of additional analysis and should not be considered necessary to the presentation of the basic financial statements. This information has been subjected to the audit procedures applied to the basic financial statements and, in our opinion, is fairly presented, in all material respects, when taken as a whole with the basic financial statements.

Signed KPMG  
Chartered Accountants

May 31, 2007



## Balance Sheet

December 31, 2006

*(Expressed in United States Dollars)*

	2006	2005
<b>Assets</b>		
<b>Non-current assets</b>		
Net fixed assets	\$ 9,209	16,417
<b>Current assets</b>		
Due from related party	569,672	778,778
Other receivables	2,138	21,177
Cash and cash equivalents	43,095	120,570
<b>Total current assets</b>	<b>614,905</b>	<b>920,525</b>
<b>Total assets</b>	<b>\$ 624,114</b>	<b>936,942</b>
<b>Reserves and Liabilities</b>		
Retained earnings	\$ 614,288	809,238
Foreign currency translation reserve	(815)	(3,894)
	<b>613,473</b>	<b>805,344</b>
<b>Current liabilities</b>		
Deferred income	8,209	125,960
Other payables	2,432	5,638
<b>Total current liabilities</b>	<b>10,641</b>	<b>131,598</b>
<b>Total reserves and liabilities</b>	<b>\$ 624,114</b>	<b>936,942</b>

The foreign currency exchange rate used in the preparation of these financial statements is TT\$6.30 = US\$1.00.

## Statement of Income

For the year ended December 31, 2006

*(Expressed in United States Dollars)*

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	2006	2005
Revenue	\$ 9,083	9,800
Administrative expenses	(200,129)	(144,940)
<b>Deficit of expenditure over income for the year</b>	<b>\$ (191,046)</b>	<b>(135,140)</b>

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The foreign currency exchange rate used in the preparation of these financial statements is TT\$6.30 = US\$1.00.