



# CARIBBEAN COURT OF JUSTICE

**ANNUAL REPORT 2017-2018**



In February 2018, the judges and employees of the Caribbean Court of Justice (CCJ) finalised a new mission, vision and values for the Court as one of the steps in the strategic planning process. We are now pleased to share them with you, our stakeholders.

## Mission

Providing accessible, fair and efficient justice for the people and states of the Caribbean Community.

## Vision

To be a model of judicial excellence.

## Core Values

### **Integrity**

Be honest, do right, stand firm.

### **Courtesy and Consideration**

Demonstrate care and respect for all.

### **Excellence**

Demonstrate the highest quality of service and performance.

### **Industry**

Be diligent, go above and beyond.





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“ The Court has been fulfilling its main purpose of developing our Caribbean jurisprudence. It has been doing so with a first-rate complement of judges and an efficient court staff that enable the Court to perform amazing feats. The year ahead will be challenging, but I look forward to it with optimism. I fervently believe that the Court has the right trajectory. ”

**The Honourable Mr. Justice Adrian Saunders**  
President, Caribbean Court of Justice

# President's Message

## from the Hon. Mr. Justice Adrian Saunders



The period under review for this Annual Report covers the period from 1 August 2017 to 31 July 2018. It was towards the end of this period, on 4 July 2018 in Jamaica, just prior to the 39th Regular Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM), that I had the extraordinary honour to be sworn in as the Court's third President.

The transition process was a smooth one given that I was at the time the longest-serving judge of the Court and had enjoyed an excellent relationship with the judges and staff. In particular, I had worked closely with both former Presidents of the Court: firstly, Mr. Justice Michael de La Bastide and latterly, and especially, Sir Dennis Byron.

**I take this opportunity to express, again, the region's sincere gratitude to both former Presidents for the invaluable leadership they have given to the Court. Each of these legal luminaries has laid a solid platform upon which we must build. It follows, almost naturally, that this Annual Report carries the theme of 'Building', that is, erecting a structure on a laid platform.**

It is also quite fitting that my presidency coincides with the elaboration of our 'building plans' in the form of our new Strategic Plan 2019 - 2024. I have the privilege of chairing our Strategic Planning Committee and, I am only too well aware, that a tremendous amount of work has gone into the

## President's Message continued

preparation of this Plan. In the year ahead, one of my main areas of focus will be to orient all the Units of the Court behind its successful implementation.

**Over the last year, the Court maintained its solid track record of outstanding judicial work. The appellate caseload of the Court steadily expanded.**

But, even more significant than the increase in the number of appeals heard and judgments delivered, was the impressive variety and significance of the cases themselves. These included criminal and commercial law appeals, matters of statutory interpretation, and important questions of Caribbean constitutional law. The cases of *Nervais and Severin v The Queen and Attorney General of Guyana v Richardson*, for example, plumb the depths of and leave a huge footprint on Commonwealth Caribbean constitutionalism.

On the other hand, the flow of cases in the Original Jurisdiction has remained sluggish even as opportunities for the growth of this jurisdiction are great. This contradiction points to the need, perhaps, for more work to be done to inform the Caribbean public, the legal profession and the Caribbean judiciary about their respective rights, obligations and entitlements under the Revised Treaty of Chaguaramas.

During the judicial year, the Court also continued a robust engagement with its partners (JURIST, CAJO, UN Women, to name a few) aimed at advancing Caribbean jurisprudence and improving the quality and effectiveness of judges and the administration of justice. In particular, we are incredibly proud of the work the Court has done in promoting the dispensation of justice through a gender lens.

One of the first, if not the first, issue that arises whenever anyone speaks of the Court is the fact that, to date, there are several states in the region that have not altered their Constitutions to make the CCJ their final Court of Appeal. This, despite the fact that regional states ratified an international treaty agreeing to take this step, and then expended tens of millions of dollars to establish and outfit the Court.



The Honourable Mr. Justice Saunders, newly sworn-in President of the CCJ, takes the oath of office administered by His Excellency the Most Honourable Sir Patrick Allen, ON, GCMG, CD, KSt.J., Governor-General of Jamaica.

I am convinced that to gain stronger support in the region, more information must be provided to the Caribbean public about the Court, its institutional architecture, its work over the last 13 years and what it can do to advance democracy and the rule of law in the Caribbean. This, in turn, requires messaging that reaches and resonates with every man, woman, boy and girl. Our Strategic Plan recognises this challenge and is geared at meeting it head-on.

**The Court has been fulfilling its main purpose of developing our Caribbean jurisprudence. It has been doing so with a first-rate complement of judges and an efficient court staff that enable the Court to perform amazing feats.**

The year ahead will be challenging, but I look forward to it with optimism. I fervently believe that the Court is on the right trajectory.

**The Honourable Mr. Justice Adrian Saunders**  
President



# Registrar's Report

## from Ms. Jacqueline Graham



“It is a cardinal principle of architectural and engineering design that the design of the infrastructure and superstructure should be coordinated so as to ensure that the foundations are adequate to sustain the edifice above”.

The Honourable Dr. Lloyd Barnett O.J.,  
July 4, 2016

For those of you who follow our Annual Report closely, you will note that the themes have, in some way, alluded to various growth processes and activities. For many start-up institutions, this is a necessary journey that takes time as the organisation works towards a strong and stable foundation that is adequate to sustain the edifice above.

Now that the formative period has passed, the CCJ is on a growth path that will seek to substantially bolster its foundational 13-year history. This Annual Report's theme 'building' acknowledges the transition through an illustration of judicial goals, work and activities that emanate from a commitment to the Court's established underpinnings: that is, its judicial leadership, its people, its processes and its stakeholders.

During the period under review, the CCJ bid farewell to its second President, the Right Honourable Sir Dennis Byron, who retired from office after a tenure of

## Registrar's Report Continued

seven years. The leadership of Sir Dennis is marked by various forms of technological advancement, innovation and transformation in the Court's day-to-day operations. Sir Dennis has passed the baton on to the Honourable Mr. Justice Adrian Saunders, who assumed office on 4 July 2018, having been a sitting judge of the CCJ for 13 years.

**To his tenure of leadership, Mr. Justice Saunders brings the benefit of his experience, the attendant institutional knowledge and his own aspirations for a fortuitous future for the Court.**

The 'handover' activities led us to itinerant Court sittings in Antigua and Barbuda and St. Vincent and the Grenadines; a ceremonial sitting in Trinidad and Tobago; and a swearing-in ceremony before the CARICOM Heads of Government meeting in Jamaica. These occasions afforded the Court direct interaction with governments, judiciaries, regional institutions, bar associations, the media and the public, who all received the Court warmly and openly. These experiences solidified the charge upon us, judges and staff, to personify professionalism in all our interactions with the Caribbean people and to continue to deliver excellence in justice to our region.

The dynamism inherent in the leadership transition fostered an atmosphere that propelled the Court in the direction of exploring and taking advantage of opportunities to strengthen an already sturdy foundation. One such opportunity was presented by way of the Strategic Planning process. The CCJ Strategic Plan 2019 - 2024, under the theme 'Unlocking Potential - Strengthening Caribbean Jurisprudence', allowed us to take stock of where we are as an institution versus the expectations and requirements of our internal and external court users and stakeholders. This reflection took place through a highly participative and inclusive process and resulted in open and honest dialogue.

This measure has allowed the Court to uncover the skills, competencies and professional acumen of our employees. We open our arms, as we must, to this new and exciting period of unlocking potential.

**Looking forward, the Court is determined to be more nimble, considering the dynamism of its setting. To bolster that agility from within, the Court will continue its effort to create a 'learning environment' in which internal members are enabled, empowered and positioned to meet and exceed the expectations of all our stakeholders.**

Every year I include a note of gratitude to our judges and staff for their contributions to the growth and development of the CCJ and this year is no different. Throughout this period, they have continued to work steadily beyond the lines of their responsibilities, especially when faced with a fair share of challenges. I am truly proud to stand beside them as we continue to build the Court's future, through sterling contributions.

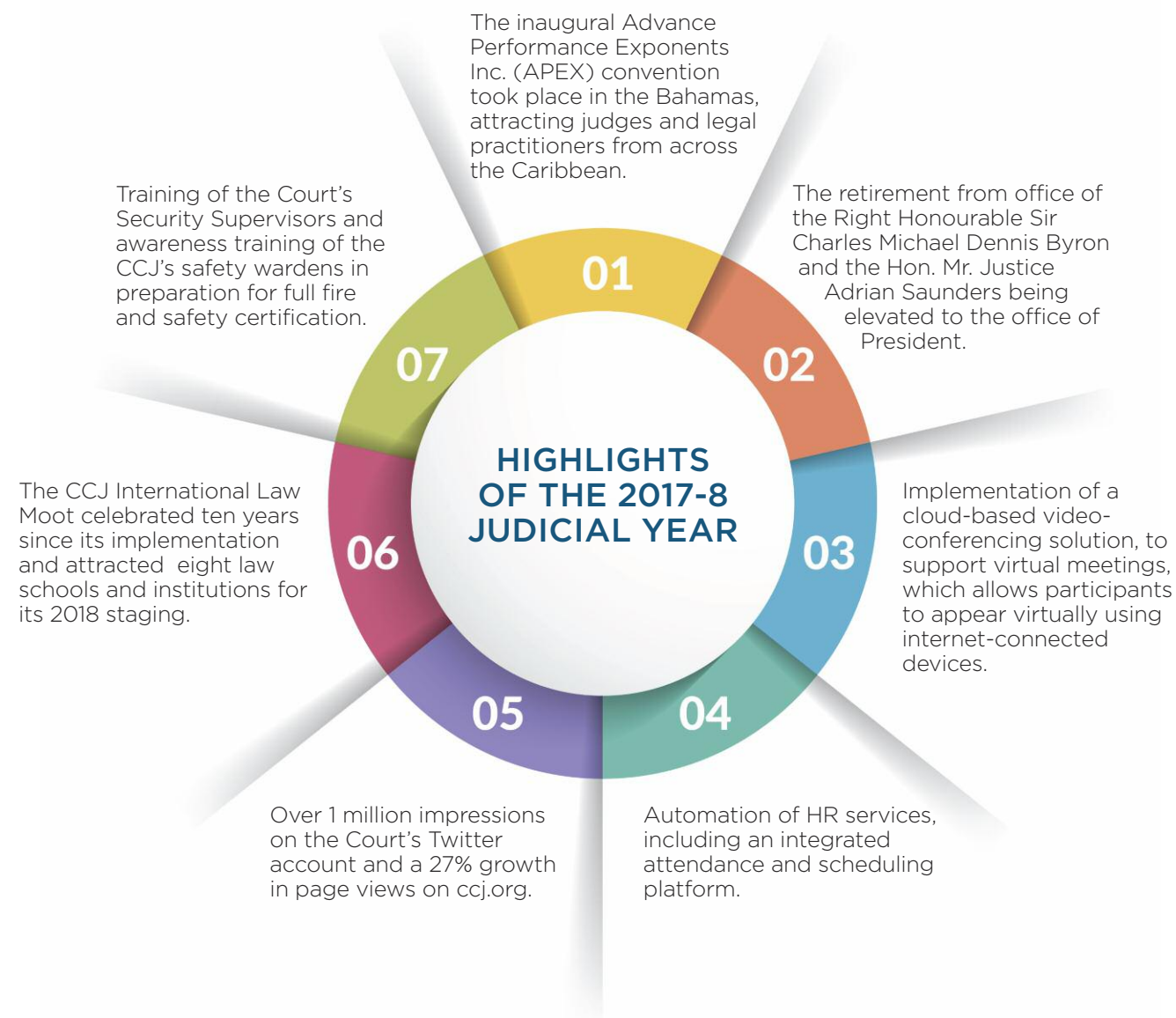
There is a quiet underpinning in the Court's foundation; those associated with the Facilities Unit who maintain the physical environment of the Court, and they, by dint of their cheerfulness and professionalism, allow the functioning of the Court to run smoothly. They have my warmest gratitude.

I exhort you, the reader, to discover more of what the CCJ has undertaken in the last year as revealed in these pages. You can find out more about the Court from its website, [ccj.org](http://ccj.org). Should you prefer the personal interface, you are always welcome to visit the Seat of the Court in Port of Spain.

**Ms. Jacqueline Graham**  
Registrar and Chief Marshal

# Highlights of the Judicial Year 2017/18

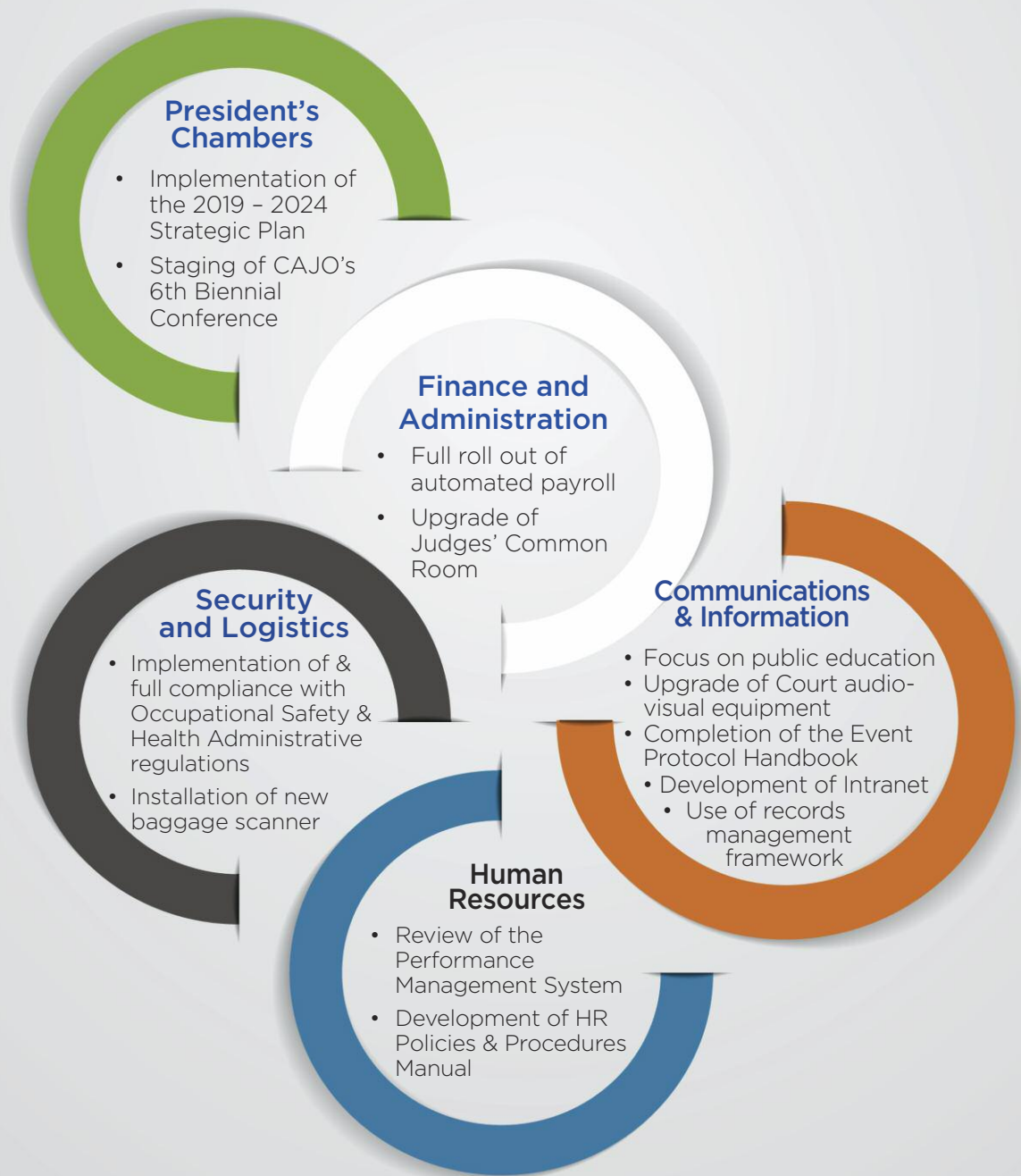
The judges and employees of the Court worked together on a number of projects and other activities that will provide an excellent foundation for the Court in the future, while maintaining the core work of Court.





# The Year Ahead

In the 2018-2019 judicial year, the Court will continue its work of providing the highest quality of judicial service to all the peoples of the CARICOM region and will see the initiatives under the CCJ's 2nd strategic plan being embarked upon.



# Strategic Plan Overview

**The year 2017 marked the end of the period of the CCJ's first Strategic Plan and sanctioned the beginning of the project to develop and implement a new strategic agenda for the Court. The new strategic plan builds upon the Court's previous plan which covered the period 2013-2017.**

The project, which received support from the regional Judicial Reform and Institutional Strengthening (JURIST) Project, is being executed by US-based consultancy firm, Straub and Associates through its founder, Dr. Daniel Straub.

The firm has over 40 years' experience in developing innovative and effective means for courts "to improve their ability to effectively administer justice and to better serve their communities". Dr. Straub was also instrumental in the development of the CCJ's first strategic plan which governed the period 2013 - 2017.

With the lessons learned from the first strategic planning exercise, special emphasis was placed on ensuring that the implementation stage received the due care and attention required to achieve strategic

alignment across all Units of the Court's operations. This strategic plan development process also stressed the need for a more participatory, engaging and highly interactive process between the Court and its stakeholders.

An internal Strategic Planning Committee (SPC), working alongside Dr. Straub, was therefore established to ensure that these goals were met. The Committee comprises:

- The Honourable Mr. Justice Adrian Saunders, Court President and Chairman
- Ms. Jacqueline Graham, Registrar and Chief Marshal
- Ms. Susan Campbell-Nicholas, Human Resources Manager
- Ms. Jacinth Smith, Chief Librarian
- Mr. Vishal Dube, Information Systems Manager
- Ms. Heather Dyer-Thompson, Case Management Officer
- Ms. Reneiasha Garcia, Accountant
- Ms. Seanna Anisette, Senior Public Education and Communications Officer and SPC Coordinator



Dr Daniel Straub is leading the strategic planning process which is intended to chart the Court's operational direction over the next five years. Here he leads one of the consultations with CCJ employees.

## Strategic Plan Overview Continued



Dr. Straub, seen here with some of the Unit Heads, also led the development of CCJ's first strategic plan from 2012 to 2017.

### Strategic Planning Process

The project began with a Strategic Planning 'Kick-Off Week', from 7 – 10 November 2017, when engagement meetings were held with key internal and external stakeholders. This engagement included sensitisation on the strategic planning process and initiating the data collection activities for an environmental scan and situational analysis. The result of the inquiry process served as an excellent input to the planning process, as it revealed the following four important areas for consideration:

- Regional trends
- Internal staff perceptions and expectations
- Court-user perceptions and expectations
- Regional stakeholder perceptions and expectations

Issue Identification and Strategy Evaluation surveys were completed by regional entities and individuals from the following stakeholder groupings:

- Regional Judicial and Legal Services Commission

- CCJ Trust Fund
- CARICOM
- Bar Associations
- Law Schools and Faculties
- Court Registries
- Court Users

**The data analysis and evaluation resulted in a redefined strategic pathway that responds directly to the identified needs and expectations of the CCJ's stakeholders. Under the theme 'Unlocking Potential – Strengthening Caribbean Jurisprudence', a new mission, vision and value statements were developed by the staff of the Court.**

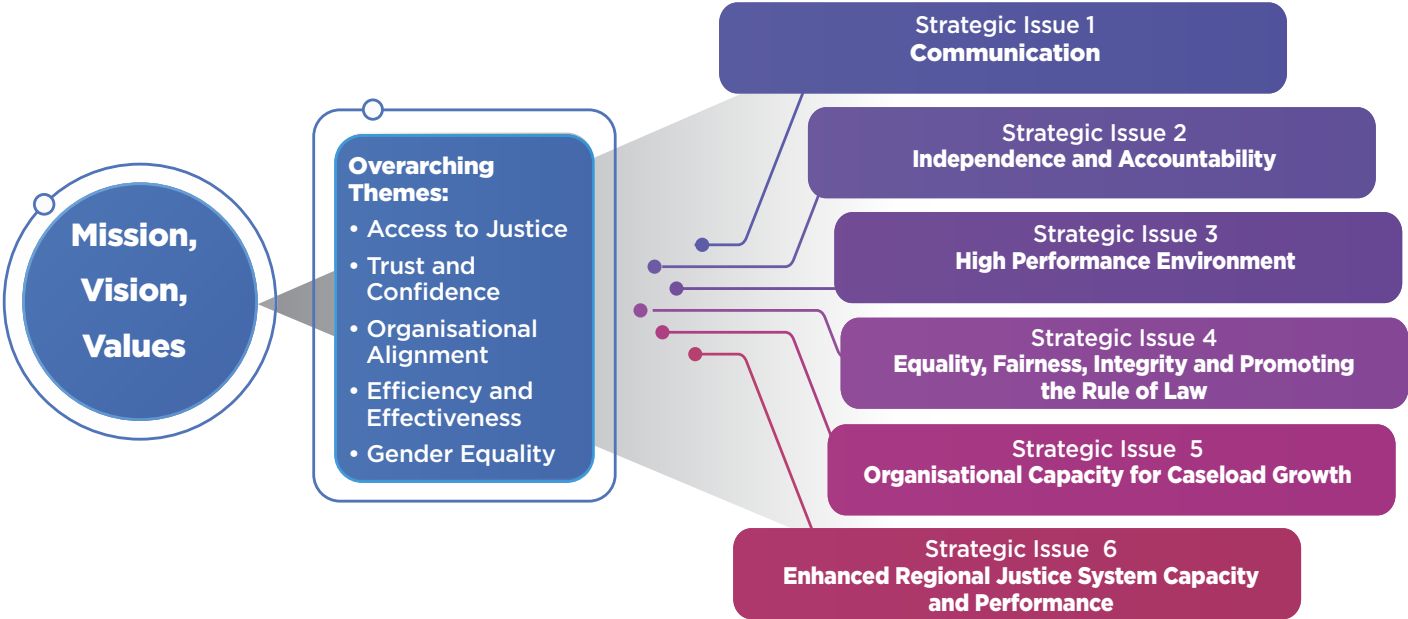
This new strategic foundation paved the way to a draft plan which comprises six (6) strategic issue areas, 41 strategies and 13 goals.



# Strategic Plan Overview Continued

## Next Steps

The draft plan will be circulated among internal and external stakeholders and the Strategic Planning Committee has also begun working with Dr. Straub to develop the tools that will be required to ensure a smooth transition to the implementation of the plan.



# CCJ's Third President

## The Hon. Mr. Justice Adrian Saunders

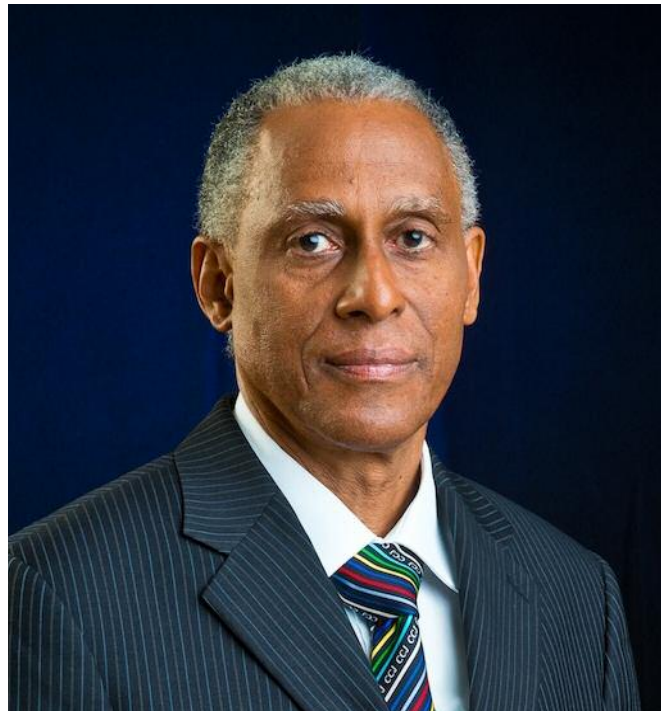
On the 4th July 2018, the CCJ's 3rd President, the Hon. Mr. Justice Adrian Saunders was inaugurated. The transition took place as a part of the activities before the 39th Regular Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM), held in Jamaica.

It was announced, in March 2018, that Mr. Justice Saunders would be appointed as President of the Court after an exhaustive international search. He has been a Judge at the CCJ since 2005 and has contributed significantly to the administration and judicial functions of the Court.

### Biography

The Hon. Mr. Justice Adrian Saunders, a native of St. Vincent and the Grenadines, holds a Bachelor of Laws degree from the University of the West Indies (Cave Hill) which he obtained in 1975 and a Legal Education Certificate from the Hugh Wooding Law School in Trinidad & Tobago which was earned in 1977. He began his legal career as a barrister and solicitor in private practice in his home country. In 1990, he established the firm of Saunders & Huggins before being invited to join the Eastern Caribbean Supreme Court (ECSC) High Court Bench in 1996. On 1st May 2003, Mr. Justice Saunders was appointed to the ECSC's Court of Appeal and served as acting Chief Justice between 2004 and 2005.

While at the ECSC, Mr. Justice Saunders developed a passion for and was deeply involved in various judicial reform efforts. In 2005, Mr. Justice Saunders was among the first cohort of judges to join the bench of the CCJ. Mr. Justice Saunders has contributed greatly to regional judicial outreach and judicial education efforts.



**The Hon. Mr. Justice Adrian Saunders**

He serves as Chairman of the Caribbean Association of Judicial Officers (CAJO) which, in collaboration with UN Women, played a leading role in developing and promoting the adoption of Gender Sensitive Protocols for Judicial Officers for various Caribbean judiciaries. He also lectures part-time at The UWI, St Augustine Faculty of Law on Constitutional Law.

Mr. Justice Saunders is a faculty member of the Commonwealth Judicial Education Institute (CJEI), having himself been trained as a judicial educator by that body. He is currently, and has been for the last five years, the Course Director of the CJEI's Intensive Study Programme for Commonwealth Judicial Educators in Halifax, Nova Scotia. In addition, the Hon. Mr. Justice Saunders serves on the Board of the CJEI which provides support for the creation and strengthening of national judicial education bodies, encourages regional and pan-Commonwealth networking, the exchange of human and material resources, trains judicial education faculty; develops programme modules to be used in all

## CCJ's Third President Continued

Commonwealth countries, and designs judicial education programmes.

The Honourable Mr. Justice Saunders is married to Marilyn née Joslyn and the couple has two sons, Yuri and Yanek.

### Selected Achievements

The following is a selected listing of some of Mr. Justice Saunders' achievements during his distinguished career:

- Oversaw the work of various working committees at the CCJ that shaped how the Court is perceived and ensures constant improvement on how stakeholders are served. He has headed the Court's Strategic Planning Committees for the first and second Strategic Plan for the CCJ. He has also chaired the Court's Website and Communications Committees and other pivotal projects aimed at ensuring the effective and efficient running of the Organisation.



Ms Candis Cayona, Senior Executive Assistant, presents the Hon. Mr. Justice Adrian Saunders with congratulatory flowers which were sent by the Joint Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba to congratulate him on his elevation to President of the CCJ.

- In April 2018, he was appointed to the Advisory Board of the Global Judicial Integrity Network by the United Nations Office on Drugs and Crime's (UNODC) Global Programme for the Implementation of the Doha Declaration. The Advisory Board will assist in the identification of priority challenges and emerging issues in judicial integrity and will guide the work-plan to address the priorities that have been identified.
- He chaired the Eastern Caribbean States Court's Ethics Committee which established a Judicial Code of Ethics for Judges of the Court. He also chaired the Mediation Committee that supervised the introduction to the Eastern Caribbean of court-connected mediation.
- Since its inception in 2009, he has been elected and consistently re-elected Chairman of the Caribbean Association of Judicial Officers (CAJO), a regional association of judicial officers. CAJO's objectives include the improvement of the quality of Caribbean judicial officers, through judicial education and other initiatives, and the enhancement of judicial services and systems of the region.
- Contributing editor of *The Caribbean Civil Court Practice*, the essential guide to the Civil Procedure Rules (CPR) as they apply in the Caribbean, he is also the author of a wide range of published articles and papers on legal subjects. He is also the co-author of the *Fundamentals of Caribbean Constitutional Law*, a resource for students, legal professionals and judges of Caribbean public law, that articulates, discusses, and clarifies fundamental principles of constitutional law in the region.



## Inauguration & Special Sitting Pictorial

The 3rd President of the CCJ was sworn in by the Governor-General of Jamaica, His Excellency, the Most Honourable Sir Patrick Allen, ON, GCMG, CD, KSt.J.

Following that event, there were two special sittings to commemorate this milestone in the Court's history. The first Special Sitting was held on Friday, 13 July 2018 at the CCJ's headquarters in Trinidad and Tobago. The second Special Sitting took place in Mr. Justice Saunders' home country of St. Vincent and the Grenadines on the 20th of July.



At the Special Sitting held at the CCJ on the 13th of July, the Bench of the CCJ was augmented by heads of judiciaries from CARICOM.



Courtroom 1 of the Caribbean Court of Justice was filled to capacity during the Special Sitting, held on the 13th of July, to honour the new CCJ President



While they could not be in Jamaica for the swearing-in of the CCJ's 3rd President, the Court's employees watched remotely and celebrated the occasion.

## Inauguration & Special Sitting Pictorial Continued



The President of the CCJ, the Hon. Mr. Justice Adrian Saunders, arrives at the Special Sitting at the House of Assembly in his home country of St. Vincent and the Grenadines on the 20th of July.



Dr. the Honourable Ralph Gonsalves, the Prime Minister of St. Vincent and the Grenadines noted that, “he never thought he would see the day that the Caribbean Court of Justice sat in St. Vincent and the Grenadines.”



The Honourable Mr. Justice Bryan Sykes (left), Chief Justice of Jamaica, said that, “all the judges of Jamaica look forward to the continued growth and expansion of this Court under the presidency of Justice Saunders. He is joined on the bench by the Hon. Mr. Justice Denys Barrow and the Hon. Mr. Justice Winston Anderson, both CCJ Judges.



Ms. Jacqueline Graham (right), Registrar and Chief Marshal of the CCJ, hands the President the Seal of the Court in a symbolic gesture of the change of leadership of the 13-year-old organisation.



# Reflection on the Tenure of Sir Dennis Byron

The Rt. Hon. Sir Dennis Byron's tenure as President of the CCJ ended on July 3, 2018. His tenure at the Court began on September 1, 2011, when he was sworn-in by the Governor-General of St. Kitts and Nevis as the second President of the CCJ.

Sir Dennis's judicial career spans over three decades where he left an indelible mark on each of the three judiciaries over which he presided, both as a judge of high distinction and as a judicial reformer.

## Biography

The Right Honourable Sir Charles Michael Dennis Byron is a former President of the Caribbean Court of Justice and a former Chief Justice of the Eastern Caribbean Supreme Court (ECSC). As President of the International Criminal Tribunal for Rwanda (ICTR), he was responsible for the overall management of that international tribunal. He left that role to join the CCJ in 2011.

His judicial career began in 1982 when he was appointed as a High Court Judge of the Eastern Caribbean Supreme Court. In 1999, Mr. Justice Byron acted as Chief Justice of the Eastern Caribbean Supreme Court for two years before being appointed to the role.

Sir Dennis read law at Cambridge University and was called to the Bar of England and Wales at the Honourable Society of the Inner Temple in 1965. He distinguished himself in private practice as a barrister at-law and solicitor throughout the Leeward Islands from 1966 to 1982, with chambers in Saint Kitts, Nevis and Anguilla.

He was knighted in 2000 and was appointed a member of the Privy Council in 2004. In 2004, Sir Dennis was appointed an Honorary Bencher of the



**The Rt. Hon. Sir Dennis Byron**

Honourable Society of the Inner Temple and holds the first Yogis & Keddy Chair in Human Rights Law at Dalhousie University. In 2010, Sir Dennis was made an Honorary Fellow by his alma mater, Fitzwilliam College of Cambridge University.

He had a transformative influence on the judicial, administrative and technical operations of the CCJ. His leadership was rooted in a desire to achieve excellence at all levels of the operations of the Court through a continuous process of assessment and improvement. He also served as Chairman of the Commonwealth Judicial Education Institute (CJEI) and is a renowned keynote speaker, trainer and guest lecturer at events



## Reflection Continued

and conferences across several continents.

### Selected Achievements

The following represents a selected listing of some of Sir Dennis' more notable achievements during his tenure:

- The creation of APEX, a non-profit agency, dedicated to advocating for the use of technology to strengthen the justice systems of the region and improve the efficiency of court-related services.
- The deployment of the Curia e-Filing and court management suite within the CCJ, including a performance tool-kit and mobile application, which has enabled the Court to transform its day-to-day judicial and registry functions.
- The application of comprehensive case management techniques to the judicial workload of the Court resulting in the current statistics of most cases being disposed of within nine months of the date of filing and the absence of any pervasive case backlogs.
- Oversaw the biennial revision and amendment of the CCJ's Rules of Court for the Original and Appellate Jurisdictions.
- Pioneered approaches to judicial and administrative functions that promote a paperless environment within the Court and which reduce the financial and environmental costs associated with sustained paper dependence.
- Led the development of the first Strategic Plan for the Court for the period 2013 - 2017 and initiated the process for the development of the CCJ's second strategic plan, placing emphasis on stakeholder engagement and sensitisation activities.
- Commissioned a distinguished group of jurists and academicians for the publication of *The Caribbean Court of Justice: The First Ten Years* which compiles perspectives on the first ten years of the CCJ's judgments and operations.
- Oversaw the implementation of the Judicial Reform and Institutional Strengthening (JURIST) Project, a five-year regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada, on behalf of the Conference of the Heads of Judiciary of CARICOM.
- Supported the development of the Caribbean Community Administrative Tribunal (CCAT) aimed at finally providing a mechanism for resolving disputes between employees and their CARICOM institution employers that enjoy immunity from civil suits.



Lady Norma Byron (3rd from left), poses here with her gift from the Judges of the Court after a farewell luncheon hosted in her honour.

# Sir Dennis Byron Through the Years

Sir Dennis epitomizes Caribbean excellence. Not only is he a widely-renowned jurist, but he is also a consummate storyteller, a lover of the arts and a generous friend and mentor to many. In this pictorial, we honour and celebrate the many moods of this great leader.

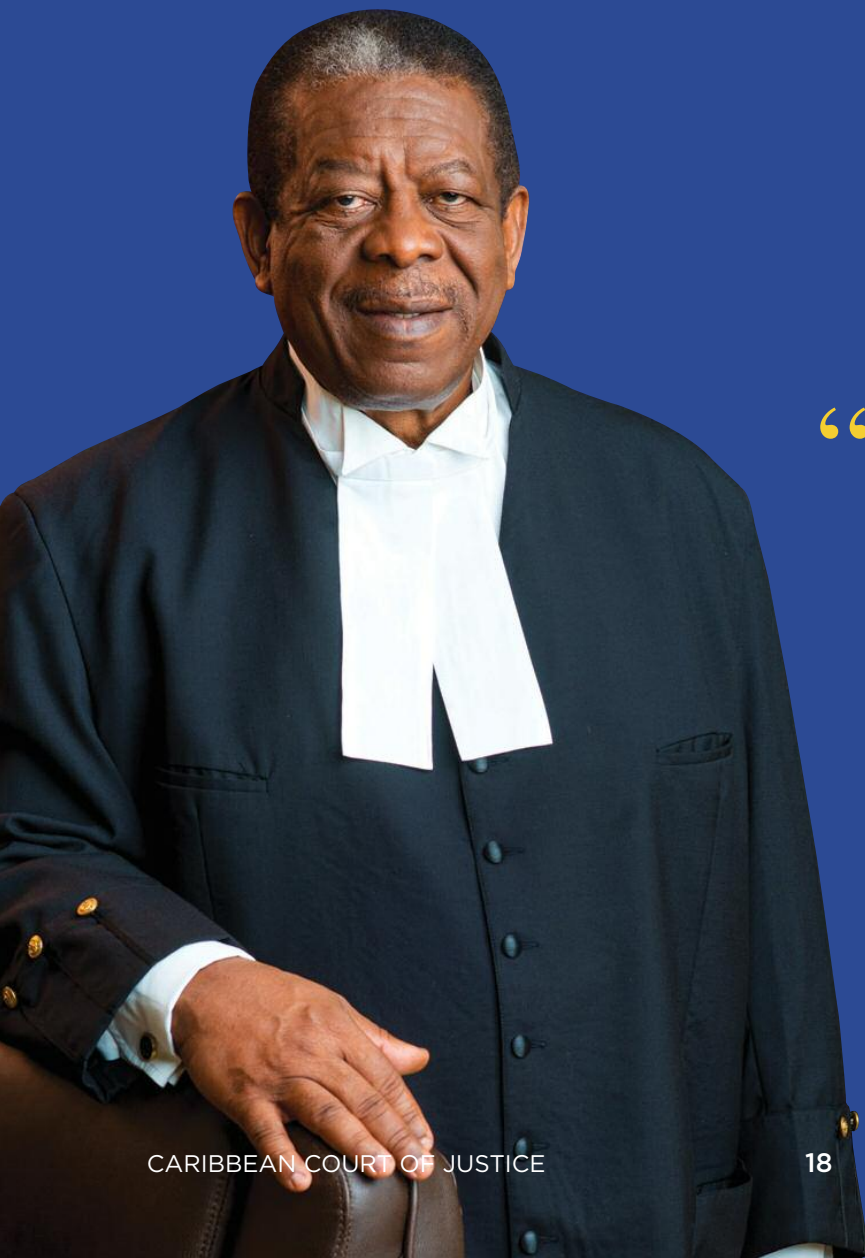




# Selected Tributes to Sir Dennis Byron

“Dear Chief, with joy in our hearts, we the stakeholders of Caribbean jurisprudence and judicial development must now thank you for the achievements of the Byron era and celebrate where you have led us. It is amusing, in light of your enduring humility, to consider that for these many years you persisted in being a reformer, you gave no thought you would end up a hero.”

**The Honourable Mr. Justice Denys Barrow**  
Judge, CCJ



“How many gatherings have been made memorable because of his wonderful talent of storytelling? What a great actor he could have been! You have a creative original mind, very humorous and have a driving need to identify and overcome challenges.”

**Judge Sandra Oxner**  
Founding President, CJEI and Retired Judge

“Sir Dennis, from the vantage point of the regional integration movement, we who are the toilers in that vineyard can speak your story in superlatives. We can cite your 16-year toil in the private legal field in St. Kitts, Nevis and Anguilla. From there, your personal narrative is indelibly inscribed with stellar attainments and its trajectory has brought honour and distinction to the Caribbean narrative of erudite legal luminaries who have set the standard for international excellence in the arena of justice.”

**Dr. Didacus Jules**  
Director General, OECS

“With the advent of this Court’s second President, Sir Dennis Byron, in August 2011, the Caribbean Court of Justice became very dynamic in all aspects of its functionality in keeping with its vision of making justice accessible, cheaper and being very innovative in its processes. Under your stewardship, this Court utilised its itinerant function, making justice more accessible and cheaper, by using e-filing and taking its video-conferencing component one step higher. This tribute is from the Registry’s perspective for which we are forever grateful for Sir Dennis’ effective leadership, for making this Court so very dynamic and meeting the needs of the Caribbean people, for whom it was created to serve.”

**Mr. Nandlal Hardial**  
Registry Supervisor, CCJ



## Selected Tributes Continued

“Congratulations on a hard-earned and well-deserved retirement. Your remarkable contributions over your years of service have enhanced the public justice system in immeasurable ways. I wish you nothing but good health and joyous days ahead. Working under your leadership and guidance was truly an honour. May God continue to bless you and Lady Norma richly!”

**Ms. Candace Simmons**  
Executive Assistant, CCJ

“Sir Dennis, the members of the JURIST Project team wish you excellent health and thank you profusely for serving as the Project’s first Director. Your leadership, intellect, strategic vision, commitment to judicial reform, engagement and energy contributed to the development and successful implementation of the Project. Best wishes.”

**Ms. Gloria Richards-Johnson**  
Project Director, on behalf of the JURIST Team

“President Byron has legitimately earned the respect of all of his colleagues and peers as one of the greatest jurists from the CARICOM region and beyond. His legacy contained in a rich body of judicial pronouncements, together with an equal mix of court reform measures, is well memorialised and in every respect immortalised.”

**The Honourable Dame Janice Pereira, DBE**  
Chief Justice, Eastern Caribbean Supreme Court

“Over three decades plus you’ve enriched Caribbean jurisprudence in myriad ways and for this, we, successors and inheritors of your bountiful legacy, are forever grateful. In particular, the last seven of those years at the CCJ, as the Court’s second President, has left an indelible mark on our road to excellence. I wish you and Lady Norma long life and a serene retirement.”

**The Hon. Mr. Justice Adrian Saunders**  
President, CCJ

“Sir Dennis, I will never forget our first conversation. I had come to your Chambers to take a photo of you and some guests but, just as I was about to leave, you called me back and asked me with a very serious face, “Semone, why did you change your hair colour to red?” I was so surprised! As one of the most junior members of staff, I could not believe that the President of the Court had ever noticed me, much less take note of the colour of my hair. For you, it was a gesture of amiability but it meant so much to me at the time. This is so telling of who you are and what you stand for: you empower and you encourage.”

**Ms. Semone Moore**  
Public Education & Communications Officer, CCJ

“It is with great pleasure for me, on behalf of my family and staff, to extend our sincere appreciation for the dedicated service which you provided to my beloved CCJ, with such humility, joy and the commitment to advance the organisation. In short, you will be deeply missed. We love you, all the best.”

**Mr. Christopher Hoyte**  
Security Supervisor, CCJ

“Retirement is just another phase of your life. Embrace it as you did all the other phases in the past. All the best and God’s blessings to you.”

**Ms. Susan Campbell-Nicholas**  
Human Resource Manager, RJLSC & CCJ

# Sir Dennis' Farewell

The Court's gesture of gratitude to its second President was multi-faceted, much like Sir Dennis himself. There was a Special Sitting, held in Antigua and Barbuda; a champagne toast from the Judges on his final day and a farewell event filled with music, laughter and gifts with the staff of the Court.



During the Special Sitting held in Antigua & Barbuda to honour the Rt. Hon. Sir Dennis Byron, the Hon. Steadroy Benjamin, Attorney General and Minister of Legal Affairs, Public Safety, and Labour, spoke of Sir Dennis' years on the bench and his contribution to Caribbean jurisprudence.



The Hon. Mr. Justice Winston Anderson unveils a bust of the Rt. Hon. Sir Dennis Byron. The bust, created by Ms. Sherlan Peters, was a gift from the Judges in recognition of Sir Dennis' years of service.



Sir Dennis' friends and family were also honoured during the Special Sitting, in particular his wife, Lady Norma Byron (right), was singled out for special praise for her support.



The Hon. Mme Justice Charmaine Pemberton, a board member of the The Caribbean Association of Judicial Officers (CAJO), presents a gift to Sir Dennis Bryon on behalf of the organisation. CAJO created a commemorative newsletter honouring the retiring President.

Members of the current and past CCJ staff were delighted with the speeches and the entertainment during the party held to honour Sir Dennis' contribution to the CCJ.



# Judges of the Caribbean Court of Justice



**The Right Honourable  
Sir Dennis Byron  
COURT PRESIDENT**  
*September 1, 2011 to July 3, 2018*



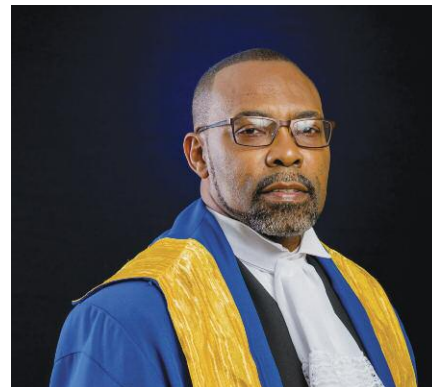
**The Honourable  
Mr. Justice Adrian Saunders  
COURT PRESIDENT**  
*July 4, 2018 to Present*



**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**



# Court Performance Report from the Registry

The Registry is headed by the Registrar and Chief Marshal, assisted by the Deputy Registrar and Marshal, and three officers. The Department also includes five Judicial Assistants who provide research and other support to the Judges of the Court. The Registry also provides administrative support for all judicial activities of the Court and manages the case-flow process for all applications and appeals filed in the Court from the point of initiation, when the documents are submitted for filing, through to disposition of the matter by court order, judgment or taxation of costs.

The Court's drive to increase access to justice was also boosted with the introduction of a bridging solution that offers additional capabilities to the CCJ's existing video-conferencing equipment. This new technology allows attorneys or litigants to link directly with the Court's video conference system with the use of any device equipped with a microphone and a video camera - including a smart phone. Since the introduction of this video-conference bridging software, a number of attorneys have appeared before the Court by video-conferencing from their chambers. This has improved the scheduling timelines for hearings conducted by video-conferencing as, prior to its introduction, attorneys used the video-conference units located in their local courts and were subject to that court's schedule.

The CURIA court management system continues to be used by the CCJ to assist with the management of the the Registry. The significant benefits of the Curia software were evident in the case of *Eddy Ventose v Chief Electoral Officer* in which the Court was able to convene a hearing on Sunday, 13 May 2018, following the submission of an urgent application on Friday, 11 May 2018. The application was filed by a St. Lucian citizen, Mr. Eddy Ventose, who had lived in Barbados for several years and sought to be included on the Barbados electoral register ahead of a General Election which was scheduled for 24 May 2018. The deadline for publication of the final voters list was May 15th and Mr. Ventose would not have been allowed to vote in the election if his name was not included on this list.

The expeditious processing of this case was possible as Registry staff were able, at short notice, to file and serve documents submitted through the e-filing portal. The judges were able to access, download and read the documents filed in preparation for the hearing, while the attorneys were able to view and download the filed documents, serve documents by email and receive notifications electronically on the progress of the case. Additionally, the hearing was conducted by video-conference so that the parties did not have to travel from Barbados to the Court. The Court Order was also electronically filed, and served by email within an hour, after the hearing ended.



Students engage the Hon. Messrs. Justice Hayton, Wit and Barrow in conversation during a visit to the Court. The judges use these interactions with the students and educate them on the Court.

# Court Performance

## Judicial Workload 2017 - 2018

### APPELLATE JURISDICTION

#### New Matters Filed

The 2017 to 2018 judicial year, saw a 32% increase in the number of matters filed above the previous year, with two cases filed from Dominica, six cases from Belize, seven cases from Barbados and seventeen cases from Guyana. Civil applications and appeals represented the clear majority (88%) of the new matters while the number of appeals filed in this year more than doubled the number filed in the previous judicial year.

#### New Matters filed in the 2017/8 and 2016/7 Judicial Years

Appellate Jurisdiction	2017 - 8	2016 - 7
Application for Special Leave	13	20
Notice of Appeal	19	5
Total	32	25

Figure 1: Cases filed by Country

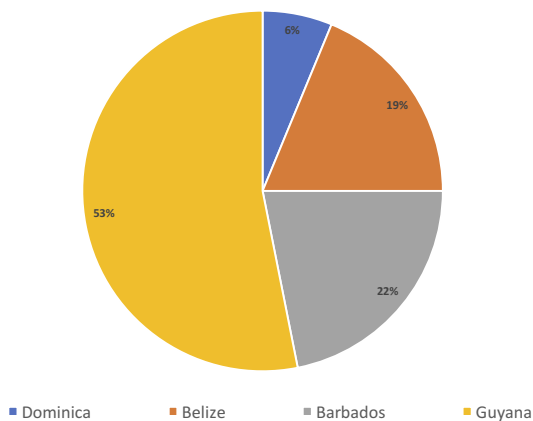
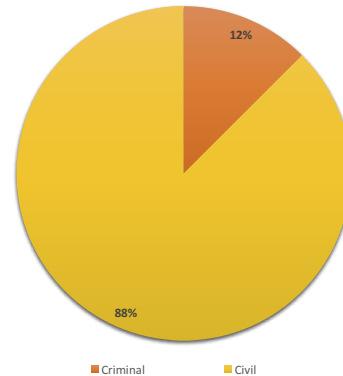


Figure 2: Case types



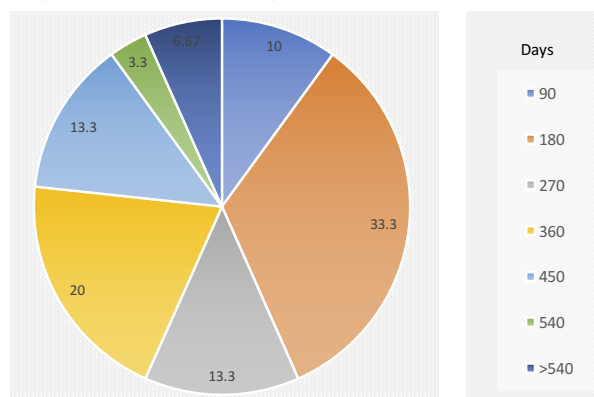
#### Applications for Special Leave to Appeal

As part of the Court's efforts to deal with cases more efficiently, four of the thirteen Applications for Special Leave to Appeal that were filed in the year under review were treated as the substantive hearing of the appeal. This meant that the parties were not required to file a separate Notice of Appeal but filed one set of submissions for the hearing of the Application for Special Leave and the Hearing of Appeal.

#### Time to disposition

In the 2017 to 2018 court year, 43% of cases were disposed within six months of filing, while 76.6% of cases were disposed within one year of filing.

Figure 3: Time to disposition



## Court Performance Continued

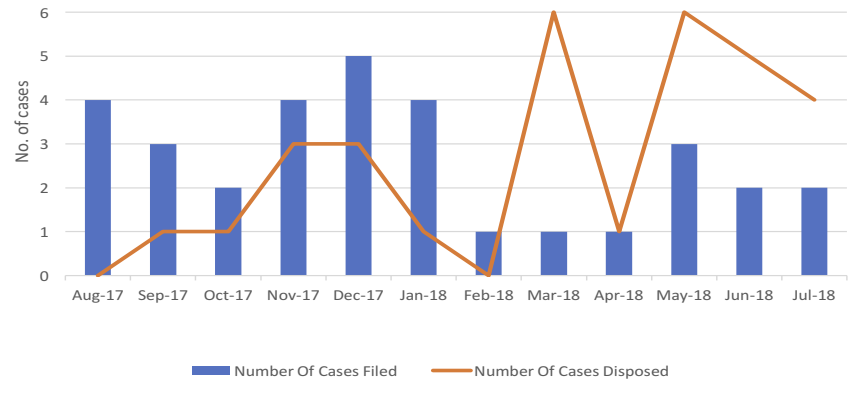
### Clearance Rates

During the period under review, the clearance rate for matters filed reflect a rate of 96% for disposed matters against new matters. This reflects a 20 % increase in the clearance rate above the last judicial year's figure.

### Age of Pending Caseload

As at 31 July 2018, there were eleven pending matters before the Court for the period of 3-9 months.

**Figure 4: Clearance rate of matters in the court year 2017 to 2018**



## ORIGINAL JURISDICTION

### New Matters Filed

During the 2017 to 2018 court year, three applications were filed in the Court's Original Jurisdiction. The three cases originated from the State of Trinidad and Tobago and were: *Trinidad Cement Limited v The State of Trinidad and Tobago and Rock Hard Distribution Limited and Mootilal Ramhit and Sons Limited*; *Trinidad Cement Limited and Arawak Cement Limited v The State of Barbados*; and *Jason Jones v Council of Legal Education, Council for Human and Social Development and Council for Trade and Economic Development* TTOJ2018/003.

In *Trinidad Cement Limited v The State of Trinidad and Tobago and Rock Hard Distribution Limited and Mootilal Ramhit and Sons Limited*, Special Leave to commence proceeding was granted within one month of the filing of the Application for Special Leave. In *Trinidad Cement Limited and Arawak Cement Limited v The State of Barbados*, the Court held a hearing and made orders in respect of an application for interim measures within three months of the filing of the application to commence proceedings.



# Judgment Summaries

The judgments issued by the Court in the 2017-8 judicial year are summarised below:

## APPELLATE JURISDICTION

### **Progresso Heights Limited v Pitts and Elrington [2017] CCJ 12 (AJ)**

This case concerned a bitter disagreement between Mr. Elrington and Progresso Heights Limited, a company in which Mr. Elrington was a shareholder. Progresso was seeking recovery of land transfer documents sent to Mr. Elrington's law firm stemming from the sale of Progresso's properties. Though the necessary duties and fees were paid, the title certificates were not obtained or not delivered to Progresso which sought to recover the transfer documents or certificates of title. Justice Legall and the Court of Appeal rejected Progresso's claims. The CCJ, however, after a very detailed consideration of the evidence, allowed the appeal and ordered Mr. Elrington and his firm to search for the relevant documents and give them to Progresso within 30 days. Subsequently, Mr. Elrington advised the Court that he could not find the documents. In response, Progresso filed an application asking the Court to declare the documents lost. The Court ruled in their favour.

### **Katrina Smith v Albert Anthony Peter Selby [2017] CCJ 13 (AJ)**

The CCJ was required to interpret Barbados' Succession Act Section 2(3) which provides: "for the purposes of this Act, reference to a 'spouse' includes: a single woman who was living together with a single man as his wife for a period of not less than five (5) years immediately preceding the date of his death". The appellant, Ms. Smith, and the late Mr. Selby had been living together since 2002 until his death in 2008. The late Mr. Selby had no children, was predeceased by his parents, and survived by his siblings including the respondent, Mr. Albert Anthony Selby. The CCJ examined the legislative regime that existed prior to the Act and noted that, prior to its enactment, the law excluded the survivor of a cohabitational relationship from benefiting on the death of the partner who had not left a will. The Court concluded that the natural and ordinary meaning of the words in the Act, considered

in its social and historical context, is that a single woman who has lived with a partner for the statutory period of five years, immediately preceding his death, has the right to inherit from him on his death, provided he is single.

### **Rosemarie Ramdehol v Haimwant Ramdehol [2017] CCJ 14 (AJ)**

After the Ramdehols divorced, they agreed to negotiate a division of their matrimonial and business assets. Mr. Ramdehol said that the parties negotiated this agreement through a series of letters sent by their respective attorneys. He held it was agreed that Mrs. Ramdehol would pay him the sum of US \$262,500 in exchange for transferring his share of the jointly-owned assets to her. Mr. Ramdehol said that the transfer of the assets were made but he was not paid the agreed sum. He submitted the letters as proof of the agreement and sought its enforcement. In her defence, Mrs. Ramdehol was quite inconsistent. On the one hand, she said that the agreement was renegotiated so that Mr. Ramdehol would only receive GY\$25,000,000, which she had paid to him. However, she could not provide correspondence between their attorneys to substantiate this new agreement. She also said that she had no knowledge of the letters being sent by her attorneys. The CCJ, after considering the proceedings in the Court of Appeal and the High Court, decided not to interfere with the finding in those courts and that Mrs. Ramdehol was to pay Mr. Ramdehol the sum of US \$262,500.

### **AG of Belize v Dean Boyce, Dunkeld International Investment Limited and The Trustees of the BTL Employees Trust: Application by Sunshine Holdings Limited to Intervene [2017] CCJ 15 (AJ)**

There was an agreement for the Government of Belize to compensate Dunkeld and the Trust for the nationalisation of the Belize Telemedia Limited and associated companies. The agreement was later made a part of a consent order of the Court and the parties

## Judgment Summaries Continued

were in the course of enforcing the order. Later, Sunshine Holdings Limited sought to intervene and be added as a party to the case. Sunshine Holdings further sought a declaration that it was entitled to receive compensation from the Government for the compulsory acquisition of its shares in the Belize Telemedia Limited. The CCJ refused the application, holding that the company failed to show that it was necessary for it to be added as a party to prevent an injustice. The Court noted that, since the company was never a party to the agreement between Dunkeld, the Trust and the Government, its rights could not be affected by the terms of that agreement.

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### **AG of Belize v Dean Boyce, Dunkeld International Investment Limited and The Trustees of the BTL Employees Trust [2017] CCJ 16 (AJ)**

By a Settlement Agreement made between the parties, which eventually became part of a consent order made by the CCJ in 2015, the Government of Belize agreed to compensate Dunkeld and the Trust in a mixture of Belizean and US dollars for the nationalisation of the Belize Telemedia Limited and associated companies. The Agreement specified that the mixture of US and Belizean dollars should be determined based on the liabilities of Dunkeld and the Trust, however, it was silent as to how those liabilities should be determined. Dunkeld and the Trust unilaterally appointed reputable independent auditors to determine its liabilities.

They then demanded payment based on figures produced by the audit and certified due on 28 June 2017 with interest thereafter. The Government of Belize challenged the demand and instead required Dunkeld and the Trust to provide all documentation and explanations used in the audit so that the Government could “verify” the demanded sum. The CCJ said that ideally, the Agreement should have specified a process for the determination of the liabilities but, in the absence of such a provision, the best way for ascertaining the liabilities would have been for the parties to agree a firm of reputable independent auditors, or, in the absence of agreement, for the Court to appoint independent auditors. As the Government

did not challenge the professional competence and integrity of the international auditing firms and there was nothing to suggest that a fresh independent audit would produce different results, the CCJ said it would serve no useful purpose to quash the existing audits and order a fresh audit. The Government was therefore ordered to honour the demand, but due to delay attributable to Dunkeld and the Trust, interest was not payable till 10 November 2017.

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### **The Attorney General of Guyana v Dipcon Engineering [2017] CCJ 17 (AJ)**

This appeal was premised upon the refusal of the Court of Appeal of Guyana to grant an application to extend the time within which to appeal a judgment of the High Court, made after more than six months had elapsed after the time prescribed by statute. Following that refusal, the Appellant sought and was granted by the Court of Appeal leave to appeal to the CCJ as of right under Section 6(a) of the Caribbean Court of Justice Act. That as-of-right appeal to the CCJ was on the grounds that the Court of Appeal improperly exercised its discretion in not finding that there were good and substantial reasons for its delay in filing the appeal, and the court did not properly weigh the length of time and reasons for the delay against the potential merits of the appeal. The CCJ decided that the appeal was a procedural issue and as such did not fall within the ambit of section 6(a) of the Act but within Section 8. Further, in the absence of acceptable justification for failing to file an application for special leave, the Court concluded that it had no jurisdiction to allow the state to appeal against the Court of Appeal’s decision. Nonetheless, the Court acknowledged that it may, in a proper case, grant an extension of time to comply with the rules to avert a clear miscarriage of justice. The Court observed that, in all the circumstances, the state had failed to satisfy the most basic standard of care in dealing with the case and its reasons for failing to appeal in time were unacceptable. The Court stated that, on an application for extension of time to make an application for special leave, an applicant must show more than a realistic prospect of success and that there would be a miscarriage of justice if the appeal were not heard. The material before the Court did not meet this standard and the appeal was dismissed.

## Judgment Summaries Continued

### **The Belize Bank Limited v The Attorney General of Belize [2017] CCJ 18 (AJ)**

The Bank had initiated arbitration proceedings with the London Court of International Arbitration which had led to an arbitral Award in the sum of BZ\$36,895,509.46 together with compound interest at 17% and arbitration costs of £536,817.71, to be paid by the Belize Government under a loan note. No parliamentary approval had been given for the loan note but, in earlier proceedings, the Privy Council had upheld the validity of the note as a promissory note. The Bank applied to the Supreme Court under Section 28 of the Arbitration Act for an order granting leave to enforce the Award. This was refused by the trial judge and the Court of Appeal upheld that decision, agreeing that enforcement would be contrary to public policy. On appeal, the CCJ noted that a balancing exercise must be conducted where the interest of guaranteeing the finality of an award is weighed against the competing interest of ensuring respect for the legal system's fundamental principles. This Court concluded that an order allowing enforcement of the Award would not be contrary to the public policy of Belize when there was a statutorily prescribed mechanism for enforcement under the Crown Proceedings Act and the Constitution. The Court therefore granted the Bank permission to enforce the Award in the same manner as a judgment or order of the Supreme Court to the same effect and awarded the Bank costs both here and in the courts below.

### **Blairmont Rice v Kayman Sankar Company Limited [2017] CCJ 19 (AJ)**

In a motion filed in the Court of Appeal of Guyana in February 2017, Blairmont alleged that it sought an order for the matter to be returned to the High Court of Guyana for retrial because the trial judge had failed to provide written reasons for his decisions before retiring from office. In its application for special leave filed at the CCJ, the company alleged that the Court of Appeal of Guyana had refused its request and, instead, ordered that the Record of Appeal be settled and that the appeal should proceed. Upon examining the documents filed in the Registry of the CCJ, the Court found that the company did not seek an order for retrial in the motion filed in February 2017 in the

Court of Appeal, but actually sought to progress Blairmont's substantive appeal by having the Court of Appeal hear the appeal in the light of the availability of the pleadings, exhibits, affidavits, the trial judge's notes of evidence, and his detailed order. The CCJ therefore refused the application for special leave, having been satisfied that the documents from the High Court could allow for the conduct of the appeal, albeit no written reasons for the judge's decision were available.

### **Wayne Vieira v Guyana Geology and Mines Commission [2017] CCJ 20 (AJ)**

An officer of the Commission issued a Cease Work Order (CWO), under Regulation 98 of the Mining Regulations directing that Mr. Vieira cease all work under his mining permits. The Commission indicated that the order was issued because of the current absence of an agreement between him and the Village Council as required by Section 48 of the Amerindian Act. However, he had made several overtures to the Village Council, and even sought the Prime Minister's and the Ministry of Amerindian Affairs' intervention, to secure a new agreement with the Village Council. Those attempts proved futile and the CWO was issued without a warning or hearing. Upon review of the Mining Act, this Court determined that the Minister responsible under it could not make regulations under that law with a view to aiding or enforcing the requirements of another law. The Mines Officer was therefore not authorised to issue the order under the Mining Regulations for a violation of the Amerindian Act and that the law required the issuance of the CWO to be "absolutely necessary", which had not been established or even contemplated by the Mines Officer or the Commission. Further, Mr. Vieira was entitled to an opportunity to oppose the order and to challenge whether it was necessary. Accordingly, the Court ordered that the trial judge's decision be restored and awarded costs to Vieira in all three courts.

### **Dean Boyce, Trustees of the BTL Employees Trust and Dunkeld International Investment Limited v AG of Belize and the Minister of Public Utilities [2018] CCJ 1 (AJ)**

Dean Boyce and the Trustees of the BTL Trust sought declarations that a claim pending in the Supreme Court of Belize, instituted by Sunshine Holdings



## Judgment Summaries Continued

Limited against the Trust and the Attorney General of Belize, was an abuse of process and in breach of a Settlement Agreement dated 11 September 2015. They sought an order from the CCJ directing the Attorney General to procure the discontinuance of the claim. The Court refused to grant the order as it was functus officio and did not have jurisdiction to make such an order.

### **Guyana Stores Limited v Attorney General of Guyana [2018] CCJ 2 (AJ)**

Guyana Stores challenged a demand by the Revenue Authority to pay the sum of \$3,811,346,397 for unpaid taxes on the basis that the Revenue Authority did not comply with provisions of the Income Tax Act. In particular, it was argued that no notice of assessment had been sent to the company prior to the Revenue Authority's demand so that the demand was unconstitutional as it would amount to the compulsory acquisition of the company's property. It was also argued that a 2% minimum corporation tax pursuant to Section 10A of the Corporation Tax Act was a forced loan. The CCJ disagreed with the company on all grounds of appeal. Looking at the correspondence between the company and the Revenue Authority, the Court concluded that the company had been notified of the assessment and that the assessment had not been done in an arbitrary manner. Indeed, even if no notice of assessment had been served, but a demand notice for payment served instead, it would have been perfectly open to the company to notify the Commissioner of its objection and inconceivable that the Commissioner would have rejected the company's objection on the basis that no notice of assessment had been served.

### **Deorani Singh v Attorney General of Guyana [2018] CCJ 3 (AJ)**

This matter was brought by the estate of the late Mr. Mohan Pirtram Singh, represented by his widow and administratrix, Mrs. Deorani Singh, who claimed that the Attorney General of Guyana and the National Industrial and Commercial Investments Limited owed her compensation for the violation of her, and the estate's, constitutional right to protection of property. The Government had compulsorily acquired a commercial property that had been owned by her husband in 1987

and paid Mrs. Singh compensation in the amount of GY\$578,000. This compulsory acquisition order made by Justice Pompey was never appealed or set aside. Fourteen years later, Mrs. Singh filed a constitutional claim and successfully argued that the estate's fundamental rights and freedoms had been contravened. She was awarded GY\$30 million in compensatory damages for this breach. Dissatisfied, Mrs. Singh appealed to the Court seeking further compensatory damages and a declaration that the property be returned to the deceased's estate. The Court dismissed the appeal noting firstly that Justice Roy, who determined the constitutional matter, could not sit as an appellate court over Justice Pompey, who presided over the acquisition proceedings. The Court also considered that Mrs. Singh had participated in the process of determining compensation in 1987 and should not have been allowed to attack the validity of the acquisition in 1997. Additionally, the Court held that the significant delay in bringing the case should have resulted in the denial of relief and dismissed the appeal.

### **The Attorney General of Belize v The Belize Bank Limited [2018] CCJ 4 (AJ)**

The Court had previously made an order in [2017] CCJ 18 (AJ), that the Belize Bank was at liberty to enforce an arbitral award in the same manner as a judgment or order of the Supreme Court of Belize. This award was in the amount of BZ\$36,895,509.46, plus compound interest at 17%, made against the appellant. The Bank requested that the Registrar of this Court issue a Certificate under Section 25 of the Crown Proceedings Act containing the particulars of the Court's order. The Registrar issued the Certificate in identical terms as the award. The appellant, relying upon the proper interpretation of Sections 166 and 167 of the Supreme Court of Judicature Act, subsequently applied for an order for the CCJ to declare that the applicable rate of post-judgment interest on the amount payable under the Award was the statutory rate of 6% simple interest, and not the 17% compound interest under the Award, as the issue of interest had been earlier ventilated and the Registrar having automatically followed the terms of the arbitral award. The Court granted the application.

## Judgment Summaries Continued

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### **Sandy Lane Hotel Company Limited v Julianna Cato [2018] CCJ 5 (AJ)**

Sandy Lane challenged the decision of the Barbados Court of Appeal to refuse to hear an appeal on the basis that it was filed outside the seven-day time limit prescribed in Section 240 (2) of the Magistrate's Court Act. Before the CCJ, Sandy Lane argued that its appeal to the Court of Appeal was filed in time as the applicable rules governing appeals to the Court of Appeal are found in Part 62 of the Civil Procedure Rules. These Rules stipulated 28 days and the company had also complied with the seven-day time limit under the Magistrate's Court Act, by making an oral request, and also giving notice in writing. The CCJ found that Sandy Lane had in fact given "immediate, public notice of its intention to appeal" which was subsequently followed by a notice in writing and that both were within the seven-day time limit prescribed by the Magistrate's Court Act. The CCJ also held that the law in Barbados provides two methods of appealing decisions from Magistrates: one in the Magistrate's Court Act and the other in the Civil Procedure Rules. The CCJ recommended that legislative intervention was required to harmonise the two.

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### **Kent Herrera and Others v Supervisor of Insurance and Others [2018] CCJ 6 (AJ)**

The main issue to be decided was whether the respondents could avail themselves of the good faith defence contained in Section 4 (3) of the Insurance Act Cap 251 ("the Act"). The appellants were all Executive Flexible Premium Annuity (EFPA) policyholders of CLICO (Bahamas) Limited (CLICO) who had suffered serious financial loss when the company went into liquidation in 2009 and were unable to recoup their investment in the company. The appellants claimed that they suffered loss because the Supervisor of Insurance ("the Supervisor") was reckless in her conduct of regulating CLICO in accordance with Section 26 of the Act. The CCJ held that public officials should be held to basic standards of performance commensurate to the office that they hold. Where a public official recklessly disregarded those standards, it would be difficult, if not impossible to hold that they were acting in good faith. If, however, the public official

made genuine, honest attempts to meet the standards but failed to achieve them, then the public official could rely on the good faith defence. The defence offered protection to public officials who were not fraudulent or dishonest, or in wrongful collusion with the impugned company, or recklessly indifferent to the occurrence of foreseen risks. The Court concluded that recklessness, in this context, was another way of established a lack of good faith. The Court considered whether the Supervisor was reckless and found that the Act gave her a great degree of discretion in her administration and regulation of the insurance industry. The Court examined the Supervisor's conduct in the regulation of CLICO under three broad headings: i) the treatment of the EFPAs; ii) CLICO's licence renewals and its obligations to provide stipulated financial statements and; iii) CLICO's statutory fund. The CCJ found that in all the circumstances the Supervisor had acted in good faith and the respondents were accordingly protected from suit.

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### **Gregory August and Alwin Gabb v The Queen [2018] CCJ 7 (AJ)**

The appellants were granted special leave to appeal their life sentences and to appeal as poor persons. Mr. August was also granted special leave to challenge his conviction on the ground that it was unsafe and his trial unfair due to the failure of the trial judge to give a good character direction. The Court in assessing this ground of appeal, ultimately concluded that the case against August was sufficiently strong that a guilty verdict by the jury was inevitable. Accordingly, the majority held that the conviction was safe. The Honourable Mr. Justice Wit, in his dissent, considered that "the multitude of weaknesses" in the circumstantial evidence put the safety of August's conviction in serious doubt and the conviction ought to have been quashed. In these consolidated appeals, the Court also considered, inter alia, the constitutionality of the mandatory life sentence for murder in Belize.

The Court held that life sentences are to be imposed at the discretion of the sentencing judge and not as mandatory sentences. This was the interpretation given by the Court to new legislation passed by the Government of Belize mere days before the consolidated appeals were heard. The Court took the view that these legislative changes were made to "correct the constitutional deficiencies identified by the

## Judgment Summaries Continued

Court of Appeal” in relation to the mandatory minimum life sentence for murder.

In relation to Gabb’s appeal, the Court remitted his case for re-sentencing. This decision of the Court also had implications for other prisoners who were serving life sentences for murder under the now-repealed legislation. The CCJ ordered that these sentences be vacated and that such cases be remitted for re-sentencing.

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### **Medical Council of Guyana v Jose Ocampo Trueba [2018] CCJ 8 (AJ)**

The Medical Council had refused Dr. Ocampo’s application for full registration as a medical practitioner. Dr. Ocampo sought to challenge the refusal by seeking certain interim court orders, based on the procedure set out in the Crown Office Rules of 1906. In his application, he concealed the fact that he had been operating in breach of his licence and that the Medical Council had written to him about his breach. The CCJ held that it was highly dishonest of him to have falsely stated that he was never the subject of disciplinary proceedings and unaware of any reasons why the Medical Council could have refused his application. The Court said that this was in breach of his duty to make a full and frank disclosure and, on that basis, the CCJ dismissed his application. The Court noted that even if he had complied with the duty to make full disclosure, the 1906 Rules had been replaced by the new 2017 Civil Procedure Rules and the orders that he sought could not be granted in the same procedural manner as he sought them.

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### **Rodrigues Architects Limited v The New Building Society Limited [2018] CCJ 9 (AJ)**

Rodrigues Architects Limited had been awarded a money judgment together with interest and costs against the respondent, New Building Society Limited. The New Building Society sought a stay of execution of the judgment pending the appeal. Granting the stay, Justice Roy also ordered that the judgment sum due to the appellant be put in an interest-bearing account until the determination of the appeal. Rodrigues Architects Limited unsuccessfully applied to the Court of Appeal to discharge the stay and subsequently appealed to the CCJ. The CCJ, after reviewing the

affidavit evidence, found that the judge in the lower court had erred in making his orders, and the Court of Appeal had erred in reviewing those orders and letting them stand. No stay should have been granted because it had not been shown that there was a good prospect of the appeal succeeding. In addition, there was no reasonable probability that the company would be unable to repay the money received from the building society if the latter’s appeal succeeded. Further to that, Mr. Rodrigues, a director of the company who had been in business for over 35 years, had been prepared to guarantee that he would personally repay the judgment sum if the society’s appeal succeeded and had identified property, of greater value, which could be held as security. The CCJ also issued guidelines to be considered when granting a stay of execution pending an appeal.

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### **Teerath Persaud v The Queen [2018] CCJ 10 (AJ)**

Before two separate judges, Mr. Teerath Persaud and Mr. Christopher McCollin pleaded guilty to manslaughter in relation to the death of a 16-year-old girl. The judge who heard Mr. McCollin’s case sentenced him to 16 years’ imprisonment. Later, the judge who heard Mr. Persaud’s case sentenced him to imprisonment of 25 years. Mr. Persaud appealed his sentence on the basis that there was a great disparity between the sentences. The CCJ held that the concept of parity in sentencing was an important principle in the law of sentencing and that persons whose personal circumstances are similar, and whose legal liability for the offence are relatively the same, should receive comparable sentences. The CCJ was not convinced that the case against Persaud was so dramatically different from that against Mr. McCollin that he should be sentenced to an additional term of 9 years of imprisonment. The Court, however, found that there were aggravating factors in the case against Mr. Persaud which made his actions more culpable. In these circumstances, the Court reduced his sentence to 18 years of imprisonment.

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### **Kowsal Narine v Deonarine Natram [2018] CCJ 11 (AJ)**

This land dispute between brothers, Mr. Narine and Mr. Natram, resulted in the Court closely analysing the



## Judgment Summaries Continued

status of a purchaser who had not paid the full purchase price but who was put into possession of land by the vendor/landowner in Guyana. In 1959, their father, Mr. Nateram, entered into an agreement to purchase the lands from Mr. Ashbourne Chan and Mr. Foster Chan, who were also named as defendants. Payments were made to the Chans but Mr. Nateram never paid the full purchase price, although the Chans permitted him to take possession of the lands. In May 1990, Mr. Nateram made a will giving the lands to Mr. Narine, who had worked on the land with him. Mr. Nateram died on 31 May 1991. In 2002, Mr. Narine filed a writ against his brother, Mr. Natram, who had obtained transport for the land, claiming that their father had been in possession of the lands since 1959 and had therefore acquired prescriptive title to the lands. Mr. Narine also claimed the land in his own right. The Court held that when a purchaser entered into possession but had not paid the full purchase price, the question of whether that purchaser's possession was as of right depended on the construction of the agreement for sale having regard to the circumstances of each case. In this particular case, Mr. Nateram was occupying the land as a licensee of the Chans until his death. At that point, the licence automatically terminated, and the nature of the possession changed. The Court found that Mr. Narine thereafter remained in possession of the lands from 1 June 1991 in his own right, thereby extinguishing any interest of Mr. Natram.

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### **Hyles and Williams v DPP [2018] CCJ 12 (AJ)**

Mr. Hyles and Mr. Williams were indicted on eleven counts of murder for what was dubbed the Lusignan Massacre in Guyana in January 2008. They were found not guilty at trial, but the state appealed under the newly amended Court of Appeal Act which allowed prosecution appeals against acquittals. The state was successful on appeal and the acquittals were overturned. Mr. Hyles and Mr. Williams both appealed to this Court seeking to have the not guilty verdicts restored. Before looking at the allegations of irregularities which occurred at the highly publicised trial, the Court constructed a test specifically for application in prosecution appeals against acquittals. The Court held that in such appeals, the prosecution must satisfy the Court that “given, on the one hand, the nature and weight of the evidence and, on the other

hand, the seriousness of the judicial error(s) or procedural flaw(s) it can with a substantial degree of certainty be inferred that had the error(s) or flaw(s) not occurred, the trial would not have resulted in the acquittal of the accused”. The CCJ then acknowledged that while there were material irregularities at trial, on application of the test, it could not, with the required degree of certainty, infer that the acquittals were the result of the errors and that it was possible that the jury simply did not believe, beyond reasonable doubt, the evidence presented by the state.

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### **Eddy Ventose v Chief Electoral Officer [2018] CCJ 13 (AJ)**

This matter saw the Court arranging an unprecedented hearing on Sunday, 13 May 2018 after it responded with haste to an appeal filed after working hours on 11 May 2018. The appeal was filed by Professor Eddy Ventose, a St Lucian citizen who had lived in Barbados for several years and sought to be included on the Barbados electoral register ahead of the scheduled General Elections on 24 May 2018. Professor Ventose had stated that he was entitled to be registered to vote in Barbados as a Commonwealth citizen, who had been resident for the requisite period. However, his registration was consistently refused by the Chief Electoral Officer, even after being ordered to register him by the lower courts. After considering the oral submissions, the Court declared that it was satisfied that the legal and regulatory conditions for Professor Ventose's registration had been met and ordered the Chief Electoral Officer, who participated in the hearing, to ensure that Professor Ventose was registered before noon on 14 May 2018. She was warned that she could face contempt of court proceedings, which could result in imprisonment and/or fines, for non-compliance.

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### **The Belize Bank Limited v The Attorney General of Belize [2018] CCJ 14 (AJ)**

Belize Bank made a post-judgment application seeking an order from the CCJ declaring that, in failing to satisfy a previous arbitral award, the Minister of Finance failed to comply with the Court's 2017 order. The Bank also sought an order to compel the Minister to pay the judgment debt within ten working days of the order. The Court pointed out that its earlier order merely gave the Bank liberty to enforce the award as if it were a

## Judgment Summaries Continued

judgment of the Supreme Court of Belize. The Court concluded that the Bank's application was premature stating that, absent any evidence to the contrary, courts must presume that Governments will pay due respect to court judgments and will not deprive successful litigants of the fruits of their litigation. The Court further stated that in the event of failure of the Government to enact the Appropriation legislation necessary to satisfy the Award, it is the Supreme Court of Belize that should be approached for the declaration and the order sought. The Court highlighted that enforcement of orders made in the appellate jurisdiction is a matter reserved exclusively to the domestic first instance courts' jurisdiction, subject to any appeals.

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### **James Ifill v The Attorney General of Barbados and The Chief Personnel Officer [2018] CCJ 15 (AJ)**

This appeal arose out of a challenge by Mr. Ifill who was compelled to resign from office as a Transport Inspector in the Ministry of Public Works and Transport when he was found guilty of seven of ten disciplinary charges. This compulsory resignation was invoked after completion of an investigation by a senior officer who was appointed to investigate the charges. The Governor General accepted the advice of the Public Service Commission that Mr. Ifill should be required to compulsorily resign and on two occasions informed him of his right to have his case referred to the local Privy Council. Notwithstanding this, Mr. Ifill took no action, until nearly five years later, when he initiated court proceedings to challenge his removal from office. This Court found that he had received a "full, natural justice hearing". The Court further observed that compulsory resignation was an act of regulatory generosity and "an act of mercy" which left a public officer with his entitlement to pension. The Court dismissed the appeal and made no order as to costs.

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### **Rajpattie Thakur v Deodat Ori [2018] CCJ 16 (AJ)**

Ms. Rajpattie Thakur in her capacity as the executrix of the will of her mother, Mrs. Dolarie Thakur, sought to be declared the rightful owner of land which had been used as a farm by her family for over 40 years. Her father, Mr. Bissoon, occupied the land with the

permission of the then owner for over a decade until it was sold to Mr. Basil Basdeo in 1980. Though Mr. Basdeo threatened Mr. Bissoon with legal action, he remained on the land until it was sold to Mr. Deodat Ori in 1997. After Mr. Ori tried to enter the land, a number of legal proceedings ensued as Ms. Rajpattie desperately sought to remain on the land. The Court disagreed with the Court of Appeal's finding that there were material false or non-disclosures which should have prevented Ms. Rajpattie Thakur from successfully arguing her claim. The Court held that she was able to establish that her father and her mother had occupied the land from 1984, until their respective deaths, and found that there was more than enough evidence on record to support possession of the land at all material times and an intention to hold the land as owner.

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### **Cedric Richardson v The AG of Guyana [2018] CCJ 17 (AJ)**

The National Assembly of Guyana had unanimously amended the Constitution to bar Presidents of the country from serving more than two terms in office. Mr. Cedric Richardson challenged the validity of the amendment on the basis that it diluted his rights, as an elector in Guyana, by restricting who he could choose to be President. The High Court and a majority of the Court of Appeal agreed with him. However, on the Attorney General's appeal to the CCJ, the CCJ found that the amendment was not inconsistent with the rights of members of the electorate. In fact, upon assessing the historical background to the amendment, the Court found that it was clear that it was meant to enhance democracy in Guyana.

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### **Jabari Nervais v The Queen [2018] CCJ 18 (AJ)**

Mr. Nervais was convicted of the murder of Mr. Jason Barton and the mandatory sentence of death by hanging was imposed on him. Mr. Nervais' appeal centered on alleged discrepancies in the trial judge's summation including a misdirection to the jury on corroboration, a failure to direct them on joint enterprise and an unbalanced summation. The Court was satisfied that Mr. Nervais had signed the confession statement in multiple places and there was no need for the prosecution to rely on the testimony of their witness as corroboration. In relation to the direction on

## Judgment Summaries Continued

joint enterprise, the CCJ found that once the jury accepted the truthfulness of the oral and written confession statements, the evidence placed before them was more than sufficient to entitle them to conclude that Mr. Nervais shot and killed the deceased. As such, the Court held that, given the way the case was presented, there was no reason for the judge to direct the jury on joint enterprise and common design. In considering the complaint of imbalance in the summing up the CCJ examined the particular passages and held that the complaint was not made out. The Court recalled that in this case there were no competing versions of occurrences where there was room for the judge to favour one version over the other. This was a case where the jury simply had to decide whether to believe the content of the confession which the judge had ruled Mr. Nervais had voluntarily given. Accordingly, the CCJ dismissed the appeal against conviction.

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### **Severin and Nervais v The Queen [2018] CCJ 19 (AJ)**

The appellants challenged the constitutionality of the mandatory death penalty under Section 2 of the Offences Against the Person Act on the basis that it violated the following sections of the Constitution: Section 11(c), the right to protection of the law; Section 12(1), the right not to be deprived of life save in execution of the sentence of a court in respect of criminal offences; Section 15(1), the right not to be subjected to inhuman and degrading punishment and Section 18(1), the right to a fair trial as guaranteed by the Constitution of Barbados. The CCJ found that the mandatory death penalty breached the right to protection of the law as it deprived a court of the opportunity to exercise the quintessential judicial function of tailoring the punishment to fit the crime. The trial process did not stop at the conviction of the accused but included sentencing and mitigation which were congruent components of a fair trial which was included in the right to protection of the law. The CCJ allowed the appeals and ordered that the appellants be expeditiously brought before the Supreme Court for resentencing.

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### **Dwayne Severin v The Queen [2018] CCJ 20 (AJ)**

Mr. Severin was convicted of the murder of Virgil Barton. His appeal to the Court was centred on the alleged weaknesses in the evidence of the prosecution's key witness, Mr. Judd Barton. Before the CCJ, Mr. Severin's counsel specifically addressed the question of whether there were 'special circumstances' as set out in Section 102(3)(a) of the Evidence Act – that is, that the accused was known to Mr. Barton who made the identification; the possibility of the absence of street lighting impairing the reliability of Mr. Barton's identification which was done at night; as well as the informality of the identification exercise, which made it easier for Mr. Barton to pick Mr. Severin out of the line-up. The CCJ considered Mr. Barton's evidence and was satisfied that Mr. Severin's features would have been "fresh" in his mind on the night of the shooting. The Court agreed with the Court of Appeal that there were special circumstances, in keeping with Section 102(2) and (3)(a) of the Evidence Act, tending to clearly support the reliability of the identification of Mr. Severin. The Court determined that, in all the circumstances, the trial judge adequately put to the jury the possibility that Mr. Barton's recognition of Mr. Severin on the night of the shooting could have been impaired by his consumption of alcohol and that the judge coherently dealt with the specific weaknesses of the prosecution's case which enabled the "cumulative impact of those weaknesses to be fairly placed before the jury". The Court ultimately determined that the conviction was safe and rejected all the grounds of appeal against conviction, stating that it had "no 'lurking' doubt as to whether an injustice has been done to the appellant".

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### **The Queen v Gilbert Henry [2018] CCJ 21 (AJ)**

Mr. Gilbert Henry was convicted of Causing Dangerous Harm for wounding Mr. Ellis Taibo in 2008. Mr. Henry challenged his conviction and sentence before the Court of Appeal of Belize. On 22 March 2017, the Court of Appeal delivered an oral judgment dismissing the appeal and affirming Mr. Henry's conviction and sentence. The court later delivered a written judgment on 16 June 2017 which made no mention of the earlier oral judgment and quashed Mr. Henry's conviction for a breach of Section 21(2) of the Juries Act. The Director of Public Prosecution appealed on the basis that the Court of Appeal became *functus officio* when it delivered its oral judgment so that it had no jurisdiction



## Judgment Summaries Continued

to reverse itself in the written judgment. The Court held that generally an oral decision or order made by a judge is normally binding from the moment it is delivered and parties are entitled to rely upon it. However, the court retains a right to vary its earlier decision until the order of the court is recorded, or otherwise perfected, but that discretion should only be exercised in exceptional circumstances. In this particular case, the Court found that the Court of Appeal had wrongly exercised this jurisdiction because it had erroneously held that the jury were required to deliberate for two hours, such a requirement was only relating to majority verdicts, and the verdict in this case was unanimous. The appeal was allowed and the conviction and sentence of five years for the offence of causing dangerous harm was restored.

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### **Patrick Hill v Sagicor Life Inc. [2018] CCJ 22 (AJ)**

The CCJ had to determine whether by virtue of Section 39 of the Severance Pay Act, and Section 63 of the Supreme Court of Judicature Act, a decision of the Court of Appeal allowing an appeal from the Severance Payments Tribunal was a “final appeal” that the CCJ had jurisdiction to hear. Sagicor argued that in accordance with Section 79D(1)(c) of the Constitution of Barbados which provides: “the CCJ shall be the final Court of appeal from any decision given by the Court of Appeal”, the CCJ had jurisdiction to hear such an appeal from the Court of Appeal of Barbados. The CCJ found that the Court of Appeal was therefore substituted for the High Court as the court exercising the right of final appeal from decisions of the Severance Payments Tribunal. The CCJ found that Section 79D(1)(c) should be read as a general clause that made the CCJ the final court of appeal from any decision given by the Court of Appeal that is appealable. The CCJ concluded that Section 4(3) of the Caribbean Court of Justice Act excluded from the Court’s appellate jurisdiction appeals from the Court of Appeal that were declared to be final by any law. Accordingly, the CCJ had no jurisdiction to hear Mr. Hill’s appeal.

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### **Dean Boyce, British Caribbean Bank Limited, Lord Michael Ashcroft KCMG v The Judicial**

### **and Legal Services Commission [2018] CCJ 23 (AJ)**

The appellants sent a request to the Judicial and Legal Services Commission that Mr. Justice Awich should be investigated by the Belize Advisory Council. This request detailed allegations of lack of judicial ‘acumen’, delays in judgment writing and lack of timeliness in the delivery of judgments during his past tenure as a Justice of the Supreme Court. At the time of the complaint, Mr. Justice Awich was a Judge of the Appeals Court of Belize. When the Commission rejected the complaint, the appellants took the matter to the courts, winning before Mr. Justice Abel, but losing in the Court of Appeal. This Court considered the interpretation and scope of Section 102 of the Constitution of Belize which provides for the removal from office of a Justice of Appeal for “inability to perform the functions of [his] office” or “misbehaviour”. The Court indicated that “inability” referred to the lack of capacity to perform the duties of the office at the requisite level of competence and skill, while “misbehaviour” referenced character flaws involving personal and volitional culpability that render the judge unfit to hold any judicial office. The Court also stated that the Commission’s function in the removal process is neither that of a mere conduit for complaints nor the decider on the merits of the complaints. The CCJ also said that past conduct could, depending on the circumstances, constitute grounds justifying a referral for removal from office. The Court held that the Commission was bound to exercise its constitutional mandate and consider whether there was a basis for referral to the Belize Advisory Council. The Complaint was therefore sent back to the JLSC for its investigation.

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### **Sattie Basdeo v Guyana Sugar Corporation Limited [2018] CCJ 24 (AJ)**

On 8 May 2017, the Government of Guyana announced the closure of the Rose Hall and Enmore Sugar Estates later that year which resulted in the dismissal of thousands of workers. Ms. Sattie Basdeo, trustee of the Guyana Agricultural and General Workers Union, and Ms. Roxanne St. Hill, trustee of the National Association of Agricultural, Commercial and Industrial Employees, challenged the decision on the basis that the unions were not adequately consulted. They also contended that their constitutional right to work was breached.

## Judgment Summaries Continued

The Court found that although the process was not perfect, it satisfied the legal duty to consult in the circumstances. The Court declined to address whether the right to work was breached as this allegation stemmed from the argument that there was a breach of the duty to consult. As there was no such breach, there was no need to make a determination on that issue. Additionally, the Court ruled that the Attorney General could not represent the state-owned Guyana Sugar Corporation but could represent the state in so far as the application sought constitutional relief for the alleged breach of the applicants' constitutional rights. The appeal was dismissed.

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### **Kowsal Narine v Deonarine Natram [2018] CCJ 26 (AJ)**

In June 2018, Mr. Deonarine Natram filed a novel post-judgment application asking that the judgment delivered by the Court on 10 May 2018, be reviewed or the appeal reheard on the basis that the Court's judgment was in error. The application, for the first time, raised Section 22 of the Title of Land (Prescription and Limitation) Act as the basis for alleging that his brother, Mr. Kowsal Narine, could not have been in possession for the statutorily required period of twelve years. He stated that the counterclaim he filed in 2003 would have stopped time from running in his brother's favour. The Court decided to hear the unusual application since the final order had not been issued, relying on its decision in *The Queen v Gilbert Henry* [2018] CCJ 21 (AJ), where it stated that when an order has not been finalised, a court may review its decision in exceptional circumstances. The Court did not, however, find that there were exceptional circumstances to warrant the reopening of the appeal in this matter. The Court held that while there was a counterclaim for damages, there was, as pointed out at the hearing by Mr. Kowsal's attorneys and accepted by Mr. Deonarine's attorneys, no specific claim for possession of the land to which s 22 was alleged to be applicable. The application was dismissed.

## Original Jurisdiction

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### **Trinidad Cement Limited & Arawak Cement Limited v The State of Barbados and Rock Hard Cement Limited [2018] CCJ 1 (OJ)**

The applicants sought urgent interim relief against the State of Barbados pursuant to Article 218 of the Revised Treaty of Chaguaramas and Part 12 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2017 in respect of a shipment of cement classified as "other hydraulic cement" imported by the intervener, Rock Hard Cement Limited, from Turkey which arrived in the Port of Bridgetown, Barbados on 9 July 2018. The CCJ first formulated a test for the grant of interim relief before finding that the applicants had established a *prima facie* case of breach of the Council for Trade and Economic Development-sanctioned tariff on importation of the types of extra-regional cement involved in the dispute. The Court also found that, on a balance of probabilities, the applicants had made out a case that they were likely to suffer irreparable and unquantifiable losses. The Court noted that the applicants had given an undertaking to reimburse Rock Hard Cement and the government for losses sustained if it was proven that the grant of the interim relief was unjustified and that Barbados had not opposed the application. In those circumstances, the CCJ held that it would be unfair and oppressive to order payment of the 60% tariff retroactively. The 5% tariff paid by Rock Hard Cement was consistent with the demand by the government of Barbados and was, presumably, paid in the manner prescribed. In relation to any future shipment into Barbados, the Court found that as an interim measure, the 60% rate should be imposed until the determination of the merits of the case. Further shipments would attract the 60% tariff and the Court noted that, if it was deemed that the 5% tariff was appropriate, then Rock Hard Cement would be reimbursed the overpaid duties. In short, Rock Hard Cement had not persuaded the Court that it would be unjust to grant the interim measures requested. Accordingly, the CCJ granted the applicants interim relief.

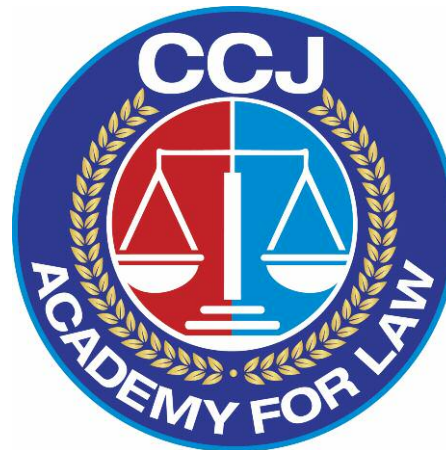
# CCJ Academy for Law

**Most of the period under review was dedicated to the planning, implementation, re-conceptualising and re-branding of the Caribbean Academy for Law.**

## Evolution

During this judicial year, activities included a name change to the CCJ Academy for Law, from the Caribbean Academy for Law and Court Administration, and the incorporation of this body into a separate legal entity from the Court. In February 2018, the Academy was incorporated as a non-profit company under the Companies Act of Trinidad and Tobago. It continues to embrace its role as the educational arm of the Caribbean Court of Justice.

The Academy is vested with the main objective of the advancement of knowledge, education, learning, research and practical application of law and the administration of justice in the Caribbean, geared towards the development of regional integration law and Caribbean jurisprudence. The Academy prepares an annual programme of activities based upon an assessment of need. Special seminars, workshops and lectures are delivered in the various jurisdictions of the Caribbean Community under the auspices of the Academy.



## Admiralty Law Lecture

The Academy hosted a lecture in October 2017, in partnership with the Trinidad and Tobago Judicial Education Institute, and supported by the JURIST Project. Professor Sarah Derrington, Academic Dean and Head of TC Bernie School of Law at the University of Queensland,

This lecture was held in Port of Spain and brought together judges from the southern Caribbean to share and exchange ideas on critical issues of Maritime Law. The lecture also provided a forum for the judges from the respective territories to further share information and experiences since the relevant areas of



In November 2017, the CCJ Academy for Law hosted a workshop in association with the Judicial Education Institute of Trinidad and Tobago (JEIT) where Professor Sarah Derrington, Academic Dean and Head of TC Bernie School of Law at the University of Queensland, delivered a lecture on "Current Issues in Admiralty Law."



## CCJ Academy for Law Continued



The objective of the Admiralty Law lecture was to bring together judges from the southern Caribbean to share and exchange ideas on critical issues of Maritime Law in the Caribbean Seas.

International Maritime Law, including the Law of the Sea, Marine Environmental Law and Shipping Law differ within the Caribbean region.

### Change of Patronage

The Academy has also during this period paid tribute to the Right Honourable Sir Dennis Byron and welcomed the Court's new President, the Honourable Mr. Justice Adrian Saunders. Sir Dennis Byron attended the first Board of Directors meeting held in June 2018, which was one of his last official duties as President of the Court. Coming out of this meeting, the Academy has produced great output in its steps towards strengthening the now newly incorporated institution. These include the amendments of the Articles of Association, consideration of its By-laws, proposed Memorandums of Understanding with its stakeholders to concretise the Academy's collaborations, funding

proposals and the programme of work for the upcoming period. Sir Dennis was instrumental in the Academy's advancement this year and has given an invaluable contribution in propelling the Academy and its mandate forward. The Academy is pleased that Sir Dennis will continue as its first Honourary member and we look forward to continuing our esteemed role under the leadership of the Honourable President, Mr. Justice Saunders, who has already been briefed on all developments, present and future, of the Academy.

### 5th Biennial Conference

**The 5th Biennial Conference, the Academy's flagship event, has also been at the forefront of the Academy's strategic plan. The 2018 Conference is being held in partnership with the General Legal Council of Jamaica, under the theme, "The Future of Legal Practice in the Caribbean - Catalyst for Regional Success?".**

The conference will be held at the Jamaica Pegasus in Kingston, Jamaica. The flagship event brings together members of local and regional Bar Associations, the judiciary, government officials, regulators and other stakeholders to discuss legal issues with particular focus on the future of legal practice in the Caribbean and will traverse multiple themes inclusive of Intellectual Property Rights and Access to Justice.

**The Academy is focused on another dynamic year ahead where the discussion of projected programmes for the next period, 1 August 2018 - 31 July 2019, will place emphasis on the referral obligation under Article 214 of the Revised Treaty of Chaguaramas and an effort to raise awareness of the Original Jurisdiction of the CCJ and continue to develop Caribbean jurisprudence in this regard.**

# Caribbean Association of Judicial Officers (CAJO)

Following its very successful biennial conference in September 2017, CAJO has continued with its programmes to assist in the improvement of the quality of judicial officers and judging across the region.

## Gender Protocol

In collaboration with UN Women, the Justice Reform and Institutional Strengthening (JURIST) Project, and the Trinidad and Tobago Association of Women Judges (TTAWJ), CAJO completed a draft Gender Protocol during the year under review. The document was disseminated to those judiciaries in the region that expressed an interest in this area of CAJO's work. It was expected that each judiciary receiving the document would consider it with a view, hopefully, to moulding it to suit their unique circumstances and then ultimately adopting it as a Gender Protocol that would govern the work of all their judicial officers.

**The dissemination of the Draft Protocol was complemented by a period of intense training activity funded by JURIST and supported by UN Women.**

A three-part train-the-trainer programme of gender sensitivity has been ongoing with the judicial officers from Barbados, Belize, Guyana, Jamaica and Trinidad and Tobago. The aim of these programmes is to ensure that participating judicial officers are equipped



with sufficient knowledge of the content of the protocols and with the techniques and best practices to train their colleagues to be more gender sensitive in their adjudication. The training programmes examined a variety of gender sensitive issues such as custody, gender-based domestic violence, child support, the various ways in which international law can be utilised to assist the process of adjudication and judicial education techniques for planning and implementing programmes.

**Based on the feedback received, the gender protocol and the exposure to the sensitisation training have already made a positive difference in the approach of many judicial officers to their adjudicatory responsibilities. Judges and magistrates exposed to**



The Hon. Mr. Justice Adrian Saunders, Chairman of CAJO, brought opening remarks for the 5th Biennial CAJO Conference. Hosted by the Judiciary of the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and Bonaire, St. Eustatius and Saba.

# Caribbean Association of Judicial Officers (CAJO) Continued

**the training have reported that they now readily introspect their own instinctive views and in doing so discover areas where stereotypical thinking is prevalent. This allows them to adopt a more objective and empathetic approach to judging and to better assess evidence presented to them.**

## CAJO Gala Dinner Party

The Special Projects/Fundraising/CAJO 2019 Committee hosted a fund-raising Gala Dinner Party on 13 July 2018 in honour of the CAJO Chairman, the Honourable Mr. Justice Adrian Saunders. The event was held to celebrate his elevation to the office of

President of the Caribbean Court of Justice on 4 July 2018. The event attracted well-wishers from across the region, North America and Europe.

## CAJO 2019 Biennial Conference

The CAJO Executive Committee continues to meet monthly as it prepares for the 2019 Biennial Conference which will be hosted by the Belize Judiciary during the period 31 October - 2 November 2019 at the Radisson Fort George Hotel and Marina in Belize City. Our hosts, the Belizean judiciary, have already put in place several local organising committees who have begun working to ensure another outstanding Conference.



Once the core activities of the Conference were over, it was time to experience the culture and hospitality of Curaçao..



The Rt. Hon. Sir Dennis Byron, former President of the Caribbean Court of Justice, and Mr. Justice Maarten Feteris, President of the Dutch Supreme Court in The Hague, were both panellists on the topic of "Reflections on the work of Supreme Courts" for the first plenary session of the 2017 CAJO Conference. The Conference attracted over 150 judicial officers from the Anglophone Caribbean, Curaçao, Aruba, Bonaire and the USA.



# Judicial Reform and Institutional Strengthening (JURIST) Project



The JURIST Project is a multiyear regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada and implemented by the Caribbean Court of Justice.

The year was one of great adjustment for the Project and several changes were made which enhanced the implementation rate of initiatives. Building on findings of an external management auditor, the following changes were made to the Project:

**First, there were changes to the management of the Project, a full-time Project Director position was created within the Project Management Unit (PMU) – initially filled on a temporary basis.** On 14 May 2018, Mrs. Gloria Richards-Johnson was hired to replace Dr. Penny Reddie as Project Director. Dr. Reddie had decided not to renew her contract when it ended on 31 March 2018. Several project administrative tools and guidelines, which had an immediate impact upon activity management and reporting, were also developed and implemented.

**Secondly, the JURIST team conducted a second round of consultations throughout the region, to address concerns expressed by regional partners that their priorities were not being sufficiently addressed by the Project.** While these consultations contributed to the slow rate of implementation in Year 3, they helped to establish buy-in on the part of regional partners, and ultimately were key to stronger regional engagement and increased implementation in Year 4.

**Thirdly, the active implementation role of the PMU was expanded in Year 4 when portfolios were reallocated to correspond to the main components of the Project, such that each core Project Team member has primary responsibility for a Project component – helping to align internal accountabilities and reporting within the team.**



Ms. Semone Moore, Public Education and Communications Officer at the CCJ, receives her certificate after training in gender issues from Dr. Penny Reddie, former Project Director of the JURIST Project.

Additionally, throughout Year 4, project management tools were introduced to ensure more effective allocation of resources and time. As part of this, several major initiatives of the Project with inter-related sub-components were packaged into Project Charters that tied the components together, ensured alignment with the Project Management Framework, gave a full costing and ensured buy-in on the part of stakeholders.

## JURIST Project Continued

In the second half of Year 4, the Project focused its attention on developing a proposal requesting a four-year extension for the period 2019-2023. A consultant was hired in March 2018 to assist in the development of the proposal which was submitted to Global Affairs Canada in April 2018. The proposed Project extension builds upon considerable foundational work and an initial round of investments which started in 2014 and will continue to 2019, in baseline studies, tools, training programmes, protocols and guidelines.

The Project's work on improved court processes, public education, gender equality and the establishment of specialised courts will redound to the benefit of the men, women, youth and the poor in the Caribbean. If granted, the intention is that the extension will allow the Project to more than double the results achieved in the first five years and should ensure that its significant achievements are more sustainable.



The JURIST Project supported the Guyana judiciary with the donation and installation of 10 digital audio recording systems in 10 courtrooms across Guyana. The Project also provided training to judicial officers and court staff in the use of the equipment.



The Honourable Sir Marston Gibson, Chief Justice of Barbados, receives a copy of the Model Guidelines for Sexual Offence Cases in the Caribbean Region from the Honourable Mme. Justice Maureen Rajnauth-Lee, Judge of the Caribbean Court of Justice, at the launch of the guidelines at the CAJO Conference in Curaçao.

# Engaging with CARICOM



Ambassador Irwin LaRocque, Secretary-General of the Caribbean Community (CARICOM), spoke at the inauguration of the CCJ's 3rd President. The inauguration was one of the activities during the 39th Regular Meeting of the Conference of Heads of Government of the Caribbean Community.

**The CCJ 2019 - 2024 Strategic Plan is being developed in alignment with the regional development agenda contained in the Strategic Plan for the Caribbean Community 2015 - 2019: Repositioning CARICOM. As a CARICOM institution and implementing agency, the Court was encouraged to be guided by the regional strategic plan in designing its operational plan and annual plan.**

The objectives of the CARICOM's plan continue to inform the Court's strategies, principal measures, targets, indicators, time frame and budget. Among the eleven high-priority areas cited for focused implementation over the five-year period, the

enhancement of citizen security and justice were highlighted as core objectives for the region.

The CCJ supports its regional partner institutions in achieving the developmental objectives of the Caribbean that seek to guarantee human rights and social justice, that in turn contribute to economic, social and cultural prosperity. The strengthening of the rule of law and the growth of jurisprudence in CARICOM law have been hallmark achievements and contributed to significant strides in deepening the regional integration movement.



# Judicial Committees

## Rules

The Agreement Establishing the Caribbean Court of Justice provides for Rules of Court to be made by the President in consultation with five Judges of the Court. The first set of Rules, in both the Original and Appellate Jurisdictions of the Court, were made in 2005. Since then, a Rules Committee has been established every two years to advise on amendments to the Rules. Substantial amendments were made and published in April 2017.

These 2017 amendments largely reflected the Court's adoption of the Curia suite of software products. Curia is a cloud-based electronic court management system comprising three main applications: an e-filing portal used by attorneys, an electronic case management system used by registry staff and judges to view and process cases filed, and a reporting tool used to generate data and provide performance measurement statistics.

A re-constituted Rules Committee has recently been formed and it is anticipated that significant updates to the 2017 Rules will be made in 2019 and published. Areas that will attract attention include the regime for the taxation of costs as well as the filing fees structure. These aspects of the Rules have remained unchanged since 2005 when the Court's operations commenced.

To maintain balance with the Court's overarching strategic goal, the Rules Committee will focus on a range of matters including:

- a) Increasing accessibility of its services to litigants by identifying any barriers to justice in the Court's process and services,
- b) Establishing mechanisms to eliminate such barriers,
- c) Providing for on-going monitoring and evaluation of cases and case management processes,
- d) Increasing the Court's operational efficiency,
- e) Increasing the Court's outreach to stakeholders across the region.

The CCJ's Rules Committee is chaired by the Honourable Mr. Justice Wit and includes: the Honourable Mr. Justice Barrow; the Registrar and Chief Marshal, Ms. Jacqueline Graham; the Deputy Registrar and Marshal, Ms. Meisha-Ann Kelly; Registry Supervisor, Mr. Nandlal Hardial and Judicial Assistant, Ms. Latoya McDowald. The committee pays tribute to the Right Honourable Sir Dennis Byron, former President of the CCJ, for his vision, innovation, creativity and foresight. His guidance has advanced the services and benefits the Court provides to its customers and stakeholders.

## Website

A special committee on the CCJ website was convened whose remit was to ensure that the website is credible, user-friendly and useful so that the redesign of ccj.org would be seamlessly implemented. To this end, a demonstration website was created and is being refined in order to meet the current requirements of user experience and aesthetics. In order to carry out its remit, the committee was expected to:

- Obtain feedback from the judges and staff and suggest changes to the developer

- Recommend additional page design layouts or changes to existing designs,
- Review and make recommendations on information architecture,
- Note non-compliance issues for the developer to resolve.

The committee is engaging with the website developer and users so that all aspects of its remit will be considered before the redesign is implemented in early 2019.

## Judicial Committees Continued

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# Judicial Assistants & Interns

One of our Judicial Assistants, Ms. Kerine Dobson, left the Court after the end of her three-year term, in July 2018 and Ms. Kavita Deochan, a well-qualified graduate of the University of the West Indies, Cave Hill and the Hugh Wooding Law School, joined the Court on 2 July 2018. This leaves the Court with a complement of four Judicial Assistants: three are allocated to pairings of judges and one Judicial Assistant to the new President. The Hon. Mr. Justice Saunders will be reviewing his needs, and those of the Court, to determine the appropriate level of judicial support.

From 21 May 2018 to 20 July 2018, six law students spent three weeks each as unpaid interns with the Court, during the vacation period between their first and second years of studying for their Legal Education Certificate at the Hugh Wooding and Norman Manley Law Schools. Each of the interns was selected by the respective Principals of the Law Schools. The interns followed a programme which saw them learning about, and assisting in, the work of the various units of the Court and this principally included shadowing and assisting Judicial Assistants in their work.

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## Health & Safety

In keeping with the provisions of the Occupational Health and Safety Act 2004 of Trinidad and Tobago, the Caribbean Court of Justice has a safety committee with primary responsibility to “keep under review the measures taken to ensure the safety and health of persons at the place of work”.

Since its inception, the Health and Safety Committee has consistently sought to develop and maintain an objective policy of employing a ‘whole organisation’ approach by the inclusion of a wide cross-section of members of staff in the formulation and implementation of policies. This approach, it is hoped, will be beneficial in securing greater buy-in which should ensure greater adherence to practices that encourage the health, safety and wellbeing of all users of the Court.

To ensure efficacy of function, the committee continuously engages the review and renewal of policies and practices to maintain alignment with contemporary best practices. More recently, the Court’s Emergency Procedures were revised based on trending weather patterns associated with global warming. This initiative is supported by the training of staff to fill the roles of Wardens and Marshals in the event of emergencies, upgrade of signage to guide users in emergencies and the use of audio-visual presentations when hosting events.

In addition, the Committee, in conjunction with the Court’s Facilities Unit, continues to work closely with regulators to ensure the court’s buildings are compliant with the relevant building codes and accreditations.

## Judicial Committees Continued

### Fun at Work



The Information Systems Unit took the top prize in the office decorating competition.



Pictures of the judges and employees formed the tree which was the focal point of the entry to the Public Education and Communication's Unit and the Registrar's Office.

The name of the committee was changed from the Social Events Committee during this period to better reflect its mandate of identifying, organizing, and planning activities that enhance camaraderie in the workplace. The first major initiative of the Committee was a trio of activities during the Christmas period. These included a tree-lighting event, office decorating competition, named Pump Up Your Office, and a Christmas party. It was noted that these events increased fellowship among our judges and employees, fostered a harmonious working environment and encouraged teamwork (and fierce competition) among employees.

The Committee also started the process of establishing a birthday club for the judges and employees of the Court. As one of the ways to build leadership capabilities in the organisation, the Fun At Work Committee rotates chairmanship among its members. During the period, Ms. Sue-Lan Chin and Mr. Darren Shah served as heads of the Committee. The other members include: Ms. Collette Brown, Mr. Leon Gittens, Mr. Oriel Herrera, Mr. Christopher Hoyte, Ms. Simone Jackson, Mr. Ronnie Joseph and Ms. Candace Simmons.



Ms. Debra Gibbs, Executive Assistant, places her personalized Christmas ornament on the tree.



# Department Reports

## President's Chambers



Ms. Juja Chakarova, Head of Library, Max Planck Institute in Luxembourg paid a visit to the CCJ to update the judges in current trends in records and information management. She also met with the team from the Library Unit to learn about the CCJ's own efforts in this area.

**The term in review covered 1 August 2017 – 31 July 2018 and marked the final year of the Rt. Hon. Sir Dennis Byron's tenure at the Court and spanned the first few weeks in office of the 3rd President of the Caribbean Court of Justice, the Hon. Mr. Justice Adrian Saunders.** Much of the work during the period was geared towards bolstering the institutional arrangements for APEX, increasing the quality of deliverables and completing judgments before Sir Dennis demitted office. APEX, is a special-purpose, non-profit, agency, that is committed to delivering technology-based solutions and services to support court ecosystems.

### Judicial Work

The judicial work of the Court continues to be effective, with no backlogs, and has developed Caribbean Jurisprudence significantly. **During this year, the CCJ improved its video-conferencing capabilities to include a bridging solution where attorneys can appear at the CCJ by using devices that are connected to the internet, equipped with a video camera and a microphone.** This provides opportunities for attorneys to appear before the Court even if they do not have access to video-conferencing facilities.

The Court also showcased how quickly it could respond when cases are filed. In the matter of *Eddy David Ventose v Chief Electoral Officer*, which came in on a Friday afternoon, was heard on Sunday and a decision given later that afternoon. The Curia court management system played a crucial role in allowing the hearing in such an expeditious manner. The application for the appeal was sent to the CCJ after court hours and the Judges and Registry staff were able to access the documents remotely and quickly put in place the necessary arrangements to hear the appeal.

Notably, there was an increase of 32% in the number of cases being brought under the Appellate Jurisdiction which marks an improvement over the 20% reported in the previous year. Three matters, in the Court's Original Jurisdiction, were filed during this judicial year.

### Speaking Engagements

The President of the CCJ has been called upon to address audiences at speaking engagements at various locations throughout the Caribbean and beyond. Among the themes explored by the President in his speeches were: the vision of regional integration, reform in the justice sector, accessibility, judicial independence, and accountability.

## President's Chambers Continued



Former CCJ President, the Rt. Hon. Sir Dennis Byron hosted a delegation from the Bahamas including His Lordship, the Hon. Mr. Justice Bernard Turner; Attorney General, Senator the Hon. Mr. Carl W. Bethel; DPP, Mr. Garvin Gaskin and the Hon. Mr. Elsworth Johnson, Minister of State. The delegation came to review the Court's court management software, Curia.

### Outreach

Sir Dennis Byron has, throughout his career, championed the use of technology to advance the judiciaries in the region. In November 2017, he convened the APEX Stakeholders' Convention in the Bahamas to discuss the greater use of technology to improve the quality and delivery of judicial work. Judicial officers and court administrators from all over

the region travelled to the Bahamas to participate in the consultation and to see how the use of Curia could impact court management in their own jurisdictions.

After viewing the Curia software at the Convention, a contingent from the Bahamas travelled to the Seat of the Court in June 2018 to meet with users at the Court and better evaluate the software.

#### A selection of judicial and public education events that the Presidents participated in during the year

##### The Rt. Hon. Sir Dennis Byron

- Special Sitting in his Honour in Antigua and Barbuda
- International Commercial Arbitration Conference in Guyana
- 16th Conference of Governors-General and Presidents of the Caribbean in St Kitts and Nevis
- APEX Stakeholder's Convention 2017 in the Bahamas
- Opening Ceremony of the re-launch of the Champions

for Change IV initiative of the Pan Caribbean Partnership against AIDS and HIV (PANCAP) in Guyana

- JamBarCLE's Annual November Conference in Jamaica
- UWI Cave Hill Seminar & Mediation and Arbitration Conference in Barbados
- Official meetings of the Directors of Max Planck Institute as well as the President of the European Court of Justice in Luxembourg

##### The Hon. Mr. Justice Adrian Saunders

- Special Sitting in his Honour in St. Vincent and the Grenadines
- Special Sitting in his Honour at the CCJ in Trinidad and Tobago

# Communications and Information Department

**Ms. Charmaine Wright**  
Communications and Information Manager



**The four Units that comprise the Communications and Information Department: Information Systems, Protocol and Information, Public Education and Communication and Library Services enjoyed a year filled with interesting projects and increased activities.**

In addition, the work of the Departments saw a sharp increase as we supported one President leaving and the assumption to office of the 3rd President of the Court. The Department also marked the end of an era with the departure of the Chief of Protocol and Information Manager, Dr. Michael Anthony Lilla. Dr. Lilla had been with the Court since inception and was instrumental in the development of the CCJ.

The Department welcomed two new members, Lt. Col. Sharon Alfonso-Farrell, Chief Protocol and Information Officer, and Ms. Danielle McConney, Communications and Information Assistant.

## Information Systems

Much of the year was dedicated to project management of the human resources management systems that will automate many of the processes that the HR Department is tasked with doing. This will have several advantages including reducing the amount of paper used in the Court, minimizing the number of people needed for the approval process and increasing the level of accuracy of information. The system has been rolled out to the staff of the organisation to a high level of approval. The Unit also finished a server upgrade project that completed a multi-year upgrade of the Court's technology backbone.

Migrating the payroll function, to existing software that

the Court already uses, is the outstanding component of the project. The IS Unit intends to complete this by the 1st quarter of 2019. There will also be some upgrades to the technology in the courtrooms to enrich the livestreaming experience.

## Library Services

The team from Library Services is completing the Records Management framework for the organisation. The inaugural meeting of the guiding committee began a comprehensive review of the materials and approved the way forward for the project. The Unit is now working with individual units to refine their file plans, and is working with the Information Systems team on a pilot of the shared work spaces.

The Unit also continued to support the judicial staff, attorneys, researchers, and representatives from judiciaries around the region with materials from the Library's physical and digital collections. The Unit also contributed to the staging of the events that marked the end of the tenure of the 2nd President and the assumption of the CCJ's 3rd President.

## Protocol and Information

**The Unit benefitted from a comprehensive review of its policies and procedures as Lt. Col. Sharon Alfonso-Farrell began to refine the Court's airport facilitation procedures.** After weeks of meetings with stakeholders, a new procedure has been developed and was successfully tested. The Chief Protocol and Information Officer also spearheaded a joint training session to ensure that all parties were fully apprised of the new procedures. The new procedures now provide a greater level of safety and comfort to our judicial officers.



## Communications and Information Department Continued

The Unit also played a key role in the Special Sitting at the Court to mark the elevation of the Hon. Mr. Justice Adrian Saunders to CCJ President. The Unit was charged with ensuring that appropriate protocol arrangements were in place for the dignitaries gathered for the events. The Protocol and Information Unit also provides educational tours for stakeholder groups; these continued during the year.

In the 2019/2020 judicial period, the Unit will restart the CCJ Matters, an email newsletter that was used to share information about the Court, upgrade the quality of tours and will also host an Open Week to increase knowledge about the CCJ.

### Public Education and Information

The Unit focused on the development of the content on social media platforms and audience engagement this year. The focus on social media has resulted in a dramatic increase in the number of followers, which determines the reach of the information that is disseminated. Notably, the followers on the CCJ's

Twitter account have surged. In August, there were 1,368 followers in the CCJ's twitter account, @caribbeancourt, this increased to 2,001 followers by the end of July and continues to grow. Not only has the audience grown, but the Unit has also begun introducing new formats for content, including the addition of videos to posts and the live-tweeting of events.

The Unit has supported the communication of the livestreaming of the Court hearings, and judgment deliveries, from Courtroom 1 for over a year. In May, over 1,500 people watched the stream of the Ventose matter. While not all the broadcasts have such a robust audience, this is another way people are educated on the work of the Court and can prove as a resource for law students and other interested persons. In the upcoming judicial year, the Unit intends to embark upon a public education campaign it has conceptualised, upgrade the website and continue to implement strategies to increase the Court's social media content and presence.



Ms. Amanda Ramsaran (left), Information Systems Analyst of the CCJ, gave an overview of the HRIS system. Ms. Dionne Stephens, Executive Assistant in the Human Resources Department, was also a key part of the implementation team.

# Finance and Administration Department

**Ms. Andrea Callender**  
Finance and Administration Manager



## Finance and Accounting Unit

The Finance and Accounting Unit manages the CCJ's financial reporting, payroll, administration of benefits, payments and communicates with external audit partners, suppliers, banks and other institutions to ensure the Court operates efficiently and effectively.

During this judicial year, the Finance Unit continued to provide timely and accurate financial information to key stakeholders, protecting the Court's physical and intangible assets and ensuring the Court's compliance with applicable accounting policies and principles. Over the year, the Unit embarked on the establishment of the automated payroll system that will work with the Human Resources Information System. Additionally, policies were documented for continuity and standardisation of work. A review of the records held in the Unit's vault was also undertaken to ensure they were being held in an appropriate manner and to ensure that they are compliant with the records management framework, which is being implemented, as well as, established standards.

## Facilities, Office and Asset Management Unit

All the staff of the Facilities, Asset and Office Management Unit were placed together on the first floor during this period to create greater synergy and productivity among the members of the Unit. With resources of the Unit closer linked, several enhancement projects were undertaken during the 2017/18 judicial year.

These include a number of office renovations to create appropriate working spaces for the CCJ's staff, the

creation of a judges' deliberation room, increased office space for the JURIST Project and the repainting of walls in the common areas. The Unit also worked on projects to ensure the safety of the Court and those who work and visit the building, including working towards safety certification of the building. Additional smoke and heat detectors were installed throughout the building, security bars installed on windows and the Court's safety signage was increased in line with accepted guidelines. The electrical installation and electrical components of the building were also inspected and certified.

The Unit also worked to ensure the seamless transition of the outgoing and incoming Presidents of the Court. These included renovation on both residences, repairs to the official vehicle of the President and refurbishing the President's chambers.



**Mr. Leon Gittens (left) of the Facilities, Office and Asset Management Unit receives a prize for being one of the employees who is an unsung hero.**

# Security and Logistics Department

**Mr. Maurice Piggott**  
Security and Logistics Manager



Consistent with the Department's philosophy of the need to continuously strengthen existing systems and to seek to develop sustainable contemporary models, the Security and Logistics Department embarked on a series of initiatives during the period under review. Creating a safe and secure environment for the members of staff and users of the Court continues to be of paramount importance. Access to the Court's premises, although controlled, must also engender a feeling of safety.

To this end, an upgrade of the access controls within the Court was undertaken during the period to ensure that there is an accurate account of the number of people in the building at all times. To complement recent upgrades in the Court's access control systems, arrangements are being finalised for the procurement process for the acquisition of a new baggage scanner for screening packages brought into the Court and to assist in mitigating the entry of unauthorised or potentially harmful items.

The recent change in the leadership of the organisation brought with it the urgent need to realign the security infrastructure to facilitate the personal and residential protection of the President. This required the deployment of security officers and surveillance equipment at his residence.

Being cognisant of the demands placed on the Unit by the dynamic environment which exists, the identification of appropriate training and developmental programmes will be a focus for the upcoming period. Additionally, the Unit will be undertaking the installation of a state-of-the-art centralised alarm system. Once triggered by a smoke or heat detector in the building or manually activated in an emergency, all doors will be automatically unlocked allowing ingress and egress to comply with Occupational Health and Safety regulations in Trinidad and Tobago.



CCJ's Mr. Keith Gordon and Mr. Mahendra Bethune of the Jurist Project enjoy a sweet treat during the CCJ's annual Carnival celebration. The event offers an opportunity for integration with the surrounding community and to build staff camaraderie.



# Human Resources

**Ms. Susan Campbell-Nicholas**  
Human Resources Manager



During the period under review, the Human Resources Department worked assiduously to build its capacity to provide its services at an improved standard. The HR Team, in collaboration with the IS Unit, completed the project for the development and implementation of a Human Resources Information System (HRIS) comprising a human resources management module, an employee self-service portal and an integrated time and attendance system. These systems give leaders and employees greater access to employee information and human resources services.

The objectives of these projects, as stated in the 2016/17 Annual Report, were achieved in terms of significant reduction in the the amount of paper used, improved response time to requests for services, more readily available and easily retrievable data for timely and informed decision making and affording the HR team greater time to be strategic in supporting the Court in the achievement of its business goals.

## Staffing

The capabilities of the Court were enhanced by the filling of the following positions:

<b>Names</b>	<b>Position Title</b>	<b>Effective Date</b>
Ms. Amanda Ramsaran	Information Systems Analyst	2 August 2017
Lt. Col. Sharon-Anne Alfonso-Farrell (Ret.)	Chief Protocol & Information Officer	18 September 2017
Ms. Danielle McConney	Communications & Information Assistant	1 May 2018
Ms. Kavita Deochan	Judicial Assistant	2 July 2018
The Honourable Mr. Justice Adrian Saunders	President	4 July 2018

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

<b>Name</b>	<b>Position Title</b>	<b>Reason</b>	<b>Effective Date</b>
Dr. Michael Lilla	Protocol & Information Manager	End of Contract	30 September 2017
The Right Honourable Sir Dennis Byron	President	Retired	3 July 2018
Ms. Kerine Dobson	Judicial Assistant	End of Contract	19 July 2018

## Human Resources Continued

### Training and Development

Interventions were conducted as the Court continued to build the capabilities of the staff. In October 2017, two supervisors participated in a ten-week Supervisory Development Programme. In November 2017, the Chief Protocol and Information Officer conducted a workshop on Airport Protocol Services for 17 members of staff. From April 2018, all judges and employees were trained on how to use the employee self-service portal of the HRIS System. With the support of the Trinidad and Tobago Police Service, information

sessions on 'Introduction to Terrorism' and 'Introduction to Building Security' were held for 26 members of staff from the Court's Security and Logistics Department.

In collaboration with the regional law schools, the CCJ, under the leadership of the Honourable Mr. Justice David Hayton, Chair of the CCJ's Intern Committee, continued to afford students an in-service internship for three weeks. Six law students interned at the CCJ between May - July 2018, an increase from the previous year when only four students were placed.



Part of the thrust of this year's employee engagement was an increased amount of meetings to share information on what is happening in the Court and also to listen to the concerns of employees.

# Community Engagement

## Hurricane Relief



In September of 2017, Hurricane Maria swept through the Caribbean wreaking havoc on several islands. As an organisation dedicated to serving the people of this region, there was a strong desire among the judges and staff of the Court to collect and donate hurricane relief items to those in need. As such, a joint effort was developed to collect funds, food, toiletries and clothing from the judges and staff to send to those in need. Funds were donated directly to the Eastern Caribbean Supreme Court for distribution to the judiciary in Dominica and any other judiciaries that needed assistance. The CCJ partnered with a Trinidadian charity, 'Is There Not a Cause?', to distribute the rest of the donations.



Saddened by the effects of Hurricane Irma throughout the region, employees of the CCJ organized an internal collection drive for those affected by the Hurricane. The Court partnered for the second time with 'Is There Not a Cause?', a local non-profit organisation which coordinates relief initiatives throughout the Caribbean.



# CCJ Law Moot



The winning team of Mr. Jovan Bowes (left), Mr. Samuel Bailey (holding trophy) and Mr. Luke Cooke posed with their tutor, Ms. Tara Carnegie, after the team clinched the third victory for the Norman Manley Law School of Jamaica in the 10th Annual Caribbean Court of Justice International Law Moot Competition.

In its tenth incarnation, the Law Moot competition continues to serve a dual purpose – not only does it seek to familiarise law students with the Revised Treaty of Chaguaramas and the workings of the CCJ's Original Jurisdiction, but it also provides young jurists with an enviable opportunity to hone their talents and exposure to the registry procedures and valuable courtroom experience. This year's debate posed a hypothetical situation: a CARICOM state imposed a tax on imported sugar-sweetened beverages and a ban on advertisement of such beverages on TV and radio.

**After a fierce day of debate, the team from the Norman Manley Law School bested a field of outstanding students from seven other law faculties and law schools.** The team was advised by Ms. Tara Carnegie and comprised Mr. Samuel Bailey, Mr. Jovan Bowes and Mr. Luke Cooke. The University of the West

Indies, Mona Campus also won the prize for the Best Academic Institution.

**The CCJ Law Moot 2018 was sponsored by the Pan American Health Organisation (PAHO), an organisation whose mandate is to improve and protect people's health.** The Moot was heard by the Honourable Mr. Justice Jacob Wit and the Honourable Mr. Justice David Hayton, both of the Caribbean Court of Justice, and guest moot judge, Dr. Heidi Jiménez who holds the position of Legal Counsel of PAHO/World Health Organisation. Sir George Alleyne, Director Emeritus of PAHO, also attended the Moot with some of his colleagues.

As reiterated by the then President of the Caribbean Court of Justice, the Right Honourable Sir Dennis Byron, "the CCJ is currently poised to contribute to

## CCJ Law Moot Continued

positive change in the social order of our Caribbean societies by delivering justice which is accessible, efficient and reflective of our values and mores.”

A distinguished group of guests witnessed the proceedings including: the Honourable Mr. Justice Ivor Archie, Chief Justice of Trinidad and Tobago; the Honourable Mr. Justice Carl Singh, former Chancellor and Head of the Judiciary of Guyana; the Honourable Mme. Justice Lisa Ramsumair-Hinds, from the Judiciary of Trinidad and Tobago; Mme. Justice Desireé Bernard, former Judge of the CCJ; His Honour Anthony D.J. Gafoor, Chairman of the Tax Appeal Board; Dr. Kusha Haraksingh, Chairman of the CARICOM Competition Commission; and members of the diplomatic corps, jurists and academicians.



Dr. Heidi Jiménez (right), Legal Counsel of PAHO/World Health Organisation, joined the Judges of the CCJ, the Hon. Messrs. Justice Wit and Hayton on the panel.



The participants in the 10th Annual Caribbean Court of Justice Law Moot, enjoy a moment with the outgoing President of the Court, the Rt. Hon. Sir Dennis Byron, after the competition ended.



# Staff Activities & Celebrations



President Saunders shared his vision for the Court early in his tenure. The Hon. Mr. Justice Saunders has been a Judge at the CCJ since 2005.

As efforts to engage our employees and build staff relationships continued during this judicial year, several activities were planned with the aim of bringing staff together. In December, the Fun at Work Committee organised an end-of-year event for employees of the Caribbean Court of Justice, the Regional Judicial and Legal Services Commission and the JURIST Project. The Committee also organised a 'Pump Up your Office Space' competition which challenged Units to decorate their individual work areas for the holiday season.

In February of 2018, the Court hosted our traditional Carnival function for staff with a record number of attendees comprising staff, their guests and invitees from neighbouring organisations.

In April, the Court celebrated its 13th anniversary with a staff breakfast during which several employees were recognised for going above and beyond their daily duties with a short award ceremony.

Our biggest staff functions, however, centred around the departure of outgoing President, the Right

Honourable Sir Dennis Byron, and the welcome of incoming President, the Honourable Mr. Justice Adrian Saunders. In May 2018, the staff continued its tradition of bidding farewell to the Court's President by throwing a farewell function for Sir Dennis in recognition of his tenure here at the Court. During the festivities, he was presented with several tokens of appreciation from his fellow judges and the staff of the Court.

In terms of the installation of the new President, as the ceremony was conducted in Jamaica, staff came together to view the swearing-in via livestream at the offices of the Court. Additionally, on the President's first day in office in his new official post, he was greeted by an employee guard of honour, as well as, a flash mob. Later in the day, he personally hosted a celebration for the staff to commemorate his elevation to the office of President of the CCJ during which he shared his vision for the Court over the next seven years.



## Staff Activities and Celebrations Continued



Employees of the Court broke into a choreographed routine as a surprise for the new President of the Court. The welcome started from the parking lot and culminated in the foyer of his new office.



Mr. Tyrone Bailey, Judicial Assistant, proudly signals his Jamaican heritage during the breakfast hosted by the Jamaicans in the Court and the JURIST Project.



His Excellency David Prendergast (right), Jamaican High Commissioner to Trinidad and Tobago, visited the Court for the celebration of Jamaica Day in August and enjoyed a sumptuous meal prepared by the staff of the CCJ.

# Financial Year in Review

## Financial Summary of the Financial Year 2017

The Caribbean Court of Justice received the sum US\$7,501,910 for both recurrent and capital expenditure for the financial year 2017.

### Recurrent Expenditure

Approximately 96% of the annual allocation, which amounts to US\$6,904,305, was for recurrent expenditure. This represents an increase of 13% over 2016. This increase was largely related to the salary review evaluation exercise undertaken. The allocation for this year was utilised as follows relating largely related to staff cost and other administrative expenses.

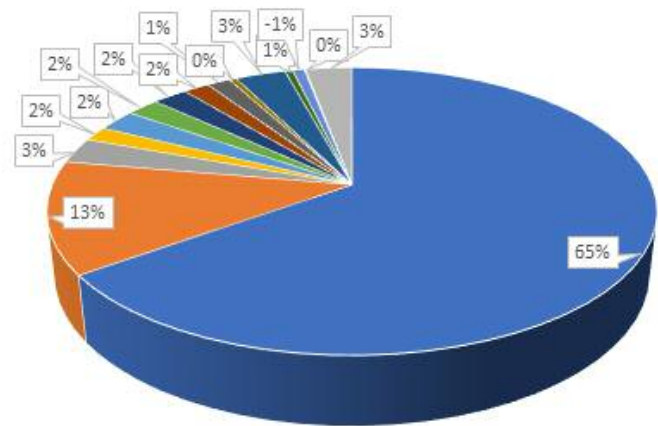
### Capital Expenditure

The Capital Expenditure for the year was 3.5% or US\$242,100 of the yearly allocation for the Court, the funds were used to purchase IT software and hardware, renovations and upgrades to internal space, library books and security equipment.

### Cash Flow

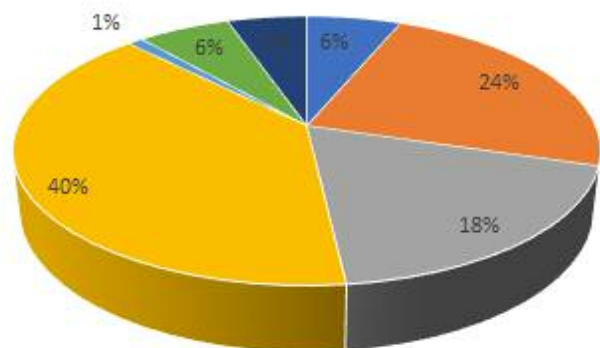
During 2017, the CCJ remained solvent and was able to meet its obligations as they fell due. The cash balance for 2017 was US\$717,905 which indicates a slight increase of 1.7% over 2016. Net cash flow from operations was US\$244,963 which showed increase from 2016 by 1%. Net cash flow from investing activities increased by 13%, in the amount of US\$241,613 over the amounts in 2016.

## CCJ Recurrent Expenditure 2017



- Salaries and allowances
- Pension cost and gratuities
- Depreciation
- Library materials
- Education and Training
- Telephone and Internet
- Repairs and Maintenance
- Other administrative expenses
- Janitorial expenses
- Entertainment
- Insurance expenses
- Public education
- Foreign exchange gain
- Bank charges
- Professional fees

## CCJ Capital Expenditure 2017



- COMPUTERS
- SOFTWARE
- SECURITY EQUIPMENT
- EQUIPMENT
- FURNITURE & FIXTURES
- LIBRARY BOOKS
- LEASEHOLD IMPROVEMENTS

# Caribbean Court of Justice



## Audited Financial Statements

As at 31 December 2017





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## Independent Auditors' Report

The Court President  
The Caribbean Court of Justice

### 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, 2017 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, 2017, 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 scepticism 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 exists, 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.



April 27, 2018

Port-of-Spain,  
Trinidad and Tobago

# The Caribbean Court of Justice

## Statement of Financial Position

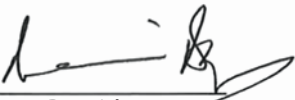
As at December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

	Notes	2017	2016
<b>Assets</b>			
<b>Non-current assets</b>			
Property, plant and equipment	3	2,905,708	2,647,034
Retirement benefits due from Trust Fund	4	86,929,859	65,182,614
<b>Total non-current assets</b>		<b>89,835,567</b>	<b>67,829,648</b>
<b>Current assets</b>			
Cash and cash equivalents		4,802,782	4,717,788
Other receivables	5	1,187,208	1,615,372
Due from related parties	7	1,139,932	1,811,410
<b>Total current assets</b>		<b>7,129,922</b>	<b>8,144,570</b>
<b>Total assets</b>		<b>\$96,965,489</b>	<b>\$75,974,218</b>
<b>Accumulated fund and Liabilities</b>			
Accumulated fund		9,383,944	9,793,849
<b>Non-current liability</b>			
Retirement benefit liability	6	86,929,859	65,182,614
<b>Current liabilities</b>			
Other payables	8	651,686	997,755
<b>Total current liabilities</b>		<b>651,686</b>	<b>997,755</b>
<b>Total accumulated fund and liabilities</b>		<b>\$96,965,489</b>	<b>\$75,974,218</b>

*See accompanying notes to the financial statements.*

These financial statements were approved for issue by the Court President and an RJLSC Commissioner on April 27, 2018 on behalf of the Caribbean Court of Justice.

  
 \_\_\_\_\_  
 Court President

  
 \_\_\_\_\_  
 Commissioner




## The Caribbean Court of Justice

# Statement of Comprehensive Income

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)



	Notes	2017	2016
Funding from the Trust Fund	9	50,187,779	44,465,445
Other income	10	288,495	269,231
		<b>50,476,274</b>	<b>44,734,676</b>
Administrative expenses	11	(46,189,797)	(40,071,774)
Surplus for the year		<b>4,286,475</b>	<b>4,662,902</b>
Other comprehensive loss			
Re-measurement of defined benefit pension plans		(4,696,380)	(2,859,297)
<b>Total comprehensive (deficit)/surplus for the year</b>		<b>\$(409,905)</b>	<b>\$1,803,605</b>

*See accompanying notes to the financial statements.*

# The Caribbean Court of Justice

## Statement of Changes in Accumulated Fund

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)



	<b>Accumulated Fund</b>
<b>Year Ended December 31, 2017</b>	
Balance at January 1, 2017	9,793,849
Total comprehensive deficit for the year	(409,905)
<b>Balance at December 31, 2017</b>	<b>\$9,383,944</b>
<b>Year Ended December 31, 2016</b>	
Balance at January 1, 2016	7,990,244
Total comprehensive surplus for the year	1,803,605
<b>Balance at December 31, 2016</b>	<b>\$9,793,849</b>

*See accompanying notes to the financial statements.*

## The Caribbean Court of Justice

# Statement of Cash Flows

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)



	2017	2016
<b>Cash Flows from Operating Activities</b>		
Total comprehensive (deficit)/surplus for the year	(409,905)	1,803,605
Adjustments to reconcile total comprehensive (deficit)/surplus for the year to net cash from operating activities		
Depreciation	1,360,981	1,146,036
Interest income	(3,260)	(3,881)
Gain on disposal of property, plant and equipment	-	(17,300)
Increase in retirement benefit due from Trust Fund	(21,747,245)	(11,953,814)
Decrease/(increase) in other receivables	428,164	(341,792)
Decrease in due from related parties	671,478	17,314
Increase in retirement benefit liability	21,747,245	11,953,814
Decrease in other payables	(346,069)	(983,310)
<b>Net cash generated from operating activities</b>	<b>1,701,389</b>	<b>1,620,672</b>
<b>Cash Flows from Investing Activities</b>		
Interest received	3,260	3,881
Acquisition of property, plant and equipment	(1,619,655)	(1,431,045)
Proceeds from disposal of property, plant & equipment	-	17,300
<b>Net cash used in investing activities</b>	<b>(1,616,395)</b>	<b>(1,409,864)</b>
Increase in cash and cash equivalents for the year	84,994	210,808
Cash and cash equivalents at January 1	4,717,788	4,506,980
<b>Cash and cash equivalents at December 31</b>	<b>\$4,802,782</b>	<b>\$4,717,788</b>

*See accompanying notes to the financial statements.*



# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(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, 2017 that were adopted and had a material impact on the Court.

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(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.

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017  
(Expressed in Trinidad and Tobago Dollars)

### 3. 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 (j)	Provisions
Note (m)	Employee benefits
Note (n)	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.



# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017  
(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (j) 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.

#### (k) 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.

#### (l) 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.

#### (m) 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.

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)



### 2. Significant accounting policies (continued)

#### (m) 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.

#### (n) 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.

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(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, 2017</i>								
<b>Cost or valuation</b>								
As at January 1, 2017	11,055,591	11,097,688	428,470	14,815,491	871,975	926,598	4,103,935	43,299,748
Additions	481,684	656,011	-	98,034	299,238	84,687	-	1,619,655
<b>As at December 31, 2017</b>	<b>11,537,275</b>	<b>11,753,699</b>	<b>428,470</b>	<b>14,913,525</b>	<b>1,171,213</b>	<b>1,011,286</b>	<b>4,103,935</b>	<b>44,919,403</b>
<b>Accumulated depreciation</b>								
As at January 1, 2017	10,134,747	10,550,536	417,678	14,557,320	844,729	489,971	3,657,733	40,652,714
Charge for the year	470,930	329,849	4,904	172,087	83,891	78,645	220,675	1,360,981
<b>As at December 31, 2017</b>	<b>10,605,677</b>	<b>10,880,385</b>	<b>422,582</b>	<b>14,729,407</b>	<b>928,620</b>	<b>568,616</b>	<b>3,878,408</b>	<b>42,013,695</b>
<b>Net book value</b>								
As at December 31, 2017	\$931,598	\$873,314	\$5,888	\$184,118	\$242,593	\$442,670	\$225,527	\$2,905,708

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(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
<b>Year ended December 31, 2016</b>								
<b>Cost or valuation</b>								
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)
<b>As at December 31, 2016</b>	<b>11,055,591</b>	<b>11,097,688</b>	<b>428,470</b>	<b>14,815,491</b>	<b>871,975</b>	<b>926,598</b>	<b>4,103,935</b>	<b>43,299,748</b>
<b>Accumulated depreciation</b>								
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)
<b>As at December 31, 2016</b>	<b>10,134,747</b>	<b>10,550,536</b>	<b>417,678</b>	<b>14,557,320</b>	<b>844,729</b>	<b>489,971</b>	<b>3,657,733</b>	<b>40,652,714</b>
<b>Net book value</b>								
As at December 31, 2016	\$920,844	\$547,152	\$10,792	\$258,171	\$27,246	\$436,627	\$446,202	\$2,647,034



# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)



### 4. Retirement benefits due from Trust Fund

	2017	2016
Retirement benefits due from Trust Fund	<u>\$86,929,859</u>	<u>\$65,182,614</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

	2017	2016
VAT recoverable	441,506	253,111
Due from Caribbean Academy for Law & Court Administration (CALCA)	247,282	305,767
Other assets	244,004	600,434
Employee advances	192,663	115,038
Due from Caribbean Association of Judicial Officers (CAJO)	45,452	46,080
Prepayment	16,301	294,942
	<u>\$1,187,208</u>	<u>\$1,615,372</u>

### 6. Retirement benefit liability

	2017	2016
Judges	68,565,810	49,743,748
Non-Judicial Staff	18,364,049	15,438,866
	<u>\$86,929,859</u>	<u>\$65,182,614</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.

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(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:

	2017	2016
Discount rate	3.5%	4.00%
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	2,254,530	1,710,234
Benefits paid	(2,254,530)	(1,710,234)
Actuarial (loss)/gain	-	-
<b>Fair value of plan assets at the end of year</b>	<b>\$ -</b>	<b>\$ -</b>
Present value of obligation at beginning of year	49,743,748	40,832,000
Foreign exchange loss on opening obligation	69,992	1,790,228
Interest cost	2,040,450	1,970,777
Current service cost - Employer's portion	2,247,840	2,391,655
Past service cost	12,797,970	2,024,222
Benefit payments	(2,254,530)	(1,710,234)
Actuarial loss on obligation	3,920,340	2,445,100
<b>Present value of obligation at end of year</b>	<b>\$68,565,810</b>	<b>\$49,743,748</b>
<b>Profit or loss</b>		
Service cost	15,045,810	4,415,877
Interest cost	2,040,450	1,970,777
	17,086,260	6,386,654
<b>Other comprehensive income</b>		
Net actuarial loss recognized	3,920,340	2,445,100
<b>Total expense</b>	<b>\$21,006,600</b>	<b>\$8,831,754</b>

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)

### 6. Retirement benefit liability (continued)

#### Judges Pension Arrangement (continued)

	2017	2016
Opening Liability	(49,743,748)	(40,832,000)
Foreign exchange loss on opening liability	(69,992)	(1,790,228)
Total expense	(21,006,600)	(8,831,754)
Contributions paid	2,254,530	1,710,234
<b>Closing liability</b>	<b><u>\$(68,565,810)</u></b>	<b><u>\$(49,743,748)</u></b>

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.

	2017	2016
Present value of the obligation	(68,565,810)	(49,743,748)
Fair value of plan assets	-	-
<b>Liability recognized in statement of financial position</b>	<b><u>\$(68,565,810)</u></b>	<b><u>\$(49,743,748)</u></b>

#### 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.

<b>Movement in Present Value of Defined Benefit Obligation</b>	<b>2017</b>	<b>2016</b>
Defined benefit obligation at start of year	15,438,866	12,396,800
Foreign exchange loss on opening liability	21,723	543,522
Current service cost	1,532,010	1,409,607
Interest cost	561,960	481,003
Contributions paid	776,040	627,976
Past service cost	(301,050)	(247,182)
Re-measurements		
- Experience adjustment	776,040	414,197
- Benefits paid	(441,540)	(187,057)
<b>Defined benefit obligation at end of year</b>	<b><u>\$18,364,049</u></b>	<b><u>\$15,438,866</u></b>

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(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:

	2017	2016
- Active members	83%	83%
- Pensioners	17%	17%

The weighted average duration of the defined obligation at the year-end was 3.5 years (2016: 4.1 years). 92% (2016: 95%) of the benefits accrued by active members were vested. 1% (2016: 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.

	2017	2016
<b>Expense recognised in profit and loss</b>		
Current service cost	1,532,010	1,409,607
Net interest on net defined benefit liability	561,960	481,003
Past service cost	(301,050)	(247,182)
<b>Net pension costs</b>	<b>\$1,792,920</b>	<b>\$1,643,428</b>
<b>Re-measurements recognised in other comprehensive income</b>		
Experience losses	776,040	414,197
<b>Total amount recognised in other comprehensive income</b>	<b>\$776,040</b>	<b>\$414,197</b>
Opening defined benefit liability (asset)	15,438,866	12,396,800
Foreign exchange loss on opening liability	21,723	543,522
Net pension cost	1,792,920	1,643,428
Re-measurements recognized in other comprehensive income	776,040	414,197
Employees salary deductions	776,040	627,976
Benefits paid by the Court	(441,540)	(187,057)
<b>Closing defined benefit liability</b>	<b>\$18,364,049</b>	<b>\$15,438,866</b>

##### Summary of principal assumptions as at December 31

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

	2017	2016
Life expectancy at age 65 for current pensioner in years:		
- Male	16.9	16.9
- Female	20.7	20.7



# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(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.

	2017	2016
	1% pa lower	1% pa lower
- Discount rate	\$568,650	\$674,741
- Salary increases	\$(120,420)	\$(120,251)

An increase of one year in the assumed life expectancies shown above would decrease the defined benefit obligation at December 31, 2017 by \$127,110 (2016: \$140,293).

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 \$508,440 in 2018.

### 7. Related Party Transactions

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

	2017	2016
a) Due from related parties:		
- The Commission	1,070,493	1,326,548
- JURIST Project	69,439	484,862
	<b>\$1,139,932</b>	<b>\$1,811,410</b>

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

	2017	2016
b) Trust Fund income received on behalf of and transferred to the Commission:	\$3,579,799	\$3,223,460
c) Expenses charged to the Commission	\$62,482	\$65,169

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017

(Expressed in Trinidad and Tobago Dollars)



### 7. Related Party Transactions (continued)

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

	2017	2016
<b>Key management compensation:</b>		
d) Salaries and other short-term benefits	\$5,649,003	\$5,596,518

### 8. Other payables

	2017	2016
Accounts payable	267,010	255,353
Accruals	208,785	128,556
Pension contributions due to Trust Fund	102,748	574,975
Miscellaneous liabilities	72,550	38,278
Deferred income	593	593
	<b>\$651,686</b>	<b>\$997,755</b>

### 9. Funding from the Trust Fund

	2017	2016
Funding received from the Trust Fund	43,698,479	39,962,720
Pension income receivable from the Trust Fund	6,489,300	4,502,725
	<b>\$50,187,779</b>	<b>\$44,465,445</b>

### 10. Other income

	2017	2016
CALCA registration fee income	234,633	192,787
Memorabilia sales	44,046	26,062
Miscellaneous income	6,556	29,201
Interest income	3,260	3,881
Gain on disposal of property, plant and equipment	-	17,300
	<b>\$288,495</b>	<b>\$269,231</b>

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017  
(Expressed in Trinidad and Tobago Dollars)



### 11. Administrative expenses

	2017	2016
Salaries and allowances	30,517,660	27,397,072
Pension cost and gratuities	5,916,289	4,751,895
Insurance expenses	1,491,783	1,470,481
Professional fees	1,380,588	336,927
Depreciation	1,360,981	1,146,036
Education and training	1,141,722	1,152,604
Repairs and maintenance	1,031,753	743,302
Telephone and internet	975,686	852,602
Other administrative expenses	775,278	902,143
Library materials	774,542	506,882
Janitorial expenses	693,511	696,559
Foreign exchange gain	(348,650)	(216,287)
Public education	228,803	186,157
Entertainment expenses	210,073	94,115
Bank charges	39,778	51,286
	<b>\$46,189,797</b>	<b>\$40,071,774</b>
Number of employees	86	87

### 12. 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.

	2017	2016
<b>Assets</b>		
Retirement benefit due from Trust Fund	86,929,859	65,182,614
Cash and cash equivalents	4,455,329	4,071,131
<b>Total Assets</b>	<b>\$91,385,188</b>	<b>\$69,253,745</b>
<b>Liabilities</b>		
Retirement benefit liability	86,929,859	65,182,614
<b>Total Liabilities</b>	<b>\$86,929,859</b>	<b>\$65,182,614</b>
<b>Net exposure</b>	<b>\$4,455,329</b>	<b>\$4,071,131</b>

# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017  
(Expressed in Trinidad and Tobago Dollars)

### 12. 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 (2016: 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	
	2017	2016
<i>Increased by 5%</i>	\$227,352	\$203,557
<i>Decreased by 5%</i>	\$(227,352)	\$(203,557)

#### 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, 2017	Less than three (3) months	Less than one (1) year	No stated maturity	Total
<b>Financial liabilities:</b>				
Other payables	651,686	-	-	651,686
<b>Total liabilities</b>	<b>\$651,686</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$651,686</b>



# The Caribbean Court of Justice

## Notes to the Financial Statements

For the year ended December 31, 2017  
 (Expressed in Trinidad and Tobago Dollars)



### 12. Financial Risk Management (continued)

#### Liquidity risk (continued)

	Less than three (3) months	Less than one (1) year	No stated maturity	Total
<b>At December 31, 2016</b>				
<b>Financial liabilities:</b>				
Other payables	997,755	-	-	997,755
<b>Total liabilities</b>	<b>\$997,755</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$997,755</b>

### 13. Subsequent Events

Management evaluated all events that occurred from January 1, 2018 through April 27, 2018, the date the financial statements were available to be issued. During the period, the Court did not have any subsequent events requiring recognition or disclosure in the financial statements.



## **The Caribbean Court of Justice**

Supplementary Financial Information  
*(Expressed in United States Dollars)*

For the year ended December 31, 2017



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## Independent Auditors' Report on the Supplementary Financial Information

To the Court President  
The Caribbean Court of Justice

We have audited the financial statements of the Caribbean Court of Justice for the year ended December 31, 2017, and have issued our report thereon dated April 27, 2018.

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.

April 27, 2018


*Port of Spain,  
Trinidad, West Indies*

# The Caribbean Court of Justice

## Statement of Financial Position

As at December 31, 2017

(Expressed in United States Dollars)



	2017	2016
<b>Assets</b>		
<b>Non-current assets</b>		
Property, plant and equipment	434,336	396,227
Retirement benefit due from Trust Fund	12,994,000	9,757,000
<b>Total non-current assets</b>	<b>13,428,336</b>	<b>10,153,227</b>
<b>Current assets</b>		
Cash and cash equivalents	717,905	706,192
Other receivables	177,460	241,800
Due from related parties	170,393	271,145
<b>Total current assets</b>	<b>1,065,758</b>	<b>1,219,137</b>
<b>Total assets</b>	<b>US\$14,494,094</b>	<b>US\$11,372,364</b>
<b>Accumulated Fund and Liabilities</b>		
Accumulated fund	1,402,682	1,466,013
<b>Non-current liability</b>		
Retirement benefit liability	12,994,000	9,757,000
<b>Current liabilities</b>		
Other payables	97,412	149,351
<b>Total current liabilities</b>	<b>97,412</b>	<b>149,351</b>
<b>Total accumulated fund and liabilities</b>	<b>US\$14,494,094</b>	<b>US\$11,372,364</b>

Translation rate used - US\$1.00: TT\$6.69 (2016: US\$1.00: TT\$6.68)



## The Caribbean Court of Justice

# Statement of Comprehensive Income

For the year ended December 31, 2017

(Expressed in United States Dollars)



	2017	2016
Funding from the Trust Fund	7,501,910	6,755,921
Other income	43,123	40,906
	<b>7,545,033</b>	<b>6,796,827</b>
Administrative expenses	(6,904,305)	(6,088,408)
Surplus for the year	<b>640,728</b>	<b>708,419</b>
Other comprehensive loss		
Re-measurement of defined benefit pension plans	(702,000)	(434,431)
<b>Total comprehensive (deficit)/surplus for the year</b>	<b>US\$(61,272)</b>	<b>US\$273,988</b>

Translation rate used - US\$1.00: TT\$6.69 (2016: US\$1.00: TT\$6.58)

## The Caribbean Court of Justice

# Statement of Changes in Accumulated Fund

For the year ended December 31, 2017

(Expressed in United States Dollars)



	<u>Accumulated Fund</u>
<b>Year Ended December 31, 2017</b>	
Balance at January 1, 2017	1,466,013
Foreign exchange loss on opening balance	(2,059)
Total comprehensive deficit for the year	(61,272)
<b>Balance at December 31, 2017</b>	<b>US\$1,402,682</b>
<b>Year Ended December 31, 2016</b>	
Balance at January 1, 2016	1,248,475
Foreign exchange loss on opening balance	(56,450)
Total comprehensive surplus for the year	273,988
<b>Balance at December 31, 2016</b>	<b>US\$1,466,013</b>

Translation rate used - US\$1.00: TT\$6.69 (2016: US\$1.00: TT\$6.68)

# Notes




# Notes








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 Caribbean Court of Justice

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