





2016-7 ANNUAL REPORT





Caribbean Court of Justice
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General Information

Please visit the Court's website at www.ccj.org
for more information on the CCJ

Visits

The Court welcomes visitors for tours and to attend court hearings.
To schedule a visit to the Court, email [info@ ccj.org](mailto:info@ccj.org),
or call 1 (868) 623-2225 ext. 4259

Case Information

Each case heard by the CCJ is available for viewing on the website at
www.ccj.org/judgments-proceedings/audio-video-recording.

Summaries and the full judgments are available at
www.ccj.org/judgments-proceedings

Be in the know

Join our contact list by sending an email to pecu@ccj.org

Questions

Feel free to ask a question, request information
or to give us your views by emailing the Court at info@ccj.org

Our Mission

To protect and promote the rule of law as a court of final appeal and as guardian of the Revised Treaty of Chaguaramas by guaranteeing accessibility, fairness, efficiency and transparency, delivering clear and just decisions in a timely manner.

Our Vision

To be:

- a leader in providing high-quality justice;
- responsive to the challenges of our diverse communities;
- innovative, fostering jurisprudence that is reflective of our history, values and traditions, and consistent with international legal norms;
- inspirational, worthy of trust and confidence of the people of the region.

Our Values

In its daily operations, the Court is guided by the following values:

- Integrity
- Excellence
- Professionalism
- Courtesy and Consideration
- Efficiency and Effectiveness
- Industry
- Care for Employees



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This annual report summarises the Caribbean Court of Justice’s activities and performance for the 2016–17 judicial year. This period is from 1 August 2016 to 31 July 2017.



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Our Leaders



REPORT from the President



The Right Honourable Sir Dennis Byron
President of the Caribbean Court of Justice

It is with a sense of deep reflection that I deliver what is the last Annual Report Message as President of the CCJ.

I am proud to have played a part in upholding the highest standards of judicial excellence which have become customary of the Court. Since its inauguration in 2005, the Court has, through its original and appellate jurisdictions, cemented several important principles of law; and, particularly during the past year, much of this judicial work has been supported by the application and refinement of comprehensive case management principles. This

has resulted in no case backlog as at 31 July 2017. In fact, every case filed prior to 1 June 2017 had been heard, although there were some reserved judgments which will be delivered during the Court vacation.

I am especially gratified by the improvement of the technology systems that support the Court's operations. The deployment of the Curia e-Filing and Case Management suite in January, which also incorporated a performance toolkit with the ability to generate statistical reports, has allowed our Court to be more efficient and responsive in delivering justice to the region. This builds on a process which I pioneered in 2013 with the introduction of filing cases and documents by email. The transition to e-Filing is therefore a logical progression that allows litigants to file documents online thereby facilitating broader access to the jurisdiction of the Court. This system takes us further into the realm of the 21st century with a mobile application component which allows the judiciary and senior court staff to now access and manage court information anywhere and at any time.

I am especially gratified by the improvement of the technology systems that support the Court's operations.

Report from the President Cont'd

A project I was especially proud to be involved in this year is the establishment of the Caribbean Community Administrative Tribunal (CCAT) which is an independent institution focused on resolving disputes between employees and their CARICOM institution employers that enjoy immunity from civil suits.

This technological revolution has extended to other areas of the Court resulting in improved video conferencing capabilities as evidenced by the live streaming of our cases for public viewing. Such advancements support the broader mission of the Court to facilitate access to justice by providing all interested persons with a front seat to witness the adjudication processes of the Court. These developments are also timely since the Court's case load has notably increased in comparison to previous years. This is tangible evidence that the CCJ has widened the scope of access to justice to persons throughout the region.

The technology revolution within the Court has produced improvements to its automation of the financing and resources management systems with the installation of sophisticated systems during the past year. The areas of documentation management and inter-departmental communication have been improved through the installation of Microsoft Office 365 which include the SharePoint document sharing platform. They have contributed to making the Court paperless and highlights that the Court is cognizant of the significant economic and environmental costs that are associated with sustained paper dependence. This aligns with the broader CARICOM ideal of developing management frameworks that serve as the basis for a greener, low-carbon economic transition that at the same time addresses the broader goal of sustainable development.

A number of important projects have been implemented during the past year – too numerous to mention in this message. Many of these projects are connected to the principles of Court Excellence, as developed by the International Framework for Court Excellence (IFCE), which is a quality management system designed to help courts to improve their performance. To this end, following the successful completion of our job evaluation exercise we then moved on to the second phase of our efforts to improve employee relations – the implementation of an employee engagement programme. This programme is premised on the direct involvement of all levels of staff in designing processes aimed at continuously improving our work environment.

A project I was especially proud to be involved in this year is the establishment of the Caribbean Community Administrative Tribunal (CCAT) which is an independent institution focused on resolving disputes between employees and

their CARICOM institution employers that enjoy immunity from civil suits. This tribunal finally fills a lacuna that has long existed in the constituent instruments of the majority of CARICOM institutions for the settlement of employment disputes. By providing a proper forum for the ventilation of employment disputes, the tribunal is a transformative project not just for the Court but also for the further evolution and maturity of the Caribbean integration movement and regional rule of law. The response to CCAT has been encouraging and it is expected that the tribunal will be operational in the coming year.

I must also acknowledge the ongoing work of the Judicial Reform and Institutional Strengthening Project (JURIST). The change in its organisational structure with the engagement of an independent Project Director was a notable development and has contributed enormously to the management operations of the Project. We look forward to seeing the benefits to the region based on these changes. In this regard, I wish to acknowledge the adoption of new Civil Procedure Rules by Guyana earlier this year which is a welcome development that will greatly improve the quality of justice delivery and contribute to a reduction of case backlog in the courts. I must admit that my pleasure at this step taken by Guyana is somewhat diluted by the sloth of its judiciary in adopting ancillary measures that are necessary in ensuring the system operates effectively, and, in particular, the adoption of e-Filing and related packages and the completion of a dedicated backlog elimination programme.

Report from the President Cont'd



The President of the CCJ, the Rt. Hon. Sir Dennis Byron was the keynote speaker at the 2017 International Arbitration Conference convened by Business BVI.

One of the major accomplishments of my presidency occurred this year with the sponsoring of the Advanced Performance Exponents Inc. (APEX), which is a special-purpose, not-for-profit, agency, that is committed to delivering technology-based solutions and services to support court ecosystems. APEX is owned by the CCJ, the regional judiciaries and bar associations. I believe that it has the potential to further advance the justice landscape of the region. As APEX develops, I envision it continuing to facilitate programmes and initiatives aimed at strengthening the justice systems of the region and improving the standards of efficiency of court-related services.

I also wish to acknowledge the ongoing work of the Caribbean Association of Judicial Officers (CAJO) and the Caribbean Academy for Law and Court Administration (CALCA) – the educational arm of the CCJ. CAJO has exemplified the regional spirit of the Caribbean judiciary through the courts of Curaçao hosting the CAJO Conference in September of this year.

CALCA, fresh on the heels of its successful Biennial Conference in November 2016, has collaborated with regional public health, academic, and industry interests on the Regional Alcohol Legislative Reform Project to address the scourges of underage drinking and drunk driving in our Caribbean societies. The Court has also done work to support the JURIST Project's Sexual Offences Committee including the development of the framework for a sexual offences court and a bench book publication.

I must note with regret that the referendum held in Grenada in November 2016, which included a Bill that, if successful, would have seen the island accede to the appellate jurisdiction of the Court, was unsuccessful. Despite this setback, along with no other countries joining the Court in the past year, I remain optimistic that as we work assiduously and continue to demonstrate the highest standards of judicial excellence, we will hopefully lay the foundation for other countries in the region to come on board.

It would be remiss of me to not acknowledge my brother, the Honourable Mr. Justice Nelson, who ended his tenure at the Court earlier this year. Mr. Justice Nelson has served this Court with distinction since its inauguration in 2005 and I wish him all the best in his future endeavours as he embarks on this new phase of his journey in life. I also wish to welcome the Honourable Mr. Justice Barrow, the newest addition to the CCJ Bench and our first Belizean judge, whose dynamic entry into the Court has been very impressive.

I conclude in expressing that it has been the privilege of my life to serve as the President of a Court that has, in merely 12 years of existence, been one of the most instrumental facilitators of regional integration. It has been an absolute pleasure to work along with every member of staff and I value the many lessons and relationships I have acquired over the years. I am optimistic about the continued journey of this Court in charting judicial excellence across the region.

As APEX develops, I envision it continuing to facilitate programmes and initiatives aimed at strengthening the justice systems of the region and improving the standards of efficiency of court-related services.

REPORT from the Registrar and Chief Marshal



Ms. Jacqueline Graham
Registrar and Chief Marshal

One common interwoven thread in the development of the CCJ is its pioneering use of technology.

Now in its 12th year of operations, information technology as a critical component in the court's operations, remains a top priority for the institution as it continues to pursue its work in support of its mission, vision and strategic goals towards basic principles of fairness, access, efficiency and openness that underpins the administration of justice.

The use of technology plays a key role in driving the transformation within the organization; its systems, its processes and its people towards the improvement of electronic access to the Court's case files and information, making court operations more transparent and efficient and ensuring the long-term preservation of Court data and information and cutting edge court customer service delivery.

The introduction of the 2017 Rules of Court signaled to the regional and international public that the use of technological solutions and avenues are now embedded in the CCJ's case management procedures.

Report from the Registrar and Chief Marshal Cont'd

Another key aspect of the Court's institutional strengthening efforts involves embarking on the development of the Court's Strategic Plan 2018 – 2023 to chart the next five years of its development.

The introduction of the 2017 Rules of Court signaled to the regional and international public that the use of technological solutions and avenues are now embedded in the CCJ's case management procedures. The benefits of this work include new hardware, software and network capabilities; improved video streaming capabilities, increased productivity within case management (in and out of courtroom), accommodation for better video quality for the court's audio-visual record and live streaming of cases, and better storage and protection of court records. The Registry processes were also expanded to include a more efficient process for taxation of costs. Coupled with this, the implementation has begun for a new records management system.

In addition to the case management transformative initiative, the Court has also continued to focus on its business processes by embarking on an internal assessment further to the guidelines set out by the International Framework for Court Excellence

(IFCE). Another key aspect of the Court's institutional strengthening efforts involves embarking on the development of the Court's Strategic Plan 2018 – 2023 to chart the next five years of its development. This supports the Court's continued focus on its mandate of being at the forefront of promoting a Caribbean jurisprudence and business continuity in the judicial process.

This year, the Court's longest-serving Judge; the Honourable Mr. Justice Rolston Nelson, retired in May 2017. He served the Court with great distinction and is a fount of wisdom, a tireless worker, an outstanding person. On behalf of the staff of the Court, I bid Justice Nelson best wishes and thank him for leaving such an indelible mark on the institution.

On 1 June 2017, the CCJ's bench welcomed a new member; the Honourable Mr. Justice Denys Barrow. In attending the swearing in ceremony in Belize, I was heartened to have witnessed the outpouring of support and pride by the people of Belize. It truly serves as a reminder of the fervent belief of the Caribbean people in the work of this Court and the vital responsibility that this presents upon the judges and staff of the CCJ to continue to provide high quality justice to the region.

Regionally, significant progress has been made in the establishment of a Caribbean Community Administrative Tribunal (CCAT) during the 4th annual CALCA Conference which took place in St. Maarten in October 2016. The tribunal, which is slated to be housed at the Court, is an independent administrative process to allow for an impartial mechanism to resolve employment disputes involving staff employed by eligible CARICOM institutions. In addition,



Ms. Jacqueline Graham, Registrar and Chief Marshal of CCJ, presents the winners of the "Best Academic Institution" prize to members of the team representing the University of the West Indies, Cave Hill.

Report from the Registrar and Chief Marshal Cont'd

Communications and Information Manager, Ms. Charmaine Wright, and the HR Manager, Ms. Susan Campbell-Nicholas, have both been appointed to the CARICOM Results Based Management Leadership Group established by the CARICOM Secretariat to support the effective implementation of the CARICOM Strategic Plan 2015-2019.

The achievements of this year would not be possible without the hard work of the Judges and the employees of the Court. With the continuing challenge of doing more with less, I wish to thank the entire staff for their hard work and admirable conscientiousness in serving the Court. I am particularly grateful for the support of the management team who, despite constricting budgets, competing priorities and long working hours, continued to ensure that the Court, its staff and its customers are well-served. I am also grateful for the service and the support of our regional colleagues and the regional public, our suppliers and service providers. Their respective contributions are indispensable to the success of all that we do to support the Court's work.

As the Secretary to the Regional Judicial and Legal Service Commission (RJLSC), I also wish to single out the staff and Commissioners of the Regional



The management of the CCJ's Registry was bolstered with the recruitment of a Deputy Registrar, Ms. Meisha-Ann Kelly in September 2016. Miss Kelly holds a Bachelor of Science degree in Political Science, Economics and International Relations (Hons.) and a Bachelor of Laws degree (Hons.) from the University of the West Indies.



President of the Caribbean Court of Justice, the Right Honourable Sir Dennis Byron (seated), signs the revised Rules governing the Original Jurisdiction. The signing took place on 21 April 2017 at an event held by the Court in celebration of its 12th anniversary. The CCJ's Registrar and Chief Marshal, Mrs. Jacqueline Graham, who was a part of the review committee, watches as the document is authorised.

Judicial and Legal Service Commission (RJLSC) who have worked tirelessly to improve working conditions for our Judges and staff during this year. Their unwavering support is remarkable. I also wish to express my gratitude to the Trustees and staff of the CCJ Trust Fund and the entire JURIST Project team. They are members of the extended family of the Court and are integral in fulfilling our very important mandate.

The CCJ is well on its way in the next decade of its growth and development. I invite you to read through these pages, stay close to the Court's website and come into our doors, whenever you are in Port of Spain, to see your Court in action.

HIGHLIGHTS

from Judicial Year 2016-7

This successful court year is due in no small part to contributions from the CCJ team and other stakeholders. A few of the highlights of the year are showcased here:

The region's 1st bespoke court management system **Curia, including an e-Filing module,** is commissioned and is now being fully utilised by the Court.

There has been a focus this year in upskilling our team. This year **88% of CCJ staff members received training and are now certified,** first aid responders.

The educational arm of the CCJ, the Caribbean Academy for Law and Court Administration, attracted over 200 regional and international participants to its **4th Biennial Conference** which featured over 25 interactive plenary and concurrent sessions.

Our **research capabilities were bolstered** with the addition of three more Judicial Assistants. They provide the research and draft materials, under the direction of the judges, to accelerate the delivery of justice.

The CCJ website received just under **165,000 page views** during the judicial year with most of the visitors coming from Trinidad and Tobago, Barbados, Jamaica, Guyana and the United States of America.

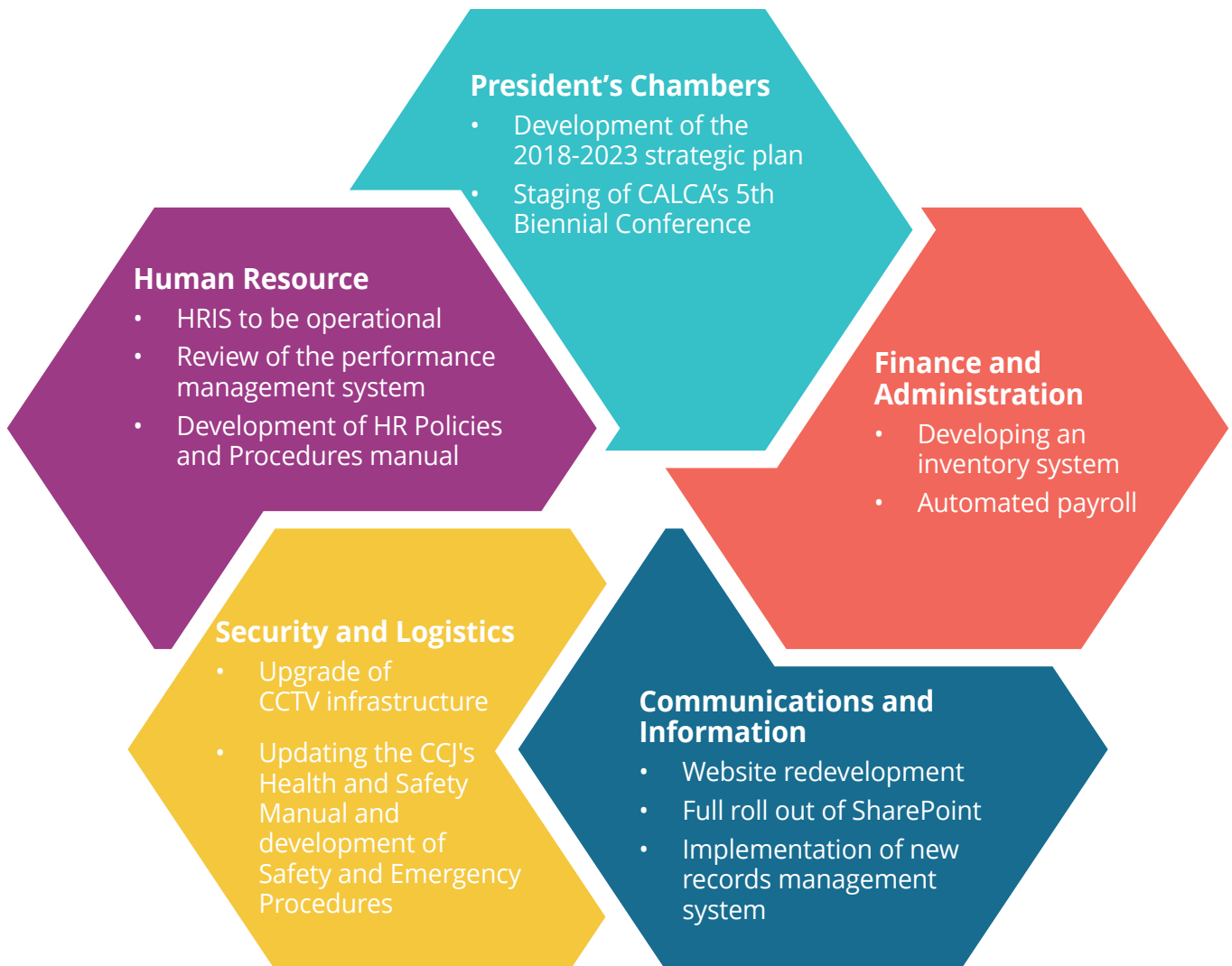
During the year, the **CCJ conducted training sessions** in Guyana on the **revised Civil Procedure Rules,** case management and injunctions.

A cross-functional team **completed the review of the Rules of Court,** within the deadline set by the Court President, to modernize the document containing the Court's procedures.

PLANS FOR THE JUDICIAL YEAR AHEAD

The upcoming judicial year will include the departure of the Court President, who will demit office in 2018, and builds upon the work of the previous year.

The judges and staff of the CCJ are committed to continuous improvement of the Court and building a stronger organization for the benefit of our stakeholders. Here are some of the major plans for the judicial year ahead:



Our Judicial Team



JUDGES

of the Caribbean Court of Justice



**The Right Honourable
Sir Dennis Byron
COURT PRESIDENT**



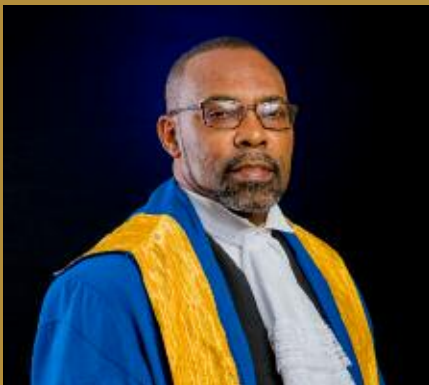
**The Honourable
Mr. Justice Adrian Saunders**



**The Honourable
Mr. Justice Jacob Wit**



**The Honourable
Mr. Justice David Hayton**



**The Honourable
Mr. Justice Winston Anderson**



**The Honourable Mme. Justice
Maureen Rajnauth-Lee**



**The Honourable
Mr. Justice Denys Barrow**



TRIBUTES

Mr. Justice Rolston Nelson

The Hon. Mr. Justice Nelson was appointed a Judge of the Caribbean Court of Justice in 2005 and was the longest-serving Judge at the Court up to his retirement.

The now-retired Judge, a native of Trinidad and Tobago, holds degrees in Modern Languages and Jurisprudence from the Universities of Oxford and London respectively. He was called to the Bar at Lincoln's Inn in 1970, admitted to practice at the Jamaican Bar in 1973 and at the Trinidad and Tobago Bar in 1975 and admitted to the Inner Bar as senior counsel in 1993. He was sworn in directly from the Bar as Justice of Appeal of the Supreme Court of Judicature of Trinidad and Tobago in 1999. He obtained his secondary education at Queen's Royal College, where he was a House Scholar and National Scholar. Mr. Justice Rolston Nelson retired from the CCJ in May 2017.

Here is what a few CCJ employees had to say about the esteemed and revered Justice Nelson:

// **He is a very approachable, simple, and quiet judge. He is one of those judges that you can just knock on his door or pick up the phone and call his office. Whilst at the CCJ, wherever I had any legal problems or problems with procedure, I would pick up the phone and call Mr. Justice Nelson and he was always willing to help. //**

Mr. Nandlal Hardial
Court Supervisor

// **A true humanitarian. You have opened your doors, you have welcomed me in when I had questions in the course that I am doing, which is criminal justice, and you explained it to me. I thank you for the time I have spent with you and I am truly going to miss you. //**

Ms. Veronica Brooks
Security Officer

// **As your first secretary, from February 2005, throughout the years our working relationship has blossomed in so many ways that today it gives me great pleasure to say that you have impacted me in a caring way. I recount your contribution to my educational development while I was in University, sharing legal advice in times of necessity and lovingly clearing a space in your vehicle whenever you met me on the roadway. For these and much more I say thank you. //**

Mrs. Jennifer Scipio-Gittens
Executive Assistant

Tributes Cont'd

// **Ms. Latoya McDowald**
Judicial Assistant

He is a very humble man, he is very easy to work with and much like me he has a great sense of humour. So even though we would be working hard we would always find some little jokes in our sessions upstairs and I really enjoyed those moments with him. I wish you nothing but the best, thank you for all your encouragement, your guidance and all your kind words. //

Ms. Latoya McDowald
Judicial Assistant

// **Dr. Michael Anthony Lilla**
Court Protocol and Information Manager

One of the most important things that I need to point out, is that Mr. Justice Nelson is always above and beyond anything else, above and beyond being a very efficient lawyer, an efficient businessman and financier, he is always a gentleman. //

Dr. Michael Anthony Lilla
Court Protocol and Information Manager

// **Dionne Stephens**
Executive Assistant

I know that you are going but will not stop working. I am going to wish you all the best on your retirement and I will surely be coming across to look for you. //

Dionne Stephens
Executive Assistant



The Judges of the CCJ were pleased to host Mrs. Gloria Nelson (4th from left), wife of the Honourable Mr. Justice Nelson, at a luncheon in her honour before Mr. Justice Nelson's retirement.

WELCOME

Mr. Justice Denys Barrow



On 1 June 2017, the Honourable Mr. Justice Denys Arthur Barrow was sworn in as Judge of the Caribbean Court of Justice (CCJ) at a ceremony in his home country of Belize.

The Honourable Mr. Justice Barrow, who was sworn in by His Excellency Sir Colville Young, is the first citizen of Belize to be appointed to the CCJ bench.

He is a graduate of the University of the West Indies with a Bachelor of Laws degree and received a Legal Education Certificate from the Norman Manley Law School. He was admitted to the practice of law in Belize in 1977 and embarked on a career in private practice. In 1990, Mr. Justice Barrow was elevated to Senior Counsel and went on to start his own law firm “Barrow and Company”.

Mr. Justice Barrow’s judicial career included service as High Court Judge in St. Lucia, Grenada, Belize and the British Virgin Islands between 2001 and 2005, Justice of Appeal of the Eastern Caribbean Supreme Court from 2005 to 2008 and Justice of Appeal of the Court of Appeal of Belize from 2010 to 2012.

For nine years beginning in 2005 he served annually in Geneva, Switzerland as a member and then rapporteur of the International Labour Organization’s Committee of Experts responsible for monitoring the application of international conventions on labour and human rights law. Members of the Committee are selected from across the world from among persons who have distinguished themselves as judges and professors of law.

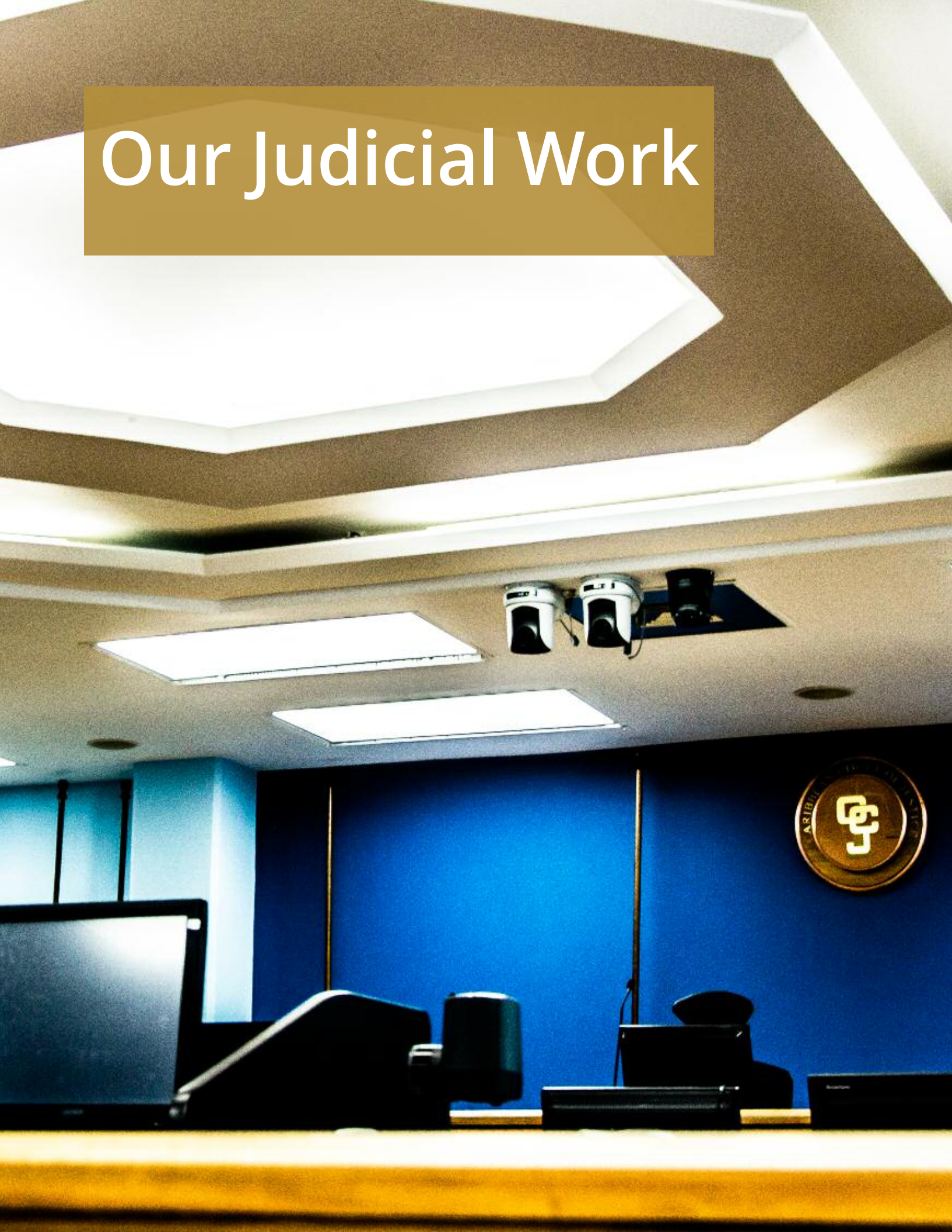
In 2007, Mr. Justice Barrow was selected by the Belize Bar Association for its prestigious Custos Justitiae Award for excellence in the practice of law. In 2012, he was awarded the insignia for Commander of the Most Excellent Order of the British Empire for his distinguished service to Belize in the field of law.

Mr. Justice Barrow brings to the CCJ bench a forty-year legal career together with various stints of judicial appointments in judiciaries across the region and membership on a world-renowned tribunal dealing with international labour and human rights law.



The Hon. Mr. Justice Barrow addresses judges and employees of CCJ in his first week in office after a warm welcome from the CCJ President.

Our Judicial Work



COURT PERFORMANCE

Report from Registry

The registry manages the case flow process - from the initial filing to the final judgment and taxation of costs - for all applications and appeals that are filed in the Court and provides administrative support for all judicial activities of the Court.

The Registry is headed by the Registrar, assisted by the Deputy Registrar, Registry Supervisor, Case Management Officer and Case Support Officer. The registry also includes the Judicial Assistants who provide research, and other support, to the judges of the Court.

During the year under review, the CCJ continued to increase the use of technology in court processes in order to enhance efficiency, improve access to justice and better measure performance standards. The introduction of the Curia court management software, which was launched on 10 January 2017, ushered in a new era for the Registry.

The Registry can now access, file, upload, edit, receive notifications, or otherwise process documents, in a case at any time from any location. To support this development, the 2015 Rules were replaced by the 2017 Rules in order to establish a new framework for filing and serving documents electronically which replaced the previous system of filing by email. The Court's e-Filing portal can be accessed on the CCJ's website.

The benefits to the Registry extend to savings on paper, courier charges, reduced storage requirements and reduced processing time. The Registry's primary responsibility in the filing process is now to review the information and documents supplied by the attorney. If these are in order, the document is filed using a one-step process which entails a staff member from the Registry clicking a button. Immediately the date, file number, electronic stamp, electronic seal and an electronic certificate are all applied to the document. The document is also paginated sequentially and the parties receive an automatic notification advising that a document was filed.

The introduction of the Curia court management software, which was launched on 10 January 2017, ushered in a new era for the Registry.



COURT PERFORMANCE

Judicial Workload 2016-2017

APPELLATE JURISDICTION

Applications for Special Leave to Appeal

In keeping with the overriding objective to ensure that the Court is “accessible, fair and efficient”, the CCJ has embraced active case management techniques to reduce the number of hearing dates between the initial filing and disposition of a case. This has resulted in the hearing of a number of Special Leave Applications being treated as the substantive hearing so that one hearing is held instead of two that would normally be held. Of the 20 Applications for Special Leave to Appeal filed in the year under review, 8 were treated as the substantive Hearings of Appeal.

In addition, the Court issues Case Management Checklists, which are completed by both parties. The responses enable the Court to issue a Case Management Order without holding a Case Management hearing.

Matters Filed

The 2016 to 2017 judicial year saw a 20% increase in the number of matters filed above the previous year.

Table 1 Comparison of matters filed in the 2016-2017 and 2015-2016 court years

Appellate Jurisdiction 2016-2017		Appellate Jurisdiction 2015-2016	
Application for Special Leave	20	Application for Special Leave	15
Notice of Appeal	5	Notice of Appeal	5
Total	25	Total	20

The breakdown of matters filed by country is 1 case from Dominica, 10 cases from Barbados, 7 cases from Belize and 7 cases from Guyana.

Notices of Appeal

It should be noted that while 5 cases were commenced as Notices of Appeal in the judicial year 2016 - 2017, 3 additional Notices of Appeal were filed arising from successful applications for Special Leave to Appeal bringing the total to 8.

Time to Disposition

An analysis of the 2016 to 2017 judicial year, indicates that 42% of cases were disposed within three months of filing while 79% of cases were disposed within one year.

Figure 1 Length of time to disposition of cases in the court year 2016-2017

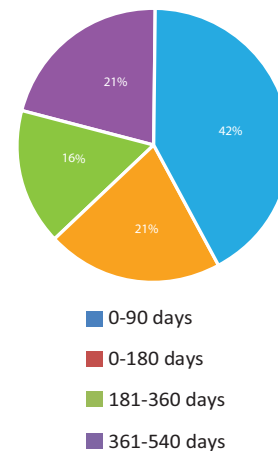
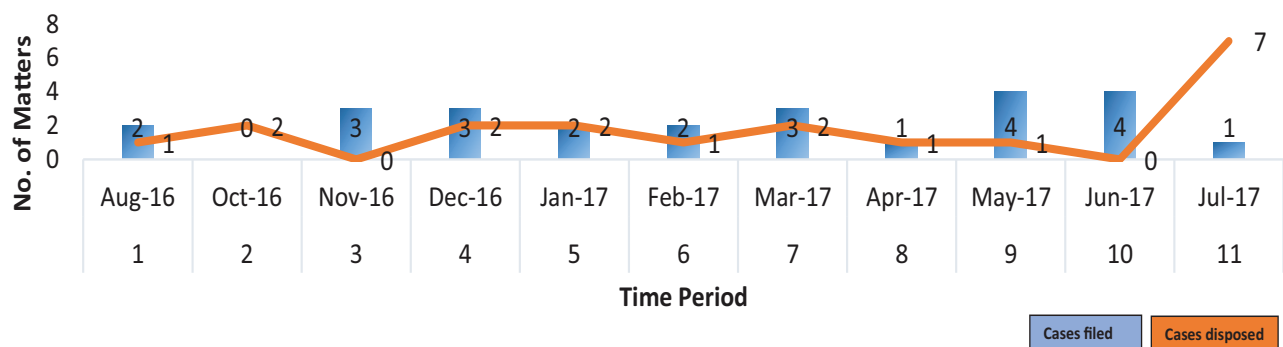


Figure 2 Clearance rate of matters in the court year 2016 to 2017



Judicial Workload Cont'd

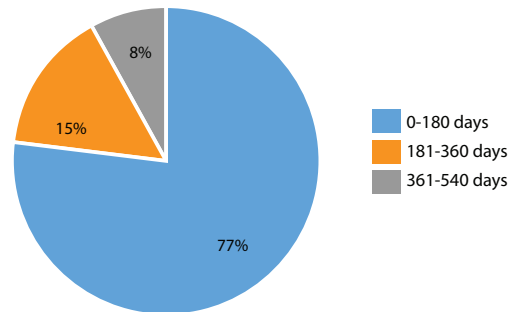
Clearance Rates

During the period under review, the clearance rate for matters filed reflect a rate of 76% for disposed matters against new matters. In the last three months, 9 matters were filed while the Court disposed of 8 matters. Notably, all matters filed prior to 1 June 2017 were heard before 31 July 2017 and of these, 15 were disposed and judgments were delivered in 10 matters.

Age of Pending Caseload

As at 31 July 2017, there were 13 pending matters and of this number, 77% were before the court for a period of less than 6 months, while only 1 pending matter was before the Court for over a year. The average age of pending caseload was 124 days.

Figure 3 Age of Pending Caseload in the court year 2016 to 2017



ORIGINAL JURISDICTION

One matter was filed in the Original Jurisdiction during the court year, the matter of *Cabral Douglas v The Commonwealth of Dominica*. This case was filed on 24 August 2016 and judgment was delivered 6 months later on 20 February 2017.

Judgement was also delivered in a second case, *S. M. Jaleel Company Ltd. and Guyana Beverages Inc. v The Co-operative Republic of Guyana* on 9 May 2017.



The Court's Judicial Assistants play an important role in providing judicial, and other, support to the President and Judges of the court. Our current complement of Judicial Assistants include: (from left to right) Ms. Tanya Alexis, Mr. Richard Layne, Ms. Kerine Dobson, Mr. Tyrone Bailey and Ms. Latoya McDowald.

JUDGMENT SUMMARIES

Case Summaries for Judicial Year 2016-2017

The judgments delivered by the Court during the period 1 August 2016 to 31 July 2017 are summarized below:

Zarida V Misir [2016] CCJ 19 (AJ)

This was a procedural appeal made under section 8 of the CCJ Act of Guyana. The CCJ made various orders which, in its view, would lead more expeditiously to the key determination of whether or not Mr. Misir's property rights under a 1999 transport were free from, or overridden by prescriptive rights of Mr. Massabally, now vested after his death in his administratrix, Ms. Zarida. The CCJ held that, whilst, on an application for a stay of execution pending an appeal, the court should not be trying the appeal, it had to take account of the nature of the appeal and make a provisional weighing of the issues. Especially in a case involving possession of land and prescriptive rights, it should not refuse to look into factual matters merely because there were conflicting assertions as it would be surprising if, in such circumstances, there were not conflicting assertions. In the Court's view, a court was obliged to look into the affidavits and supporting exhibits and, in a case like the present, where the status quo at the time the legal proceedings had been initiated was a key consideration, should endeavour, where possible, to take a view as to the status quo in considering the balance of convenience and justice where the issues between the parties could only be resolved by a trial. The CCJ under its inherent power, recognised in r 1.4(2) of the Appellate Jurisdiction Rules, to make such orders as might be necessary to meet the ends of justice or to prevent abuse of the process of the court, stayed the High Court proceedings pending the determination of the prescriptive rights issue by the Land Court. It allowed the appeal and set aside the order of the single judge.

Boyce and Others v The Attorney General of Belize and The Minister of Public Utilities; The Attorney General of Belize and The Minister of Public Utilities v Boyce and Others [2016] CCJ 20 (AJ)

The Government of Belize and the Appellants entered into a settlement agreement in relation to an arbitral award in favour of the Appellants as compensation for the Government's compulsory acquisition of Belize Telemedia Limited (BTL). After a quantified initial payment in US dollars there were to be two separate payments of 50% of the remainder of the arbitral award, the figures for which remained to be determined. One payment was to be made within ten days of issuance of the final award and the second one twelve months later. The final award was a complex one taking account of the Government's desire to have the second part of the Award to be paid in Belize dollars, taking account of certain liabilities after breaking down the value of BTL shares into a "real value" payable in US dollars and an "enhanced value" payable in Belize dollars. The breakdown turned out very much against the Government's expectations, significantly lessening the value of the second part of the final award so that it did not pay the first 50% payment in full. The Appellants sued for the balance. The Government argued that, upon the proper interpretation of the agreement, it could not be required to pay up this full amount in the light of its overall liability. The CCJ disagreed with the Government, finding that although the parties did not contemplate what had happened in the making of the final award, the agreement must be interpreted based on the circumstances known at the time the agreement was made. Although there could be an argument that the agreement was badly drafted, the Court said it was not in the business of re-writing agreements in an attempt to assist one party or to penalise another. The Court said that in interpreting agreements it would be slow to reject the natural meaning of the terms of the agreement.



Dean v Cynthia [2016] CCJ 21 (AJ)

The Appellant filed an application in the Court of Appeal for an extension of time within which to file notice to appeal a decision of the Magistrate's Court of Barbados. The Court of Appeal refused the application, holding that the proper interpretation of the Magistrate's Court Act meant that the court had no jurisdiction to extend time to appeal. The CCJ agreed with the Court of Appeal and said that the time limit of 7 days prescribed by the Act could not be extended because of the well-established principle that the powers conferred by a statute must be subject to the limitations and conditions prescribed within the statute. The court therefore does not have power to extend the time unless the statute gives it the power to do so. However, the CCJ cautioned that this does not necessarily mean that court cannot extend the time. The court must give effect to section 18(1) of the Barbados Constitution which gives citizens the right to a fair trial within a reasonable time. The CCJ held that there was no good reason to extend time in this case.

Joseph v Mangal [2016] CCJ 22 (AJ)

Mr. Mangal held a homestead at 55 Yakusari South, Black Bush Polder on a 25-year lease from the state of Guyana. He agreed to sell all his 'rights, title and interest' in the said homestead to Mr. Joseph for GY\$600,000. In the agreement for sale, there was acknowledgement that GY\$475,000.00 had been paid. The transfer fees and duties were also paid. Although the transfer was not effected, Mr. Joseph entered into possession of the homestead. It thereafter became a 'state policy' for the Land and Surveys Commission of Guyana to issue certificates of title to the last lawful owner of the homesteads. By fraudulent means, Mr. Mangal obtained a certificate of title for the homestead at 55 Yakusari South, knowing that he had already sold the property. The CCJ, exercising the powers under section 61(a) of the Land Registry Act, ordered that the Land Register be rectified to reflect Joseph as the registered proprietor of the homestead and that the certificate of title issued to Mr. Mangal be cancelled. The Court also ordered that the outstanding portion of the purchase price be set off against costs awarded to Mr. Joseph.

Speednet Communications Limited v Public Utilities Commission [2016] CCJ 23 (AJ)

Telecommunication provider Speednet paid the Commission BZ\$792,500 after successfully applying for frequency authorization for 13 point-to-point links. The Commission charged BZ\$100 for each of the 7,925 'voice' channels within the 'radio frequency' channels in the links, noting that regulations prescribed a fee of BZ\$100 per 'channel' for point-to-point links. Speednet argued that the applicable fee was BZ\$1,300, BZ\$100 for each 'radio frequency' channel in the links, and sought a refund of the excess. The CCJ held that there was genuine ambiguity and, after finding that it was not resolved by other methods, examined the principle against doubtful penalisation which it referred to as the 'principle against ambiguous governmental imposition'. It took the view that 'channel' must be taken to mean 'radio frequency' channel, as the Commission, which had a responsibility to make clear and intelligible Regulations, was not entitled to take advantage of and benefit from the ambiguity. The Commission was accordingly ordered to refund the excess and pay Speednet's costs.

Agard v The Queen [2016] CCJ 24 (AJ)

Mr. Agard was convicted of manslaughter and sentenced to seven years and two hundred and forty seven days imprisonment in 2012. In arriving at the sentence, the trial judge applied the directions given by the CCJ in *Romeo DaCosta Hall v The Queen* [2010] CCJ 6 (AJ). Mr. Agard appealed to the Court of Appeal on the basis that his sentence was excessive. The Court of Appeal dismissed the appeal and endorsed the sentence of the trial judge. Mr. Agard sought leave to appeal the decision of the Court of Appeal, to extend the time for his application and to apply as a poor person. The Court held that Mr. Agard failed to provide a logical explanation for the delay in his application and did not have an arguable case as he failed to identify a substantive ground of appeal. The Court dismissed the notions that Hall had not been properly applied and that the Superintendent of Prisons failed to correctly calculate Mr. Agard's earliest possible release date. The Court also declined to reconsider its decision in Hall reiterating the dicta in *Jeffrey Burton and Kemar Nurse v The Queen* [2014] CCJ 6 (AJ) that the Court will



Case Summaries – 2016/2017 Cont'd

only depart from a previous decision in exceptional circumstances or if compelling reasons were provided. In the Court's view, counsel failed to show either in this case and the applications were dismissed.

Leacock v Griffith [2017] CCJ 01 AJ

This appeal arose out of a family dispute between Ms. Griffith and Ms. Leacock over ownership of a house-spot and a house standing thereon. At the hearing in the Magistrate's Court, Ms. Griffith's counsel, although cognisant that the matter involved larger issues which fell outside the Magistrate's jurisdiction, presented the matter as a simple case of an eviction of Leacock's chattel house from the land. The Magistrate, on that basis, granted the order for possession. When the Marshal tried to execute the ejection warrant, he realised that the house was not a chattel as it was incapable of being removed without being destroyed.

Ms. Leacock appealed to the Court of Appeal, seeking to adduce fresh evidence evincing the Magistrate's lack of jurisdiction pursuant to section 147 (2) of the Magistrate's Court Act. The Court of Appeal dismissed the appeal. The CCJ held that the Magistrate did not have jurisdiction to hear the matter. However, it allowed the appeal under section 243 (h) of the Act, that some other specific error, not mentioned before and substantially affecting the merits of the case had been committed in the course of the proceedings. The Court felt that counsel's misleadingly short presentation before the Magistrate had led her in error to go beyond her jurisdiction by making an order for possession which was unenforceable by a warrant for ejection. The Court emphasised that counsel's duty to the court prevails over his duty to his client.

Marinor Enterprises Limited and Astaphan v First Caribbean International Bank (Barbados) Limited formerly known as Barclays Bank Plc [2017] CCJ 2 (AJ)

This matter was the first case to be filed in the Appellate Jurisdiction from Dominica. The Applicants, Marinor Enterprise Limited and Mr. Michael Astaphan, applied to the CCJ seeking leave to appeal the decision of the Eastern Caribbean Supreme Court to refuse a further amendment to a notice of appeal. The CCJ dismissed the application

finding that there was no reason to interfere with the discretion exercised by the Court of Appeal. The CCJ considered the overriding objective which discouraged unnecessary disputes over procedural matters and agreed with the Court of Appeal's consideration of Marinor's delay in making the application and the general principles on the reluctance of an appeal court to interfere with the discretion exercised by a trial judge in making interlocutory orders. The CCJ further found that certain issues raised by Marinor were more suitable for the substantive hearing and that the court was not obliged to consider each issue raised. In its view, Marinor would not suffer any detriment to a fair hearing if the amendments were not allowed. In closing, the Court expressed displeasure with the substantial delay in the disposition of the matter, which was filed by First Caribbean in 2006, and reiterated that good case management practices are necessary to ensure the judicial process remains expeditious and fair to parties.

Speednet Communications Limited v Public Utilities Commission [2017] CCJ 3 (AJ)

Speednet applied for a variation of the Court's previous judgment seeking pre- and post-judgment interest. Speednet contended, among other things, that the law permitted the award of such interest; that the Commission had always been "on notice" that Speednet was demanding the return of its money; and that inadvertence was responsible for interest not to have been claimed earlier. The Commission relied on Speednet's failure to claim interest. The Court denied the application. Concerning the pre-judgment interest, the CCJ held that fairness in the litigation process required that a party against whom interest is claimed had the opportunity to fully understand and address the claim. Additionally, the application could not succeed given the fundamental legal principle that there must be an end to litigation; that after judgment on the merits, parties should not ordinarily be permitted to reopen the proceedings to seek relief which they could, and should have, sought earlier. The CCJ pointed out that its judgment automatically carried interest at 6% per annum from the date it was delivered and entered.



The Bar of Association of Belize v The Attorney General of Belize [2017] CCJ 4 (AJ)

The Bar Association challenged an amendment to the Constitution which created one-year appointments for justices of appeal on the basis that it violated the principles of judicial independence and security of tenure, as well as the basic structure of the Constitution. The Court held that although reappointments by the Government lend fragility to judicial independence, one-year appointments to the Court of Appeal did not automatically breach the Constitution. In its view, the concept of judicial independence was not uniform and was influenced by the historical and political landscape of a society. In Belize, short term appointments were common and permitted prior to the amendment to the Constitution. A reasonable Belizean would not conclude that a Justice of Appeal with a one-year appointment lacked security of tenure and was not independent and impartial. The Court also found that the Basic Structure doctrine did not apply as the amendment did not purport to alter the Constitution in a way that would limit or destroy any of the unwritten principles that represent the ethos of the Belizean people nor was there any evidence to suggest that any unwritten principles were infringed. The Court also disagreed with the argument that the amendment was a removal provision as it did not remove either of the two judges affected from office. It did however express displeasure with the appointment system for Justices of Appeal and urged the adoption of a system similar to the appointment of Supreme Court judges.

Douglas v The Commonwealth of Dominica [2017] CCJ 1 (OJ)

Jamaican recording artist and entertainer, Mr. Russell (known professionally as 'Tommy Lee Sparta'), and three other Jamaicans as support staff, were travelling to Dominica for a concert to be headlined by him. All four were denied entry into the country. The organiser of the concert, Mr. Douglas, sought special leave to be permitted to bring an action in the CCJ's original jurisdiction arguing that the refusal of their entry was a breach of his rights under Articles 7, 36, 37 and 45 of the Revised Treaty of Chaguaramas (RTC). He contended that

(a) these provisions contained rights or benefits that were intended for his benefit as in the entertainment business of promoting concerts and so directly contracting with skilled nationals like the Jamaicans; and that (b) these infringements caused him consequential financial, reputational and other losses. The Court explained the meaning of Articles 7, 36, 37 and 45 and held that Mr. Douglas had failed to meet the necessary legal criteria to be granted special leave. While Mr. Russell and his fellow Jamaicans had rights accruing to them directly under the RTC, Mr. Douglas' rights were contingent upon the lawful entry into Dominica of the Jamaican nationals, so that he had not shown an arguable case under Article 222(a) that a right conferred by the RTC enured to the benefit of him directly. It remained open to him to bring a common law claim before the domestic courts of Dominica, which could, perhaps, lead to the later involvement of the CCJ, whether under Article 214 of the RTC or under its appellate jurisdiction.

Mitchell v Wilson [2017] CCJ 5 AJ

This was a procedural appeal brought by Ms. Mitchell, the duly constituted attorney of the applicants seeking special leave to appeal a decision of the Court of Appeal of Guyana dismissing an application for enlargement of time to file an appeal against the decision of the High Court. The applicants, who were late in filing the application for special leave, did not make an application for an extension of time. The Court noted that, while in the absence of an extension of time it had no jurisdiction to entertain the special leave application, it may in a proper case grant an extension of time for compliance with the Rules or excuse delay to avert a clear miscarriage of justice. The CCJ, after thoroughly reviewing all the material filed, was satisfied that the judge's decision did not result in a miscarriage of justice. The Court noted that while the judge's reasoning may have been flawed, the decision was not manifestly unjust. The CCJ also emphasized that counsel had a paramount duty to apprise the Court fully as to the matter before it so as not to create a misleading scenario. The application for special leave was dismissed for want of jurisdiction and the Applicants were ordered to pay the Respondent's costs.



JJ v Child Care Board and SW [2017] CCJ 6 (AJ)

JJ, a parent whose name was withheld to protect the confidentiality of a minor child, sought to challenge the Barbados Court of Appeal's reversal of a trial judge's order granting her disclosure of all the Child Care Board's file notes concerning interviews conducted by one of its officers with her and her child's teachers. The Board claimed automatic privilege from disclosure, citing public interest immunity and confidentiality. JJ argued that her constitutional right to a fair hearing would be prejudiced without the disclosure, as the officer's evidence about the interviews was inaccurate. The CCJ held that JJ met the high threshold required in this case, noting that it had never addressed the tension between public interest immunity and the right to a fair trial and that her submissions indicated "a more than negligible risk of a miscarriage of justice". The CCJ took the view that the Board's role in the proceedings were not part of its core functions and that it was the public interest in encouraging open and frank communications between the Board and the public which attracted immunity, not its receipt of confidential information. The Court allowed the appeal holding that the requested disclosure was primarily concerned with JJ's ability to test the officer's credibility and not with the public interest in protecting the Board's informants.

Stanford v The Queen [2017] CCJ 7 (AJ)

Mr. Stanford was charged with murder and convicted of manslaughter. He appealed to the CCJ on the basis that the evidence at trial supported a direction to the jury on self-defence. After considering the evidence of the main prosecution witness and Mr. Stanford, the Court concluded that the evidence did not raise a prima facie case of self-defence in accordance with the common law principles of self-defence and a direction was not warranted. The Court also reminded the parties that it did not matter whether the direction would have undermined Mr. Stanford's case or was mutually exclusive with another defence. The sole consideration of a trial judge is whether there is sufficient evidence to support the direction. The CCJ was also asked to answer the question - when is a duty placed on a trial judge to give a direction

on self-defence? The Court noted that 'the question was best answered by a trial judge who has heard the evidence, applying common sense in each case and determining whether there was evidence sufficiently strong to raise a prima facie case of self-defence'. The appeal was dismissed.

Bridgelall v Hariprashad (Officer Customs Anti-Narcotics Unit) [2017] CCJ 8 (AJ)

Mr. Bridgelall applied to the CCJ for special leave to appeal the 2016 decision of the Court of Appeal of Guyana which had overturned the 2009 Full Court's decision that had freed him. The Court of Appeal had restored his 2007 convictions and sentences in relation to two charges of being found in possession of 186.5 kilograms of cocaine for the purpose of trafficking. Mr. Bridgelall was found guilty by a Magistrate and sentenced to two consecutive 5-year prison terms and a cumulative fine of GY\$254.4 million. The CCJ treated the application as the appeal. The Court took the view that Mr. Bridgelall's convictions were safe having regard to the evidence before the Magistrate. It, however, held the sentences should have been concurrent. The CCJ held that Mr. Bridgelall's constitutional right to a fair hearing within a reasonable time had been breached, having been made to live since 2009 with the possibility of being returned to prison after being freed by the Full Court in 2009. The CCJ therefore affirmed the convictions but adjusted the sentences to run concurrently and ordered Bridgelall to pay his fines, if not yet paid. The Court, however, permanently stayed any further proceedings to enforce the remainder of Mr. Bridgelall's sentence as a remedy for the breach of his constitutional right.



SM Jaleel & Company Limited and Guyana Beverages Inc v The Co-operative Republic of Guyana [2017] CCJ 2 (OJ)

SM Jaleel & Co Ltd (SMJ) and Guyana Beverages Inc (GBI) sued Guyana in the Court's original jurisdiction. They sought a declaration that Guyana had breached their rights under the Revised Treaty of Chaguaramas by levying an environmental tax on non-returnable containers in which SMJ's beverages were packaged. They also sought full reimbursement of the taxes paid from 1 January 2006 to 7 August 2015 when the taxes ceased to be levied. Guyana argued that the companies were not entitled to reimbursement, despite the breach, as they would be unjustly enriched as they had likely passed on the tax to their customers, a matter which would require disclosure of the companies' detailed records. Further, the claim should be barred as they did not challenge the tax at the earliest possible time. The CCJ held that Guyana had been unjustly enriched at the companies' expense, having collected an unlawful tax in clear breach of its Treaty obligations, and that there was no basis for any defence as to the companies' passing on of the tax to customers when they had paid composite bills making no reference to any item of tax. Thus, no documents needed to be disclosed. The CCJ further found that the principle of laches, which prevents a state from being indefinitely threatened with international proceedings, was applicable and, after considering several factors, set a CARICOM-wide limitation period in actions for repayment of unlawfully collected taxes. This period was 5 years from the time the claimant first acquired, or reasonably should have first acquired knowledge, of the alleged breach of the Treaty. Accordingly, since proceedings had not been brought until 7 March 2016, the CCJ issued the declaration and ordered reimbursement of the taxes paid from 7 March 2011 to 7 August 2015. Guyana was also ordered to pay 4% interest from the date of judgment and 70% of the proceedings' cost.

Commissioner of Police Dottin v Governor General of Barbados & Police Service Commission [2017] CCJ 9 (AJ)

The former Commissioner of Police of Barbados, Mr. Dottin, applied for judicial review of the decision of the Governor General on two key issues: to send him on administrative leave (alleging no such concept existed) and retire him in the public interest on the recommendation of the Police Service Commission in June 2013. He had also sought interim injunctions or orders pending determination of the substantive case. Although the trial judge substantially granted the interim relief against the PSC, she refused to make an order enabling the Commissioner to return to work and instead urged an expedited hearing. Dissatisfied, he appealed to the Court of Appeal in October 2013 which was not resolved until March 2017 by which time Mr. Dottin had reached the retirement age. In dismissing his application to the CCJ, the Court noted that a substantive case should not be stayed to await the outcome of any appeal concerning some interlocutory application unless a judge orders otherwise. The loss of time in this case was particularly important as it resulted in the Commissioner naturally retiring before the substantive matter could be heard. The Court further held that although *Y'axche Conservation Trust v Sabido* [2014] CCJ 14 (AJ) held that special leave will be granted in academic appeals if there is a significant discrete point of public law likely to arise in future cases, the court will not do so unless the High Court and Court of Appeal has considered those points. As such, Mr. Dottin was warned that he could not avoid due process under the Barbados judicial system and have the CCJ usurp the roles of those Courts on the two above key issues.



Edwards and Haynes v The Queen [2017] CCJ 10 (A)

Mr. Edwards and Mr. Haynes (the appellants) were convicted of murder and sentenced to death. The only evidence linking them to the murder was alleged oral confessions made by them in separate interviews while in police custody. The police officers who interviewed them said that they made notes of the confessions in their notebooks but the appellants refused to sign them. The appellants had argued that the alleged confessions were fabricated but the trial judge allowed the officers to refresh their memories and to read aloud from their notebooks. The appellants appealed to the CCJ submitting that their convictions should be quashed because the sole evidence against them was too weak and unreliable to ground a conviction in law. The CCJ agreed with them and found that since there was no other independent evidence linking the appellants to the murder, in particular, there was no sound or video recording of the confessions, they were not signed or acknowledged, nor was there any forensic or eyewitness evidence linking the appellants to the crime scene, then the appellants' convictions could not stand. The Court's decision underscored the need for the Barbados police to record interrogations.

Gilharry Sr. d.b.a Gilharry Bus Line v. Transport Board and Others [2017]CCJ 11 (A)

Mr. Gilharry, who owned a bus transportation business in Belize, filed a notice of appeal against the Transport Board of Belize ("the Board) and others which raised substantively the same issues as those raised in the lower courts concerning new bus schedules in the public transportation field that severely damaged Mr. Gilharry's business. Namely, that the Board: (i) over-stepped its governing primary and subordinate legislation, (ii) had not acted fairly towards Mr. Gilharry and breached basic rules of natural justice and (iii) frustrated Mr. Gilharry's legitimate expectation. The CCJ found that the Board had not abdicated its responsibilities and found that Mr. Gilharry failed to show that the Board had overstepped its powers. The Court was of the view that the Board failed to adopt basic rules of natural justice as the duty to allow Mr. Gilharry the opportunity to make representations that

went beyond group consultation, was encapsulated in Motor Vehicle and Road Traffic Regulation 207 (g). The CCJ disagreed with the lower courts and found that Mr. Gilharry had a legal basis for claiming a legitimate expectation as the Board had made a promise to retroactively renew Mr. Gilharry's permits, which, though irregular, had not reached the threshold of illegality. The Court found that, although there were instances when a public authority can renege on a promise or frustrate a legitimate expectation, no action should be taken without first allowing the representee an opportunity to make representations. The CCJ allowed the appeal and set aside the order of the Court of Appeal. The Court declared that the Transport Board did not lawfully and properly consider the renewal of Mr. Gilharry's application and frustrated his legitimate expectation. No more could be ordered against the Board in the light of the passing of time and inadequately pleaded damages. However, costs on an indemnity basis in the CCJ and the courts below were to be paid by the respondents.

JUDICIAL COMMITTEES

Rules

The Rules Committee, in April 2017, finalised the revision of the Original Jurisdiction Rules 2017 and the Appellate Jurisdiction Rules 2017.

This was in keeping with the Court's mandate of revising the Rules every two years and publishing them around the Court's anniversary month of April. The policy was adopted in 2015 after the previous revision of the Rules. The revisions in this period centered largely on incorporating Practice Direction 1 of 2016 to account for the changes related to the introduction of the Curia case management system in 2017.

Other substantive amendments in the 2017 Rules include the:

- ending of the requirement to file multiple print copies of documents;
- introduction of electronic signatures (in a specified format) to remove the requirement for printing and signing specified documents before uploading and filing;
- adoption of a gender-neutral approach in the wording of the Rules;
- shifting away from use of Latin terms in favour of simpler language in the Original and Appellate Jurisdiction rules;
- introduction of express rules to provide for an application for special leave to appeal to be treated as the hearing of the substantive appeal and the basis on which costs should be determined in such cases.

The committee in the next period anticipates significant updates to its regime for the taxation of costs as well as its fees. A pilot has commenced to establish whether the fee structure, which has remained virtually unchanged since 2005 when the Court's operations commenced, is still appropriate given the increases in costs of services. This will be balanced with the Court's efforts to maintain accessibility of its services to litigants, increase its operational efficiency and increase its outreach to stakeholders across the region. If results of the survey dictate a change, the Appellate and Original Jurisdiction Rules will be amended accordingly.

The CCJ's Rules Committee was chaired by the Hon. Mr. Justice Rolston Nelson and composed: the Judges of the Court as well as the Registrar, Mrs. Jacqueline Graham and the Deputy Registrar, Ms. Meisha-Ann Kelly.

The committee is committed to ensuring that the CCJ remains at the cutting-edge of all recent developments in law and technology

The committee was assisted by Judicial Assistants: Mr. Richard Layne, Ms. Kerine Dobson, Ms. Latoya McDowald, Mr. Tyrone Bailey and Ms. Tanya Alexis.

The committee is committed to ensuring that the CCJ remains at the cutting-edge of all recent developments in law and technology and is adequately equipped to continually improve its processes for justice that is accessible to the people of the Caribbean.

The committee also pays tribute to Mr. Justice Nelson, who has since retired, for the astute direction and yeoman service offered throughout his many years as the chairman of the committee.

JUDICIAL COMMITTEES

Judicial Assistants and Court Interns Committee

The Court's complement of Judicial Assistants has increased to five and they have been assigned to support the work of the President and the Judges.

Ms. Latoya McDowald, who holds a first class honours degree from the University of Kent, took up office on 1 September 2016; Mr. Tyrone Bailey, with a first class honours degree from University of West Indies, Mona Campus, joined on 1 November 2016 and Mrs. Tanya Alexis, who was awarded the Most Outstanding Student over two years and the 2014 Valedictorian at the Hugh Wooding Law School, joined the CCJ on 14 November 2016. The new Judicial Assistants joined Mr. Richard Layne and Ms. Kerine Dobson who have been with the Court since 2015.

From June to August 2017, eight law graduates spent two weeks each as unpaid interns at the Court. Each intern was selected by the principal of their respective law schools.

The interns spent time learning about, and assisting in, the work of the various departments within the Court and 'shadowing' and assisting Judicial Assistants in their work for their Judges. The Hon. Mr. Justice Hayton is the Chairman of the committee and worked with the Registrar and HR Manager to refine the summer internship programme.

Library Collection Development Advisory Committee

Since its first meeting in February 2015, the Committee has finalised a 'Collection Development Policy' and has worked its way through all the subject headings, evaluating the library's holdings and making appropriate recommendations in accordance with the Development Policy.

The Committee currently comprises: the Hon. Mr. Justice Hayton as Chairman, the Hon. Mr. Justice Wit; the Registrar and Chief Marshal, Ms. Jacqueline Graham; the Librarian, Ms. Jacinth Smith; and Ms. Kerine Dobson, one of the Court's Judicial Assistants.

Among the Committee's achievements in the year, was the inclusion of CCJ's cases involving human rights issues in public database of the European Commission on Democracy. Moreover, the CARICOM Secretary General has agreed with the Committee that since the decisions of the Conference of Heads of Government are themselves as much law as the

Revised Treaty of Chaguaramas, steps will be taken to make such decisions publicly accessible.

Next step for the Committee is to ensure that the Library is well-equipped to support the research needs of the Caribbean Community Administrative Tribunal when it is established.

Our Outreach Activities



OUR OUTREACH ACTIVITIES

The Caribbean Academy for Law and Court Administration (CALCA)



During the period under review, CALCA engaged in several activities focused both on its core mandate, which is “the advancing of knowledge, education, learning, research, and practical application of law and the administration of justice in the Caribbean context”, as well as on the strengthening of the CCJ.

Biennial Conference

Biennial conferences remain CALCA’s flagship event. The fourth biennial conference, held in October 2016, was lauded by participants as a “world-class event”. The conference was held in Sint Maarten under the theme, ‘Law at the Cross-Roads: Reappraising the Role of Common Law and Civil Law Practitioners in Transnational Development’. It was hosted in partnership with Jamaica’s General Legal Council and received considerable support from the Government of St. Maarten as well as several sponsors, including headline sponsor, the Caribbean Development Bank (CDB).

The event hosted over 200 regional and international participants with over 25 interactive plenary and concurrent sessions facilitated by world-renowned jurists. The fourth biennial conference was the largest staging of the Conference and the first to be held outside of Trinidad and Tobago.

Planning for the fifth biennial conference, to be held in 2018, is already underway. The conference will focus on leveraging intellectual property (IP) assets as tools for national and regional development. At present, two executions of the Conference are being contemplated, one in Jamaica and the other in the southern Caribbean.



The Honourable Mr. Justice Winston Anderson, CALCA Chairman and Judge of the CCJ, kept the proceedings flowing during the opening and closing ceremonies. During his address at the Opening Ceremony, Mr. Justice Anderson described the 4th Biennial Conference, by saying: “over the next three days, common law practitioners will meet their civil law counterparts, in an unprecedented and rich exchange of views and visions about the content and practice of law”.

The Caribbean Academy for Law and Court Administration (CALCA) Cont'd



The Rt. Hon. Lady Justice Arden, Head of International Judicial Relations for England and Wales, in discussion with the Chairman of CALCA, the Honourable Mr. Justice Anderson before her presentation at the CALCA 4th Biennial Conference.



The Prime Minister of St. Maarten, the Hon. Mr. William Marlin accepted an autographed copy of the the CCJ's publication, which was launched at the event, from the President of the CCJ, the Rt. Hon. Sir Dennis Byron.



President of the CCJ, the Rt. Hon. Sir Dennis Byron addresses the audience at the Opening Ceremony. Also at the head table were (from left to right) a representative of the Sint Maarten Bar Association, Ms. Caroline van Hees; Governor of Sint Maarten, His Excellency Eugene B Holiday and Deputy Prime Minister and Minister of Finance of Sint Maarten, the Honourable Mr. Richard Gibson. Mr. Allan Wood, Chairman of the General Legal Council of Jamaica, is partially hidden.

Institutional Strengthening

Efforts towards restructuring CALCA began with two objectives in mind: (i) enhancing effective and efficient operation; and (ii) improving regional and global relevance, reach and impact. To this end, in late 2016, consultants were engaged to develop Terms of Reference (ToRs) for the restructuring, expansion and strengthening of CALCA. The ToRs were completed, finalized and approved in early 2017 after consultations with both internal and external stakeholders.

In a proactive move, CALCA's patron, the Rt. Hon. Sir Dennis Byron, along with the Management Committee - which is spearheaded by the Hon. Mr. Justice Anderson, CALCA's Chairman, and the Hon. Mr. Justice Wit, a Ranking Member - issued instructions for CALCA's incorporation as a legal body separate from the Court. The

The Caribbean Academy for Law and Court Administration (CALCA) Cont'd

The fourth biennial conference was the largest staging of the Conference and the first to be held outside of Trinidad and Tobago.

reconstituted organization will be rebranded as the CCJ Academy of Law and incorporation is expected to be completed by the end of 2017. After the incorporation, submissions of proposals will be invited for the implementation of the remaining phases of the restructuring and expansion process.

The Caribbean Community Administrative Tribunal (CCAT)

Further steps were taken to secure the establishment of the Caribbean Community Administrative Tribunal, an independent institution mandated to resolve employment disputes between employees and their CARICOM institution employers, as many of the institutions enjoy immunity from local laws. The negotiation and drafting stages were completed during the period under review and finalization of the CARICOM Secretariat's participation is now awaited. Additionally, communication with the Ministry of Foreign and CARICOM Affairs in Trinidad and Tobago has been initiated with a view to having the tribunal granted legal recognition in that country as it is envisioned that CCAT will be housed at the CCJ.

The Regional Alcohol Legislative Reform Project

Over the period, CALCA collaborated with regional public health, academic, and industry interests on this project which seeks to suggest ways to strengthen laws relating to underage drinking and drunk driving in our Caribbean societies. The essential research component was completed by CALCA's Research Assistant, Ms. Alicia Carter, under the supervision of the Hon. Mr. Justice Anderson and the Hon. Mr. Justice Wit. The draft report has been circulated for review.

The second phase of the project will be the hosting of a two-day regional workshop in 2017, where the findings and recommendations of the Report along with legislative proposals will be discussed.

Justice Improvement Initiative

Under the supervision of the Hon. Mr. Justice Wit, planning is underway for a judicial training seminar, targeted towards the improvement of the delivery of justice, to be held in the last quarter of 2017.



CCJ's retrospective publication, *The Caribbean Court of Justice: The First Ten Years* was launched at the conference during a cocktail event hosted by the Prime Minister of St Maarten. The Hon. Mr. Justice Hayton, who coordinated the publication on behalf of the CCJ, regaled the audience with anecdotes.

OUR OUTREACH ACTIVITIES

The Caribbean Association of Judicial Officers (CAJO)

The nature of CAJO's activity over any particular year is usually determined by whether that year is one where a biennial conference is held.



In the years where there is no conference, the Association focuses on building up its internal structures and engaging in targeted judicial education initiatives. 2016 was a non-conference year, however, it was a very busy one.

One of the stand out activities during the period under review was the Association's role, in collaboration with UN Women and the JURIST Project, in the creation of draft Gender Sensitive Protocols for judicial officers. CAJO, along with its partners, are realizing their goal of presenting each Chief Justice in the region with a draft protocol. The protocols aim to ensure that both women and men have equal access to justice in the courts and that judicial decision-making results in equitable outcomes for both men and women.

Each judiciary would then discuss the contents, amend as it sees fit and hopefully adopt the Protocol as its own. The documents will also serve as a teaching tool for judicial education programmes on gender sensitive adjudication. Drafts have been already prepared for and handed over to the Chief Justices of Barbados and Trinidad and Tobago.

The second major activity, the Haiti Relief sponsored Walk/Run, was the brainchild of CAJO Executive Member, the Hon. Mme. Justice Charmaine Pemberton, a Justice of Appeal in the judiciary of Trinidad and Tobago. The

event saw lawyers, judges and well-wishers join forces in raising funds for the people of Haiti, who had suffered through Hurricane Matthew in October 2016, through a sponsored event that was held simultaneously in Belize City and Port of Spain. The Belize event was coordinated by the Hon. Mme. Justice Sonya Young.

The Association was also able to redesign and reposition its website, hosted at www.thecajo.org, to more completely represent CAJO's objectives. One of CCJ's Judicial Assistants, Mr. Tyrone Bailey, Ms. Charmaine Wright of the Public Education and Communication Unit and Mr. Vishal Dube of the Court's Information Systems Unit, aided by a contracted website developer, played sterling roles in realizing this goal.

Two editions of the CAJO Newsletter, produced by Ms. Seanna Annisette of the Communications Unit, were published and disseminated by email.

CAJO Chairman, the Hon. Mr. Justice Saunders, a Judge of the CCJ, expressed satisfaction with the Association's efforts over the last year and he continues to emphasize that without the CCJ's support, those efforts would be seriously compromised.



Mr. Ian Chinapoo, Executive Director of the Trinidad and Tobago Unit Trust Corporation; CAJO Chairman, the Honorable Mr. Justice Adrian Saunders; Chief Justice of Trinidad and Tobago Justice, the Honourable Mr. Justice Ivor Archie; Founder of the charity organization 'Is There Not A Cause' (ITNAC), Mrs. Avonelle Hector-Joseph, and CAJO Vice Chairman, the Honourable Mme. Justice Charmaine Pemberton.

OUR OUTREACH ACTIVITIES

The Judicial Reform and Institutional Strengthening Project (JURIST)

The third year of the JURIST Project was one of much transition for the five-year judicial reform initiative.



During the period covered by this annual report, the administrative aspect of the Project was strengthened with significant changes made to operating policies and procedures, as well as, management and organizational changes. Principal among these changes, was the appointment of a new leader for the Project.

In August 2016, Dr. Penny Reddie assumed the position of Project Director, taking over from Ms. Nicole Jauvin who served as Interim Project Director for four months. Dr. Reddie served as Canada's High Commissioner to New Zealand from 2005-2009. Following her return to Canada, Dr. Reddie joined the Communications Security Establishment as Associate Chief. Dr. Reddie has also worked in the Department of Justice, the Ministry of the Solicitor General and the Department of Finance. The CCJ President continues to provide strategic guidance to the Project.

The Project Steering Committee (PSC) met on 24 November 2017 and approved a work plan for the remainder of Year 3, which ended on 31 March 2017. The Work Plan identified initiatives for judicial reform that align directly with the mandate of the JURIST Project and



The Honourable Sir Marston Gibson (centre), Chief Justice of Barbados, and members of the Local Implementation Committee proudly display copies of the draft Gender Equality Protocol for Magistrates and Judges at the handing over ceremony.

that were identified during consultations with Chief Justices and key stakeholders.

Following approval of the Work Plan, the Project advertised for specialist consultants to undertake initiatives in the areas of disaster recovery for courts, court administration process review, public education, training needs for judicial officers, website maintenance and knowledge management, and court-connected mediation.

At the November meeting of the PSC, the Project undertook to prepare a detailed two-year work plan for 2017-2019. Additional consultations took place with judiciaries and stakeholders to develop detailed plans to implement their respective priorities. During these consultations, three areas were identified

The Work Plan identified initiatives for judicial reform that align directly with the mandate of the JURIST Project

The Judicial Reform and Institutional Strengthening Project (JURIST) Cont'd

as priorities by each judiciary: Public Education and Engagement, Capacity Building and Gender Equality.

The judiciaries expressed a desire to develop strategies and programmes to inform the public about the roles and responsibilities of the courts, the services provided to the public, and how to access these services and programmes. There was also support for judicial officers to receive the appropriate and necessary training to effectively and efficiently manage court administration. The need to integrate gender equality throughout the court administration process, including sensitization training for judicial officers was also seen as a key part of judicial reform efforts throughout the region.

The Project has made significant progress in the area of gender equality aided by the appointment of a Gender Specialist. Ms. Anika Gray, seconded from UN Women, joined the Project at the beginning of September 2016. Draft Guidelines for Sexual Offences Cases and a draft Survivor's Rights Charter have been developed and Gender Equality Protocols, for magistrates and judges, were also developed in collaboration with CAJO and UN Women.

Other JURIST Project achievements during the period are listed below:

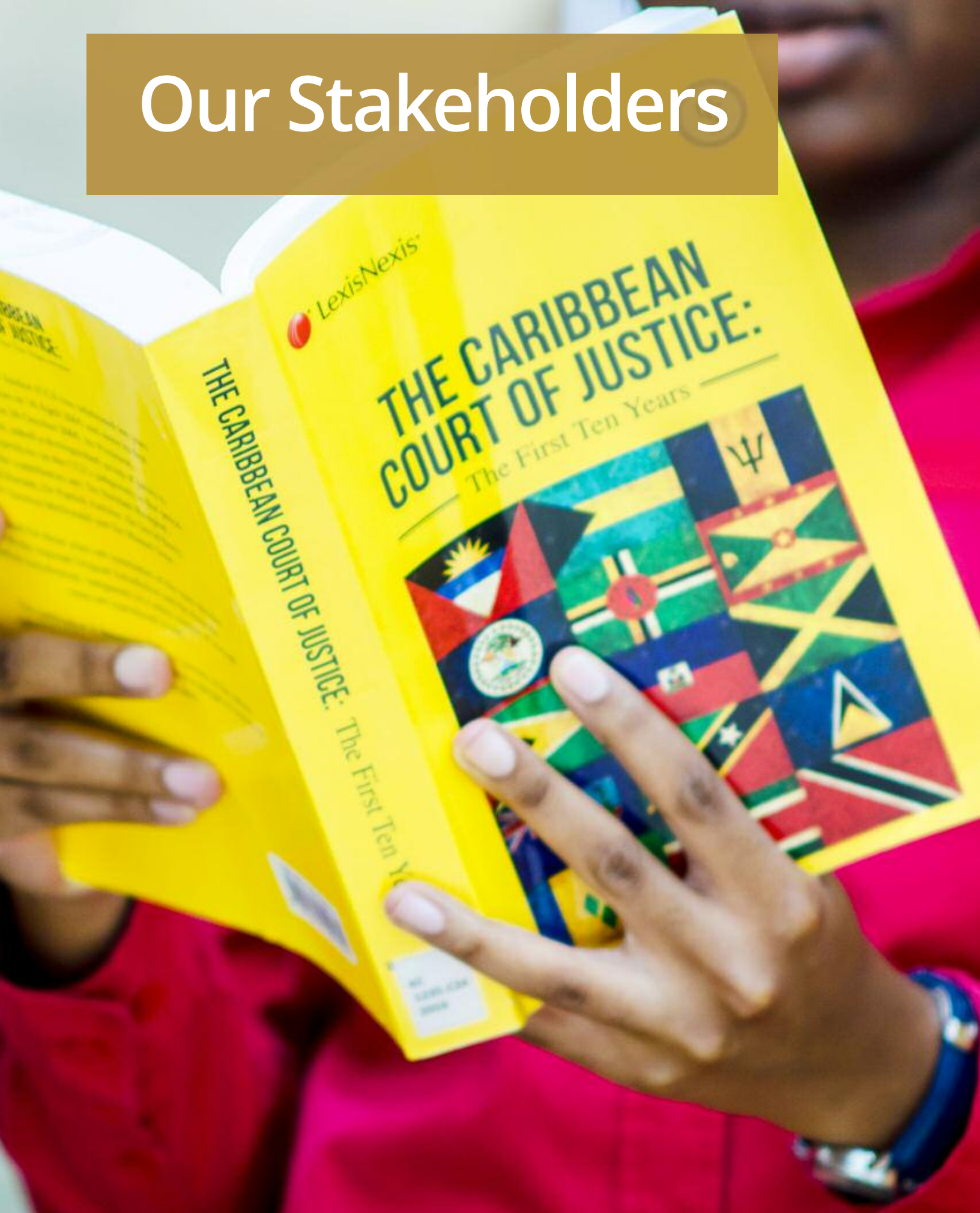
- Four regional, and one national, consultations on sexual offences were held with the judiciaries, lawyers, Ministries of Health, Social Services and Gender, police, DPPs, prisons and NGOs;
- Four focus group meetings were held with survivors of sexual assault, indigenous populations, children and persons with disabilities to have greater insight into their needs;
- A consultant was engaged to conduct regional training needs assessment and to develop a training plan to address learning needs of judicial officers over the next two years;



Ms. Diana Shaw, (standing at left) who assisted in the development of the Sexual Offence Guidelines, addresses the stakeholders at one of the consultation meetings in Trinidad. She is supported by CCJ Judge, the Hon. Mr. Justice Adrian Saunders who, as the Chairman of the Caribbean Association of Judicial Officers, contributed to the development of the guidelines.

- Two gender equality and access to justice training sessions were held for CCJ staff;
- Completion of a sexual offences baseline study in five CARICOM Member States;
- Gender and judicial decision-making survey developed and administered to judicial officers in 14 CARICOM Members States;
- Three issues of the JURIST Project quarterly newsletter developed and disseminated in the region;
- Caribbean CEDAW Legislative Indicators for the judiciary were developed;
- Terms of Reference (ToR) for regional Public Education Working Group developed and approved;
- Four research assistants were engaged to assist in the development of a model bench book for magistrates in the English-speaking Caribbean;
- Support was given to the revision of Civil Procedure Rules for Guyana, including sensitization workshops with the judiciary, Bar and state attorneys on the revised rules;
- Consultants were engaged to develop a handbook on court-connected mediation; and
- One workshop on court-connected mediation was conducted with judges, registrars, mediation coordinators and attorneys.

Our Stakeholders



PRESIDENT'S CHAMBERS

During the last judicial year, which ran from 1 August 2016 to 31 July 2017, the CCJ President continues to encompass the dual roles as the head of the institution and as the leader of its judicial function.

The development and maintenance of exacting standards in timeliness, increasing quality of deliverables, championing continuous improvement and improving the accessibility of the Court was a focus during the period.

Judicial Work

The Court continues in its role of developing Caribbean jurisprudence and resolving critical and emerging issues in the society. During this year, decisions have made which will likely be described as landmark cases because of the definition of murky areas of law in and changes which have become necessary because of changing morés in society. While the quality of the work is important, of vital concern is the ability of the ordinary citizen to have matters of concern brought before the court

Of note, there was an increase of 20% in the number of cases being brought under the Appellate Jurisdiction while only one case brought in the Original Jurisdiction which was the same as the previous judicial year.



A delegation from the CCJ attended the installation of the new President of the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and Bonaire, St. Eustatius and Saba. The outgoing President, in a symbolic gesture, passed over a gavel to incoming President Saleh. That gavel was a gift to his office from the Caribbean Court of Justice.

Over the last year, the Court has continued to actively manage cases in furtherance of its overriding objective under Part 1.3 of the Court Rules “to ensure that the Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged”. An aggressive approach to timeliness, starting from the day matters have been filed, has resulted in an average completion timeline of 2 months between the hearing of an appeal and the delivery of judgment by the Court in many of the cases during the period.

Delay continues to be an issue for the Court, especial care is taken in cases where prolonged delay has occurred in the courts below. In order to bring these matters to conclusion, the use of case management conferences assists in expediting the hearing and delivery of judgments. Prompt timelines for delivery of judgment are also observed to ensure justice is delivered for these litigants.

The CCJ's new court management platform also assists with case management, with alerts and the setting of milestones to ensure timely delivery.

International Framework for Court Excellence

The President, and members of his Chambers, spearheaded projects and worked with other judicial committees and organizations on their initiatives, during the judicial year using the framework of the International Framework for Court Excellence. The CCJ undertook major transformational initiatives with the aim of enhancing jurisprudence in the region in the context of access to and delivery of justice to all. Some of the major initiatives included:

1. The implementation of Curia court management system in January 2017 provided the platform for a more dynamic use of technology in the delivery of justice. After months of development and testing in conjunction with the

President's Chamber Cont'd



(From l to r) Dr. James Hospedales, Executive Director at Caribbean Public Health Agency; the Rt. Hon. Sir Dennis Byron, CCJ President and Judge Vagn Joensen, former President of the International Criminal Tribunal for Rwanda.

technology firm, Courtechs, the system was put into active use at the CCJ. This initiative speaks directly to Strategic Goal 1.1.3 of the Court's 2013-17 Strategic Plan, to increase "the use of technological tools to increase the access to justice". The Curia court management system is available for adoption by the judiciaries throughout the region.

2. In adhering to the basic tenet of the Framework for Court Excellence, to continuously review and analyse the functioning of courts, it was determined that an Employee Engagement Programme to gauge, and then optimise, the level of engagement of the staff complement would be appropriate. Based on the results of a survey conducted with employees on eleven areas of the functioning of the Court, several initiatives, each falling under the ambit of pillars of the Court's 2013-17 Strategic Plan, were identified for implementation. This provided opportunities for the establishment of cross-functional committees and appointment of initiative leaders from all levels of the organization. Five areas were identified for immediate attention and are at various stages of planning, approval and execution.
3. Another major undertaking by the CCJ was the commencement of a human resources information system project to automate all main human resource management and payroll services at the Court.

Governance

Among the governance activities undertaken this year was a review of the Rules of the Court in both the Original and Appellate Jurisdiction. Additionally, the work to formalize how the CCJ's policies and procedures are structured and approved is expected to be completed by the end of the upcoming judicial year. These court documents will be approved and noted under the Guidelines, Rules, Regulations, Directives and Decisions Register, known as the GRADS Register. It is expected that this will be completed during the next judicial year. The President has also continued to hold monthly meetings with the plenary of Judges who serve as an advisory council to the office of the President and he has chaired every meeting of the Regional Judicial and Legal Services Commission during this period. These practices ensure the efficient running of the Court.

A selection of projects completed during the year:

- Employee Engagement Survey
- Employees given access to the entire Office 365 platform
- Enhancing website with the CCJ Strategic Plan
- Scheduled staff engagements
- Implementation of One Drive folders
- Addition of court documents to the CCJ website
- Revision of the Rules of Court

Ongoing projects initiated during the year:

- Adding keyword search function to judgments
- Documenting policies and procedures
- Electronic contact database
- Implementation of shared folders for Unit in SharePoint
- Court's Record Management programme

Memoranda of Understanding

The Court signed a memorandum of understanding with The University of the West Indies, St. Augustine to collaborate on projects to increase the efficiency of the Court. Work has begun on a project to review the costs associated with the Court. This data will be used to determine if there should be adjustments to the CCJ's fee structure.

The Court also developed a relationship with the Justice Studies Center of the Americas (JSCA). The JSCA is an international agency founded in 1999 at the request of the Organization of American States (OAS) to support justice system modern-

President's Chamber Cont'd

ization processes in the region. The CCJ's association with the Organization for the Harmonization of Business Law continues and was evidenced by their partnership with this year's CALCA Conference.

A selection of judicial education events that the President participated in during the year:

- Chair of the Commonwealth's Chief Justices' meeting, and participant at the Commonwealth Law Conference in Australia
- Attended the Council of Legal Education Conference in Antigua and Barbuda
- Commonwealth Magistrates & Judges Association (CMJA) Conference in Guyana
- Commonwealth Judicial Education Institute (CJEI) annual conference in India as Chairman of the CJEI
- Programme Committee Member at the 11th session of the Brandeis Institute for International Judges in Copenhagen
- Observer at the 16th session of the United Nations Permanent Forum on Indigenous Issues in New York

Partnerships

A significant part of the President's time during this judicial year was dedicated to the development of partnerships by engaging various stakeholder groups to bring tangible benefits to the Court and the region. The President also welcomed several distinguished guests to the Court during the period and participated in events in to highlight the work of the Court and bring important regional issues to the fore.

Visitors from the region, the diplomatic corps, other international organizations and government representatives also visited the President, and other officials from the Court, to discuss matters of interest. This year the Court was pleased to welcome another head of state, the Governor of St. Maarten who visited the Court in June 2017. His Excellency, Dr. Eugene Holiday, met with the Honourable Messrs. Justice Wit and Hayton and participated in a tour of the Court's offices.

Regional Outreach

The CCJ President opened, and later was a presenter at, the 5th Biennial Conference of the Caribbean Academy for Law and Court Administration (CALCA) in Sint Maarten. In a highly interactive presentation, the President demonstrated features of the new Curia software platform to the attentive audience including calling a Judge directly from the system to query an alert.

During this year, the President of the Court participated in a number of activities to educate those in the justice sector. For example, he led the team providing training for the judiciary of Guyana on their new Civil Procedure Rules. The President was also a guest speaker at the installation of the President of the Rotary Club of St. Andrew held in Jamaica in July 2017 where he educated the gathering on alternative dispute resolution.

The President also paid courtesy calls on government officials in Antigua, Guyana, St. Lucia, and St Vincent and the Grenadines. These visits are essential to ensure the continued awareness of the challenges facing regional judiciaries and include giving guidance on possible solutions.

It may have been serendipitous, that the President spent the last few days of the judicial year at a gala dinner held in celebration of the Eastern Caribbean Supreme Court's 50th anniversary. The CCJ President started his judicial career at the Eastern Caribbean Supreme Court in 1982, culminating as its Chief Justice.



CCJ's President, the Rt. Hon. Sir Dennis Byron chats with the Principal of the University of the West Indies' St. Augustine campus, Professor Brian Copeland during a meeting to sign a Memorandum of Understanding between the two organizations.

COMMUNITY ENGAGEMENT

Antigua and Barbuda and Grenada Referendum

During the period under review, the Court continued to support the public education efforts of Antigua and Barbuda and Grenada as both countries prepared for referenda exercises for constitutional amendments. The issue of the Caribbean Court of Justice to be instituted as the final court of appeal for those countries was just one of several considerations to be put to the public for a vote. In the case of Grenada, the other issues included: the establishment of an independent Elections and Boundaries Commission, ensuring that there is always an Opposition Leader; ensuring gender equality; enabling Parliament to provide fixed dates for general elections; changing the name of the state to 'Grenada, Carriacou and Petite Martinique'; and the institution of term limits for the Prime Minister.

The Grenada referendum was held on 24 November 2016 and resulted in a defeat of all seven Constitutional reforms as electors opted to vote against the proposed Bills. While a date of 27 October 2016 was initially set for the Antigua and Barbuda referendum, the government postponed the exercise to the following year to allow for greater public education and consultation.

Notwithstanding these developments, the Court remains respectful of the constitutional process and dedicated to continued region-wide efforts to provide information on the role, functions and work of the CCJ.



CCJ President, the Rt. Hon. Sir Dennis Byron, greets the audience at the Guyana Civil Procedure Rules Training event. Looking on are the Hon. Mr. Justice Carl Singh (2nd from right), then Chancellor of the Judiciary of Guyana, and the Hon. Mme. Justice Yonette Cummings, then Chief Justice of Guyana. The Hon. Mr. Justice Adrian Saunders (left) was among the CCJ contingent who travelled to Guyana to deliver the training.

CCJ provides training for new Civil Procedure Rules in Guyana

The CCJ continues to advance its strategic vision of “Enhancing Regional Justice System Performance” by playing an active role in assisting the judiciaries of the Caribbean region, who are at varying stages of reform activities within their respective judiciaries.

A small contingent from the Court travelled to Guyana to conduct training activities for the implementation of new Civil Procedure Rules for the Judiciary of Guyana. The CCJ team comprised the Court President - the Rt. Hon. Sir Dennis Byron; CCJ Judge - the Hon. Mr. Justice Adrian Saunders; CCJ Registrar - Ms. Jacqueline Graham; and Justice of the Court of Appeal from the Judiciary of Trinidad and Tobago - the Hon. Mme. Justice Charmaine Pemberton. This two-day intensive learning programme was attended by over 200 judges, public and private sector attorneys and court registry staff.

This training, which was facilitated by the newly formed Guyana Judicial Education Institute, was deemed essential to ensuring the smooth and effective introduction and implementation of the new Rules of Court. The implementation of new Civil Procedure Rules is expected to contribute to improved accessibility to the court, the more efficient resolution of matters, and access to mediation procedures within the Guyana legal system. The development of the new Rules of Court has been supported by the Judicial Reform and Institutional Strengthening (JURIST) Project, of which the CCJ is the regional executing agency.

Through its work, the CCJ remains an advocate for and provides support to improvements within the region’s judicial systems.

CCJ LAW MOOT



The winning team of Ms. Janessa Murray (left), Ms. Megan Curry (2nd left), Ms. Raven Rolle (right), with advisor Ms. Raquel Williams (2nd from right), clinched a fifth victory for the Eugene Dupuch Law School of the Bahamas.

The Eugene Dupuch Law School of the Bahamas bested their competitors in the 9th Annual Caribbean Court of Justice (CCJ) International Law Moot Competition. The all-female team, comprised of Ms. Raven Rolle; Ms. Megan Curry; Ms. Janessa Murray; with advisor Ms. Raquel Williams, gained a fifth victory for the law school mere days after worldwide celebration of female achievements on International Women's Day in March 2017.

Eight CARICOM law institutions participated in the Law Moot Court, which took place at the CCJ's headquarters. This year saw the participation of 8 teams, from law schools and faculties throughout the region, an increase over the 6 teams that competed in the previous year.

The competing teams were:

- Eugene Dupuch Law School
- Hugh Wooding Law School
- Norman Manley Law School
- Department of Law of the University of Guyana
- Faculty of Law of the University of Technology of Jamaica



Mooting teams eagerly awaiting the start of the IX Annual CCJ International Law Moot opening ceremony

- Faculty of Law of the University of the West Indies (Cave Hill)
- Faculty of Law of the University of the West Indies (Mona)
- Faculty of Law of the University of the West Indies (St Augustine)

A moot court is different from a mock trial, which usually refers to a simulated jury trial or Bench trial. The CCJ moot does not involve actual testimony by witnesses, cross-examination, or the presentation of evidence, but focuses solely on the application and interpretation of the law under the Revised Treaty of Chaguaramas.

As is traditional, the Moot focused on an Original Jurisdiction matter. This year's fictitious case dealt with issues surrounding the freedom of movement within the Caribbean region of a Belizean-based company with shareholders and employees of varying nationalities. Arguments were presented before a panel of CCJ Judges: the Honourable Messrs. Justice Nelson, Wit and Hayton.

The Eugene Dupuch Law School, from the Bahamas, were awarded the Caribbean Court of Justice International Law Moot Challenge Shield for their win. The Norman Manley Law School from Jamaica were the year's runners-up and the Faculty of Law of the University of the West Indies (Cave Hill) received the plaque for the best team from an academic (i.e., non-professional) institution.

Assisting with the proceedings were first year law students from the St Augustine Campus of the University of the West Indies who functioned as mooting registrar, mooting court support officer and other mooting court officials.

ENGAGING CARICOM

In 2014, the thirty-fifth meeting of the Conference of Heads of Government approved the first Strategic Plan for the Caribbean Community.

The plan aims to provide a framework for responding to both the challenges and opportunities facing the region. As part of the implementation of the plan a Results-Based Management (RBM) Leadership Group was established by the CARICOM Secretariat to support the development of a robust monitoring and evaluation and reporting system and to ensure the use of the system.

The core functions of the Leadership group have been outlined as serving as a focal point for institutionalising RBM in CARICOM, serving as internal coaches and RBM implementation champions, facilitating a conducive environment for effective communication among stakeholders, catalysing joint learnings and knowledge generation and strengthening organizational capacity to achieve higher performance.

The HR Manager and Communications and Information Manager were selected to represent the Caribbean Court of Justice on the committee. Each representative attended a workshop hosted by the Secretariat, as well as virtual meetings, to finalise the draft Results Based Management Logic Framework, the RBM indicators and the draft Performance Measurement Framework/Scorecard.



Many of the members of the Leadership Group who attended the first training workshop for the development of the Results-Based Management system at the CARICOM headquarters in March 2017. The workshop was facilitated by Mr. Evan Green, and his team, from research and consulting firm, Baastel.

Our Administration



COMMUNICATIONS AND INFORMATION DEPARTMENT

The Department comprises four units: Information Systems, Protocol and Information, Public Education and Communications, and Library Services.

Information Systems Unit

The Information Systems Unit provided support and information to the team working on the development of the Curia court management system. The team worked with the developers to facilitate the flow of information from CCJ and provided project management services from the CCJ end.

While that project was ongoing, the Unit was also working on the infrastructure upgrade project that had been started in 2016. The Information Systems Unit is in process of upgrading its server equipment, including using cloud storage to back-up data and to provide an expandable option for increased capacity. The team is in the final stages of the project and it is envisioned that the projects will be completed by the end of September 2017. The Unit also collaborated with the Public Education and Communications Unit on the live streaming of cases from Courtroom 1.

During this year, the full spectrum of productivity and tools for content creation that are in Microsoft Office 365 were deployed to the staff of the CCJ. Employees are now able to collaborate on documents, access their files remotely, communicate via social media tools and so much more. The Unit also began to work on an initiative to empower its colleagues with a 'lunch and learn' sessions called Tech Thursdays where presentations on various topics



Mr. Ayinde Burgess, Systems Administrator at the CCJ gives a presentation on the CCJ's courtroom technology to Mr. Justice Srikishna (left), former Judge of the Supreme Court of India. Ms Meisha-Ann Kelly, Deputy Registrar of the CCJ, also participated in the tour of the courtroom.



Ms. Charmaine Wright
Communications and
Information Manager

are given and participants have the opportunity to ask questions in a casual and supportive setting. The sessions have not only built increased knowledge but have also increased camaraderie according to surveys done after the session.

Protocol and Information Unit

One of the major activities of the Unit is the coordination of the annual law moot. This year's staging of the 9th Annual Caribbean Court of Justice International Law Moot was significant because it featured 8 law schools, out of a possible 10 in the region, competing for the main prize. The Unit has already begun thinking towards the 10th Anniversary of the law moot in 2018.



Communications and Information Department Cont'd

Employees are now able to collaborate on documents, access their files remotely, communicate via social media tools and so much more.

The Unit continues to conduct educational tours for groups and representatives from our stakeholders. This year, as we did last year, we were pleased to welcome a sitting head of state to the Court as well as other distinguished guests. Group tours were put on hold during the period as the tour process is under review and is being revamped to be restarted in the next judicial year. In addition to this, the Unit continued to support the judges and employees of the Court and encourage communication with stakeholders. During this period, the head of the Protocol Unit, Dr. Michael Anthony Lilla retired but remains with the Court on contract.

Public Education and Communications Unit

The Unit began a comprehensive review of its communication channels and designed a plan to re-energise and reconnect with the Court's stakeholders. As a part of that campaign, an invitation to connect with CCJ was issued through the social media pages to allow stakeholders to sign-up to receive information from the CCJ and its

related organizations including CALCA and CAJO. During the period, the Unit took advantage of the increased number of email contacts to begin publishing a monthly CCJ Newsletter, called CCJ Matters. The inaugural newsletter was sent using an email marketing platform, to stakeholders. The newsletter was designed to provide information about the CCJ in a manner that is useful and interesting to a diverse audience. The newsletter is also replicated on CCJ's website at ccj.org. Other information, mainly from CAJO to promote its judicial conference in October 2017, was also disseminated to the emails in the Court database.

The Unit also supported the Employee Engagement project team by creating a series of ads to promote the survey that was being done to solicit employee's input

In July 2017, the live streaming of cases from Courtroom 1 was started. The Unit used social media, and other channels, to draw attention to this new development of the Court. However, audio and video recordings have always been available on the website within 24 hours but live broadcasting of the cases allows for more immediate access to the Court.

A comprehensive public information campaign is being worked on with a release of the end of 2017 being envisioned. A refresh of the website is also being envisioned for the latter part of the year with preliminary design work and initial consultation with stakeholders having been completed during the period. A project, initiated by Mr. Justice Hayton, to add keywords to judgments to enhance their searchability is also in progress.

Library Services Unit

During this judicial year, the Library Unit made tremendous strides in completing a records management framework that will determine how the Court's documents are kept, shared, retained and disposed of. Comprehensive documentation, including policies, file plans and other resources have been drafted after wide and in-depth consultation with those who create and store the organization's records, to create a system that is compliant with best practices.

The Unit continued to develop its collection by acquiring revised editions and new titles. Other materials were also purchased to fill the gaps identified from the evaluation of the collection conducted by the Library Committee. In addition, the Unit supported researchers that were working on various CCJ projects in identifying useful publications and legislation as well as sourcing resources from other jurisdictions through collaboration with colleagues from regional libraries. The Library continues to support the Judges, staff and other users by providing access to physical and digital resources from its own collection and those obtained from other libraries regionally and internationally.

FINANCE AND ADMINISTRATION DEPARTMENT

The department has continually used industry best practices to ensure accountability, transparency and effective management in the areas under its purview.

Like the rest of the Court, the Finance and Administration Department focused on several technological transformations during the 2016-7 judicial year. This was done to improve efficiency and effectiveness in its operations and to ensure the continued stewardship of the Court's assets entrusted to the department.

The Finance and Accounting Unit

The Unit is responsible for the execution of all financial matters of the Court. The major areas of responsibility include: accounts payable and receivables, processing payroll, managing procurement, financial planning, instituting financial controls and reporting on financial matters to both internal and external stakeholders.

During the year, improvements were made to our financial reporting platform to obtain more comprehensive and detailed financial information to ensure that the management of the Court would have access to data that would be more useful for decision-making.

Another project that was completed during this judicial year was the automation of the payment of the salaries of CCJ and RJLSC employees. Salaries are now uploaded in the banking portal and delivered directly to the accounts of the employees. This new development replaces a manual process, is less time-consuming and has reduced the risk of human error. The second phase of this project is full automation, being undertaken in conjunction with the Human Resources Unit, for payroll processing to be integrated in the human resource information system (HRIS). It is anticipated that the project will be completed by the end of 2017.

It is worthy of mention, that the audit into the Financial Statements as at 31st December 2016 for the CCJ was completed by 31 March 2017 which is the performance standard set by the organization. An unqualified opinion, which indicates the accounts were accurately and appropriately presented, was given from the auditors lending legitimacy to the financial operations of the Court.

During the year, several policies and procedures were developed to improve operations and to keep pace with changes in the environment. Documentation, and optimization of the processes in the unit, remains as an ongoing process for the Finance and Accounting Department.



Ms. Andrea Callender
Finance and Administration
Manager

The Unit is tasked with ensuring the infrastructure of the Court is optimal and that its employees are provided with the tools that they need to perform exceptionally.

■ Finance and Administration Department Cont'd

Facilities, Assets and Office Management Unit

The unit is tasked with ensuring the infrastructure of the Court is optimal and that its employees are provided with many of the tools that they need to perform exceptionally. During the period under review, there were several projects that improved the Court's facilities and the working environment for the employees of the CCJ and the RJLSC.

The Facilities, Assets and Office Management Unit was successful in the re-modelling of two Judges' Chambers in May 2017. The unit also embarked on an exercise to capture the design of the building, the use of space, evacuation routes and fire safety mechanisms of the CCJ headquarters. This is necessary to facilitate planning and to ensure that there is documentation of facilities.

The development of an electronic database and coding system for the assets of the CCJ was also undertaken. This project, when it is

completed in December 2017, will identify each asset, and is envisioned to include other information such as a description of each item, its cost price and its value. This will allow an accurate assessment of the current value of the Court's capital assets and that ensure each asset is traceable. A number of depreciated and obsolete assets were also disposed by the Asset Disposal Committee under the guidance of the Unit.

Metal-halide perimeter lights, located in the carpark and other external areas of the building, were replaced with high efficient LED security lights. The LED lights offer increased brightness, lasts longer and decreases the need for regular maintenance.

The air conditioning system was assessed to rectify variances in temperatures throughout in the building. The airflow in several areas was balanced and recommendations were made to install electronic thermostats in key areas for greater control. This exercise commenced in July 2017 and is expected to successfully aid in controlling the temperatures and the energy usage of the cooling units. Testing was also done to ensure that the air quality in the building was well within the recommended limits.

Additionally, the Unit has been making modifications to various parts of the building's infrastructure to increase compliance with safety standards in conjunction with the Health and Safety Committee. In the upcoming judicial year, the Unit will be working with the Security and Logistics Unit on the development of an integrated fire alarm system that will unlock doors during emergencies. It would also bring superior survivability, reductions in central monitoring costs, better system status, command and control of the building, historical logging, reporting and control of all connected devices.

In the coming judicial year, the unit expects to implement an inventory management system and to work, in conjunction with other units, to develop the Court's business continuity plan.



The Facilities Unit arranges the physical layout for meetings and other court events. In this photo, Judges and employees of the CCJ, along with some of their counterparts from the Eastern Caribbean Supreme Court, attending a demonstration of the Curia software system.

HUMAN RESOURCES DEPARTMENT

Rapid changes in technology have affected businesses in many ways and the judiciary is no exception.

The HR Management function must adapt if it wants to continue to play a critical role in helping courts to anticipate, manage and nurture its human resource by using technology as a tool.

In August 2016, the HR Department, in partnership with the Finance and Information Systems Units, commenced work on customizing a human resources information system (HRIS) for the automation of HR and payroll services. The projected time for completion is September 2017. The project is expected to significantly reduce the documentation of services, improve the response time to requests, easily provide data at the press of a button and provide the HR team with more time to be strategic in supporting the Court in the achievement of its business goals. Most importantly, this should improve the delivery of services to the employees of the Court and the RJLSC.

During this judicial year, an employee engagement survey was completed. The development of an employee engagement initiative was one of the projects developed under the International Framework for Court Excellence. The survey, and the resulting action plan, falls under one of the tenets of the CCJ's strategic plan - to develop a high-performing work force. The survey was planned by a small team comprising Ms. Semone Moore, Ms. Candis Cayona and Ms. Campbell-Nicholas. The survey was carried out, aided by an internal communications campaign to encourage participation, which resulted in over half the workforce responding to the survey. The results were presented to the judges and the staff, as well as, the Commissioners of the RJLSC. The staff looked at the areas of concern and formed small working groups to come up with action plans to address staff concerns. It is expected that this work will continue until 2018.



Mrs. Lenore Dorset speaking to employees on protocol and diplomacy during a two-day in-house training session to familiarize staff with the rules of protocol.



Ms. Susan Campbell-Nicholas
Human Resources Manager

Development of its human resources was once again the focus of the Court in this reporting period. Training and development programmes were completed in first aid and the areas of protocol and etiquette. Most CCJ employees are now trained first responders for emergencies. All Drivers and some Security personnel were also re-certified in defensive driving.

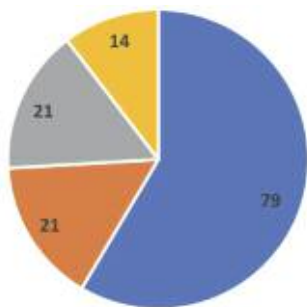
Gender sensitization and awareness training was provided to members of the CCJ, by Ms. Toni Brodber of UN Women, supported by the JURIST Project. There are also plans to develop gender and sexual harassment policies for the organization using the tools and information provided in the training sessions.

Human Resources Department Cont'd

Gender sensitization and awareness training was provided to members of the CCJ, by Ms. Toni Brodber of UN Women, supported by the JURIST Project.

Under the guidance of the Hon. Mr. Justice Hayton, the CCJ, in collaboration with the three regional law schools, revised its in-service internship programme to afford more law students the opportunity to intern at the Court. Each intern will spend two weeks in a structured programme which offers the students a holistic view of the Court. Not only will they benefit from hands-on experience working with judges, and their judicial assistants, but they will also be exposed to the other areas of the organisation including communications, finance and human resources. Eight interns are scheduled to participate in the 2017 programme.

Training Programs and Participation Levels



- First Aid & CPR
- Gender Sensitivity
- Protocol & Etiquette
- Defensive Driving Re-certification

STAFFING

The following Judge and employees assumed duty with the Court during this reporting cycle:

Employees	Position Title	Effective Date
Ms. Meisha-Ann Kelly	Deputy Registrar & Marshal	Sept. 01, 2016
Ms. La Toya McDowald	Judicial Assistant	Sept. 01, 2016
Mr. Tyrone Bailey	Judicial Assistant	Oct. 01, 2016
Mrs. Tanya Alexis	Judicial Assistant	Nov. 14, 2016
Mr. Ricoy Zephyrine	Facilities & Asset Management Supervisor	Mar 01, 2017
Judge	Position Title	Effective Date
Hon. Mr. Justice Denys Barrow	Judge	Jun 01, 2017

The following judge and employees separated from the CCJ during the period under review:

Employees	Position Title	Reason	Effective Date
Mr. Jason Jeremie	Facilities & Asset Management Supervisor	Resigned	Nov 2016
Dr. Michael Lilla	Protocol & Information Manager	Retired	Jan 31, 2017
Judge	Position Title	Reason	Effective Date
Hon. Mr. Rolston Nelson	Judge	Retired	May 31, 2017



Members of CCJ's administrative staff prepare a meal as part of a team-building session at Fanatic Kitchen Studio as a part of the activities to reward them during Administrative Professionals' Week.

SECURITY AND LOGISTICS DEPARTMENT

Security, in its ever-evolving mode, is a reality that cannot be overlooked nor is its role in any organisation to be minimised.

Cognisant of this fact, and the Court's transformational thrust with the use of technology, the Security and Logistics Unit has embarked on a series of initiatives to realign the Court's current resources to contemporary best practices.

In fulfilment of its mandate, the Security and Logistics Unit has recently upgraded its systems with the procurement of a new access control system. This multi-functional technological tool greatly enhances the unit's capacity to manage movement of both staff and visitors alike, to the Court. An additional benefit is its capacity to record and report arrivals and departures. This would also assist in accounting for all persons who are present in CCJ's headquarters during an emergency.

Of critical importance is the capacity to generate different access levels to sensitive areas using swipe cards, each with a magnetic strip that identifies the user, thus accurately monitoring movement and mitigating unauthorised access.

The highly-integrated nature of this piece of technology affords the integration of the Court's previously installed CCTV system and lends for the addition of sixteen more high definition digital cameras to the system. This eliminates pre-existing blind spots within the building and affords enhanced surveillance of the Court's carpark and perimeter. It possesses capacity to generate real-time coverage and reporting with offsite storage and monitoring.

As the Court embraces new technology in its operations, it is unquestionable that there is similar need to ensure the integrity of the courts data. During the last judicial year, the members of the Security and Logistics Unit received intensive training in cybersecurity with exposure to the collection and preservation of evidence to support the investigation of breaches. Recently, some of the tools and knowledge gained in that training was used in an internal investigation at the Court.

Further training programmes, geared towards the development of staff to meet the emerging demands and the attainment of organisational goals, are being evaluated for the future development of the team.



Mr. Maurice Piggott
Security and Logistics Manager

During the last judicial year, the members of the Security and Logistics Unit received intensive training in cybersecurity with exposure to the collection and preservation of evidence to support the investigation of breaches.

Our People



INSTITUTIONAL STRENGTHENING

International Framework for Court Excellence

In 2016, the Court adopted the International Framework for Court Excellence (IFCE), a quality management system designed to help courts improve their performance based on the concept of continuous improvement.

The framework represents an all-encompassing approach to achieving court excellence, rather than a more limited focus on aspects of court governance, management or operations.

It provides a model methodology for continuous evaluation and improvement that is specially designed for use by courts. It builds upon a range of recognized organizational improvement methodologies while reflecting the special needs and issues that courts face.

The framework provides a path for improvement in the quality of court services. Many courts throughout the world measure performance for specific activities but the IFCE takes a holistic approach to court performance. It represents a process for a whole-court approach to achieving court excellence.

The framework follows a four-step approach which begins with a self-assessment involving an analysis of performance across numerous areas including court leadership and management, court planning and policies, court resources, court proceedings and processes, client needs and satisfaction, affordable and accessible court services, and public trust and confidence.

In September 2016, the Court engaged all employees to participate in a self-assessment exercise as the first step in the framework. Following the analysis of the data, the exercise then moved into its next phase of planning, in which the judges and staff determined what initiatives could be implemented to remedy areas of weakness and bolster high performing areas.

Once this was completed, the Court then moved into implementation of the identified projects. Since then, many of the suggestions have been achieved and the exercise is moving into the evaluation stage to measure the efficacy of the plans implemented. Upon completion of that phase, planning will then resume, as the Court works towards continually improving its service delivery to both our internal and external stakeholders.



The Human Resources Manager, Ms. Susan Campbell-Nicholas, updates the judges and employees on the results of the Employee Engagement survey. The Employee Engagement initiative was just one initiative that was developed during the Court's internal review of its operations using the International Framework for Court of Excellence methodology.

SOCIAL EVENTS COMMITTEE

In January 2017, it was recommended that a Social Events Committee be formed to recommend, and assist, in organizing social, community and recreational events for the enjoyment of staff members.

This may include staff events, official court functions, community-based initiatives and other ad hoc activities throughout the year. Staff were invited to volunteer for the committee and six employees did: Mr. Darren Shah, Ms. Collette Brown, Ms. Candace Simmons, Mr. Leon Gittens, Ms. Sue Lan Chin and Mr. Ronnie Joseph.

The committee has supported the Public Education and Communications Unit in a number of activities thus far, principal among those was support for the successful Carnival event. The Committee will now move into the second

phase of its plans, developing its own calendar of events. Of note, the Social Events Committee has decided to rotate chairmanship, and other roles, among its members to ensure that each person has an opportunity to serve in a leadership capacity.

STAFF EVENTS

Tech Thursdays

In October 2016, the Information Systems Unit (IS) of the Court launched a “brown-bag lunch series” aptly titled “Tech Thursdays”. The launch of this series coincided with the introduction of the new email and file management software platform. The series initially therefore formed part of the IS Unit’s roll-out and implementation plan for the new software.

Each of the Tech Thursdays sessions are held for 30 minutes on every Thursday in the designated month. These sessions are designed to provide an informal and open forum for the sharing of tips and tricks and gives guidelines on the use of information technology tools, both for professional and personal



Mr. Paul AQUI, the CCJ's Court Multi-Media Officer, fields questions during his well-received Tech Thursdays presentation

Staff Events Cont'd

capacities. Each session is developed and presented by the staff of the IS Unit. They provide practical advice and demonstrations to impart their knowledge and expertise to their co-workers.

During the period, Tech Thursdays sessions were held in October 2016 and April 2017. Some of the topics covered MS Powerpoint and Outlook 2017, Collaboration using OneDrive, Skype for Business, and Best Buys in Tech 2017.

Tech Thursdays was warmly welcomed by staff as each session has been well-supported.

Some of the feedback from the Tech Thursday sessions:

“ it was well put together and easy to understand ”

“ relaxed but interactive and informative ”

“ the fact that everyone seemed so engaged people even brought their kids...testament to how important people think it is ”

“ presenter was well-informed and able to answer all questions put to him by the audience ”



Employees of the CJJ receiving gift hampers as part of the Court's end-of-year celebrations in December 2016.



CJJ's judges and employees responded enthusiastically to a donation drive for those affected by Hurricane Matthew in Haiti in October 2016, pictured here are just a fraction of the items donated.

Staff Events Cont'd

CCJ Carnival 2017

Carnival celebrations at the CCJ are indeed one of the highlight events of the year, as the Court seeks to expose its regional staff members to the cultural elements of Trinidad and Tobago. For Carnival 2017, the CCJ and RJLSC staff and family members enjoyed the various elements of the "Trini" Carnival scene; the Panyard experience, Soca and Calypso music and live performances, Tassa drums and the different "Trini" cuisine favorites and a selection of local food and drinks.



Calypso Lord Relator entertaining the crowd with a number of vintage calypsos.



MX Prime of the Ultimate Rejects performing their hit "Full Extreme."



Members of the Tassa band during their performance, which opened the event.



The event's organizers: Ms. Seanna Annisette, Senior Public Education & Communications Officer; Mrs. Candis Cayona, Senior Executive Assistant; Ms. Semone Moore, Public Education Communications Officer celebrate during the event which was also supported by the Social Events Committee who assisted with promotions.

The Rt. Honourable Sir Dennis Byron, Court President; Lord Relator and guest share a light moment after his performance.



Our Financials

The background of the slide is a dark, abstract representation of financial data. It features a grid of blue and red lines, with a central white candlestick chart showing price fluctuations. The overall aesthetic is modern and data-driven, with a color palette of blues, reds, and golds.

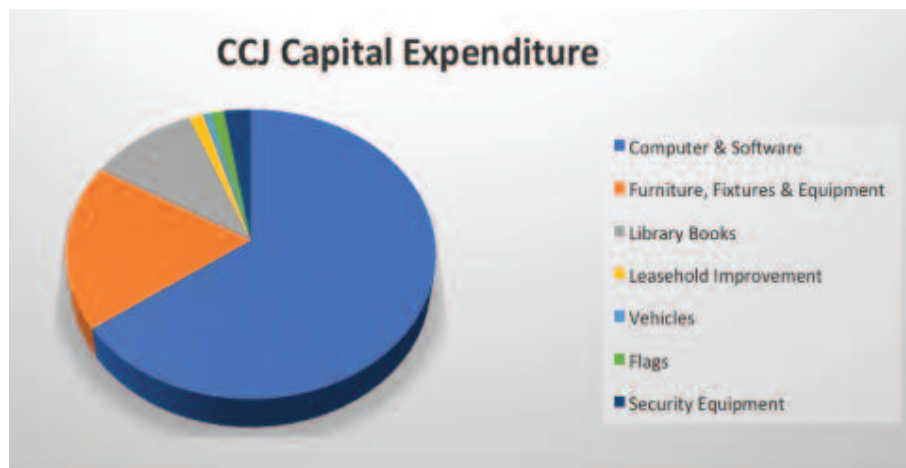
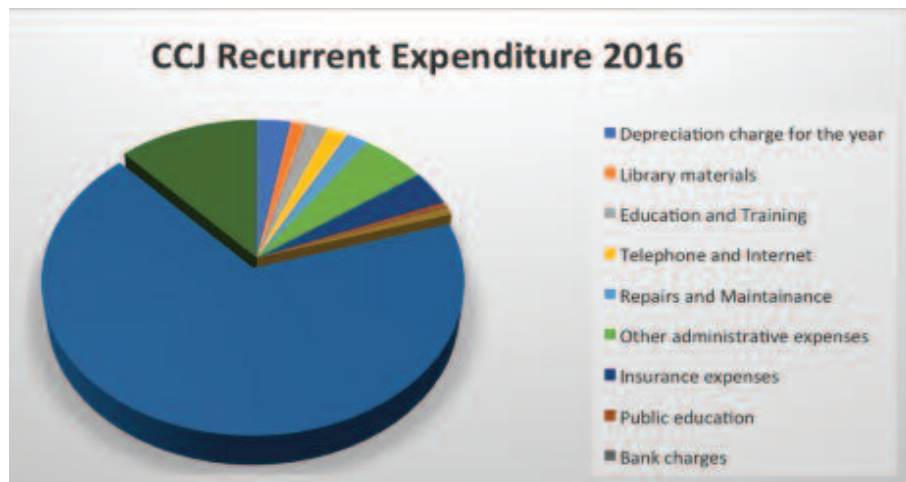
FINANCIAL YEAR IN REVIEW

The financial year for the Court runs from January to December unlike the Court's year which begins on August 1st. The CCJ Trust Fund provided funds totaling US\$6,755,921 in 2016 for the Court's recurrent and capital expenditures.

At the close of the 2016 financial year, the CCJ recorded a surplus of US\$273,988, as a result of savings from a deferred project.

Recurrent Expenditure:

Approximately 90% of the annual allocation, which amounts to US\$6,088,408,



was for recurrent expenditure. Our recurrent expenses are largely related to staff costs and other administrative expenses. Worthy of mention is that recurrent expenditure remained constant, relative to the previous financial year, even though the Court battled rising costs in its operating environment.

Capital Expenditure:

2%, or US\$253,415, of the yearly allocation was for capital expenditure, which included the purchase of software, motor vehicle and other fixed assets. Fixed assets for 2016 stood at US\$396,227, an increase from 2015 by US\$27,161.

Cash Flow

During 2016, the CCJ remained solvent and was well able to meet its obligations in a timely manner. The cash balance for 2016 was US\$705,155, an increase of 4% over 2015. Net cash flow from operations was US\$269,597, a reduction from 2015 by 34%. Net cash flow from investing activities was US\$210,742. This represented a decrease of 12% from 2015 amounts.



Audited Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

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2nd Floor CIC Building
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Port of Spain
Trinidad and Tobago

Independent Auditors' Report

The Court President
The Caribbean Court of Justice
Port of Spain, Trinidad and Tobago

Opinion

We have audited the financial statements of The Caribbean Court of Justice (the "Court"), which comprise the statement of financial position as at December 31, 2016 and the statement of comprehensive income, statement of changes in accumulated fund, and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion the accompanying financial statements present fairly, in all material respects, the financial position of the Court as at December 31, 2016, and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards ("IFRSs").

Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing ("ISAs"). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Court in accordance with the *International Ethics Standards Board for Accountants' Code of Ethics for Professional Accountants* ("IESBA Code") and we have fulfilled our ethical responsibilities in accordance with the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with IFRSs, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Court's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Court or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Court's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.



Independent Auditors' Report (continued)

Auditor's Responsibilities for the Audit of the Financial Statements (continued)

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Court's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Court's ability to continue as a going concern. If we conclude that a material uncertainty exist, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Court to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

The logo for BDO, consisting of the letters 'BDO' in a blue, stylized, cursive font.

May 12, 2017

Port-of-Spain,
Trinidad and Tobago

Statement of Financial Position

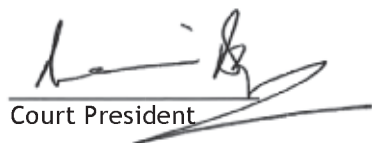
As at December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	Notes	2016	2015
Assets			
Non-current assets			
Property, plant and equipment	3	2,647,034	2,362,025
Retirement benefits due from Trust Fund	4	65,182,614	53,228,800
Total non-current assets		67,829,648	55,590,825
Current assets			
Cash and cash equivalents		4,717,788	4,506,980
Other receivables	5	1,615,372	1,273,580
Due from related parties	8	1,811,410	1,828,724
Total current assets		8,144,570	7,609,284
Total assets		\$75,974,218	\$63,200,109
Accumulated fund and Liabilities			
Accumulated fund		9,793,849	7,990,244
Non-current liability			
Retirement benefit liability	6	65,182,614	53,228,800
Current liabilities			
Deferred income	7	593	64,593
Other payables	9	997,162	1,916,472
Total current liabilities		997,755	1,981,065
Total accumulated fund and liabilities		\$75,974,218	\$63,200,109

See accompanying notes to the financial statements.

These financial statements were approved for issue by the Court President and an RJLSC Commissioner on May 12, 2017 on behalf of the Caribbean Court of Justice.


Court President


Commissioner

Statement of Comprehensive Income

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	Notes	2016	2015
Funding from the Trust Fund	10	44,465,445	41,391,970
Other income	11	269,231	167,651
		44,734,676	41,559,621
Administrative expenses	12	(40,071,774)	(40,049,447)
Surplus for the year		4,662,902	1,510,174
Other comprehensive loss			
Re-measurement of defined benefit pension plans		(2,859,297)	(518,400)
Total comprehensive surplus for the year		\$1,803,605	\$991,774

See accompanying notes to the financial statements.



Statement of Changes in Accumulated Fund

For the year ended December 31, 2016
(Expressed in Trinidad and Tobago Dollars)

	Accumulated Fund
Year Ended December 31, 2016	
Balance at January 1, 2016	7,990,244
Total comprehensive surplus for the year	1,803,605
Balance at December 31, 2016	\$9,793,849
Year Ended December 31, 2015	
Balance at January 1, 2015	6,998,470
Total comprehensive surplus for the year	991,774
Balance at December 31, 2015	\$7,990,244

See accompanying notes to the financial statements.

Statement of Cash Flows

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	2016	2015
Cash Flows from Operating Activities		
Total comprehensive surplus for the year	1,803,605	991,774
Adjustments to reconcile total comprehensive surplus for the year to net cash from operating activities		
Depreciation	1,146,036	1,857,310
Interest income	(3,881)	(842)
Gain on disposal of property, plant and equipment	(17,300)	(86,760)
Increase in retirement benefit due from Trust Fund	(11,953,814)	(4,025,600)
(Increase)/decrease in other receivables	(341,792)	43,818
Decrease/(increase) in due from related parties	17,314	(756,994)
Increase in retirement benefit liability	11,953,814	4,025,600
(Decrease)/increase in deferred income	(64,000)	54,975
(Decrease)/increase in other payables	(919,310)	362,342
Net cash generated from operating activities	1,620,672	2,465,623
Cash Flows from Investing Activities		
Interest received	3,881	842
Acquisition of property, plant and equipment	(1,431,045)	(1,695,345)
Proceeds from disposal of property, plant & equipment	17,300	86,760
Net cash used in investing activities	(1,409,864)	(1,607,743)
Increase in cash and cash equivalents for the year	210,808	857,880
Cash and cash equivalents at January 1	4,506,980	3,649,100
Cash and cash equivalents at December 31	\$4,717,788	\$4,506,980
Analysis of cash and cash equivalents		
Unrestricted cash	4,717,788	3,802,980
Restricted cash	-	704,000
	\$4,717,488	\$4,506,980

See accompanying notes to the financial statements.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

1. Establishment and principal activity

The Caribbean Court of Justice (the “Court”) and the Regional Judicial and Legal Services Commission (the “Commission”) were established on February 14, 2001 by the Agreement Establishing the Caribbean Court of Justice (the “Agreement”). The Agreement was signed on that date by the following Caribbean Community (“Caricom”) states: 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 February 15, 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 Commission came into force on August 21, 2003 and works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.

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 Revised Treaty of Chaguaramas Establishing the Caribbean Community including the Caricom Single Market and Economy. The Court is designed to exercise both an appellate and an original jurisdiction.

The Court is primarily financed by the Caribbean Court of Justice Trust Fund (the “Trust Fund”). The Trust Fund was established by the Caricom states signing the Agreement, who together invested US\$100 million into the Trust Fund, which generates income to finance the expenditures of the Court and Commission.

2. Significant accounting policies

(a) *Basis of preparation*

The financial statements are prepared in accordance with International Financial Reporting Standards (“IFRS”), under the historic cost convention and are expressed in Trinidad & Tobago dollars, which is the Court’s functional and presentation currency.

(b) *Changes in accounting policy and disclosures*

(i) New and amended standards adopted by the Court

There were no new IFRSs or IFRIC interpretations that are effective for the first time for the financial year beginning on or after January 1, 2016 that were adopted and had a material impact on the Court.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(b) Changes in accounting policy and disclosures (continued)

- (ii) New standards, amendments and interpretations issued but not effective and not early adopted

The following new standards, interpretations and amendments, which have not been applied in these financial statements, will or may have an effect on the Court's future financial statements:

IFRS 9, 'Financial instruments' - This new standard introduces new requirements for the classification, measurement and recognition of financial assets and financial liabilities and replaces parts of IAS 39. The standard is effective for annual periods beginning on or after January 1, 2018 with early adoption permitted. IFRS 9 is required to be applied retrospectively. IFRS 9 uses business model and contractual cash flow characteristics to determine whether a financial asset is measured at amortised cost or fair value, replacing the four category classification in IAS 39. The determination is made at initial recognition. The approach is also based on how an entity manages its financial instruments (its business model) and the contractual cash flow characteristics of the financial assets. For financial liabilities, the standard retains most of the IAS 39 requirements. The main change is that, in cases where the fair value option is taken for financial liabilities, the part of a fair value change due to an entity's own credit risk is recorded in other comprehensive income rather than the income statement, unless this creates an accounting mismatch. The Court is yet to assess IFRS 9's full impact and intends to adopt IFRS 9 no later than the accounting period beginning on or after January 1, 2018.

IFRS 16 Leases supersedes IAS 17 *Leases* and its related interpretations. IFRS 16 eliminates the classification by a lessee of leases as either operating or finance. Instead all leases are treated in a similar way to finance leases in accordance with IAS 17. Under IFRS 16, leases are recorded on the statement of financial position by recognising a liability for the present value of its obligation to make future lease payments with an asset (comprised of the amount of the lease liability plus certain other amounts) either being disclosed separately in the statement of financial position (within right-of-use assets) or together with property, plant and equipment. The most significant effect of the new requirements will be an increase in recognised lease assets and financial liabilities. However, IFRS 16 exempts a lessee to recognise assets and liabilities for short term leases and leases of low-value assets. IFRS 16 clarifies that a lessee separates lease components and service components of a contract, and applies the lease accounting requirements only to the lease components. IFRS 16 applies to annual periods commencing on or after January 1, 2019.

Other standards, amendments and interpretations to existing standards in issue but not yet effective are not considered to be relevant to the Court and have not been disclosed.

- (iii) Standards and amendments to published standards early adopted by the Court

The Court did not early adopt any new, revised or amended standards.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(c) *Use of estimates*

The preparation of these financial statements in conformity with IFRS requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. Actual results could differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognized in the period in which the estimates are revised and in any future periods affected. Information about critical judgements in applying accounting policies that have the most significant effect on the amounts recognized in the financial statements is included in the following notes:

- Note (d) Property, plant and equipment
- Note (e) Other receivables
- Note (i) Other payables
- Note (j) Provisions
- Note (n) Employee benefits
- Note (o) Impairment

(d) *Property, plant and equipment*

Items of property, plant and equipment are measured at cost, net of accumulated depreciation and accumulated impairment losses.

Cost includes expenditure that is directly attributable to the acquisition of the asset. The cost of self-constructed assets includes the cost of material and direct labour, any other cost directly attributable to bringing the assets to a working condition for their intended use, the costs of dismantling and removing the items and restoring the site on which they are located and capitalized borrowing costs. Purchased software that is integral to the functionality of the related equipment is capitalized as part of the equipment.

When parts of the items of property, plant and equipment have different useful lives, they are accounted for as separate items of property, plant and equipment.

The gain or loss on disposal of property, plant and equipment is determined by comparing the proceeds from disposal with the carrying amount of the property, plant and equipment, and is recognized net within other income/other expenses in the statement of comprehensive income. When revalued assets are sold, any related amount included in the revaluation reserve is transferred to accumulated fund.

The cost of replacing a component of an item of property, plant and equipment is recognized in the carrying amount of the item if it is probable that the future economic benefits embodied within the component will flow to the Court, and its cost can be measured reliably. The carrying amount of the replaced component is derecognized. The costs of the day-to-day servicing of property, plant and equipment are recognized in the statement of comprehensive income as incurred.

Depreciation is based on the cost of an asset less its residual value. Significant components of individual assets are assessed and if a component has a useful life that is different from the remainder of that asset, that component is depreciated separately. Depreciation is recognized in the statement of comprehensive income on a straight-line basis over the estimated useful lives of each component of property, plant and equipment.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(d) *Property, plant and equipment (continued)*

Depreciation is charged using the straight-line method at the rate of 25% for all property, plant and equipment except for leasehold improvements (10%), which is designed to write off the cost of the assets over their estimated useful lives.

Depreciation methods, useful lives and residual values are reviewed at each reporting date and adjusted if appropriate.

(e) *Other receivables*

Other receivables are stated net of any specific provision established to recognise anticipated losses for bad and doubtful debts. Bad debts are written off during the year in which they are identified.

(f) *Cash and cash equivalents*

For the purpose of the statement of cash flows, cash and cash equivalents comprise cash in hand and at bank, and cash deposited with money market income funds.

(g) *Due (to)/from related party*

Due (to)/from related party is stated at cost.

(h) *Accumulated fund*

The accumulated fund represents the excess (deficit) of funding received over (less than) expenditure.

(i) *Other payables*

Other payables are stated at cost.

(j) *Provisions*

A provision is recognised if, as a result of a past event, the Court has a present legal or constructive obligation that can be estimated reliably, and it is probable that an outflow of economic benefits will be required to settle the obligation. Provisions are determined by discounting the expected future cash flows at a rate that reflects current market assessments of the time value of money and, where appropriate, the risks specific to the liability. The unwinding of finance cost is recognized as finance cost.

(k) *Revenue recognition*

Funds from the Caribbean Court of Justice Trust Fund

Unconditional funding related to the ongoing operations of the Court is recognized in the statement of comprehensive income as income in the period in which the funds become receivable from the Trust Fund.

Grants

Subventions that compensate the Court for expenses incurred are recognized as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (continued)

(k) Revenue recognition (continued)

Grants that compensate the Court for the cost of an asset are recognized in the statement of comprehensive income as revenue on a systematic basis over the life of the asset.

All other revenue is recorded on an accruals basis.

(l) Foreign currency transactions

Foreign currency transactions are translated into the functional currency using the exchange rates prevailing at the date of the transactions. Gains and losses resulting from the settlement of such transactions and from the translation of monetary assets and liabilities denominated in foreign currencies are recognised in the statement of comprehensive income. Year-end balances are translated at year-end exchange rates.

(m) Taxation

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

(n) Employee benefits

The Trust Fund had previously proposed that since the retirement arrangements of the Court are already funded from within the Trust Fund with a legislature from the Heads of Government to ensure that the resources are always adequate, the retirement benefits due to the judges and non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court. Refer to Notes 4 and 6.

(i) Non-judicial staff pension plan

The Court provides its non-judicial staff with a pension plan. Under this plan, the employees of the Court make contributions which are deducted from their salaries and are matched with employer contributions from the Court.

Balances accumulated under this plan are calculated by an independent third party administrator, in accordance with an agreed formula between the Court and their employees. The administrator advises the Court of the accumulated amounts at the end of each financial year.

When a staff member reaches retirement, the Court's actuary determines the pension entitlement for that employee based on their accumulated balance using appropriate actuarial assumptions. The Trust Fund, at the request of the Court, provides to the Court the funds necessary to pay the pension for each employee on this basis.

However, since there is no separate external fund where the contributions are placed (other than the Trust Fund), under IAS 19 these arrangements are treated as a defined benefit obligation of the Court.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (*continued*)

(n) *Employee benefits (continued)*

(ii) **Defined benefit plan**

The Court's obligation in respect of the defined benefit pension plan for judges is calculated by estimating the amount of future benefit that judges have earned in return for their service in the current and prior periods; that benefit is discounted to determine its present value. The calculation is performed by the Court's actuary using the projected unit credit method.

(o) **Impairment**

The carrying amounts of the Court's assets are reviewed at each reporting date to determine whether there is any indication of impairment. If such an indication exists, the asset's recoverable amount is estimated.

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

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 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 recognized.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

3. Property, plant and equipment

	Computer & Software	Furniture, Fixtures & Equipment	Flags, Crest & Seals	Library Books	Security Equipment	Leasehold Improvements	Vehicles	Total
<i>Year ended December 31, 2016</i>								
Cost or valuation								
As at January 1, 2016	10,499,535	10,837,130	408,860	14,666,481	835,647	907,098	4,094,234	42,248,985
Additions	931,913	264,983	19,610	149,010	36,328	19,500	9,701	1,431,045
Disposals	(375,857)	(4,425)	-	-	-	-	-	(380,282)
As at December 31, 2016	11,055,591	11,097,688	428,470	14,815,491	871,975	926,598	4,103,935	43,299,748
Accumulated depreciation								
As at January 1, 2016	10,139,040	10,292,102	408,860	14,327,933	835,647	479,563	3,403,815	39,886,960
Charge for the year	371,564	262,859	8,818	229,387	9,082	10,408	253,918	1,146,036
Disposals	(375,857)	(4,425)	-	-	-	-	-	(380,282)
As at December 31, 2016	10,134,747	10,550,536	417,678	14,557,320	844,729	489,971	3,657,733	40,625,714
Net book value								
As at December 31, 2016	\$920,844	\$547,152	\$10,792	\$258,171	\$27,246	\$436,627	\$446,202	\$2,647,034

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

3. Property, plant and equipment (continued)

	Computer & Software	Furniture, Fixtures & Equipment	Flags, Crest & Seals	Library Books	Security Equipment	Leasehold Improvements	Vehicles	Total
<i>Year ended December 31, 2015</i>								
Cost or valuation								
As at January 1, 2015	10,200,270	10,480,117	408,860	14,521,474	835,647	886,038	3,616,234	40,948,640
Additions	299,265	357,013	-	145,007	-	21,060	873,000	1,695,345
Disposals	-	-	-	-	-	-	(395,000)	(395,000)
As at December 31, 2015	10,499,535	10,837,130	408,860	14,666,481	835,647	907,098	4,094,234	42,248,985
Accumulated depreciation								
As at January 1, 2015	9,943,837	10,013,116	405,072	14,019,636	835,647	413,444	2,793,898	38,424,650
Charge for the year	195,203	278,986	3,788	308,297	-	66,119	1,004,917	1,857,310
Disposals	-	-	-	-	-	-	(395,000)	(395,000)
As at December 31, 2015	10,139,040	10,292,102	408,860	14,327,933	835,647	479,563	3,403,815	39,886,960
Net book value								
As at December 31, 2015	\$360,495	\$545,028	\$ -	\$338,548	\$ -	\$427,535	\$690,419	\$2,362,025

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

4. Retirement benefits due from Trust Fund

	2016	2015
Retirement benefits due from Trust Fund	<u>\$65,182,614</u>	<u>\$53,228,800</u>

The Trust Fund had previously proposed that since the retirement arrangements of the Court are already funded from within the Trust Fund with a legislature from the Heads of Government to ensure that the resources are always adequate, the retirement benefits due to the judges and non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court. For the judges, this balance is determined by the present value of the future cost of the judges' pensions, while for non-judicial staff the balance is determined by the total of the non-judicial staff's employee account balances. Refer to Notes 2 (n) and 6.

5. Other receivables

	2016	2015
Due from Caribbean Academy for Law & Court Administration (CALCA)	305,767	-
Prepayment	294,942	247,779
VAT recoverable	253,111	363,366
Employee advances	115,038	214,705
Due from Caribbean Association of Judicial Officers (CAJO)	46,080	250,950
Other assets	600,434	196,780
	<u>\$1,615,372</u>	<u>\$1,273,580</u>

6. Retirement benefit liability

	2016	2015
Judges	49,743,748	40,832,000
Non-Judicial Staff	15,438,866	12,396,800
	<u>\$65,182,614</u>	<u>\$53,228,800</u>

Judges Pension Arrangement

The President and Judges of the Court are to be paid pension benefits as per a final salary defined benefit pension plan in respect of continuous service with the Court. The benefits are based on one of the following categories depending on the number of years of continuous service at the time of retirement.

Less than 5 years service	A gratuity of 20% of the pensionable emoluments at the time of retirement for every year of continuous service.
5 to 10 years of service	A monthly pension equivalent to two thirds of the monthly pensionable emoluments at the time of retirement, for life.
More than 10 years of service	A monthly pension equivalent to the monthly pensionable emoluments at the time of retirement, for life.

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

6. Retirement benefit liability (continued)

Judges Pension Arrangement (continued)

Principal actuarial assumptions at the reporting date are as follows:

	2016	2015
Discount rate	4.00%	4.50%
Expected rate of return on plan assets	N/A	N/A
Salary growth rate	1%	1%
Average expected remaining working lives of members	9 years	9 years
Fair value of plan assets at the beginning of year	-	-
Expected return on plan assets	-	-
Contributions by the Court	1,710,234	1,638,400
Benefits paid	(1,710,234)	(1,638,400)
Actuarial (loss)/gain	-	-
Fair value of plan assets at the end of year	\$ -	\$ -
Present value of obligation at beginning of year	40,832,000	38,131,200
Foreign exchange loss on opening obligation	1,790,228	-
Interest cost	1,970,777	1,305,600
Current service cost - Employer's portion	2,391,655	2,227,200
Past service cost	2,024,222	-
Benefit payments	(1,710,234)	(1,638,400)
Actuarial loss on obligation	2,445,100	806,400
Present value of obligation at end of year	\$49,743,748	\$40,832,000
Profit or loss		
Service cost	4,415,877	2,227,200
Interest cost	1,970,777	1,305,600
	6,386,654	3,532,800
Other comprehensive income		
Net actuarial loss recognized	2,445,100	806,400
Total expense	\$8,831,754	\$4,339,200

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

6. Retirement benefit liability (continued)

Judges Pension Arrangement (continued)

	2016	2015
Opening Liability	(40,832,000)	(38,131,200)
Foreign exchange loss on opening liability	(1,790,228)	-
Total expense	(8,831,754)	(4,339,200)
Contributions paid	1,710,234	1,638,400
Closing liability	<u>\$(49,743,748)</u>	<u>\$(40,832,000)</u>

As the retirement benefit liability is payable by the Trust Fund when it becomes due, a receivable balance from the Trust Fund is recorded in the statement of financial position to match the retirement benefit liability.

	2016	2015
Present value of the obligation	(49,743,748)	(40,832,000)
Fair value of plan assets	-	-
Liability recognized in statement of financial position	<u>\$(49,743,748)</u>	<u>\$(40,832,000)</u>

Non-Judicial Staff Pension Plan

The Court and its employees, with the exception of judges, contribute towards a pension plan which is managed by a Pension Administration Committee made up of representatives of the Commission, employees, the Trust Fund and the Court. The data and benefit administration services are provided by Bacon Woodrow and de Souza Limited. However, since there is no separate external fund where the contributions are placed (other than the Trust Fund), under IAS 19 these arrangements are treated as a defined benefit obligation of the Court. Refer to Notes 2 (n) and 4.

Movement in Present Value of Defined Benefit Obligation	2016	2015
Defined benefit obligation at start of year	12,396,800	11,072,000
Foreign exchange loss on opening liability	543,522	-
Current service cost	1,409,607	1,068,800
Interest cost	481,003	409,600
Contributions paid	627,976	441,600
Past service cost	(247,182)	-
Re-measurements		
- Experience adjustment	414,197	(288,000)
- Benefits paid	(187,057)	(307,200)
Defined benefit obligation at end of year	<u>\$15,438,866</u>	<u>\$12,396,800</u>

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

6. Retirement benefit liability (continued)

Non-Judicial Staff Pension Plan (continued)

Liability Profile

The defined benefit obligations as at the year ends was allocated as follows:

	2016	2015
- Active members	83%	83%
- Pensioners	17%	17%

The weighted average duration of the defined obligation at the year-end was 4.1 years (2015: 4.7 years). 95% (2015: 95%) of the benefits accrued by active members were vested. 1% (2015: 1%) of the defined benefit obligation for active members was conditional on future salary increases.

Movement in Fair Value of Plan Assets/Asset Allocation

The Plan's assets are held by the Trust Fund in an amount equal to the Plan's liabilities.

	2016	2015
Expense recognised in profit and loss		
Current service cost	1,409,607	1,068,800
Net interest on net defined benefit liability	481,003	409,600
Past service cost	(247,182)	-
Net pension costs	\$1,643,428	\$1,478,400

Re-measurements recognised in other comprehensive income		
Experience (gains)/losses	414,197	(288,000)

Total amount recognised in other comprehensive income	\$414,197	\$(288,000)
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Opening defined benefit liability (asset)	12,396,800	11,072,000
Foreign exchange loss on opening liability	543,522	-
Net pension cost	1,643,428	1,478,400
Re-measurements recognized in other comprehensive income	414,197	(288,000)
Employees salary deductions	627,976	441,600
Benefits paid by the Court	(187,057)	(307,200)
Closing defined benefit liability	\$15,438,866	\$12,396,800

Summary of principal assumptions as at December 31

Discount rate	0% pa	3.5% pa
Salary increases	0% pa	1.0% pa

Assumptions regarding future mortality are based on published mortality tables. The life expectancies underlying the value of the defined benefit obligation as at the year ends are as follows:

	2016	2015
Life expectancy at age 65 for current pensioner in years:		
- Male	16.9	16.9
- Female	20.7	20.7

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

6. Retirement benefit liability (continued)

Non-Judicial Staff Pension Plan (continued)

Sensitivity Analysis

The calculation of the defined benefit obligation is sensitive to the assumptions used. The following table summarizes how the defined benefit obligation as at the year ends would have changed as a result of a change in the assumptions used.

	2016	2015
	1% pa lower	1% pa lower
- Discount rate	\$674,741	\$(548,464)
- Salary increases	\$(120,251)	\$125,552

An increase of one year in the assumed life expectancies shown above would decrease the defined benefit obligation at December 31, 2016 by \$140,293 (2015: \$19,000).

These sensitivities were calculated by re-calculating the defined benefit obligations using the revised assumptions.

Funding

The Court provides benefits under the Plan on a pay as you go basis and thus pays benefits as and when they fall due. The Court expects to pay contributions totalling \$881,839 in 2017.

7. Deferred income

Capital Grants

	2016	2015
CARICOM Administrative Tribunal*	-	64,000
Other deferred income	593	593
	<u>\$593</u>	<u>\$64,593</u>

* An amount of USD\$10,000 was received from the International Labour Organisation (CLO) as a grant for assistance with the preparatory works for Caribbean Community Admin Tribunal (CCAT). These funds were utilised during the year ended December 31, 2016.

8. Related Party Transactions

The following balances/transactions were held/carried out with related parties:

	2016	2015
a) Due from related parties:		
- The Commission	1,326,548	1,567,718
- JURIST Project	484,862	261,006
	<u>\$1,811,410</u>	<u>\$1,828,724</u>

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

8. Related Party Transactions (continued)

Amounts due from the Commission and the JURIST Project are interest free, with no fixed repayment terms.

	2016	2015
b) Trust Fund income received on behalf of and transferred to the Commission:	\$3,223,460	\$3,090,477
c) Expenses charged to the Commission	\$65,169	\$345,357

The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.

	2016	2015
Key management compensation:		
d) Salaries and other short term benefits	\$5,596,518	\$5,230,798

9. Other payables

	2016	2015
Pension contributions due to Trust Fund	574,975	355,833
Accounts payable	255,353	464,228
Accruals	128,556	448,489
Miscellaneous liabilities	38,278	7,922
Advance from Government of Belize*	-	640,000
	\$997,162	\$1,916,472

* This represents a cash advance of US\$100,000 which was received by the Court from the Government of Belize to implement e-filing facilities. During the year ended December 31, 2016 these funds were transferred to the Chancery Chambers, Barbados.

10. Funding from the Trust Fund

	2016	2015
Funding received from the Trust Fund	39,962,720	35,862,370
Pension income receivable from the Trust Fund	4,502,725	5,529,600
	\$44,465,445	\$41,391,970

11. Other income

	2016	2015
Deferred income released to the statement of comprehensive income	-	9,409
Interest income	3,881	842
Miscellaneous income	248,050	70,640
Gain on disposal of property, plant and equipment	17,300	86,760
	\$269,231	\$167,651

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

12. Administrative expenses

	2016	2015
Salaries and allowances	27,397,072	21,877,067
Pension cost and gratuities	4,751,895	7,877,160
Other administrative expenses	2,234,453	2,417,323
Insurance expenses	1,470,481	1,526,547
Depreciation	1,146,036	1,857,310
Education and training	751,437	1,060,489
Repairs and maintenance	743,302	663,907
Telephone and internet	712,133	1,080,043
Library materials	506,882	622,975
Professional fees	336,927	611,850
Foreign exchange (gain)/loss	(216,287)	203,297
Public education	186,157	199,817
Bank charges	51,286	51,662
	\$40,071,774	\$40,049,447

Number of employees	87	79
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13. Financial Risk Management

Financial risk factors

The main financial risks arising from the Court's Operations are foreign exchange currency risk, credit risk and liquidity risk. Risk management is carried out by the Finance and Administration Manager under policies approved by the Commission.

Foreign exchange risk

The Court is mainly exposed to foreign exchange risk arising from financial instruments denominated in foreign currencies. Foreign exchange risk arises when future commercial transactions or recognized assets or liabilities are denominated in a currency that is not the entity's functional currency.

The table below summarizes the Court's assets and liabilities, at the year ended, which are denominated in United States dollars.

	2016	2015
Assets		
Retirement benefit due from Trust Fund	65,182,614	53,228,800
Cash and cash equivalents	4,071,131	2,540,635
Total Assets	\$69,253,745	\$55,769,435
Liabilities		
Retirement benefit liability	65,182,614	53,228,800
Total Liabilities	\$65,182,614	\$53,228,800
Net exposure	\$4,071,131	\$2,540,635

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

13. Financial Risk Management (continued)

Foreign exchange risk (continued)

The table below summarizes the sensitivity of the Court's assets and liabilities to changes in foreign exchange movements at the year end. The analysis is based on the assumptions that the relevant foreign exchange rate increased/decreased by 5% to the Trinidad and Tobago dollars (2015: 5%), with all other variables held constant. This represents management's best estimate of a reasonable possible shift in the foreign exchange rates, having regard to historical volatility of those rates.

Foreign exchange risk	Effect on accumulated fund	
	2016	2015
<i>Increased by 5%</i>	\$203,557	\$127,032
<i>Decreased by 5%</i>	\$(203,557)	\$(127,032)

Credit risk

Credit risk is the risk that a borrower or counter-party fails to meet its contractual obligation. Credit risk of the Court arises from cash and cash equivalents as well as credit exposures from staff loans receivable. The Court is mainly exposed to credit risk from cash and cash equivalents.

The credit quality of staff, their financial position, past experience and other factors are taken into consideration in assessing credit risk and are minimised through the use of contractual agreements.

Cash and deposits are held with reputable financial institutions.

The carrying value of financial assets on the statement of financial position represents their maximum exposure.

Liquidity risk

Liquidity risk arises from the Court's management of working capital. It is the risk that the Court will encounter difficulty in meeting its financial obligations as they fall due. Prudent risk management implies maintaining sufficient cash to fund its day to day operations.

The table below summarizes the maturity profile of the Court's financial liabilities as at the year end based on contractual undiscounted payments:

At December 31, 2016	Less than three (3) months	Less than one (1) year	No stated maturity	Total
Financial liabilities:				
Deferred income	-	593	-	593
Other payables	997,162	-	-	997,162
Total liabilities	\$997,162	\$593	\$ -	\$997,755

Notes to the Financial Statements

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

13. Financial Risk Management (continued)

Liquidity risk (continued)

	Less than three (3) months	Less than one (1) year	No stated maturity	Total
At December 31, 2015				
Financial liabilities:				
Deferred income	-	593	64,000	64,593
Other payables	1,916,472	-	-	1,916,472
Total liabilities	\$1,916,472	\$593	\$64,000	\$1,981,065

14. Subsequent Events

Management evaluated all events that occurred from January 1, 2017 through May 12, 2017, the date the financial statement were available to be issued. During the period, the Court did not have any subsequent events requiring recognition or disclosure in the financial statements.



Supplementary Financial Information

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)



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Independent Auditors' Report on the Supplementary Financial Information

To the Court President
The Caribbean Court of Justice
Port of Spain, Trinidad and Tobago

We have audited the financial statements of the Caribbean Court of Justice for the year ended December 31, 2016, and have issued our report thereon dated May 12, 2017.

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

We conducted our audit for the purpose of expressing an opinion on the financial statements of the Caribbean Court of Justice taken as a whole. The accompanying supplementary financial information, consisting of the statements of financial position, comprehensive income and changes in accumulated fund, is presented for the purpose of additional analysis in United States Dollars 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.

May 12, 2017

*Port of Spain,
Trinidad, West Indies*

Statement of Financial Position

As at December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	2016	2015
Assets		
Non-current assets		
Property, plant and equipment	396,227	369,066
Retirement benefit due from Trust Fund	9,757,000	8,317,000
Total non-current assets	10,153,227	8,686,066
Current assets		
Cash and cash equivalents	706,192	704,216
Other receivables	241,800	198,997
Due from related parties	271,145	285,738
Total current assets	1,219,137	1,188,951
Total assets	US\$11,372,364	US\$9,875,017
Accumulated Fund And Liabilities		
Accumulated fund	1,466,013	1,248,475
Non-current liability		
Retirement benefit liability	9,757,000	8,317,000
Current liabilities		
Deferred income	89	10,093
Other payables	149,262	299,449
Total current liabilities	149,351	309,542
Total accumulated fund and liabilities	US\$11,372,364	US\$9,875,017

Translation rate used - US\$1.00: TT\$6.68 (2015: US\$1.00: TT\$6.40)

Statement of Comprehensive Income

For the year ended December 31, 2016

(Expressed in Trinidad and Tobago Dollars)

	2016	2015
Funding from the Trust Fund	6,755,921	6,467,495
Other income	40,906	26,196
	6,796,827	6,493,691
Administrative expenses	(6,088,408)	(6,257,726)
Surplus for the year	708,419	235,965
Other comprehensive loss		
Re-measurement of defined benefit pension plans	(434,431)	(81,000)
Total comprehensive surplus for the year	US\$273,988	US\$154,965

Translation rate used - US\$1.00: TT\$6.58 (2015: US\$1.00: TT\$6.40)

Statements in Changes in Accumulated Fund

For the year ended December 31, 2016
(Expressed in Trinidad and Tobago Dollars)

Accumulated Fund

	Accumulated Fund
Year Ended December 31, 2016	
Balance at January 1, 2016	1,248,475
Foreign exchange loss on opening balance	(56,450)
Total comprehensive surplus for the year	273,988
Balance at December 31, 2016	US\$1,466,013
Year Ended December 31, 2015	
Balance at January 1, 2015	1,093,510
Total comprehensive surplus for the year	154,965
Balance at December 31, 2015	US\$1,248,475

Translation rate used - US\$1.00: TT\$6.68 (2015: US\$1.00: TT\$6.40)



Notes



Ms. Daniele Grant



Mr. Khari Adams, Khaptured Photography
Ms. Seanna Annisette, CCJ
Mr. Juma Bannister, Relate Studios
Mr. Sean Garraway, Concept At Last
Ms. Semone Moore, CCJ
Mr. Rodney Richardson, Government of Sint Maarten
Mr. Ayinde Smith, Relate Studios
Ms. Charmaine Wright, CCJ



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