

CARIBBEAN COURT OF JUSTICE

One People, One Region, One Court



ANNUAL REPORT
2008/2009

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MISSION

The Caribbean Court of Justice shall perform to the highest standards as the supreme judicial organ in the Caribbean Community. In its original jurisdiction it ensures uniform interpretation and application of the Revised Treaty of Chaguaramas, thereby underpinning and advancing the CARICOM Single Market and Economy. As the final court of appeal for member states of the Caribbean Community it fosters the development of an indigenous Caribbean jurisprudence.

VISION

To provide for the Caribbean Community an accessible, fair, efficient, innovative and impartial justice system built on a jurisprudence reflective of our history, values and traditions while maintaining an inspirational, independent institution worthy of emulation by the courts of the region and the trust and confidence of its people.



The Right Honourable Mr. Justice Michael de la Bastide T.C.



Message From The PRESIDENT

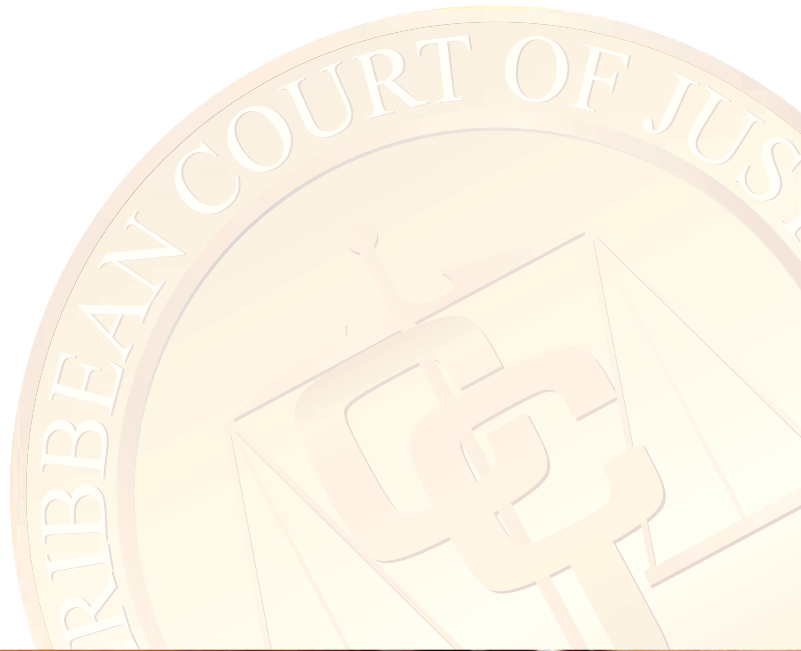
T it is my pleasure to introduce readers to the Annual Report of the Caribbean Court of Justice for the court year 1st August 2008 to 31st July, 2009. During this period the Court in keeping with the theme “Building Trust and Confidence”, sought to maintain and further develop an awareness on the part of the people of CARICOM of the presence of the Court, its constitution and operations and the services which it is designed to provide in both its jurisdictions.

During the year under review, there were significant developments in the original jurisdiction of the Court. Last year’s Annual Report informed readers of the first two applications to be filed in the Court’s original jurisdiction. These were applications for leave to commence proceedings. A third application for leave to commence proceedings in the original jurisdiction was filed on December 11th, 2008, but on this occasion the intended proceedings were against the Caribbean Community and not a Member State (*Trinidad Cement Limited v The Caribbean Community*). Subsequently, on the 15th January, 2009, the Court delivered its first final judgment in an original jurisdiction case (*Trinidad Cement Limited & Anor. v The Co-operative Republic of Guyana*).

These original jurisdiction cases have special importance not just for the Court, but for the region, as we progress towards the actualization of a Single Market and Economy. Judgments in these cases have opened the way for an individual or company to obtain relief from the Court against a Member State of CARICOM, including a Member State to which the complainant belongs, or against the Caribbean Community, for breaches of obligations imposed by the Revised Treaty of Chaguaramas (“the Treaty”). The possibility that these obligations may be enforced at the instance of a private individual or a commercial entity must serve to encourage compliance with them and enhance the prospects of achieving the goals which constitute their whole *raison d’être*. It is reasonable to assume that in future there will be more frequent resort to the Court’s original jurisdiction now that it has been determined that such resort can provide a means of protecting financial and economic interests from damage caused by breaches of the Treaty.

In its appellate jurisdiction the Court continued to receive appeals from the two CARICOM States, Barbados and Guyana, who have by amending their Constitutions accepted the CCJ as their final court. We look forward to the accession of more CARICOM countries to the appellate jurisdiction of the Court; I venture to suggest that other countries may be encouraged to take that step by the record of the Court's performance as the final Court for Barbados and Guyana. In this regard we would expect to be judged on the speed and efficiency with which appeals and applications to the CCJ are processed and disposed of and by the quality of our judgments.

Work began in November 2008 on a number of projects funded under a financing agreement made on the 17th August, 2007 between the European Commission and the Caribbean Forum of the Association of Caribbean and Pacific Countries (CARIFORUM). One of these projects required the Court's technical staff to provide a videoconferencing system to



“ achievements over the past year serve to bolster the belief of the Judges, managers and support staff that the Caribbean Court of Justice represents an idea whose moment has really come ”



facilitate communication between the Headquarters and the courts of the Member States. In order to help them determine what was feasible, the Court's IS personnel visited the Court's sub-registries in the various Member States of CARICOM. This was illustrative of the Court's policy which is to partner with individual CARICOM jurisdictions, assist them in the upgrade of their court facilities and lead the way regionally in the introduction of innovative courtroom technology.

In 2008-2009, the Court also focused on strengthening linkages with various regional and international organisations and institutions. In this connexion the Court co-hosted the VI Brandeis Institute for International Judges. This event which is sponsored by the International Center for Ethics, Justice and Public Life of Brandeis University and is held in different parts of the world at intervals of approximately two years, offers an opportunity for judges of international courts to meet in relaxed surroundings to discuss legal issues of mutual interest. The Court also played a key role in the formation of the Caribbean Association of Judicial Officers (CAJO) and in

organizing the Association's Inaugural Meeting in Port of Spain in June, 2009. In the year under review, the Court also held its first law moot for students of the law faculties and law schools in CARICOM countries. The moot was a great success and generated much support for making it an annual event. The high standard of advocacy displayed by the participants provided reassurance that the future of the legal profession in the region was in good hands.

The Court's achievements during the year under review serve to bolster the confidence of its judges, managers and support staff that the Caribbean Court of Justice is an institution that is here to stay. We will continue to do our best to produce a court which is deserving of the trust and support of the Caribbean people.

Michael de la Bastide
President



Message From The

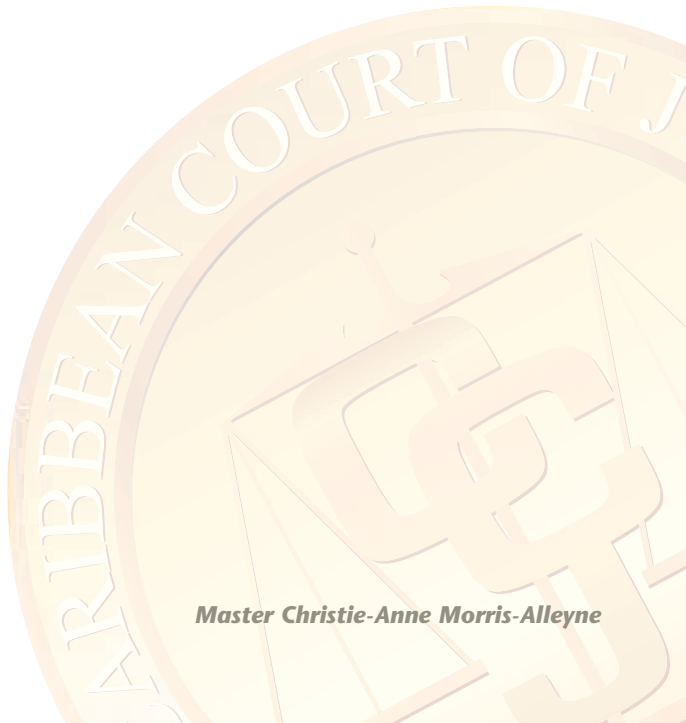
COURT EXECUTIVE ADMINISTRATOR

A court cannot serve the public unless it has that public's trust and confidence. As a new court, the Caribbean Court of Justice (CCJ) is mindful that it must not only win that trust and confidence, but it must also maintain them.

It is important to the development and success of the Caribbean region and each of its Member States that the CCJ is strong and is trusted by the people of the region as well as the international community. This requires that the public is aware of the existence of the Court, understands its purpose, work and standards and consistently witnesses the Court's adherence to its tenets. The public education drive therefore continued to play an important role in the Court's agenda during the period under review. This agenda includes maintaining access to justice; expedition and timeliness; equality, fairness, and integrity; and independence and accountability. As it publishes its 4th Annual Report on the approach to its milestone 5th year, the CCJ continues to apply the fundamental principle of public trust and confidence and has rededicated itself to providing the Caribbean public with evidence of the institution's value and integrity.

The Vision Statement of the Court underscores the maintenance of "an inspirational, independent institution worthy of emulation by the courts of the region and the trust and confidence of its people". While, of course, the Court acknowledges that after just four active years, there are some battles yet to be fought and won, it is nonetheless satisfied that it has remained true to its vision. It does so by expending every effort to provide to the Caribbean as well as to people and institutions outside of the region, a court in which they can believe and upon which they can rely.

In support of this assertion, one can cite the fact that nine of the CCJ's judgments have been published in the West Indian Reports. Additionally, the integrity, clarity and cogency of the Court's judgments are regularly praised by disinterested commentators and several international organisations have encouraged the Court to publish its judgments in languages other than English so that non-Anglophone laymen and jurists alike may benefit from the expertise contained therein.



Master Christie-Anne Morris-Alleyne



“the CCJ continues to apply the fundamental principle of public trust and confidence and has rededicated itself to providing the Caribbean public with evidence of the institution’s value and integrity”



The hosting of the VI Brandeis Institute for International Judges and the Inaugural Conference of the Caribbean Association of Judicial Officers (CAJO) expanded the collegial reach of the Court and provided valuable opportunities for intellectual discussion and exchange with international and regional judicial officers and thought leaders.

The still new areas of law presented by the Revised Treaty of Chaguaramas and the Court’s original jurisdiction led to the CCJ’s development of an International Law Moot, undertaken for the first time this year. This exercise presented Caribbean law students with an opportunity to witness and participate in the practical application of international law principles in a competitive environment before the Judges of the highest Court in the Caribbean Community and will no doubt form a part of the Court’s annual calendar of events.

The Court is also pleased that it has been able to rely on the yeoman service provided by members of the Court Administrative Unit as well as support staff. An institution is only as good as those operating it. In this regard, the Court is justifiably proud of its staff, who represent diverse backgrounds and a multiplicity of competencies, but are all nevertheless united in making the Caribbean Court of Justice a regional exemplar, which supports regional development and growth and an institution in which the Caribbean people can take pride.

Christie-Anne Morris-Alleyne
Court Executive Administrator



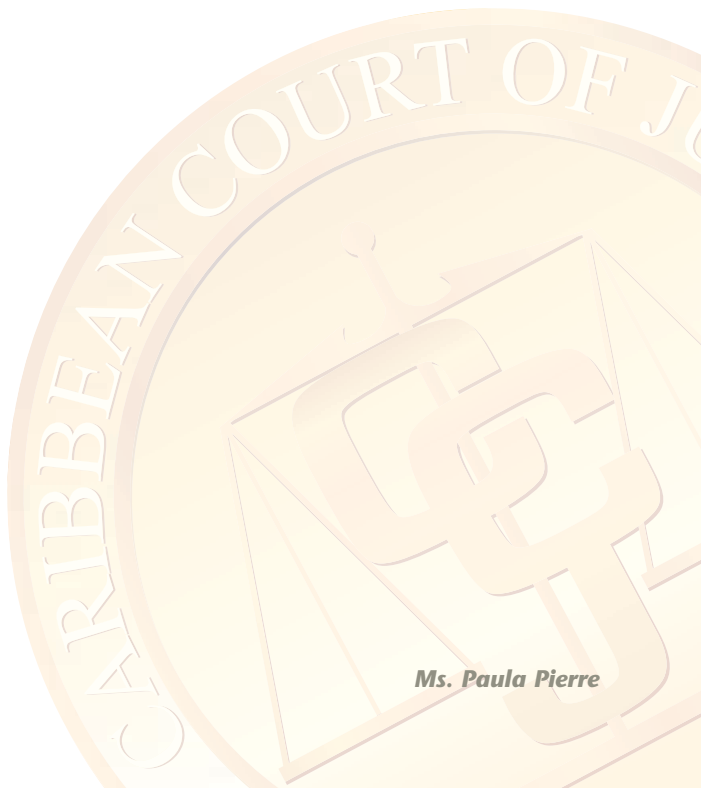
Message From The

REGISTRAR AND CHIEF MARSHAL

In this report, it is noted that three matters were filed in the original jurisdiction of the Court during this period under review, 2008 – 2009, as opposed to the two applications filed in 2007 - 2008. That slight increase however is no reflection of the work involved in training the staff of the Registry, the staff of the sub-Registries and the attorneys-at-law in the processing of applications. The original jurisdiction of the Court continues to be unfamiliar territory for regional lawyers and every opportunity is taken by the Registry to provide guidance to attorneys in matters of procedure in this area.

Training on the whole remains a challenging prospect for the Court as different attorneys file documents and appear for the first time in matters before the Court. Attorneys appearing before the Court for the first time are however becoming more and more au courant with the technology used in the Court Room and eagerly anticipate purchasing a CD or DVD of the Court proceedings before they return home so that they can review the hearing at their leisure and train other attorneys in Chambers.

While the appellate jurisdiction of the Court is considered by many to be not much different from that of the Privy Council, training in this area is ongoing as attorneys-at-law familiarize themselves with the changes made in 2008 to the Appellate Jurisdiction Rules of Court.



Ms. Paula Pierre



“Every opportunity is taken by the Registry to provide guidance to attorneys in matters of procedure.”



It is hoped that in succeeding years attorneys-at-law in each Contracting Party of the Court will be familiar with the Rules of Court and be able to correct the common misconceptions held by many about the Court and its operations.

Paula Pierre
Registrar and Chief Marshal



JUDGES

OF THE CARIBBEAN COURT OF JUSTICE



*The Right Honourable
Mr. Justice Michael de la Bastide T.C.
President*



*The Honourable
Mr. Justice Rolston Nelson*



*The Honourable
Mr. Justice Duke Pollard*



*The Honourable
Mr. Justice Adrian Saunders*



*The Honourable
Mme. Justice Desiree Bernard*

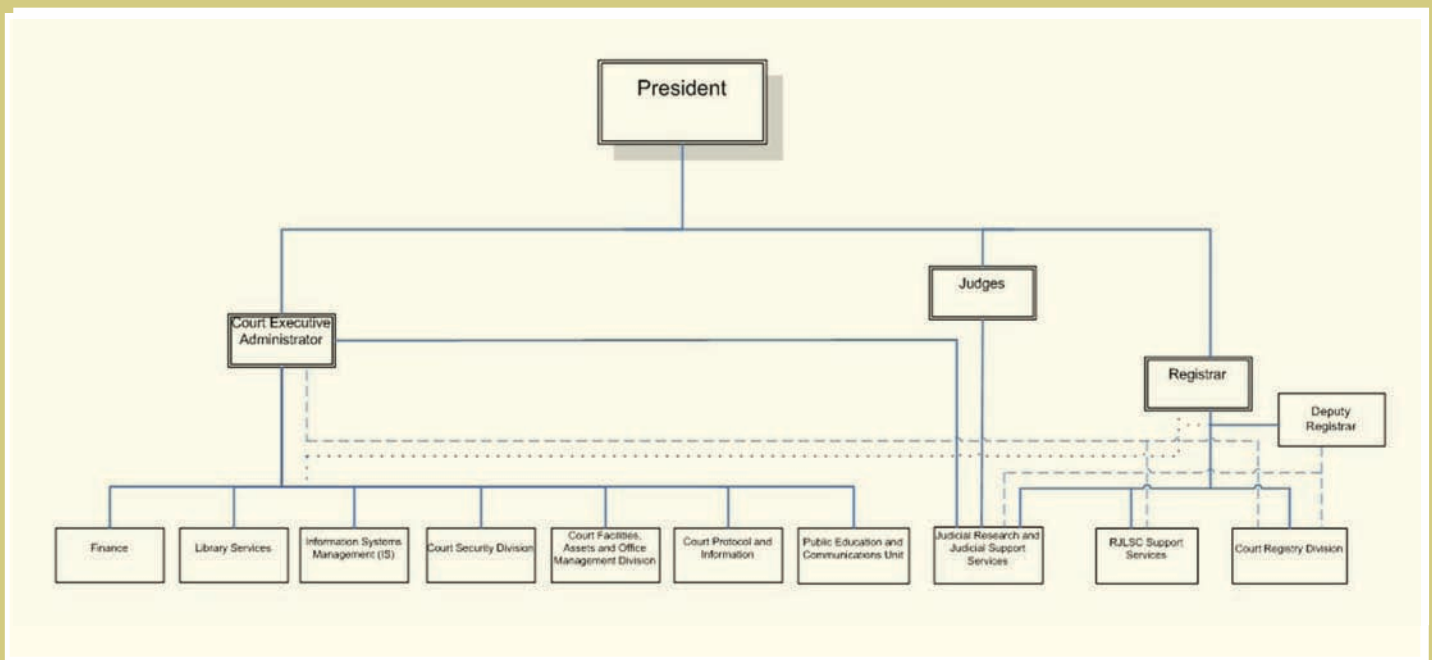


*The Honourable
Mr. Justice Jacob Wit*



*The Honourable
Mr. Justice David Hayton*

CARIBBEAN COURT OF JUSTICE ORGANIZATIONAL CHART



CARIBBEAN COURT OF JUSTICE
ADMINISTRATION UNIT



The members of the Court Administration Unit

L to R: (Standing) **Ms. Jacinth Smith, Chief Librarian; Mr. Larry Ramoutar, Financial Comptroller; Dr. Michael Anthony Lilla, Court Protocol and Information Officer; Master Christie-Anne Morris-Alleyne, Court Executive Administration; Mrs. Sandra Sandiford-Carr, Court Security Manager; Ms. Radha Permanand, Deputy Registrar and Deputy Marshal; Ms. Carlene Cross, Court Systems Manager; Ms. Paula Pierre, Registrar and Chief Marshal.**

(Seated) **Mr. Vaughn Halliday, Court Facilities Manager; Mr. Ayinde Burgess, Court Systems Administrator.**

BUILDING TRUST AND CONFIDENCE FROM FILING TO DISPOSITION

Case Management

The Caribbean Court of Justice has developed systems that ensure the efficient handling of each case and the effectual management of the flow of filings through to disposition. Effective caseload management systems help to decrease delays and reduce social and financial costs. They also ensure that cases are closely monitored, that the procedures are supervised and judgments are delivered in a timely manner. It is within this context that the CCJ sets the tone for improved standards of case management throughout the Caribbean region.

Building public trust and confidence is a task that can seem daunting given the fact that so many aspects of the Court's business seem intangible. Concepts such as justice, fairness, equality, trust and confidence are difficult to qualify and quantify which may make the work of the Court appear unmeasurable. It has been said that 'you are what you measure and you measure what counts'. Interestingly there are ways to measure the work of the Court, there are ways to assess performance that can lead to the formulation of conclusions, inferences, theories and opinions that can materialize otherwise intangible concepts. The way the court deals with cases from filing to disposition can provide significant indicators about the Court's performance.

During this period, the Court conducted its case management conferences by telephone and also heard applications for special leave to appeal and leave to appeal as a poor person by telephone in five (5) matters.

For the Court's Original Jurisdiction, which is still a fairly novel aspect to Caribbean law, two (2) applications for special leave to commence proceedings had been filed in the last period under review on April 3, 2008 and on July 4, 2008. A third application for special leave was filed in the current period under review on December 11, 2008. Special leave was granted by the Court on the first and last applications on January 15, 2009. As a result the first two originating applications in the original jurisdiction of the Court were filed in the Registry on January 19, 2009 and

on January 22, 2009. Both originating applications were heard over two-day periods and, for the first time, the Registry staff were called upon to tender and mark evidence given by witnesses before the Court in the original jurisdiction. The fact that the original jurisdiction is new ground to so many in the region also necessitated the procedural guidance of the CCJ's Registrar and Deputy Registrar to the registry staff of the region.

During this period, the Court continued to receive appeals and applications for special leave to appeal from the Courts of Appeal of Barbados and Guyana. For the most part, these documents were filed in the respective Sub-Registries and transmitted to the Registry. Changes made to the Appellate Jurisdiction Rules on April 1, 2008 were communicated to attorneys as those changes related to the record of appeal, security for costs and the use of the certificates of compliance and non-compliance.

Between August 1, 2008 and July 31, 2009 four (4) appeals and ten (10) applications for special leave to appeal and special leave to appeal as a poor person were filed. An additional application for an extension of time to file the application for special leave to appeal was filed.

In the original jurisdiction of the Court, one (1) application for special leave to commence proceedings was filed and two (2) originating applications were filed after the Court granted special leave to commence proceedings on two (2) of the three (3) applications filed in the original jurisdiction.

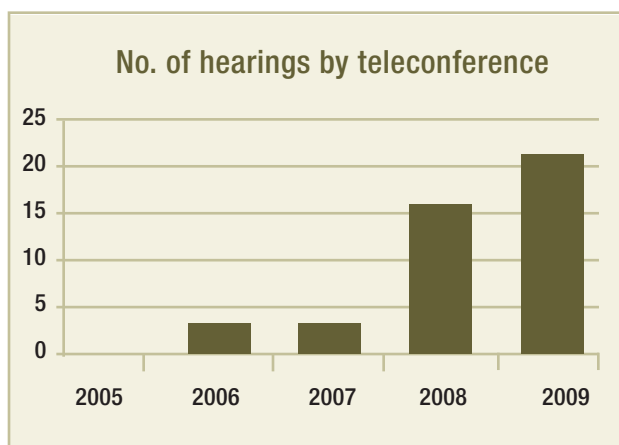
The CCJ is not only mindful of its own resources but those of the litigants and the attorneys. It is not unusual to have attorneys appearing *pro bono* for impoverished clients or in cases where it is felt that a ruling from the Court is necessary in a particular legal context. In this vein the CCJ purposefully uses case management. To be a court worthy of public trust and confidence the CCJ must demonstrate its understanding and at times its empathy for the people and the region it serves. In

BUILDING TRUST AND CONFIDENCE FROM FILING TO DISPOSITION

furthering its objective of delivering justice in a timely manner, case management conferences, pre-hearing reviews and certain applications for special leave are heard via teleconference. Teleconferences have also been conducted when clarification or further information is required by the Court from the attorneys. These teleconferences have been extremely successful both in terms of the socio-economic realities and efficient case management.

The importance of the Case Management Conference (CMC) cannot be emphasized enough. The primary purpose of the CMC is for the judges to give directions and identify the issues to be dealt with in the written submissions and to set out the timetable for the further conduct of the case. This lends itself to timely dispositions of matters since the advocate's time in court is focused on the 'real' issues and as such only the truly relevant aspects of the case are ventilated before the CCJ. Also, it negates the need for adjournments; counsel is fully aware of what the Court wants and when it wants it. To this end, contact with the Registrar and Deputy Registrar is virtually unlimited (email, phone, cell, fax) and as such, attorneys always have access to procedural guidance. The Court

almost always suggests that attorneys email their documents to the Registry so that time is not wasted in transmitting documents. The CCJ acknowledges that many of its current customers come from beyond the shores of Trinidad and proactively seeks to minimize time away from home, and the office for the attorneys and litigants.



Judicial Work of the Court

Between August 1, 2008 and July 31, 2009 four appeals and ten applications for special leave to appeal and leave to appeal as a poor person were filed. One application for an extension of time to file the application for special leave to appeal was also filed. The Court continued to conduct its case management conferences by telephone and also heard applications for special leave to appeal and leave to appeal as a poor person in five matters.

In the period under review one application for special leave to

commence proceedings was filed in the original jurisdiction and two originating applications were filed after the Court granted special leave to commence proceedings in two of the three applications filed.

The Court is committed to delivering judgments of the highest quality as it continues to generate and permeate an indigenous jurisprudence in the Caribbean region.

During the period under review the Court delivered eighteen (18) judgments including three (3) judgments in the original jurisdiction of the Court. Nine (9) of these judgments have been published in Volumes 73 and 74 of the West Indian Reports.

Table 1 below shows the number of judgments delivered by the Court since its inception to 31st July 2009

Judgments delivered in 2005	Judgments delivered in 2006	Judgments delivered in 2007	Judgments delivered in 2008	Judgments delivered as at 31.07.09	Total Judgments delivered from inception to July 31, 2009
1	4	4	13	12	34

BUILDING TRUST AND CONFIDENCE FROM FILING TO DISPOSITION

The Court sat in its appellate jurisdiction on thirty-nine (39) days. It held twelve (12) case management conferences, heard fourteen (14) appeals and six (6) applications for special leave to appeal to the Court. In its original jurisdiction the Court sat on

sixteen (16) days, held four (4) case management conferences, heard one (1) application for special leave to commence proceedings and two (2) originating applications.

Table 2 below indicates the new matters filed in the appellate jurisdiction of the Court during the period under review by type and country of origin.

August 1, 2008 – July 31, 2009	Barbados	Guyana
Applications for special leave to appeal	3	2
Applications for special leave to appeal as a poor person	3	2
Application for extension of time to file application for special leave to appeal	–	1
Civil appeals	1	1
Criminal appeals	2	–
Total	9	6

Table 3 below indicates the status of matters filed in the appellate jurisdiction of the Court during the period under review as at July 31, 2009.

Type of matter	No. filed	No. awaiting action by local court	No. awaiting action by parties	No. awaiting action by CCJ Registrar	No. awaiting action by the Court	No. where decision given but awaiting reasons	No. disposed of
Applications for special leave to appeal	5			1			4
Applications for special leave to appeal as a poor person	5			1			4
Application for extension of time to file application for special leave to appeal	1						1
Civil Appeals incl. Constitutional Appeals	2			1			1
Matrimonial Appeals	–						
Criminal Appeals	2		2				1
TOTAL	15	–	2	3	–	–	11

BUILDING TRUST AND CONFIDENCE FROM FILING TO DISPOSITION

Table 4 below shows the number and type of matters filed in the original jurisdiction of the Court from April 3, 2008 to July 31, 2009.

Type of matter	No. filed	Registry/sub-registry where filed	No decision given but awaiting reasons	No. disposed of as at July 31, 2009
April 3, 2008 to July 31, 2008				
Applications for special leave to commence proceedings	2	1 - Registry POS 1 - Sub-Registry Barbados	- -	2
Originating application	-	-	-	-
August 1, 2008 to July 31, 2009				
Applications for special leave to commence proceedings	1	1 - Registry POS	-	1
Originating application	2	2 - Registry POS	2	
TOTAL	5	5	2	3

Table 5 below shows the number of matters filed and completed in each year from 2005 to July 31, 2009.

Year	Applications for Special Leave to Appeal	Applications for Special Leave to Appeal as a poor person	Civil Appeals	Matrimonial Appeals	Criminal Appeals	Applications in Original Jurisdiction
No. of Matters filed in 2005	1	Nil	2	Nil	Nil	Nil
No. of Matters completed at end of 2005	1	Nil	1	Nil	Nil	Nil
No. of Matters filed in 2006	7	7	2	1	3	Nil
No. of Matters completed at end of 2006	5	5	1	1	3	Nil
No. of Matters filed in 2007	Nil	[3]*	13	1	Nil	Nil
No. of Matters completed at end of 2007	2	2	1	1	Nil	Nil
No. of Matters filed in 2008	7	5	4	Nil	1	3
No. of Matters completed at end of 2008	3	5 + [3]*	10	1	Nil	Nil
No. of Matters filed 1.1.09 to 31.07.09	2	2	1	Nil	2	2
No. of Matters completed as at 31.07.09	4	2	4	1	1	3

*Figures listed in brackets represent applications for special leave to appeal which were filed within the appeal proceedings and not as separate applications.

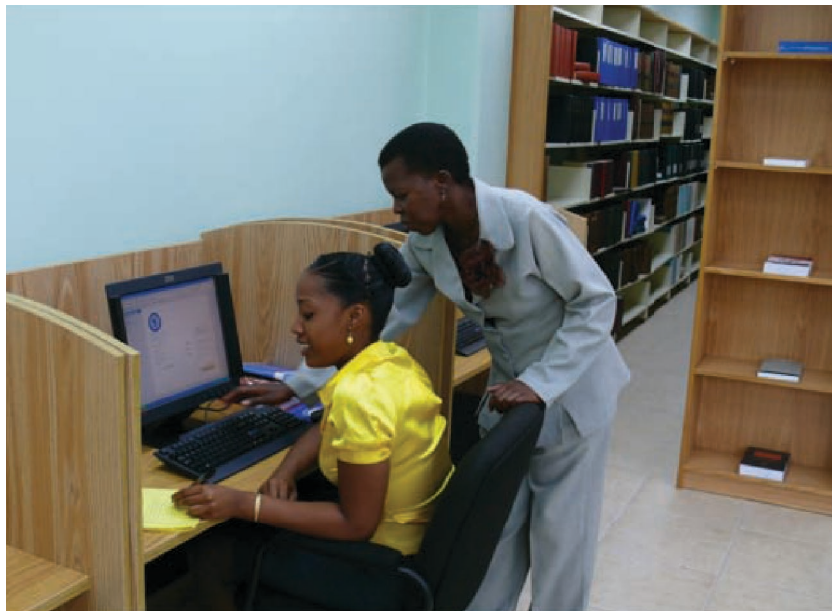
BUILDING TRUST AND CONFIDENCE

ACTIVE & ARCHIVAL CAPITAL- KNOWLEDGE & RECORD MANAGEMENT

The Caribbean Court of Justice Library Unit provides access to information consistent with the present and anticipated research needs of the Court and its users through its various collections; the General Library, the Court Administrative Unit Library, the Judges' Library and the President's Library.

As part of its mission, the Court has dedicated itself to fostering "the development of an indigenous Caribbean jurisprudence". Germane to this goal is the credibility of the judgments produced

by the Court Bench and other officers. This credibility is itself predicated not only on the clarity and precision with which such judgments are composed by the judicial officers composing them. It is also premised upon the authorities, precedents and learned discussions which must inform these compositions. Thus, one of the main objectives of the Court Library Unit is to provide a collection of both archival and current legal materials.



Above: Mrs. Sheryl Washington-Vialva, Court Library Assistant, demonstrates the online catalogue to a customer.

Commonwealth Caribbean law has not usually kept pace with English law. As a result, in some subject areas such as property, bankruptcy, evidence, family, landlord and tenant, the legislation in some Caribbean countries is outdated and linked to early English statutory concepts of the first half of the twentieth century. Therefore, the superseded editions of textbooks are invaluable for a comprehensive coverage of these subject areas. There is a great demand for these materials and as a result the Library has endeavoured to acquire such whenever they become available. In this vein, the Library acquired some titles which were once part of the Privy Council Library's Collection. These included non-current editions of Caribbean legislation and superseded editions of treatises on various legal subjects. With this acquisition, the Library was able to fill some gaps in the collection especially those in the Caribbean and archival sections.

BUILDING TRUST AND CONFIDENCE

ACTIVE & ARCHIVAL CAPITAL- KNOWLEDGE & RECORD MANAGEMENT



While touring the Court building, these postgraduate students from Suriname take interest in the material available in the Main Library of the CCJ, which is open to members of the public.



In 2008-2009, the Library Unit continued to develop its current collection. Both print and electronic resources have been added to the collection. Access to a number of electronic sources has been facilitated via subscriptions to several online commercial databases which include Carilaw, Westlaw, LexisNexis, Justis and Hein-On-Line. Mindful of the need to facilitate comprehensive research access for the Court, the Library continued to support the needs of the Court by also providing access to inter-library loans. Approximately 144 reference and information queries were received and 98% were answered. Both collections continued to be utilized by the judges and personnel. Over 185 items were loaned and 26 inter-library loans (ILL) were processed.

Continued development of the online catalogue was also

undertaken. One hundred and seventy eight (178) bibliographical records were added to the Genie Inmagic database. These records included text, articles, reports and electronic resources. These additions bring the holdings of the Main Library to over 740 titles while the Judges' Library boasts over 450 titles. Apart from their obvious use as reference material and sources of precedents, these titles also aid the Judges' in the production of judgments.

The CCJ Library Unit is charged with the responsibility of ensuring that the records created by the Court are properly maintained, appropriately stored and easily retrieved. To ensure that the records are managed effectively to meet the Court's business needs, staff members from the various units were trained in several areas of records management.

BUILDING TRUST AND CONFIDENCE TECHNOLOGICAL SUPPORT

Accessing Justice through Video-Conferencing

In spite of the geographical distance between the Court and territories such as Central American Belize or South American Suriname, the Court, has sought to facilitate access to CARICOM citizens via video-conferencing, and is prepared to hear Court matters by this means of communication.

Most Member States, which are Contracting Parties to the Court, do

not currently have solutions in place for video-conferencing, and so the Court has started an exercise to implement suitable video-conferencing solutions at selected court sites throughout the region. This will assist in providing access to justice using technology and reduce the cost of hearing matters for the Court and for its customers. Bringing the CCJ, through modern technology, into those very territories will assist it in making considerable gains in providing unfettered access to justice.

Enhancing Court Recording Services



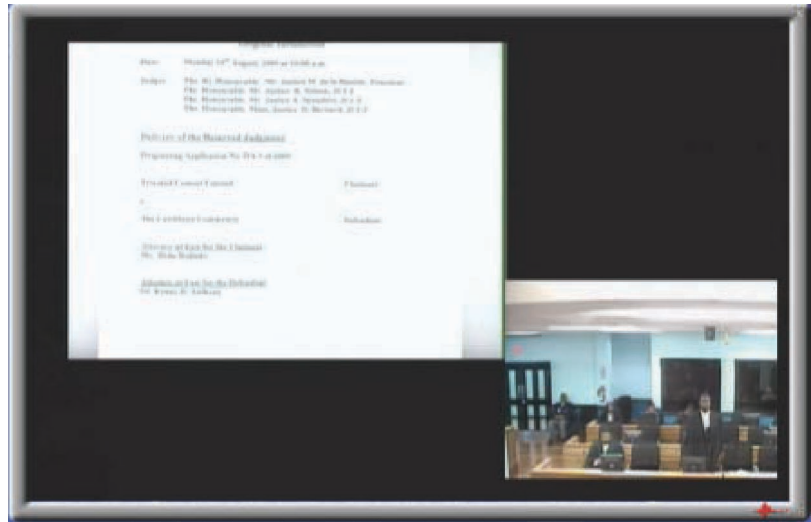
Above: Ms. Carlene Cross, Systems Manager, CCJ and Ms. Avril Bennet, Systems Administrator, Supreme Court of Belize reviewing requirements for Video Conferencing at the Supreme Court of Belize

The Court Information Technology (IT) Unit began an exercise to upgrade certain elements of the courtroom technology currently in place so as to ensure the availability of state-of-the art solutions to all users. The upgrades were planned to be executed in a number of phases. The first phase included an addition to the Court's record so that evidence can be accepted and presented electronically in the Court. While the Court was hitherto could to record the audio and video of the persons presenting, it was not able to record the document or photo or video actually being displayed in Court as attorneys and witnesses made their presentations. This included hardcopy and soft copy

BUILDING TRUST AND CONFIDENCE TECHNOLOGICAL SUPPORT

presentations from the attorney's laptop as well as the DVD player. This initiative will now enable the capture of these as well as the recording of all annotations made during Court matters.

The Court's record is made available for public viewing at our website <http://www.caribbeancourtofjustice.org>. Given that the Court is itinerant, a portable solution for audio and video recording is very important. The Court invested in a portable solution which enables it to record matters when it travels. It is now used when the Court sits in its case management room or to assist in notetaking for any other reason.



Saved Court Record

Building a Secure Network

The Court has been improving its network security. This project was completed in early 2009 and afforded the Court greater protection and control over the network attached devices. The Court can now better manage and control its network and its users ensuring that the policies of the Court are adhered to, and that the Court's data is not compromised.



Above: Reporter Deck Solution For Mobile Use

Database Management Software

The Judicial Support Unit supports the expeditious delivery of judgments, through research and transcription services to the Court. During this period the Court made significant strides in providing the

BUILDING TRUST AND CONFIDENCE TECHNOLOGICAL SUPPORT

necessary technological tools in support of the work of the Unit. As a means of improving the production of transcripts, the Court has implemented the “Dictionary Organizer Deluxe”. This database management software allows each user the flexibility of creating their own dictionary, terminology or glossary according to specific needs.

The database consists of legal terminology and phrases; foreign words including Latin, French and Spanish; medical terminology; colloquial and slang/urban language as well as unfamiliar words used in court proceedings. Transcriptionists have read-only access to the database and can quickly and easily access the Dictionary via their desktop. As new words or phrases are encountered during transcription, the database is updated. All Judges’ secretaries and research assistants have access to this Dictionary, thus enabling each member of the support unit to ensure the accurate and reliable production of documents.

Developing Strong Back-end Support Services

The Court’s IT Unit undertook an exercise to convert existing servers into virtual servers, with the use of specialised software. This has resulted in the reduction of physical servers from seven to two in an effort to provide a more seamless service to the Court and to save cost.

Ms. Natasha George and Ms. Lindsay Hosein; Judicial Research Assistants, CCJ



***Standing from left: Mrs. Wendy Mitchell, Ms. Sandra Cameron, Ms. Debra Gibbs and Ms. Andrea Sohun.
Seated from left: Mrs. Sandra Dee Brown, Mrs. Sherry-Ann Ramhit and Ms. Collette Brown.***



BUILDING TRUST AND CONFIDENCE COMMUNITY INTERACTION

Subscribing to the principle of mutual exchange between the Court and its public, the CCJ brokered a number of highly successful outreach activities between the Court and its various Caribbean people.

Quite apart from visits to the Court by diplomats, judges and other dignitaries, the Court also threw its doors open to students at primary, secondary and tertiary levels including law schools and faculties. Students had the opportunity to visit the courtroom and occupy the seats designated for judicial officers.

This seemingly simple contact has had the effect of familiarising them with at least one aspect of the CCJ's operations and lessening in some small way, their natural inhibitions.

The Court President and Judges greatly assisted in of the CCJ, as the Court's communications focussed on this most effective and direct method of engaging its various publics. This has been crucial in eliminating the stigmas usually associated with Courts: of being aloof, remote and inaccessible.

For the regional public to understand the role and functions of the Court, it is important that the public are able to engage comfortably with its Judges and other Court officials, permitting frank, open and honest conversations and discussions. They were the "faces" and "voices" exchange not only facilitated easier transmission of educational information to the region's citizens, but also allowed the Court, to become aware of the various concerns and requirements of its customers.



Students of the Diego Martin Secondary School in Trinidad interfacing with the CCJ Courtroom Technology.

BUILDING TRUST AND CONFIDENCE COMMUNITY INTERACTION

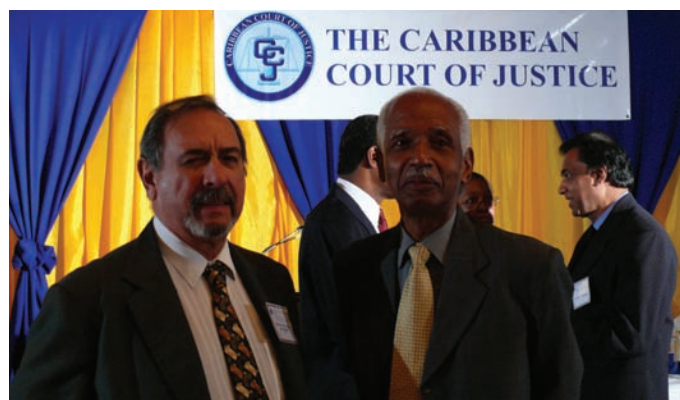
Within this framework, the “For You and For Me” Public Education Seminar Series continued in the period under review, with successful visits to Jamaica and Antigua. Apart from these activities, various members of the Court visited with different Caribbean judiciaries, governments, public and private sector interest groups, students and media personnel in an effort to establish contact and build relationships.

Public Education Visits to Jamaica and Antigua

In October 2008, the CCJ embarked on a two-country public education tour. The highlights of these visits were the public education conferences held in each country under the theme, *The CCJ, CSME and the People – Instruments for progress: What does it mean for you and for me?*. Participants had the opportunity to gain knowledge and understanding of the inter-relationships between the CARICOM Single Market and Economy and the Caribbean Court of Justice, and how these two integration movements affect the various public and professional sectors of the region. This initiative was conceptualised as an excellent vehicle for stimulating trust and confidence in the Court through open and earnest interfacing with the public.



Above: The Honourable Mr. Justice Wit presenting at the public education seminar in Jamaica



Above Top: The Rt. Hon. Mr. Justice de la Bastide with Mr. Justice Lensley Wolfe, former Chief Justice of Jamaica at the Public Education conference held in Kingston, Jamaica.

Above Bottom: The Hon. Mr. Justice Nelson makes a presentation to the audience at the Public Education conference held in St. John's, Antigua.

BUILDING TRUST AND CONFIDENCE COMMUNITY INTERACTION



CCJ Judges pay a courtesy call on The Hon. Mme. Justice McCalla, Chief Justice of Jamaica, during the public education visit.

The CCJ is grateful to and acknowledges the kind assistance of the Honourable Chief Justice and Supreme Court of Jamaica, the Honourable Attorney General and Minister of Legal Affairs of Antigua, along with the Bar Associations of Antigua and Jamaica, in making both programmes a success.

While in Jamaica and Antigua, representatives of the CCJ, The Regional Judicial and Legal Services Commission (RJLSC), as well as the CCJ Trust Fund were afforded the opportunity to meet with representatives of Governments, Oppositions, Bar Associations and Chambers of Commerce of the respective countries. At these meetings, the tripartite team was able to make important representations to these special interest groups, allowing for in-depth discussions on the various issues surrounding the CCJ.

Meetings with Schools of the Region

In Jamaica, members of the Court Administration Unit (CAU) paid a visit to The Wolmers' Boys' School. There, they met with the school's vice principal, Ms. DeAnne Robb, who in April 2008 had accompanied her students on a visit to the CCJ headquarters in Port of Spain. Further to the CAU's visit, Ms. Robb and two



Above: The Hon. Mr. Justice Nelson photographed with one of the Wolmers' Boys' School students who attended the public education seminar in Jamaica;



Above: Students of the Norman Manley Law School in Jamaica engaged in presentations of the CCJ panel at the Aubrey Fraser Lecture Theatre in Jamaica.

BUILDING TRUST AND CONFIDENCE COMMUNITY INTERACTION

of her students attended one of the public education sessions at the Terra Nova Hotel.

Another highlight of the public education visit was the Schools' Seminar hosted by the Norman Manley Law School (NMLS) at the Aubrey Fraser Lecture Theatre. Students gained insight into the Original and Appellate Jurisdictions of the Court, along with the various aspects of the day-to-day functioning of the CCJ. Towards the end of the proceedings, NMLS Principal Professor Stephen Vasciannie commented *"...In the future, we will come to remember this as a historic day in the life of the Norman Manley Law School"*.

With the kind assistance of the Attorney General and Minister of Legal Affairs; The Honourable Mr. Justin Simon, the CCJ Schools' Seminar in Antigua was well attended, by over 200 students. The students' participation was indeed robust, as they asked challenging questions of the panel of presenters; the Hon. Mr. Justice Pollard, The Hon. Mme. Justice Bernard, The Hon. Mr. Justice Wit, Ms. Radha Permanand (Deputy Registrar at the CCJ) together with a representative from the CSME Unit in Antigua.

The participation of representatives of the RJLSC and the CCJ Trust Fund along with Judges and court administrators goes some distance toward dispelling notions about "secret" or



Above: Students of Antigua receive their copies of the "About the CCJ" booklet at the Schools Seminar in St. John's, Antigua

obscure court operations. The Caribbean Court of Justice subscribes to this philosophy of openness and access and has employed it to inform its public education and communication programme.



Above: Antigua School Seminar in action

BUILDING TRUST AND CONFIDENCE COMMUNITY INTERACTION



Building Relations with the Media

The CCJ recognizes and appreciates the media as an important agent in our public education dissemination strategy. The Court's Public Education and Communications Unit, together with the Court Protocol and Information Unit are therefore engaged in continuous efforts to encourage better media relations both locally and regionally. Increased and improved rapport with media personnel has resulted in a heightened media presence at court proceedings and official events, and ultimately increased factual and positive media visibility for the CCJ.

The CCJ appreciates that the media must be its partner in the dissemination of information, and as such, works towards developing and strengthening its relationship with the local and regional media fraternity.

Above: Media Registration at the CCJ hosted Inaugural Conference of the Caribbean Association of Judicial Officers.

Right: Dr. Michael Anthony Lilla, Court Protocol and Information Officer conducts a Media Interaction Training Session for CCJ staff.



BUILDING TRUST AND CONFIDENCE PERSONNEL DEVELOPMENT

The Caribbean Court of Justice strongly believes that ongoing training and development of its personnel – and the demonstration of the benefits derived thereof – contribute to building public trust and confidence in the Court. The institution has embraced a policy of identifying and fostering

Below: Members of the Court Security Unit in training.



the professional development of its staff to deliver a high level of service to the people of the region, so that the Court may be seen as a dependable and reliable establishment.

The creation of archival documents by the Judicial Support Unit such as identified earlier performance means that the Court places a high priority on professional development and has devoted resources for training and for personnel at all levels to attend conferences and seminars. Court Secretaries Ms. Andrea Sohun and Mrs. Sandra Dee Brown attended the National Verbatim Reporters Association Annual Convention which was held in Savannah, Georgia (USA) in August 2008. At the convention,



Above: Ms. Andrea Sohun receives a corsage from Mme. Justice Bernard on the occasion of Secretaries Appreciation Week

BUILDING TRUST AND CONFIDENCE PERSONNEL DEVELOPMENT

participants were exposed to new technological developments in the field and afforded the opportunity to meet and interact with fellow court reporters in the industry.

Ms. Sohun went on to complete the online Scopist Training Course offered by the Internet Scoping School in the United States of America. This programme covered modules such as Medical Terminology, Punctuation, Note reading, Transcript Production and Case CATalsyt 4+ Software Training. This advanced training equips the Judicial Support Unit with the technological know-how to produce for Court users transcripts of the quality requisite to invite their trust and confidence, and satisfies the CPS subset of Access to Justice by contributing to making available to all and sundry documents which can be examined in depth to probe the integrity and soundness of the Court's work.

As a Fellow of the Institute for Court Management, the Information Systems Manager attended the Annual Conference of the National Association for Court Management (NACM) in Boston, Massachusetts in July 2009. The theme of the conference was The Human Side of Court Management and topics included 'Going for Paperless, Don't forget the People', 'IT Procurement Reform Initiatives' and 'Workforce Development and Succession Planning'. The Systems Administrator attended the annual InfoComm International Conference for Audio Visual professionals in Orlando, Florida in June 2009. It included education seminars, workshops, tradeshow and exhibitions, and information sessions. The training acquired during the classroom sessions at this conference helps to provide first level support and maintenance for the technology in the courtroom.

Staff participation in these various exercises represents not only the obvious investment in personnel and human resources. It is, an outward sign of a long-term strategy of quiet investment in the potential, in the fibre, in the character of the court itself. This institution must in its early years convince the region and the international observers that it merits its trust and confidence and that it can be counted upon to transact with users in good faith.



Above: CCJ Staff members

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Above: CCJ Staff members



HIGHLIGHTS

- Developing the Region's Up-and-coming attorneys –
The 1st Annual CCJ International Law Moot
- The Inaugural Conference of the Caribbean Association
of Judicial Officers (CAJO)
- Forging Strategic Alliances
 - VI Brandeis Institute for International Judges (BIJ) 2009
 - Visits from Caribbean and extra-regional dignitaries

DEVELOPING THE REGION'S UP-AND-COMING ATTORNEYS – 1ST ANNUAL CCJ INTERNATIONAL LAW MOOT



Group Shot of participants of the 1st Annual CCJ International Law Moot with President of the CCJ; The Rt. Hon. Mr. Justice de la Bastide and Chief Justice of Trinidad and Tobago; The Hon. Mr. Justice Archie.

The Caribbean Court of Justice Annual International Law Moot was established in 2009 in keeping with the Court's stated Original Jurisdiction mission of "ensuring uniform interpretation and application of the Revised Treaty of Chaguaramas, thereby underpinning and advancing the CARICOM Single Market and Economy". The Court viewed the moot exercise as an excellent means of not only, in the first instance, familiarising law students with the tenets of the Revised Treaty of Chaguaramas, but also of bringing the treaty to life, and making discussion and analysis of it a continuous, ongoing and active process in the Caribbean.

CCJ Annual Law Moot Challenge Shield.



DEVELOPING THE REGION'S UP-AND-COMING ATTORNEYS – 1ST ANNUAL CCJ INTERNATIONAL LAW MOOT COMPETITION



The 1st Annual CCJ International Law Moot Competition was held on Wednesday 18 March 2009, in Courtroom 1. Students from the following institutions participated: the Eugene Dupuch Law School (The Bahamas); the Hugh Wooding Law School (Trinidad & Tobago); the Norman Manley Law School (Jamaica); the Faculty of Law of the Anton de Kom University of Suriname; the Faculty of Law of the University of Guyana and the Faculty of Law of the University of the West Indies (Cave Hill-Barbados). At stake was the CCJ Annual International Law Moot Challenge Shield.

The 1st Annual CCJ International Law Moot was won by the team representing the Norman Manley Law School of Jamaica, whose members were: Ms. Alecia Johns (Advocate 1); Mr.

Above L-R: Winners of the 1st Annual CCJ International Law Moot Team advisor Professor Stephen Vasciannie; Mr. Miguel Williams, Ms. Alecia Johns and Mr. Garcia Kelly, from the Norman Manley Law School in Jamaica

Miguel Williams (Advocate 2) and Mr. Garcia Kelly (Reserve). The team advisor was Prof. Stephen Vasciannie, Principal of the Norman Manley Law School. The significantly positive feedback received from both participants and observers suggested that the moot had achieved its goal of stimulating, on the one hand, familiarity with the Revised Treaty of Chaguaramas among the Caribbean public, and on the other, of alerting attorneys-at-law to a whole new area of legal enquiry.

Developing Caribbean Adjudication
The Inaugural Conference of the
**CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS
(CAJO)**



Pursuant to the agreement of the Heads of Judiciary at a meeting in 2007, Judicial officers from Haiti, Suriname, Bermuda, The British Virgin Islands, The Bahamas, Antigua and Barbuda, Grenada, Jamaica, Guyana and several other Caribbean nations gathered in Port of Spain where they formally gave life to a new association, the Caribbean Association of Judicial Officers (CAJO).

CAJO is the first association of its kind in that it brings together regional Chief Justices, Judges, Magistrates, Masters, Fair Trading Commissioners and Tribunal Members (both legal and lay) Executive Court Administrators and Registrars to work together as equals for the development of adjudication in the Caribbean region. This inaugural meeting was themed “Caribbean Judiciaries in an era of Globalization: Meeting the Challenges of the time”.

The aims of the newly formed Association (CAJO) are to enhance the administration of justice in the Caribbean; to promote the highest standards of integrity and accountability among judicial officers; and to provide a forum where judges

Above: Heads of Judiciary with Sir Shridath Ramphal at the CAJO conference (L to R: The Hon. Mr. Justice Abdulai Conteh, Chief Justice of Belize; The Hon. Mr. Justice Ivor Archie, Chief Justice of Trinidad and Tobago; Sir Shridath Ramphal, former Secretary-General of the Commonwealth; The Rt. Hon. Mr. Justice Michael de la Bastide, President of the CCJ; Sir David Simmons, Chief Justice of Barbados)

can discuss and appropriate best practice methods with respect to Trial Management, Efficiency in the Criminal Law System, Court Administration, and other matters which affect the Caribbean Region.

Legal luminaries such as Sir Shridath Ramphal, former Secretary-General of the Commonwealth and Jamaican-born Judge Patrick Robinson, who currently serves as President of the International Criminal Tribunal for the former Yugoslavia, delivered stirring keynote addresses to the distinguished gathering. Members of industrial tribunals and public utility commissions, court of appeal judges, magistrates, lawyers and journalists presented at breakout sessions on topics as

Developing Caribbean Adjudication
The Inaugural Conference of the
**CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS
(CAJO)**



diverse as the Art and Technique of Judging; Expertise and Commonsense; Judicial Officers and Media Relations; Human Rights Treaties in Caribbean Domestic Law; and Recusing Yourself.

Sir Shridath Ramphal, in his feature address at the Opening Ceremony, sanctioned and supported the emerging “Community of Caribbean Judges held together” he said, “by common allegiance to the rule of law in the lands around our Sea.” He believed that the Caribbean Community “faced dangers on many fronts” and that as a people we must abandon “policies and practices which deepen Caribbean divides”. He intimated that the “siren song of separatism lures us to self destruction”. At this auspicious occasion, Sir Shridath went on to express his confidence in the CCJ as he further appealed to the Caribbean territories;



“Now that we have created our Caribbean Court of Justice in a manner that has won the respect and admiration of the common law world, it is an act of abysmal contrariety that we have withheld so substantially its appellate jurisdiction in favour of the Privy Council- we who have sent Judges to the International Court of Justice, to the International Criminal Court, the International Court for the former Yugoslavia, the United Nations Tribunal on the Law of the Sea; we from whose lineage have sprung in lineal descent the current Attorneys General of Britain and the United States.”



Photo Highlights of CAJO

Developing Caribbean Adjudication
The Inaugural Conference of the
**CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS
(CAJO)**



Photo Highlights of CAJO



Above: The members of the CAJO Steering Committee

The CAJO has appointed a Steering Committee of ten Judicial Officers to refine its constitution and spearhead its immediate business.

FORGING STRATEGIC ALLIANCES

The CCJ has been making great strides to develop and strengthen relationships with different entities and regional and international stakeholder groups.

VI Brandeis Institute for International Judges (BIJ) 2009

Against the background of this rationale, the International Center for Ethics, Justice, and Public Life of Brandeis University held its VI Brandeis Institute for International Judges in Trinidad & Tobago from 4 to 8 January 2009, in partnership with the CCJ.

Titled "International Justice: Past, Present, and Future," BIJ 2009 was attended by 14 judges representing 11 international courts and tribunals:

- African Court of Human and Peoples' Rights
- Caribbean Court of Justice
- European Court of Human Rights
- European Court of Justice
- Inter-American Court of Human Rights
- International Criminal Court
- International Criminal Tribunal for the former Yugoslavia
- International Criminal Tribunal for Rwanda
- International Tribunal for the Law of the Sea
- Special Court for Sierra Leone
- World Trade Organization Appellate Body

The Institute's first session was led by Nicolas Michel, former Under-Secretary-General for Legal Affairs and Legal Counsel at the United Nations. Mr. Michel examined the interplay of justice and politics in the international justice system. This was followed by an information-gathering session, led by Ruth Mackenzie,



Above: Ms. Carlene Cross, Court Systems Manager, guides BIJ 2009 participants through a presentation on Courtroom Technology at the CCJ.



Above: BIJ 2009 session in action

Deputy Director of the Centre for International Courts and Tribunals at University College, London, on the development of professional standards to govern the conduct of lawyers involved in proceedings before international courts and tribunals.

FORGING STRATEGIC ALLIANCES



Group shot of Judges of the International Courts at BIJ 2009

Other sessions examined: how different courts look at human rights matters and issues of multilingualism in international courts. The closing session examined the question of measuring success in the international justice system. Richard Goldstone, former Chief Prosecutor for the International Criminal Tribunal for the former Yugoslavia, dealt with the *raison d'être* behind the establishment of the ad-hoc international criminal tribunals. Judges then analysed the performance of their own courts with regards to the goals behind their creation and the possibilities for future improvement of the international justice system. Other than plenary sessions, activities were so organised as to afford participants the opportunity to come together in breakout

groups according to their various types of courts of origin: criminal, human rights, or inter-state dispute resolution.

Writing to the Court upon the conclusion of BIJ 2009, Dr Leigh Swigart, Director of Programs in International Justice and Society of the International Center for Ethics, Justice, and Public Life of Brandeis University expressed her institution's appreciation for the CCJ's "collaboration and generosity", saying that all of the participants felt that "opening the institute at the court and seeing [its] facilities was a bonus to the proceedings." Such a positive review augurs well for trust and confidence of the international community in the CCJ.

VISITS FROM CARIBBEAN AND EXTRA-REGIONAL DIGNITARIES



*Heads of CARICOM Law Faculties and Law Schools with the CCJ President,
Chief Justice and the then Attorney General of Trinidad and Tobago*

- Mr. Paul Elias, Judge of the High Court of England (4 August 2008);
- Mr. Cecil O. Bernard, President of the Industrial Court of Trinidad & Tobago (4 August 2008);
- Mr. Noel Inniss, Registrar the Industrial Court of Trinidad & Tobago (4 August 2008);
- Dr. Linda Carter, Professor of Law, Brandeis University (5 January 2009);
- Mr. René Blattmann, Vice-President of the International Criminal Court ((5 January 2009);
- Judge Fausto Pocar, Justice of Appeal of the International Criminal Tribunal for the Former Yugoslavia (5 January 2009);
- Judge Egils Levitz, Judge of the European Court of Justice (5 January 2009);
- Judge Jon Kamanda, Vice-President of the Special Court for Sierra Leone (5 January 2009);
- Judge Richard Goldstone, Judge of the Constitutional Court of South Africa (5 January 2009);
- Honourable Mr. Justice Joe Mulenga, Judge of the African Court on Human and People's Rights (5 January 2009);

VISITS FROM CARIBBEAN AND EXTRA-REGIONAL DIGNITARIES



Above: Members of the National Industrial Court of Nigeria photographed with Mr. Noel Inniss, Registrar of the Industrial Court of T&T; and Ms. Paula Pierre, Registrar and Chief Marshall of CCJ

- Dr. Leigh Swigart, Director of Programmes in International Justice and Society, Brandeis University (5 January 2009);
- The Honourable Mr. Justice Anthony Lucky, President, Chamber for Marine Environment Disputes, International Tribunal for the Law of the Sea (5 January 2009);
- The Honourable Mme. Justice Margarette May Macaulay, Judge of the Inter-American Court of Human Rights (5 January 2009);
- Prof. Stephen Vasciannie, Principal, Norman Manley Law School, Jamaica (18 March 2009);
- Mrs. Miriam Samaru, Principal, Hugh Wooding Law School, Trinidad & Tobago (18 March 2009);
- Mrs. Urlic Lemens, Lecturer, Anton de Kom University of Suriname (18 March 2009);
- Prof. Winston Anderson, Professor of Law, University of the West Indies - Cave Hill (18 March 2009);
- Prof. Calvin Eversley, Professor of Law, University of Guyana (18 March 2009);
- Mrs. Tonya Bastian Galanis, Principal, Eugene Dupuch Law School, The Bahamas (18 March 2009).
- Senator Bridgid Annisette-George, Attorney General of Trinidad & Tobago (18 March 2009);

VISITS FROM CARIBBEAN AND EXTRA-REGIONAL DIGNITARIES

- Mr. Doug Williams, Canadian International Development Agency-Barbados (23 March 2009);
- Mr. Oscar Ramjeet, former Solicitor General of Grenada (20 April 2009);
- Mr. Arif Bulkan, attorney-at-law (8 June 2009);
- Prof. Rose-Marie Belle Antoine, Professor of Law, UWI-Cave Hill (8 June 2009);
- Dr. David S. Berry, Senior Lecturer in Law (8 June 2009);
- Dr. Leighton Jackson, Senior Lecturer in Law (8 June 2009);
- Ms. Tracey Robinson, Senior Lecturer in Law (8 June 2009);
- Mr. Eddy Ventose, Lecturer in Law (8 June 2009);
- Mr. Roy Setlhapelo, Chargé d'Affaires, South African High Commission (12 June 2009);
- Hon. Mr. Justice Georges Moise, Acting President, Cour de Cassation of Haiti (24 June 2009);
- Hon. Mr. Justice Renold J. B. Pierre, Judge of the Cour de Cassation of Haiti (24 June 2009);
- Hon. Mr. Justice Antoine Norgaisse, Judge of the Cour de Cassation of Haiti (24 June 2009);
- His Excellency Geert Heikens, Head of Delegation of the Commission of the European Communities to Trinidad & Tobago (30 June 2009);
- Mr. Sylvanos Christopoulos, Minister-Counsellor and Chargé d'Affaires of the Delegation of the European Commission to Trinidad & Tobago (30 June 2009);
- Mr. Patrick Stevens, Head of the International Division of the Crown Prosecution Service-UK (3 July 2009);
- Ms. Anne Ball, International Division of the Crown Prosecution Service-UK (3 July 2009);
- Mr. James Dolan, Public Affairs Officer, British High Commission (3 July 2009);
- Ms. Zaikede Salo, Senior Assistant Registrar, National Industrial Court of Nigeria (10 July 2009);
- Mrs. Olufunke Anuwe, Assistant Chief Registrar, National Industrial Court of Nigeria (10 July 2009);
- Mr. Akinjide A. Akindipo, Principal Assistant Registrar, National Industrial Court of Nigeria (10 July 2009).

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION



Above: Members of the RJLSC

In laying the foundation stones to the building of public trust and confidence within the structure of the Caribbean Court of Justice, a regional body of apolitical appointees was commissioned. The Regional Judicial and Legal Services Commission (RJLSC) serves to insulate the Court, reinforce the integrity of its foundations, and thus enable it to withstand regional political rumblings and external pressures. Judicial independence is the pillar on which the Court rests.

The RJLSC was established by Article V.1 of the Agreement Establishing the Court (The Agreement). Its main functions 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;

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

- (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-

- o 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).
- o 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
- o 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.
- o the making of Regulations -
 - o 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,
 - o to prescribe the procedure governing the conduct of such proceedings, and
 - o generally to give effect to the Agreement. Article XXXI.

For regional publics to accede to the Caribbean Court of Justice, they must be confident that there is no political interference with judgments of the Court. The Commission therefore was instituted so that the people of the Caribbean can be assured that through this body the independence of the Court can be preserved.

The Commission convened once per month and the requisite meetings of the sub-Committees of the Commission were also held. The Commission comprises a Chairman and ten members. Between August 1, 2008 and July 31, 2009 Sir, Vincent Floissac, one of the founding members of the Commission resigned. His replacement was not appointed during the period under review. Mr. Rodney Neal, the Chairman of the Judicial and Legal Services Commission of Belize was sworn in on January 16, 2009 as a member of the RLSC to complete the term begun by Mr. Anthony Sylvestre who had resigned from the position on February 6, 2008.

The Commission exercised its independent authority under the Protocol relating to the Tenure of Judges to ask the President of the Court to extend his tenure for two years.

The Commission has also been entrusted with the task of appointing the members of the Competition Commission.

The composition and membership of the Commission during the period under review is shown in Table 1 below. Transparency within the Commission ensures that the region perceives that the Court is truly independent.

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

Table 1

Date of Assumption	Name of Commissioner	Basis for Appointment	Relevant paragraph of Article V.1
August 18, 2004	The Rt. Hon. Mr. Justice Michael de la Bastide T.C.	President of the Court	(a)
July 7, 2006 [Both re-appointed from August 20, 2007]	Dr. Joseph Archibald, Q.C.	Nominated jointly by OCCBA & OECS Bar Associations	(b)
September 12, 2003	Dr. the Hon. Lloyd George Barnett, O.J.		
January 12, 2007 [Resigned February 6, 2008]	Mr. Anthony Sylvestre, M.B.E.	Chairman, Judicial and Legal Services Commission of Belize	(c)
January 16, 2009	Mr. Rodney Neal, B.Sc., M.Sc.		
September 29, 2006	Mr. C. A. Blazer Williams B.A., M.Sc., LL.B.	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)
September 28, 2007 October 10, 2003 [re-appointed from August 19, 2007]	Professor A. Ralph Carnegie, B.A., M.A. 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 [Resigned <i>w.e.f.</i> November 24, 2008]	The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M.	Nominated jointly by the Bar or Law Associations of the Contracting Parties	(g)
August 21, 2003 [Re-appointed from August 20, 2007]	Mr. Allan Alexander, S.C.		

THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

The following table shows the membership of the Commission in 2008 to July 31, 2009, the date of expiration of the term of office of each member and the nationalities of the members.

Table 2

Name of Commissioner	Nationality	Date of Expiration of Term of Office
The Rt. Hon. Mr. Justice Michael de la Bastide T.C.	Trinidad and Tobago	July 18, 2011
Dr. Joseph Archibald, Q.C.	St. Kitts and Nevis	August 19, 2010
Dr. the Hon. Lloyd George Barnett, O.J.	Jamaica	August 19, 2010
Mr. Anthony Sylvestre, M.B.E.	Belize	January 11, 2010 [Resigned February 6, 2008]
Mr. Rodney Neal, B.Sc., M.Sc.	Belize	January 11, 2010
Mr. C. A. Blazer Williams B.A., M.Sc., LL.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 A. Ralph Carnegie, B.A., M.A.	Jamaica	August 19, 2010
Dr. Magda Hoever-Venoaks, M.Sc., Ph.D	Suriname	August 19, 2010
The Rt. Hon. Sir Vincent Floissac, CMG, Q.C., LL.M	Saint Lucia	August 19, 2010 [Resigned November 24, 2008]
Mr. Allan Alexander, S.C.	Trinidad and Tobago	August 19, 2010

DO YOU KNOW...

QUESTIONS AND ANSWERS TO TEST YOUR KNOWLEDGE ON THE CCJ!

- Do you know when the Agreement Establishing the Caribbean Court of Justice was signed?

The Agreement Establishing the Caribbean Court of Justice was signed on 14 February 2001.

- Do you know how many CARICOM states signed the Agreement Establishing the Caribbean Court of Justice?

The Agreement was signed by 12 states.



- Do you know the names of these 12 state signatories to the Agreement Establishing the Caribbean Court of Justice?

The signatory states to the Agreement Establishing the Caribbean Court of Justice are: Antigua & Barbuda; Barbados; Belize; Dominica; Grenada; Guyana; Jamaica; St. Kitts & Nevis; St. Lucia; St. Vincent & The Grenadines; Suriname; and Trinidad & Tobago.

- Do you know when the Caribbean Court of Justice was inaugurated?

The Caribbean Court of Justice was inaugurated on Saturday 16 April 2005.



- Do you know which CARICOM state is the Seat of the Caribbean Court of Justice?

Trinidad & Tobago is the Seat of the Caribbean Court of Justice.

- Do you know that the CCJ is two courts in one?

Yes. The CCJ has two jurisdictions: an Original Jurisdiction and an Appellate Jurisdiction.



DO YOU KNOW...

QUESTIONS AND ANSWERS TO TEST YOUR KNOWLEDGE ON THE CCJ!



- Do you know what the Original Jurisdiction of the Caribbean Court of Justice is?

The Caribbean Community (CARICOM) was established by the Revised Treaty of Chaguaramas. In its Original Jurisdiction, the CCJ is an international court and it is the ONLY court that has the authority to interpret the treaty and to settle disputes arising out of the operation of the CSME.

- Do you know what effect the CCJ has on the CARICOM Single Market & Economy (CSME)?

The CCJ will decide in a crucial way how the CSME functions. Only the CCJ and the CCJ alone has the compulsory and exclusive right to interpret the Revised Treaty of Chaguaramas, which set up the CSME.

- Do you know what the Appellate Jurisdiction of the Caribbean Court of Justice is?

In its Appellate Jurisdiction, the Caribbean Court of Justice hears appeals from lower courts in both civil and criminal matters from states which have replaced the Privy Council by the CCJ. In its Appellate Jurisdiction, the CCJ is the highest municipal court in the region.

- Do you know how many CARICOM states are under the Appellate Jurisdiction of the CCJ?

So far, Barbados and Guyana have acceded to the Appellate Jurisdiction.



PAPERS AND ADDRESSES

- *"The Utility of Flexible Private Trusts and Foundations within CARICOM."* **Caribbean Commercial Law Workshop (Faculty of Law, UWI), Port of Spain, August 2008.** The Hon. Mr. Justice David Hayton.
- *"Third Annual Lloyd Barnett Lecture."* **Third Annual Lloyd Barnett Lecture to the Council of Legal Education, Port of Spain, September 2008.** The Hon. Mr. Justice Adrian Saunders.
- *"The Caribbean Court of Justice: A New Judicial Experience."* **International Association of Law Libraries, San Juan, Puerto Rico, December 2008.** The Hon. Mme. Justice Desiree Bernard.
- *"Current Trust Law Issues."* **XXIV Annual Conference on Transcontinental Trusts, Geneva, Switzerland, June 2009.** The Hon. Mr. Justice David Hayton.



APPENDICES

1. Appointments and Internships
2. Financial Statements of the Caribbean Court of Justice – period ending December 31st 2008
3. Financial Statements of the Regional Judicial and Legal Service Commission – period ending December 31st 2008

APPOINTMENTS

Finance and Accounting Unit

- Ms. Jael Salandy was appointed Junior Accounting Assistant with effect from 2nd October 2008.

Judicial Support Unit

- Ms. Lindsay Hosein was appointed Judicial Research Assistant with effect from 27th October 2008.

Internships

Ms. Carolyn McKenna of the University of Western Ontario and Ms. Rebecca Gardiner of Florida A&M University College of Law participated in the Court's internship programme from May to August 2009.



Above: (L to R) Ms. Rebecca Gardiner and Ms. Carolyn McKenna