



The Caribbean Court of Justice

# ANNUAL REPORT

2018 - 2019

**UNLOCKING POTENTIAL**  
ADVANCING THE RULE OF LAW IN THE REGION





## About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders.

The CCJ has an original and an appellate jurisdiction and is effectively, therefore, two courts in one. In its original jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its original jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's original jurisdiction to protect their rights under the RTC.

In its appellate jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica and Guyana. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal.

The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

## Annual Report

For the period under review, the court year of

August 1st

2018

to

July 31st

2019

The Caribbean Court of Justice (CCJ) has an obligation to account for its performance to the people of the Caribbean Community (CARICOM). The CCJ shall no later than 1st November in every year, submit to its stakeholders, an Annual Report of its work and operations during the previous year.

“

If I had to sum up our principal responsibility in this age, I would say that it is to maintain and enhance the rule of law. To my mind that is an essential platform for achieving and maximising social and economic progress.

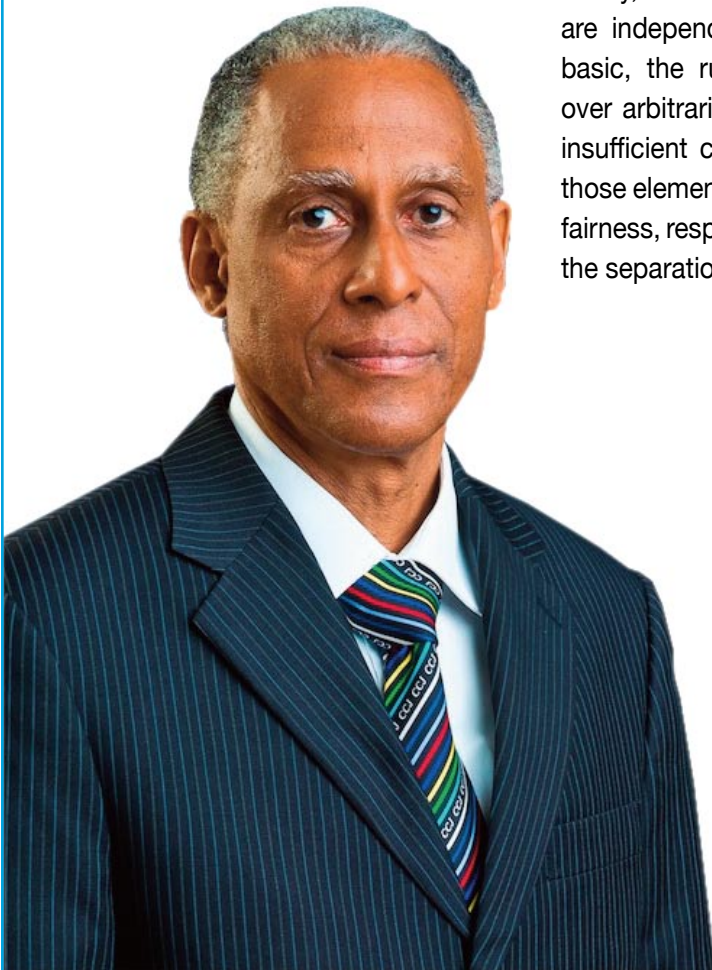
But what exactly do we mean when we speak of the rule of law?

What are the elements that comprise this precious principle?

In my view, the rule of law means a lot more than its most basic ingredients. Those basic ingredients have usually been listed as firstly, the making of laws in a public manner with the laws being accessible to the population; secondly, the laws made should take effect generally in the future; and thirdly, the laws must be publicly administered by courts that are independent and impartial. In other words, at its most basic, the rule of law signifies the sovereignty of the law over arbitrariness. But while essential, that is, in my view, an insufficient characterisation of the rule of law. In addition to those elements, the rule of law also implies legal accountability, fairness, respect for minorities, the observance of human rights, the separation of the powers and equality before the law.

”

*“The Rule of Law in the Caribbean Presentation” by  
The Honourable Mr Justice Adrian Saunders  
Judge of the Caribbean Court of Justice  
St Kitts, 9 March 2017*





## Mission

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



## Vision

To be a model of judicial excellence.



## Values

### Excellence

Demonstrate the highest quality of service and performance.

### Courtesy and Consideration

Demonstrate care and respect for all.

### Industry

Be diligent, go above and beyond.

### Integrity

Be honest, do right, stand firm.



## List of Abbreviations

AJ	Appellate Jurisdiction
CAL	Caribbean Academy for Law
CAJO	Caribbean Association of Judicial Officers
CARICOM	Caribbean Community
CCAT	Caribbean Community Administrative Tribunal
CCJ/The Court	Caribbean Court of Justice
CSME	Caribbean Single Market and Economy
JCCJ	Judge, Caribbean Court of Justice
JURIST	Judicial Reform and Institutional Strengthening Project
MAP	Management Action Plans
OJ	Original Jurisdiction
RJLSC	Regional Judicial and Legal Services Commission
RTC	Revised Treaty of Chaguaramas
SPC	Strategic Planning Committee
Trust Fund	Caribbean Court of Justice Trust Fund



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## Introduction

### Message from the President

In 2019, the CCJ unveiled its second Strategic Plan. This Plan, which has the theme ‘Unlocking Potential – Strengthening Caribbean Jurisprudence’, encapsulates the five-year vision of the Court. The theme speaks to empowering court staff, building our capacity for the effective management of an increased caseload and assisting the judicial systems in the region as they work on their own path to excellence. The CCJ’s Strategic Plan 2019-2024 is posted on the Court’s website and will guide the Court over the next five years.



*The Honourable Mr Justice Adrian Saunders  
President of the Caribbean Court of Justice*

In July 2019, one of our judges who had been with the Court since its inception, The Honourable Mr Justice Hayton, retired. Mr Justice Hayton is a powerhouse – brilliant, efficient and a pleasure to work with. His presence on the Court will be greatly missed. The Court has, however, welcomed two outstanding judges to its Bench, The Honourable Mr Justice Andrew Burgess and The Honourable Mr Justice Peter Jamadar. Mr Justice Burgess, from Barbados, filled the vacancy created by my assumption of the Presidency after the retirement last year of The Right Honourable Sir Dennis Byron. Mr Justice Jamadar, from Trinidad and Tobago, was appointed as a result of Mr Justice Hayton’s retirement.

Our two new judges have already begun to make their mark on the Court. Mr Justice Burgess joined us in February 2019 and Mr Justice Jamadar in July 2019. The Court underwent other staff changes during the period under review. Three members of the senior leadership are no longer with us, namely our former Security and Logistics Manager, Mr Maurice Piggott, our former Deputy Registrar and Marshal, Ms Meisha-Ann Kelly, and our former Communications and Information Manager, Ms Charmaine Wright. Other departures from our staff complement during the period included: Ms Feli Renwick-Risbrooke, Mr Tyrone Bailey, Ms Latoya McDowald, Mr Richard Layne and Ms Dionne Stevens. I wish them all well and thank them profusely for their service to the Court.



*Message from the President (continued)*

In the last Annual Report, I noted that the Court would be paying attention to expanding our public outreach. We have increased our social media presence, adding YouTube as a platform for livestreaming our proceedings and, in April 2019, we made improvements to the website, [www.ccj.org](http://www.ccj.org), so as to bring it more in line with what is expected of a forward-thinking court.

The JURIST Project has been doing exceptionally good work. This year, JURIST established a Model Sexual Offences Court in Antigua and Barbuda, a proud moment indeed for all. Model Guidelines for the treatment of sexual offences have also been presented by JURIST to judiciaries around the region and these have been in use in some countries, such as Trinidad and Tobago and Guyana.

Every effort is continually being made to examine and re-examine our processes and procedures; to find ways

to increase our efficiency and effectiveness. To this end, under Mr Justice Wit's leadership the Court's Rules Committee engaged in our periodic revision of our court procedural rules in both the appellate and the original jurisdictions. This exercise yielded new rules that have taken account of international best practices and the experiences gained by the court over the years.

The judicial year ahead will be a busy one for the CCJ. We do not take lightly the trust that is placed in us. While we are proud of the work that has been done in the year just past, we are striving to ensure that there is continuous improvement in all areas of the CCJ. In this regard, all the Units of the Court have begun using the Strategic Plan as a roadmap to enhance their operations and so respond to the mandate to serve justice in the region. I thank you all most sincerely for taking the time to review the work of the Court that is detailed throughout this Report.



*In June 2019, the Court hosted a high-level delegation of representatives to facilitate the Sierra Leone South Knowledge Exchange to the Caribbean.*

## Report from the Registrar and Chief Marshal



*Ms Jacqueline Graham Registrar and Chief Marshal*

Under the direction of the new President, the Honourable Mr Justice Adrian Saunders, the Court took on a different vibrancy. The theme of this year's Annual Report: Unlocking Potential, is a theme from the Court's Strategic Plan 2019-2024 "Unlocking Potential: Strengthening Caribbean Jurisprudence" and it is testament to the climate that now permeates the Court.

The Strategic Plan establishes the shared vision and strategies by which the Court will seek to maintain itself as a model of judicial excellence by providing a fair and responsive system of justice while protecting rights and liberties, upholding and interpreting the law, and ensuring equal access to court services that are cost-effective, timely and sensitive to the needs of the Caribbean people.

During the period under review, the President, Judges and Staff of the Court were engaged in a plethora of meetings,

discussions, seminars and training opportunities to enable those employed by the Court to make full use of their abilities as they embrace, support and execute the requirements of the new Strategic Plan.

More critical than the articulation of the Court's Strategic Plan is its integration into the Court's operations and management and a long-term commitment involving the alignment of people, functions and systems to the strategic agenda and the values of excellence, courtesy and consideration, industry and integrity.

The Honourable Mr Justice Adrian Saunders, President of the Court and Chairman of the Strategic Planning Committee, initiated our Strategic Plan period urging us all to embrace the core values of the plan within the context of workplace civility. The Court President encouraged the staff to ensure that civility plays a key role in our interactions amongst ourselves internally and with

*Report from the Registrar and Chief Marshal (continued)*

our external stakeholders. Court operations are therefore intentionally taking on this tone which also now form part of employees' performance assessment.

In conformity with the plan, the Court is proceeding with a monitoring and evaluation framework for the Strategic Plan, to ensure effectiveness in its execution. The Court's activities include the development of the Management Action Plans (MAPs) for all Units, a Skills Gap Analysis, a review of Policies and Procedures and a Performance Appraisal System that is congruent with the new strategic management ideals of the Court.

Against the background of advancing its strategic agenda, during the period under review there was action on several projects. CCJ, the JURIST Project and UN Women conducted gender sensitisation training under the banner "Gender Equality and Access to Justice". The 5th Biennial Conference for the CCJ Academy of Law was 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?"

In its core function of justice delivery during the last year, under the Appellate Jurisdiction 37 matters were filed. Under the Original Jurisdiction there were ten matters filed. There were 47 hearings in the Appellate and 39 in the Original Jurisdiction. Thirty matters were disposed in the period under review in the Appellate Jurisdiction and the Original Jurisdiction.

This period of the Court's growth has been further buttressed by the stewardship and guidance of the President of the Court, who has actively worked alongside the other Judges, management and staff of the Court to meet, and in some cases exceed, our goals.

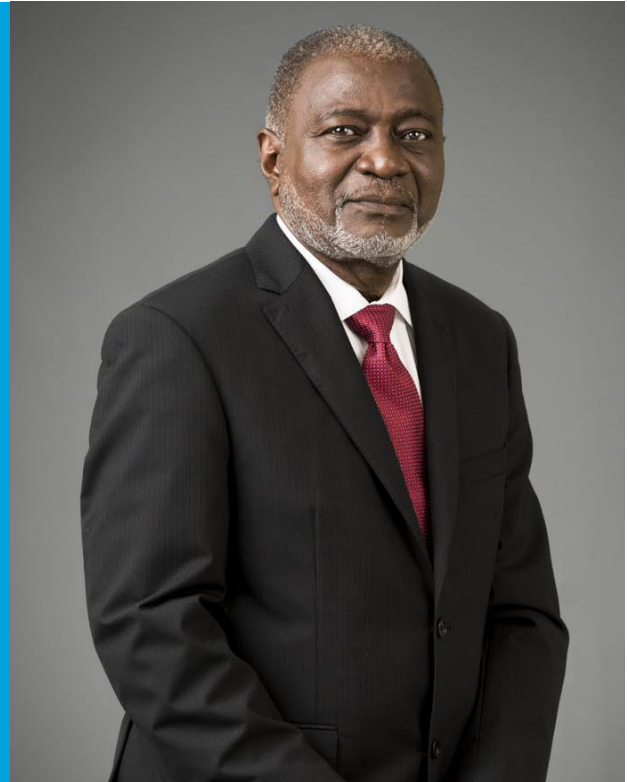
I invite all persons to read through these pages, stay close to the Court's website and come into our doors whenever you are in Port of Spain, to see your Court in action.



*The senior management team of the Caribbean Court of Justice.*

## Welcome and Farewell

### Welcome to The Honourable Mr Justice Andrew Burgess



*The Honourable Mr Justice Andrew Burgess*

The Hon. Mr Justice Andrew Burgess, formerly a Justice of Appeal of the Barbados' Court of Appeal, became a Judge of the CCJ in a dignified ceremony at Government House in Barbados on Friday, 18 January 2019. Mr Justice Burgess was sworn in by Her Excellency, Dame Sandra Mason, GCMG, DA, QC, the Governor-General of Barbados. The President of the CCJ, the Hon. Mr Justice Adrian Saunders, also gave remarks welcoming the newest CCJ Judge to the Bench.

Mr Justice Saunders, speaking of Mr Justice Burgess' appointment, noted that over his eight-year tenure at the Barbados Court of Appeal "I have always been impressed by Andrew's breadth of knowledge, by the high quality of his writing skills and by his attention to detail. He will be a most welcome addition to the CCJ Bench as he brings

with him a tremendous amount of experience both as an eminent member of the academic community and as an appellate judge."

In his remarks to the gathering, Mr Justice Burgess stated that "I am aware that the CCJ is perhaps the most important post-independence regional initiative. In my view, the CCJ has so far established itself as an exemplary Caribbean institution. I am also aware that to protect and build upon this is not for the faint-hearted". He added that he will also rely upon the support of his family and extended network to ensure that he undertakes the demands with diligence.

Mr Justice Burgess became a Court of Appeal Judge in 2010 in Barbados. He was previously a Dean of the

*Welcome to The Honourable Mr Justice Andrew Burgess (continued)*

Faculty of Law at The University of the West Indies, Cave Hill campus and a Professor of Corporate and Commercial Law. He has also had a distinguished career internationally as a judge of the Inter-American Development Bank's Administrative Tribunal in Washington D.C. Mr Justice Burgess was the body's Vice-President in 2007 and 2009 and served as President from 2009-2010. He is also a judge on the World Bank Administrative Tribunal, having been appointed in 2013. In 2017, he was elected by his fellow Judges to be the Vice President of the tribunal.

Mr Justice Burgess' appointment filled the vacancy left by the elevation of the CCJ's President to that post in July 2018.



*The Honourable Mr Justice Andrew Burgess takes his oath as a CCJ Judge before Governor General, Her Excellency Dame Sandra Mason, GCMG, DA, QC.*



*The Honourable Mr Justice Andrew Burgess (right), signs the book acknowledging that he is now a Judge of the CCJ in the presence of Governor General, Her Excellency Dame Sandra Mason, GCMG, DA, QC, of Barbados (left) and her Private Secretary, Ms Sandra Watkins (standing).*

## Welcome to The Honourable Mr Justice Peter Jamadar



*The Honourable Mr Justice Peter Jamadar*

The CCJ welcomed to its Bench its newest judge, the Honourable Mr Justice Peter Jamadar, on Thursday, 4 July 2019. After being sworn in at a Port of Spain ceremony by Her Excellency, Ms Paula Mae-Weekes, President of Trinidad and Tobago, Mr Justice Jamadar stated, “today I take up a seat on the CCJ. I am both proud and humbled. For any Caribbean jurist or legal practitioner, one of the pinnacle achievements must be to sit as a judge of the CCJ. It is at once an office of great status and of even greater service.”

President of the CCJ, the Honourable Mr Justice Adrian Saunders, noted during the ceremony that Mr Justice Jamadar’s appointment marked the culmination of a competitive process, conducted by the RJLSC. Mr Justice Saunders pointed out that “the Commission did

not only consider the respective qualifications, experience and skillsets of the applicants. As mandated by the Agreement Establishing the CCJ, the Commission was also obliged to consider the applicants’ moral character, their intellectual and analytical ability, the soundness of their judgment, their integrity, and their understanding of people and society.” He also welcomed Mr Justice Jamadar remarking that “his judgments are erudite and well-reasoned. They demonstrate a high intellect, a deep understanding of Caribbean society, and an abiding sense of fairness. Unsurprisingly, several of these judgments have been cited with approval by judges of both the CCJ and the Judicial Committee of the Privy Council.”

Mr Justice Jamadar previously served as a Judge of the Appeal Court of Trinidad and Tobago. He is the Vice

*Welcome to The Honourable Mr Justice Peter Jamadar (continued)*

President (Programming) and a Faculty member of the Commonwealth Judicial Education Institute and current Chairman of the Caribbean Association of Judicial Officers (CAJO). He is also a certified Transpersonal Psychologist and a certified Mediator. He has written two books and numerous articles and authored various publications relating to law.

Mr Justice Jamadar officially assumed office on 15 July 2019. He succeeded the Honourable Mr Justice David Hayton who retired from the Court after 14 years of service.



*The Honourable Mr Justice Peter Jamadar takes the oath of office as he is sworn in as Judge of the Caribbean Court of Justice. Alongside him is Ms Cheryl-Ann Jackman-Waldron, Secretary to Her Excellency, The President of Trinidad and Tobago.*



*A Special Sitting was held by the Judiciary of Trinidad and Tobago in honour of The Honourable Mr Justice Peter Jamadar.*

## Farewell to The Honourable Mr Justice David Hayton



*The Honourable Mr Justice David Hayton*

To mark the retirement of the Honourable Mr Justice Hayton from the Court in July, the CCJ convened a Ceremonial Sitting on 17 May 2019.

The guest of honour noted that “It is, of course, a very privileged position to be on the CCJ Bench to serve Caribbean peoples, whether pursuant to the Court’s central Original Jurisdiction role, to flesh out and to police the skeleton structure of the Revised Treaty of Chaguaramas or, pursuant to the Court’s extensive role in the Appellate Jurisdiction, to develop the domestic laws of CARICOM member states as most appropriate to the circumstances of those states. Both Jurisdictions should contribute to developing the wealth and happiness of Caribbean peoples under the rule of law promoted in the constitutions of CARICOM states.”

The Ceremonial Sitting was presided over by the CCJ President, the Honourable Mr Justice Adrian Saunders. Tributes were delivered by international and regional

contributors serving as judges, attorneys, academics and members of the CCJ staff. Described by many of the presenters as an “intellectual giant”, Mr Justice Saunders also noted that, “Mr Justice Hayton’s dedication to legal scholarship and his in-depth knowledge in these areas made him a jurist of international repute.” It was Mr Justice Hayton who successfully spearheaded the project to publish and edit the Court’s first publication, *The Caribbean Court of Justice: The First Ten Years*.

The sentiments expressed above were echoed in several other presentations throughout the event as Mr Justice Hayton was lauded for his many contributions to the study of law particularly in the area of trusts and his work as a CCJ judge in promoting the rule of law in the Caribbean. The Rt. Hon. Lady Mary Arden of Heswall, DBE, Justice of the Supreme Court of the UK, noted that Mr Justice Hayton served as “author or editor for 15 books on issues of trust, properties, succession and tax laws” and described him as “the world’s expert on cross border



*Farewell to The Honourable Mr Justice David Hayton (continued)*

issues relating to trust.”

Professor Rose-Marie Belle Antoine, Dean of the Faculty of Law at the University of the West Indies, St Augustine noted that when Mr Justice Hayton was appointed in 2005 at the inception of the Court, he “was no token foreign judge. Hayton came to us at the very top of his field, having been promoted to the rank of Professor at King’s College, a rank reserved for the heights of academic excellence in the UK, as in the West Indies, and with an international consultancy base, practice and the leading author on domestic trust law.”

Additional submissions were made by The Hon. Mr Justice Paul Matthews, King’s College London & Co-editor of Underhill & Hayton: Law of Trusts and Trustees; Dr David Berry, Dean of the Faculty of Law, University of the West

Indies, Cave Hill Campus & University Dean of Law; Dr Peter Maynard, Attorney at Law, Peter D. Maynard Counsel & Attorneys; Ms Jacqueline Graham, Registrar and Chief Marshal of the CCJ; Mr Elton Prescott, SC, Commissioner of the Regional Judicial and Legal Services Commission and Mr Oscar Peters, Driver/Usher of the Caribbean Court of Justice.

Later that same day, the Court also held an internal celebration in honour of Mr Justice Hayton, celebrating his love for cricket and Caribbean culture. This event was marked with various personalised presentations from CCJ staff to Mr Justice Hayton and his immediate family with jubilant dancing and much laughter, all for which Mr Justice Hayton was known and which will be fondly remembered.



*A cross-section of the audience at the Special Sitting to mark the retirement of The Honourable Mr Justice David Hayton.*



*The Honourable Mr Justice David Hayton gives his response to the rapt audience.*



*A delighted The Honourable Mr Justice David Hayton with his personalised gift from the Staff of the CCJ.*

## Promoting the Rule of Law

### The Bench of the Caribbean Court of Justice



*From left to right:  
Back row standing: The Honourable Mr Justice Peter Jamadar, The Honourable Mr Justice Andrew Burgess,  
The Honourable Mr Justice Denys Barrow, The Honourable Mme Justice Maureen Rajnauth-Lee  
Sitting: The Honourable Mr Justice Jacob Wit, The Honourable Mr Justice Adrian Saunders (CCJ President),  
The Honourable Mr Justice Winston Anderson*

## The Strategic Plan 2019-2024 – From Planning to Implementation



*CCJ Judges, Commissioners and Staff Members*

Under the theme ***Unlocking Potential – Strengthening Caribbean Jurisprudence***, the Caribbean Court of Justice Strategic Plan 2019 to 2024 was revealed to its stakeholders in the first quarter of 2019. The process of developing the Strategic Plan was undergirded always by the notion of how do we best support what has been identified as our principal responsibility; to maintain and enhance the rule of law in the region. Charging this perspective is the Court's new strategic agenda supported by new mission, vision and value statements, and six Strategic Issue Areas:

1. **Communication**
2. **Independence and Accountability**
3. **High-Performance Environment**
4. **Equality, Fairness, Integrity and Promoting the Rule of Law**
5. **Organisational Capacity for Caseload Growth**
6. **Enhanced Regional Justice System Capacity and Performance**

Contained within these Areas are statements of intended performance as represented in 13 goals and 41 strategies. All of these are contemplated as contributing to the overarching themes of Access to Justice; Trust and Confidence; Organisational Alignment; Efficiency and Effectiveness; and Gender Equality.

The Strategic Plan is the culmination of a carefully crafted process that mirrored the traditional model of strategic planning, but tailored to be neither strictly 'top-down' nor 'bottom-up' in its approach. The experiences garnered from the Court's first Strategic Planning exercise in 2011 informed consistent consultation with, and participation of, the CCJ's internal and external stakeholders at each stage of activities.

*The Strategic Plan 2019-2024 – From Planning to Implementation (continued)*

This process-shift resulted in improved communication between the project team and stakeholders, greater support from staff and an increase in the willingness of staff to contribute to the development of the Court's strategic outlook. The Court proudly reports that this Strategic Plan has incorporated the considerations, input, ideas and strategies put forward by the Court's judges, staff and its regional interlocutors for the Court's future growth and development. It provides a solid basis for accountability, as persons are more keenly interested in the Court's results as evidenced by its performance.

The Plan itself is but one deliverable of a broader project, which also required: the development of mechanisms to ensure the Strategic Plan's implementation; the development of a communications plan to ensure buy-in and support and; the development of a monitoring and evaluation framework and tools to ensure the plan's success.

### Implementation: Operational Link – Management Action Plans (MAPs)

A critical component to ensure the full implementation of any strategic agenda is the development of operational/ action plans. These Plans, which the Court phrased as Management Action Plans (MAPs) were developed by each Unit of Administration, converting the strategic agenda into Unit action plans. The Unit MAPs encourage strategic alignment by each Unit and individual within the Unit and will serve as the basis upon which management decisions are made, including those related to budgeting and performance management.

The process for the development of MAPs provided a pivotal point for the harmonious collaboration and synchronisation of all functional areas of administration. As a result of this exercise, Units are more cohesive, collaborative and coordinated in delivering the Plan's agenda over the next five years.

### Implementation Teams

Strategic Management Implementation Teams were formed by the Strategic Planning Committee (SPC) to support the implementation of the new Strategic Plan. This mechanism allowed the Court to deliver on some key strategic activities as priority actions, utilising its existing resources to get the job done. The teams are charged with the following projects:

- o A Skills Gap Analysis
- o Communications planning and activities for the Strategic Planning process
- o Performance Measures
- o A Review of Policies and Procedures
- o Court Reorientation Programme

These strategic activities all form part of the move towards a new strategic management framework, as per Strategic Goal 3.1: The CCJ will foster an organisation-wide culture that encourages strategic leadership and management.

Activities are being delivered by non-dedicated cross-functional and intra-functional teams and they have provided opportunities for junior members of staff across the organisation to showcase and further hone their leadership and team-building skills.



*CCJ staff and JURIST Project members embrace the six pillars of the Strategic Plan.*

*The Strategic Plan 2019-2024 – From Planning to Implementation (continued)*



*Members of the Communications Team were responsible for communication planning and activities for the implementation of the Strategic Plan.*

## **Dr Daniel Straub - A Beacon in Strategic Planning and Court Administration**

In April 2019, the Court received the shocking and extremely sad news of the passing of its strategic planning consultant, Dr Daniel Straub.

Dr Straub, who also supported the Court through its first strategic planning exercise in 2011- 2012, came to this Strategic Planning project with over 40 years of experience in the areas of court management consulting, strategic planning, court performance evaluation, process reengineering, management and staff development, recruitment and selection, and information systems development and implementation. At the time of his passing, he also served as Dean of the Fellows Programme of the Institute for Court Management, in addition to his other consulting portfolios.

Dr Straub possessed the unique ability to marry the principles of traditional management practices with those of court administration. He was a teacher at heart, and this was evidenced in his approach with the Court's staff through our strategic planning process. He advised, provided information and then stood back and encouraged us to deliver. He consistently reminded us that "There are no unimportant jobs in a Court" and he provided opportunities for staff at all levels to be involved in the process. Although remotely stationed in the United States of America, he utilised all manner of modern technology to ensure that he was with us every step of the way.

The project's success is his handiwork. Our processes were fortified by his knowledge and experiences, and our Court, as an organisation, stands firm in its determination to honour his contributions through our results.

## Court Performance – Report from the Registry

The Registry 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.

Over the last year, the Court transitioned its livestreaming platform to Google’s YouTube services. The use of this platform has brought several advantages that were not available previously. The first is the ability to reach a wider

public audience as more persons are familiar with YouTube and could subscribe to the channel to be notified when new matters are being livestreamed. Additionally, the statistics generated are more detailed and provide a clearer picture of persons viewing the channel. Being a regional Court means that the CCJ must make itself available to the citizens of the region. Livestreaming is another tool the Court used to continue to meet internationally accepted court performance standards of Access to Justice and Transparency, enriching a culture of the rule of law in the Region.

### Appellate Jurisdiction

#### New Matters

The 2018-2019 year saw a 15% increase in the number of matters filed above the previous year, with two cases filed from Dominica, four cases from Belize, eleven cases from Barbados and twenty cases from Guyana. Applications for Special Leave represented a 92% increase over 2017-18, while the number of Notices of Appeal filed in this year fell by approximately 37%.

**New Matters filed – 2018/2019 and 2017/2018 Judicial Years**

Appellate Jurisdiction	2018/2019	2017/2018
Application for Special Leave	25	13
Notice of Appeal	12	19
<b>Total</b>	<b>37</b>	<b>32</b>

Table 1

**Cases filed by Country**

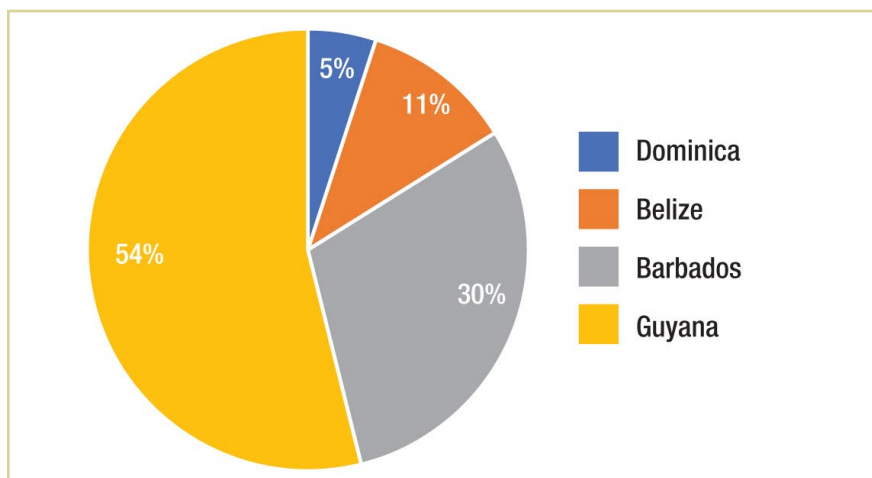


Figure 1



Court Performance – Report from the Registry (continued)

### Time to Disposition

The following are a table and graph showing statistics related to the disposition of cases in the period under review and a table showing the summary of disposition.

Number of Days	Number of Cases Disposed	Case Disposed (%)
0 - 90	6	22.2
91 - 180	7	25.9
181 - 270	8	29.6
271 - 360	1	3.7
361 - 450	2	7.4
451 - 540	3	11.1
	<b>27</b>	<b>100</b>

Table 2

### Summary of Disposition

Number of Days	Number of Cases Disposed	Cases Disposed (%)
0 - 180	13	48.1%
0 - 360	22	81.5%
0 - 450	24	88.9%
0 - 540	27	100.0%

Table 3

### Time to Disposition

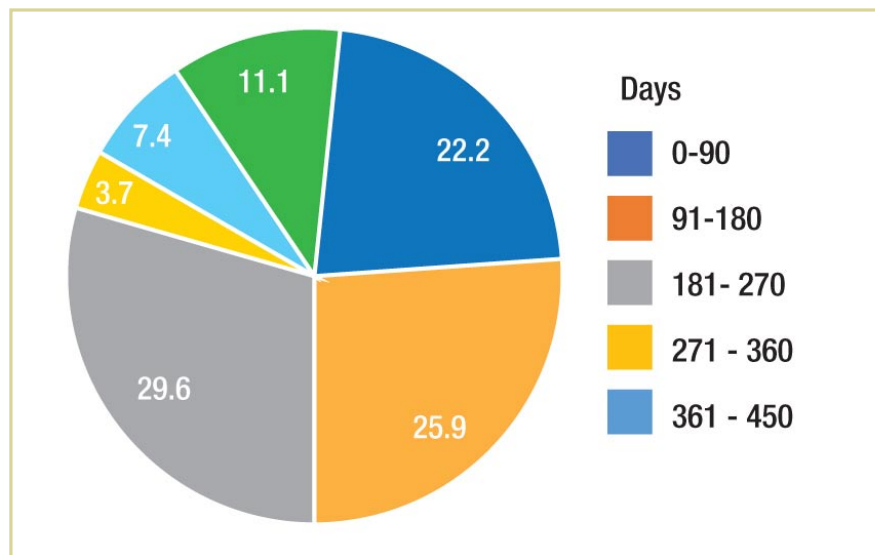


Figure 2



Court Performance – Report from the Registry (continued)

### Clearance Rates

During the period under review, the clearance rate for matters filed reflects a rate of 73% for disposed matters against new matters. This reflects a 23% decrease in the clearance rate as compared with last year’s figure.

Clearance rate of matters in the court year 2018 to 2019

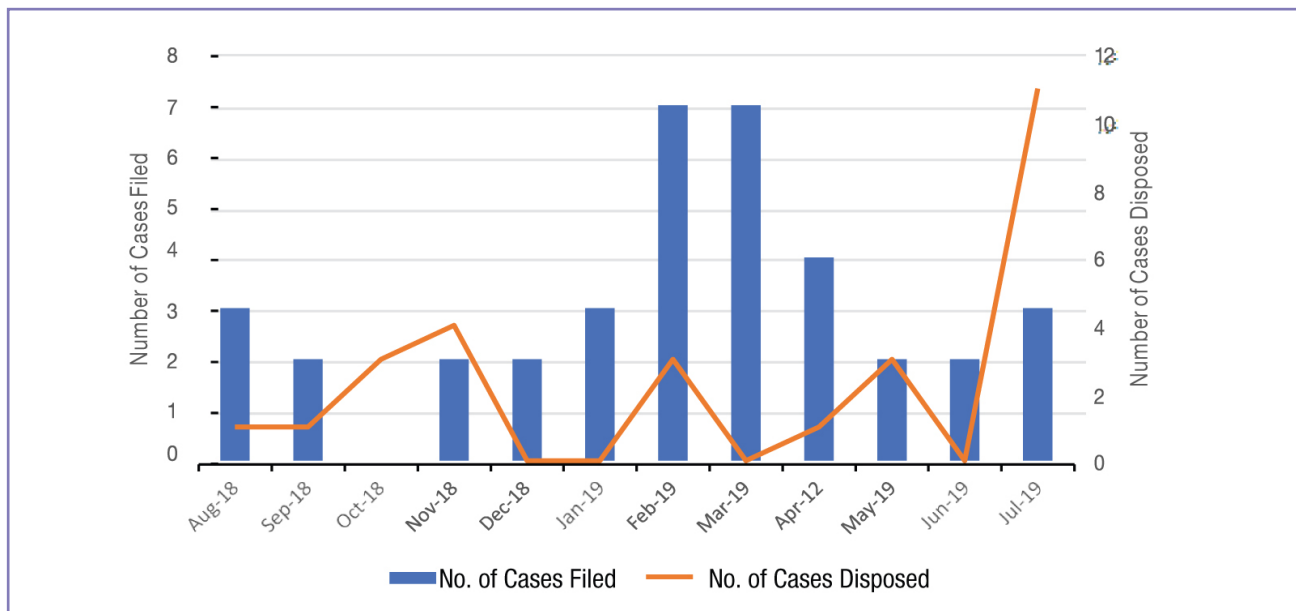


Figure 4

### Age of Active Pending Caseload

As of 31 July 2019, there were 16 pending matters before the Court for the period of three to nine months immediately preceding 31 July 2019.

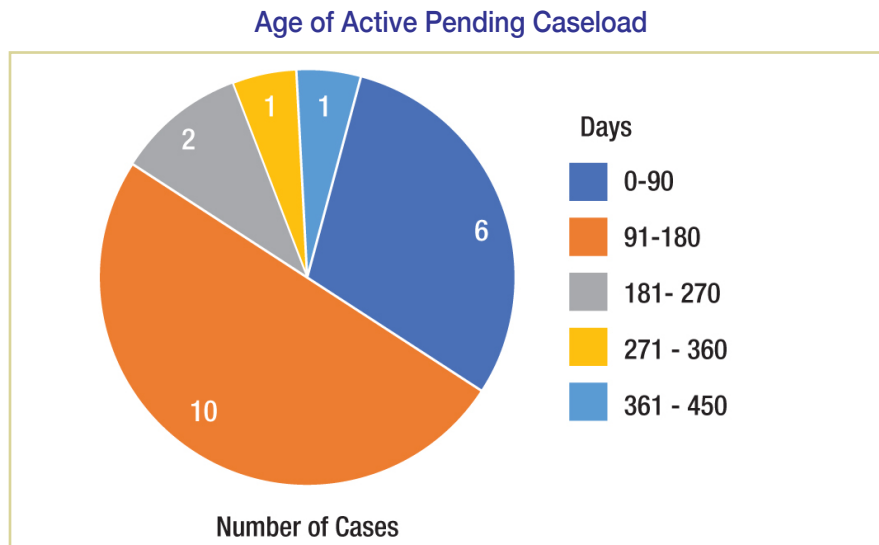


Figure 5





Court Performance – Report from the Registry (continued)

## Original Jurisdiction

### New Matters

New Matters filed – 2018/2019 and 2017/2018 Judicial Years

Original Jurisdiction	2018/2019	2017/2018
Barbados	1	
Grenada	2	
Guyana	1	
Jamaica	1	
St Lucia	1	
Trinidad and Tobago	4	3
Total	10	3

Table 4

There was a significant increase of 70% in the filing of new cases in the Original Jurisdiction for the court year 2018 to 2019 compared to 30% in the previous court year. These cases originated from Barbados, Grenada, Guyana, Jamaica, St. Lucia and Trinidad and Tobago.

The Court delivered judgment in two important cases: *David Bain v The State of Trinidad and Tobago [2019] CCJ 3 (OJ)* and *Jason Jones v Council of Legal Education, Council for Human and Social Development and Council for Trade and Economic Development [2018] CCJ 2 (OJ)*. In the former, the Court concluded that for immigration purposes, the appropriate travel document which conclusively established CARICOM nationality is the CARICOM passport, or a passport issued by a CARICOM Member State. In the latter, the Court held that it had no jurisdiction to entertain a claim brought against the Council of Legal Education: the body which grants the Legal Education Certificate required for persons to be

called to the bar to practice as an Attorney-at-Law. The Court found that the Treaty did not mention the Council nor was the Council an Institution or Associated Institution of the Caribbean Community.

The Court also had its first request for an Advisory Opinion pursuant to Article 212 of the Revised Treaty of Chaguaramas. The Request was made by the Caribbean Community in Suit No. AOOJ2019/001. The Court has been asked to render its advice on two issues. First, whether Article 27(4) allows a Member State to opt out of a decision of the Conference taken under Article 46 to enlarge the classes of persons entitled to move and work freely in the Community. Second, whether the principle of non-reciprocity would enable nationals of those Member States which opted out of a decision under Article 27(4) of the Treaty to derive the benefits of the decision. The submissions on the Request for the Opinion will be considered in the upcoming court year.



## Judgment Summaries

### Appellate Jurisdiction

The judgments issued by the Court in the 2018-19 judicial year are summarized in the following:

#### Dionicio Salazar v The Queen [2019] CCJ 15 (AJ)

The Court decided that the trial judge had properly admitted a statement made by a witness to a homicide, who had died before the trial. The witness had identified the Appellant, Dionicio Salazar, as the gunman who fired several shots which killed the deceased and injured the witness. The judge admitted the statement according to section 123 of the Indictable Procedure Act, which permitted this when the maker died before trial. Based on the statement and other identifying evidence, the judge decided that Salazar was guilty of murder. The Court of Appeal dismissed his appeal. On Salazar's appeal to the CCJ, the Court rejected the contention that the judge should not have given full weight to the statement of a witness who did not testify and stated that the exercise to be conducted by a trial judge, in considering such a statement was not an algorithmic, mechanical process. Rather, the CCJ stated, the Court considering such a statement must take a holistic approach that had regard to all the relevant circumstances. The Court also dismissed, as having no material effect on the trial, the judge's reference to the transcript of testimony that a witness had given in a previous trial. The CCJ also held that it was not necessary for a judge to expressly spell out every step in her reasoning. The Court further observed that the statement of reasons, in a judge-alone trial, was the written formulation of a mental process that had already occurred, so the indication by the judge, before reaching the end of her written reasons, that she had decided to accept a fact as proven, constituted no premature determination.

#### Christopher Ram Appellant v The Attorney General, The Leader of The Opposition, Joseph Harmon & Guyana Elections Commission; Bharrat Jagdeo (in his capacity as Leader of the Opposition) v The Attorney General, Dr Barton Scotland, Joseph Harmon & Guyana Elections Commission; Charrandas Persaud v Compton Herbert Reid, Dr Barton Scotland, The Attorney General, Bharrat Jagdeo, Joseph Harmon & Guyana Elections Commission [2019] CCJ 10 (AJ)

These appeals concerned three matters filed relating to a No Confidence Motion that was passed by a margin of 33-32 against the Government of Guyana in the National Assembly on 21 December 2018. This Motion was tabled under Article 106(6) of the Guyana Constitution. In one matter, a private citizen challenged the success of the Motion, on the ground that the vote of Mr Persaud, the Government member of the Assembly who voted with the Opposition, was invalid because Mr Persaud's dual citizenship disqualified him, according to Article 155 of the Constitution, from being elected to the National Assembly. Also, the Attorney General contended that a majority of all elected members of the Assembly, for the purposes of Article 106(6), was half of the members plus one, which would require 34 votes. In another matter, another private citizen sought declarations that the Motion was properly passed by the 33 votes and that national and regional elections were required no later than 21 March 2019. Both the Chief Justice and the Court of Appeal found that Mr

*Judgment Summaries (continued)*

Persaud's vote was not invalidated. However, the Court of Appeal, by a majority, reversed the ruling of the Chief Justice that 33 votes were sufficient to pass the Motion – and, instead, agreed with the argument of the Attorney General. The CCJ consolidated the three appeals and rejected the submissions of the Attorney General, which contended that Article 106 did not apply to motions of no confidence and that only a government member could move a motion of confidence. A majority of the CCJ agreed with the courts below that Mr Persaud's vote could not be treated as invalid, as his election could only have been challenged by an election petition brought per the National Assembly (Validity of Elections) Act. Anderson JCCJ was of the view that there are circumstances where the 28-day limitation imposed by that Act may be disregarded, though he conceded that such circumstances were not entirely clear and required further thought. The CCJ also held that, in an odd-number Assembly, all that was required was to determine whether the Motion had garnered "a majority of all the elected members." In this case, that was 33 votes. Thus, the CCJ held that the motion was properly passed and that the provisions of Article 106(6) and (7) were accordingly triggered.

Christopher Ram Appellant v The Attorney General, The Leader of The Opposition, Joseph Harmon & Guyana Elections Commission; Bharrat Jagdeo (in his capacity as Leader of the Opposition) v The Attorney General, Dr Barton Scotland, Joseph Harmon & Guyana Elections Commission; Charrandas Persaud v Compton Herbert Reid, Dr Barton Scotland, The Attorney General, Bharrat Jagdeo, Joseph Harmon & Guyana Elections Commission [2019] CCJ 14 (AJ)

Following the delivery of the Court's judgment in the Consolidated No Confidence Appeals, the Court received written submissions from the parties on what consequential orders should be made. In considering the appropriate order, the Court stated that while it was the function of the judiciary to interpret the Constitution, the provisions of Article 106(6) and 106(7) of the Guyana Constitution required no gloss by the Court to render them intelligible and workable. Thus, the Court held that the passage of the No Confidence Motion required the resignation of the Cabinet, including the President, but that the Government remains in office as a 'caretaker' government until the holding of fresh elections within three months or such longer period as determined by resolution supported by not less than two-thirds of the votes of all elected members of the National Assembly. Therefore, the Court found that a general election should have been held by 21 March 2019, but that the filing of these proceedings in January effectively placed matters on pause, which was lifted when the Court rendered its decision on 18 June 2019. The Court did not consider it right for the Court to specify a date on or by which elections must be held, as this responsibility was vested by the Constitution in the various constitutional actors, who are bound by the unambiguous provisions of the Constitution.

*Judgment Summaries (continued)***Zulfikar Mustapha v The Attorney General of Guyana and The Chairman of the Elections Commission [2019] CCJ 9 (AJ)**

This case concerns the constitutionality of the appointment the Chairman of the Guyana Elections Commission (“GECOM”), who was appointed by the President of Guyana pursuant to the proviso of Article 161(2) of the Constitution. Article 161(2) required the Leader of the Opposition to submit a list of six nominees who were not unacceptable to the President. Before the President’s appointment of Justice Patterson as the Chairman, the Leader of the Opposition had submitted three separate lists, each containing six nominees. However, the President rejected the three lists and utilised the proviso. In determining whether the correct process was followed, the Court considered the drafting history of Article 161(2) and found that before the current version of Article 161(2), the President had the unilateral power to appoint the Chairman of the GECOM. This unilateral process was later replaced by an inclusive one which required the participation of the Leader of the Opposition. The Court noted that the Constitution was silent on the approach to be taken and so the Court decided that the most sensible approach to operationalising the Article was for the Leader of the Opposition and the President to communicate with each other in good faith on, and perhaps even meet to discuss, eligible candidates for the position of Chairman before a list is formally submitted. The aim of these discussions must be to agree to the names of six persons who fit the stated eligibility requirements and who are not unacceptable to the President. The Court was also of the view that the employment of the double negative ‘not unacceptable’, signals that onus is placed on the President not to find a nominee unacceptable merely because the nominee is not a choice the President would have himself made. In those circumstances, the Court found that the process used to appoint the Chairman was flawed and did not comport with the constitutional requirements.

**Zulfikar Mustapha v The Attorney General of Guyana and the Chairman of the Guyana Elections Commission [2019] CCJ 13 (AJ)**

Following the delivery of the Court’s judgment on the constitutionality of the Chairman of the GECOM’s appointment, the Court received written submissions from the parties on what consequential orders should be made. The Court found that due to the Chairman’s resignation since the delivery of the judgment, the need for consequential orders and directions in the case became largely unnecessary. However, the Court emphasised that it was of the greatest public importance that the President and the Leader of the Opposition embark upon and conclude the process of appointing a new Chairman especially in light of the Court’s decision in the no confidence motion cases that the motion was validly passed thereby triggering the need for fresh general elections. The Court ultimately declared the appointment was void.

**Christopher Persaud in his capacity as Executor for and on behalf of the Estate of David Persaud, Deceased v Toolsie Persaud & Toolsie Persaud Company Ltd. [2019] CCJ 12 (AJ)**

In this procedural appeal the applicant, the minority shareholder in the respondent company, sought special leave to appeal the decision of the Court of Appeal regarding the proper forum for an appeal. The new Civil Procedure Rules rendered such decisions appealable to the Court of

*Judgment Summaries (continued)*

Appeal, in contrast to the High Court Rules, which provided for an appeal to the Full Court or the Court of Appeal depending on the circumstances. This resulted in the applicant being caught in a web of procedural technicalities which frustrated his substantive appeal. The CCJ concluded that despite the confusion which arose with the promulgation of the CPR, the Court of Appeal had an inherent power to rectify matters where there has been a procedural error, to ensure cases are dealt with justly. This Court, therefore, granted the applicant special leave to appeal, treated the hearing of the application as the hearing of the appeal, and directed the Court of Appeal to hear the substantive appeal.

*Arnold Sankar v Guyana Rice Development Board [2019] CCJ 11 (AJ)*

The CCJ considered the jurisdiction of the Court of Appeal to extend the time for appealing, under Order 1 Rule 8 of the Court of Appeal Rules. A High Court judge recalled an unless order she had made, that if a Defence was not filed by a certain date judgment may be entered against it and extended the time for filing an Affidavit of Defence, which had already been filed before judgment was entered. The judge held there was an inherent jurisdiction in the Court to recall its order, even though the defendant, the Guyana Rice Development Board (GRB) had not applied for relief from sanctions. The Full Court reversed the judge and entered judgment for the claimant, Sankar, on the ground that the unless order had taken effect since GRB had not applied for relief from sanctions. On further appeal, the Court of Appeal extended the time for GRB to appeal, in the exercise of its discretion, mainly on the ground that GRB had a reasonable chance of success on the appeal. Sankar then applied to the CCJ for special leave to appeal the decision granting the extension of time. The CCJ refused Sankar's application for leave to appeal, observing that there was overarching discretion given to the Court of Appeal by Order 1, Rule 8 to extend the time when the interests of justice required it. In the present case, the Court of Appeal had good reason to extend the time and Mr Sankar did not convince the CCJ that he had a realistic prospect of succeeding in showing that the Court of Appeal was wrong. In a separate opinion, Barrow JCCJ stated he would have given Sankar leave to appeal as he had arguable grounds but he would have dismissed the appeal on its merits.

*Guyana National Co-Operative Bank v R N Persaud Company Limited, Leguan Rice Milling Incorporated & The Registrar of Deeds [2019] CCJ 08 (AJ)*

This appeal arose out of a claim for recovery of debt and the transfer of land in breach of a related court order. The Bank filed contempt proceedings to have the Managing Director of the respondent company imprisoned for the breach. The Bank later withdrew the application and sought to proceed with the recovery of the debt. However, the High Court and Full Court found that, by virtue of inactivity, the Bank had abandoned the debt recovery claim, notwithstanding that the contempt proceedings were pending during the period of alleged abandonment. On a further appeal to the CCJ, it decided that the contempt proceedings in the High Court action were indeed 'interlocutory' and not 'freestanding' and, therefore, the High Court erred in deeming that the Action had been abandoned pursuant to Order 32 of the High Court Rules. This meant that the pending contempt

*Judgment Summaries (continued)*

proceedings prevented the substantive action from becoming ripe for hearing and capable of being abandoned. Accordingly, the substantive matter had not been abandoned and had not become incapable of revival. The Court allowed the appeal, set aside the orders of the courts below and ordered that the case be remitted to the High Court for the expeditious hearing of the substantive matter.

*James Ramsahoye v Linden Mining Enterprises, Bauxite Industry Development Company and National Industrial Commercial Investments Limited [2019] CCJ 07 (AJ)*

Mr Ramsahoye sought special leave under Section 8 of the Caribbean Court of Justice Act to appeal a decision of the Court of Appeal which dismissed certain enforcement orders made by a Single Justice of Appeal in Chambers. The CCJ considered the circumstances when special leave under Section 8 would be granted and noted that its earlier decisions demonstrated that a two-step process was used to grant leave. The first stage was to determine the circumstances in which the application for special leave was made and second, whether there was some special feature of the case for the Court to consider granting special leave. In the instant case the Court found that the special feature was whether there had been an error of law or substantial miscarriage of justice. The Court examined the orders made by the Justice of Appeal and the scope of the powers granted to him by the rules and concluded that the orders made were outside of his powers. The Court held that the Court of Appeal had been correct to dismiss the orders and accordingly dismissed the application for special leave.

*Renaldo Anderson Alleyne v The Queen [2019] CCJ 06 (AJ)*

Mr Renaldo Alleyne was convicted of manslaughter on his guilty plea and sentenced to six concurrent life sentences for causing the deaths of six young women when he firebombed a clothing boutique in the course of robbing it. In dismissing his appeal, the Court of Appeal held that his sentences were not excessive, disproportionate or wrong in principle, given the gravity of the offence, and that the issue of a discount for a guilty plea did not apply to an indeterminate sentence. On his appeal to the CCJ, the Court dismissed the suggestion that Alleyne's early guilty plea automatically rendered it impossible for him to be given a life sentence. The Court distinguished between cases where a determinate and an indeterminate sentence is given and held that a discount for an early guilty plea is wholly incompatible with an indeterminate sentence, although in a particular case the guilty plea could cause the court to decide not to impose a life sentence. The Court requested and considered information on the time actually served by persons sentenced to life imprisonment and noted the wide disparity in the actual terms served, from case to case. In affirming the sentences, the Court stated that a sentencing judge should recommend a minimum period of incarceration to be served before early release. This approach was consistent with the rights to a fair hearing before an independent and impartial tribunal, protection of the law, and equality before the law. The Court, therefore, recommended that Alleyne should not be eligible for release before serving a minimum period of 25 years' incarceration.

*Judgment Summaries (continued)***Octavius John and Laurent John v CLICO International Life Insurance Ltd [2019] CCJ 05 (AJ)**

The appellants obtained a judgment against the respondents in Dominica for the sums due to them upon surrendering policies of insurance issued by the respondents. Shortly after, the respondent was placed under judicial management and the appellants then needed leave of the court, which they obtained, to commence proceedings in Barbados to recover the judgment debt. The Court of Appeal set aside the grant of leave on the basis that many others were suffering similarly, and to grant leave would diminish the assets of the respondent and not be in the best interest of other policyholders. The CCJ considered that there was exceptional prejudice to the appellants because the Judicial Manager ranked the appellants, who had surrendered their policies, as no longer policyholders but as ordinary debtors, for whom no provision was made under the plans for payment by the Judicial Manager. The CCJ also found that potential prejudice to other policyholders from paying the appellants would be insubstantial as payment to the appellants would be thinly spread over a large number of policyholders. The Court also found that the appellants had made out a favourable prima facie case, which the Judicial Manager failed to upset, that prejudice to the appellants from refusing them leave to proceed would be greater than the prejudice to policyholders that would be caused by granting leave. Eight years having passed since the judicial management commenced, the CCJ ordered that the Judicial Manager pay the entire judgment sum.

**Sharmella Inderjali as next friend of Marcus Bisram v The Director of Public Prosecutions [2019] CCJ 4 (AJ)**

This was an urgent application lodged during the Court's vacation, brought on behalf of Marcus Bisram, a Guyanese national, residing in the United States of America. He was charged, while abroad, along with others, with the offence of murder. The State requested his extradition to have Bisram stand trial and he was detained abroad. Pending the extradition proceedings, the preliminary inquiry (PI) concerning the other accused persons began and it was alleged that the main witness in the case against Bisram recanted his statement in that PI. Bisram, therefore, applied to the High Court for an order directing the Director of Public Prosecutions to discontinue proceedings based on the alleged insufficiency of the evidence. The High Court refused these requests stating that to do so would be to usurp the Magistrate's functions at a PI. The Court of Appeal essentially agreed with this decision and refused Bisram's request for an expedited hearing, on the basis that cases are heard in the order in which they are filed.

The CCJ dismissed Bisram's appeal and made some statements of broader application. The Court reiterated that the grant of special leave to appeal is always a matter of discretion and never a matter of right. The Court, generally, will only intervene in criminal cases in circumstances where a serious miscarriage of justice may have occurred (or may be occurring) or where a point of law of public importance is raised. This case did not satisfy any of these thresholds. The CCJ noted that while the Court of Appeal's approach with respect to "skipping the queue" was reasonable in principle, the premised system of hearing appeals, applications or, more generally, criminal cases "in the order that they are filed," is not necessarily in keeping with best practices of court

*Judgment Summaries (continued)*

administration. Broad distinctions can and should be made, by way of a general management strategy, considering, inter alia, the seriousness of the offence, the complexity of the matter, and whether the accused is or is not in custody. Such a system of “Differentiated Case Management” will usually result in the creation of different case tracks, such as an expedited track, a basic track or a complex case track and will operate to accelerate rather than prolong the process. The Court urged that measures be taken to ensure that the PI was expedited to prevent any further undue delay in this matter.

*Granville Bovell v Erskine Kellman and Irvin Kellman [2019] CCJ 3 (AJ)*

This appeal was against three costs orders made by the Court of Appeal. The applicant commenced proceedings by fixed date claim form for BBD\$30,400 for the conversion of a pig pen. The Court of Appeal, reversing the decision of the High Court, decided that a fixed date claim form was the wrong form and that there could be no conversion of a structure attached to the land. It made three costs orders against the applicant: BBD\$1200 as costs for the application in the High Court; BBD\$2,500.00 for the application for leave to appeal in the Court of Appeal; and that each party should bear its own costs of the appeal. At the outset, the CCJ observed that the costs amounts involved were trifling, no issue of principle or rights was involved, and the litigation was grossly disproportionate. Nonetheless, the CCJ granted special leave to appeal because the respondents agreed that costs for the High Court application should have been BBD\$910 and not BBD\$1200 and, therefore, it would have been a miscarriage of justice to leave standing this wrong figure. The CCJ agreed with the Court of Appeal that there were special circumstances which justified a departure from the cap on the amount to be awarded on the application for leave to appeal to that court. As to the order that each party bear its own costs of the appeal, the CCJ held that the applicant had no justification for complaining since the respondents were the successful party on the appeal and the court could well have ordered costs against the applicant.

*Gloria Shillingford v Angel Andrew [2019] CCJ 2 (AJ)*

The Appellant, Gloria Shillingford (“Gloria”) sought to bypass the trial judge’s concurrent findings of fact, rather than have them reversed. The CCJ examined the findings of fact in the High Court and noted that trial judge had made clear and direct findings of fact adverse to Gloria which included that the exclusive agreement which was at the heart of the appeal, was a concoction and a fiction. The Court of Appeal upheld these findings and found that the trial judge had a good reason for deciding as he did. The CCJ concluded that the Court of Appeal’s finding that the appeal could not succeed became irrefutable as there had been no appeal against the findings of fact, so the appeal could go nowhere. The Court also noted that it was only in exceptional circumstances that it would disturb concurrent findings of fact and since Gloria had failed to appeal against the determination that the agreement was pure fiction, there was no need to consider whether there were any exceptional circumstances raised on this appeal to disturb those findings. The Court dismissed the appeal.



*Judgment Summaries (continued)**Chandra Ramotar Singh v Bhagwantlall Mossai and Alvin Alves [2019] CCJ 1 (AJ)*

By agreement of sale, Singh purchased certain lands, took possession and remained on the land, without ever obtaining transport. By various devices, the respondents obtained various documents of title to the lands. Singh commenced proceedings against Mossai and Alves claiming damages for trespass, fraud and an injunction. Bovell-Drakes J granted the orders sought and, further, set aside the fraudulent transport. Mossai and Alves succeeded on appeal against Bovell-Drakes J's order. The majority in the Court of Appeal held that Bovell-Drakes J could not set aside the transport because, among other things, Singh had brought his claim outside the 12-month time frame provided in section 22(1) of the Deeds Registry Act. In dissent, Cummings-Edwards JA highlighted High Court Order 23 rule 4, as having empowered Bovell-Drakes J to set aside the transports. Cummings-Edwards JA also decided that the Court had an equitable jurisdiction to set aside a fraudulent transport, even if the claim was made outside the 12-month time frame. Singh sought to appeal to the CCJ but was out of time. Notwithstanding, the Court of Appeal extended the time for Singh to apply for leave to appeal. The CCJ held that the Court of Appeal erred in extending the time for appealing to the CCJ but went on, in the exercise of its power, to extend the time and to grant special leave to appeal to Singh. It then allowed the appeal, reinstating Bovell-Drakes J's decision, and expressing its full agreement with the reasoning of Cummings-Edwards JA. Imperatively, the CCJ declared that the Court of Appeal had no power to extend the time for appealing to the CCJ. The recourse of an intending appellant who was out of time was to apply to the CCJ itself for an extension of time if he could meet the requirements.

*Sherene Mongroo v Sasedai Kumarie Persaud and Indranie Mulchand [2018] CCJ 32 (AJ)*

The applicant claimed that her father's will in favour of the respondents was invalid. The trial judge rejected the applicant's contention and ordered that the will be probated in solemn form. The applicant appealed this decision and, before the Court of Appeal made its decision, the applicant applied for a stay of execution of the judgement. A Justice of Appeal ordered a stay, subject to the condition that one of the respondents, the executrix of the will, was permitted to apply for probate of the will, but the title would not be vested until the substantive appeal was determined. The Applicant subsequently applied to the Full Court for an unconditional stay of execution, but this was refused. The Applicant then applied to the CCJ for special leave to appeal the order of the Justice of Appeal. On a paper consideration, the CCJ decided that the interests of the applicant were protected by the stay of execution and that allowing the executrix to obtain a grant of probate was appropriate, to enable the executrix to act to protect the estate. The CCJ observed that beneficial entitlement would be determined in the substantive appeal and, therefore, it was difficult to see what the applicant had to gain by persevering with the special leave application. The CCJ, therefore, refused to grant special leave because it was not shown to be necessary to prevent a miscarriage of justice.

*Judgment Summaries (continued)**Mariette Warrington v Dominica Broadcasting Corporation [2018] CCJ 31 (AJ)*

At the root of this dispute is the issue of whether Ms Warrington's appointment as General Manager of the Dominica Broadcasting Corporation ("the Corporation") was valid. The Corporation argued that the appointment was not valid because it had failed to receive the Prime Minister's advice to appoint her as was required under the Dominica Broadcasting Corporation Act ("the Act"). The CCJ considered what constituted the "advice of the Prime Minister" and found that it was not used in any technical or specialised way: it merely meant a communication or indication from the Prime Minister. Although the courts below had not considered as significant a board meeting where the members had met with the Prime Minister and discussed the matter of Ms Warrington's appointment, the CCJ found that, in the context of the dispute, it was significant because it led to several conclusions. These included, that the Prime Minister had known that Ms Warrington had been the General Manager, that she was currently functioning as such, that the Board had kept her in the position while they awaited his approval for the grant of a new contract and that the Prime Minister had stated at the meeting, he would await formal communication on the matter of Ms. Warrington's appointment. The Court was of the view that the inferences to be drawn from those facts were that the Prime Minister had approved and acquiesced in Ms Warrington's engagement as General Manager and, had he not approved, Ms Warrington's employment would have been discontinued. The Court held that there could be little doubt that the Prime Minister had communicated his acceptance of Ms Warrington's appointment to the Board. The Court was of the view that the law permitted the Prime Minister to give his advice retroactively. Having found the appointment valid, the CCJ considered the terms of employment and found that through the application of the Labour Contracts Act, Ms Warrington had been employed on the same terms as her former contract which required either party to give six months' notice or to pay six months' salary in lieu of notice.

*Quincy Mc Ewan, Seon Clarke, Joseph Fraser, Seyon Persaud v The Attorney General of Guyana [2018] CCJ 30 (AJ)*

The appellants, who identified as transgender persons, were convicted and punished for cross-dressing in public for an improper purpose, contrary to section 153(1)(xlvii) of the Summary Jurisdiction (Offences) Act. The appellants subsequently brought a constitutional challenge to this law. Both the High Court and the Court of Appeal denied the challenge and rejected the argument that the section was too vague and uncertain to be enforceable. The courts decided that it was the "improper purpose" that grounded the criminalisation of cross-dressing in public. On appeal to the CCJ, the Court examined the historical context surrounding section 153, enacted in Guyana in 1893, as part of the vagrancy laws of the post-emancipation era. It was noted that many of these laws were struck down as being violative of the rule of law. The Court considered the effect on Section 153 of the savings law clause, which protected existing laws from declarations of constitutionality. In striking down the section, the Court noted that law and society are dynamic, not static. A Constitution must be read as a whole and Courts should be astute to avoid hindrances that would deter them from interpreting the Constitution in a manner faithful to its essence and its underlying spirit. Section 153(1)(xlvii) could, therefore, not be saved if it ran afoul of the Constitution. The Court

*Judgment Summaries (continued)*

allowed the appeal, declaring that the impugned section violated the appellants' right to equality, non-discrimination and freedom of expression and that section 153(1)(xlvi) was unconstitutionally vague and offended the rule of law.

#### Japhet Bennett v The Queen [2018] CCJ 29 (AJ)

The appellant was convicted of murder upon the strength of a recanted statement that had been made by the brother-in-law of the deceased, who had stated in his statement to the police that moments after hearing gunshots he clearly saw the appellant standing above the deceased with a gun in his hand. On the witness stand, the brother-in-law denied all material parts of his statement, including all identification evidence linking the appellant to the crime.

His previous inconsistent statement was admitted into evidence pursuant to Section 73A of the Evidence Act, and a no case submission was rejected by the trial judge, who left it to the jury to decide whether to believe the recanted statement. The CCJ, by a majority decision, allowed the appeal. The majority held that the trial judge, having admitted the statement, should have upheld the no case submission as, by that point, it was clear there was no evidence on which the jury could properly assess the reliability of the statement. In her dissent, Rajnauth-Lee JCCJ said that the statement ought to have been admitted because its probative value outweighed its prejudicial effect. Rajnauth-Lee JCCJ also found that the real issue upon the no case submission was whether the brother-in-law had a proper opportunity to make a reliable identification of the appellant and, in light of the detailed description given by him, that it was a matter for the jury to determine whether to believe his statement to the police or his denial at the trial. Barrow JCCJ, who also would have allowed the appeal, opined that factors listed in legislation in other jurisdictions may be used as a checklist to consider the reliability of a statement. He thought the statement should not have been admitted from the outset, as it was clear, from the depositions, at the time the statement was proposed to be admitted, that there was no evidence by which the jury could consider it reliable.

#### Cruise Solutions Limited and Discovery Expeditions Ltd. v The Commissioner of General Sales Tax and The Attorney General of Belize [2018] CCJ 27 (AJ)

This tax appeal involved two local tour operators who contended that the tour services provided by local tour operators to passengers from cruise ships visiting Belize are zero-rated under the General Sales Tax Act (GSTA) and not taxable at the rate of 12.5%. The judge at first instance held that the tour services supplied to passengers, through the cruise lines, was not provided in connection with the "operation and management of a ship" and, therefore, did not benefit from the exemption given to such a service. The Court of Appeal upheld this decision and the tour operators appealed further to the CCJ. By a majority, with the President dissenting, this Court decided that the courts below had taken too narrow an approach to the interpretation of matters connected to the "operation or management" of a ship. That narrow approach would not have been intended by Parliament. The majority reiterated the principle, stated in a prior decision, that where more than one construction of a provision of an Act is possible, a construction which promotes the general legislative purpose underlying the provision was to be preferred; as also a construction more favourable to the taxpayer. The appeal was therefore allowed.

*Judgment Summaries (continued)***Kowsal Narine v Deonarine Natram, Ashbourne Lipton Chan and Foster Gilford Chan [2018] CCJ 26 (AJ)**

This case required the CCJ to consider the finality of its judgements. On a previous occasion, the CCJ had determined that the appellant had acquired prescriptive title to certain lands. Sometime after, the respondent applied to the CCJ to allow further arguments, contending that the CCJ could do so since, not having made a determination on the issue of costs, the Court was not functus officio, as no final order of the Court had been perfected. The CCJ agreed that the judgement had not been perfected and, therefore, the Court could exercise its residual jurisdiction to reopen the appeal. The CCJ, therefore, invited written submissions on whether it should reopen the appeal. Having considered the submissions, the Court was clear that the respondent could point to no exceptional circumstances, which must be shown, to justify the CCJ reopening its decision. Consequently, the application was dismissed.

**Original Jurisdiction****Jason Jones v Council of Legal Education, Council for Human and Social Development and Council for Trade and Economic Development [2018] CCJ 2 (OJ)**

Mr Jones filed an application for special leave against the proposed defendants, the Council of Legal Education (“the Council”), Council for Human and Social Development (“COHSOD”) and the Council for Trade and Economic Development (“COTED”). In his application, Mr. Jones contended that the automatic admission of holders of the Bachelor of Laws degree (“LLB”) from the University of the West Indies (“UWI”) into the Law Schools, (the Hugh Wooding Law School, the Norman Manley Law School and the Eugene Dupuch Law School) and the requirement that non-UWI LLB holders must write an entrance examination, have infringed and continue to infringe, the rights and benefits, intended to enure to him, under Articles 35, 36, 37 and 46 of the Revised Treaty of Chaguaramas (“the Treaty”). The Caribbean Community (“the Community”) and the Council respectively made preliminary objections that

- (i) the CCJ had no jurisdiction to entertain a claim against the Council;
- (ii) COHSOD and COTED are not competent defendants and
- (iii) the application for special leave and the proposed originating application were manifestly ill-founded and inadmissible. The Court found that as accepted by Counsel for Mr Jones, COHSOD and COTED did not have juridical personality. Rather, under Article 228 of the Treaty, it was the Community that possessed the capacity. Concerning the second objection, the Court concluded that it had no jurisdiction over the Council. The Treaty did not mention the Council or the Agreement establishing the Council nor was the Council an institution or an associated institution of the Community. Accordingly, the Court dismissed the application for special leave against the Council. The Court then considered whether the Community should be substituted as the proposed defendant. The Court noted that the remedies and reliefs that Mr Jones was seeking, namely the automatic acceptance of UWI LLB degrees was something done solely by the Council and its Law

*Judgment Summaries (continued)*

Schools. The Court held that it was pointless to grant special leave to file an application against the Community seeking declarations against the Council. The Court, being mindful that there were many persons similarly positioned as Mr Jones, noted that the root of the issue lay in the agreement establishing the Council that governed the matters they wished to alter and not the Treaty. The agreement establishing the Council was as much a treaty as the Revised Treaty and requires the CARICOM states which are parties to it, to give full force to it and any changes to the agreement would be a matter of policy which could only be altered by the parties to the agreement and not the Council. The Court dismissed the application for special leave.

[David Bain v The State of Trinidad and Tobago \[2019\] CCJ 3 \(OJ\)](#)

The CCJ clarified what documentation served as conclusive proof, for immigration purposes, in establishing CARICOM nationality. The claimant, David Bain, asserted he was a citizen of both the United States of America and Grenada. On arriving from Grenada in Trinidad and Tobago, he presented his US passport. Immigration officials had information relating to drug offences committed by “David Bain”. Consequently, the claimant was denied entry. Before the claimant was returned to Grenada, he protested that he was a Grenadian citizen and had the right to freedom of movement. In support of this, he produced his Grenadian driver’s licence, voter’s information card and his U.S. passport, which stated that he was born in Grenada. The claimant sought to enforce his right as a citizen of a member state of the Caribbean Community to freedom of movement, by applying to the CCJ for special leave according to Article 222 of the Revised Treaty of Chaguaramas. The CCJ decided that the issue was not whether the claimant was Grenadian; a person with dual nationality has two citizenships, which exist side by side. Rather, the issue was whether he had presented documentation to conclusively prove that he was a Grenadian citizen because the onus lies upon an intended entrant into a CARICOM Member State to establish that he or she is national of a member state. The documents produced by the claimant to the immigration officer did not amount to conclusive proof, the CCJ stated, because the focused function of a driving licence and voter ID card was to permit driving or voting in Grenada, not to establish or evidence citizenship. The CCJ also rejected the contention that the claimant’s US passport was capable of conclusively establishing that he was a Grenadian citizen because there was a possibility that he had renounced his citizenship or was stripped of same by the relevant authority. In reliance on the submissions of the Caribbean Community, the Court declared that the appropriate travel document which would conclusively prove CARICOM nationality is the CARICOM passport or a passport issued by a CARICOM Member State. The CCJ dismissed the application.

[Tamika Gilbert, Lynnel Gilbert, Royston Gilbert & Glennor Gilbert v The State of Barbados \[2019\] CCJ 2 \(OJ\)](#)

The applicants, citizens of Grenada, sought special leave to bring a claim against the State of Barbados for breach of their right to freedom of movement under Article 45 of the Revised Treaty of Chaguaramas (the RTC). In October 2016, the applicants visited Barbados to obtain US visas. The sisters were accused of stealing a cell phone at a mall. They were arrested and taken to a police

*Judgment Summaries (continued)*

station, where both sisters were subjected to what they described as “invasive and humiliating” strip searches and were pressured by the police, using the fact that the family was scheduled to leave on a flight to Grenada on the same day. At the hearing of the application for special leave, the applicants argued that their case raised important issues regarding their rights under the RTC to freedom of movement within Barbados and to depart from Barbados without unnecessary harassment and impediments and went further than the issues addressed by the Court in the case of Shanique Myrie . The Court rejected the applicants’ argument that this action of the police amounted to a breach of Article 45. The Court decided that this case was to be distinguished from Myrie as it involved no violation of a Treaty right as the police action did not constitute different treatment of them because of their nationality.

[Trinidad Cement Limited and Arawak Cement Limited v The State of Barbados and Rock Hard Cement Limited; Rock Hard Cement Limited v The State of Barbados and The Caribbean Community \[2019\] CCJ 1 \(OJ\)](#)

The questions for determination were whether the derogation from the Common External Tariff (CET), obtained by Barbados, at the 11th Meeting of the Council for Trade and Economic Development (COTED), included ‘other hydraulic cement’ and, if it did, whether the approval of COTED was required to re-implement the CET. While the Court accepted that there may have been a misapprehension by Barbados as to the applicable rate when it made the application for the derogation, it held that Trinidad Cement Limited (TCL) and Arawak Cement Limited (ACL) were fully entitled to rely on the 2009 Order that Barbados had made, which effectively confirmed that Barbados was implementing the 60% rate on ‘other hydraulic cement’. The Court agreed that there was an implied obligation to give reasonable notice to COTED of the date on which a derogation is no longer required and the date on which the CET would re-apply. In this case, the Court found, TCL and ACL had such reasonable notice. The Court deemed the interim measures previously imposed on Barbados, requiring the imposition of the 60% tariff on ‘other hydraulic cement’ imported by Rock Hard, to have expired as at the date of this ruling.

[Trinidad Cement Limited and Arawak Cement Limited v The State of Barbados and Rock Hard Cement Limited \[2018\] CCJ 5 \(OJ\)](#)

Rock Hard applied to discharge the interim measures, ordered by the Court, restoring and enforcing the 60% rate on ‘other hydraulic cements’ which the Council for Trade and Economic Development (COTED) approved in 2001 at the request of the State of Barbados. Rock Hard contended that there had been a material change in the circumstances of the case given the defence subsequently filed by Barbados that the tariff on other hydraulic cements was not increased. Further, Rock Hard also submitted that the vacation of the date for the hearing of the originating application without a further date being set would cause it to suffer greater prejudice than any prejudice to the claimants, as it is unable to sustain imports at the 60% rate that was now being required. The claimants argued that there was no change in circumstances and no good and sufficient reason to discharge the interim measures, as neither Barbados’ defence nor the vacation of the hearing date qualified

*Judgment Summaries (continued)*

as a change in circumstances for such discharge. The claimants also submitted that the vacation of the hearing date was actually brought about by further applications commenced by Rock Hard. The Court observed that Barbados' defence, whatever its merits, amounted at that time to argument and not fact, and thus could not constitute the necessary change in circumstances as contended for by Rock Hard. The Court also found that, though the vacation of a hearing date in conjunction with other factors may amount to a change of circumstances or a good and sufficient reason for varying or cancelling interim measures, those other factors are missing in this case. Any excess payment by Rock Hard if the applicable tariff was found to be 5% was not likely to be crippling and could then be recovered upon such determination. The application was thus refused.

[Trinidad Cement Limited v The State of Trinidad and Tobago and Rock Hard Distribution Limited and Mootilal Ramhit and Sons Contracting Limited; Trinidad Cement Limited and Arawak Cement Limited v The State of Barbados and Rock Hard Cement Limited \[2018\] CCJ 4 \(OJ\)](#)

The Court required and received written submissions from the parties and interveners on the jurisdiction of the Caribbean Community (CARICOM)/Council for Trade and Economic Development (COTED) to classify the cement that is the subject matter of the originating applications in these cases, as well as on whether it was permissible for the Court to rely on reports submitted by CARICOM or COTED relevant to the subject matter of the originating applications. Trinidad Cement Limited (TCL), The State of Trinidad and Tobago (T&T), Arawak Cement Limited (ACL) and Rock Hard all submitted that COTED had no jurisdiction to classify the cement, as this was a judicial or quasi-judicial act outside of the powers of COTED, and T&T added that this would be inconsistent with the power to resolve classification issues under domestic laws. CARICOM argued that there was an implied power for COTED to classify goods. On the Court's reliance on reports from the Community/COTED, while TCL, ACL and T&T submitted that the reports, emanating from the World Customs Organisation (WCO), were flawed and unreliable, Rock Hard considered it highly persuasive authority and CARICOM urged that the WCO reports may be an important aid to interpretation of the scope of the various headings of the Common External Tariff (CET) since they are based on the system that governs the CET. The Court examined the duties of COTED under the Treaty and found that the competence of COTED to classify goods could be implied. This power, though, is neither exclusive nor compulsory, as such matters fell within the jurisdiction of the Court to interpret the Treaty and supervise its operation. The Court also found that the relevant WCO decisions are admissible and will normally be highly persuasive unless there are good reasons for not relying on them.

[Rock Hard Distribution Limited v The State of Trinidad and Tobago and The Caribbean Community \[2018\] CCJ 3 \(OJ\)](#)

The applicant, Rock Hard, sought special leave under Article 222 of the Revised Treaty of Chaguaramas ("the Treaty") to commence proceedings against the respondents for, inter alia, the alleged misclassification of imports of Rock Hard cement and the referral by Trinidad and Tobago

*Judgment Summaries (continued)*

(T&T), to the Council for Trade and Economic Development (COTED) for the classification of Rock Hard cement. T&T objected to the application on two grounds, that Rock Hard failed to establish an arguable case that the Revised Treaty intended that a right or benefit shall enure directly to Rock Hard and that it was an abuse of process as the issue of classification of Rock Hard cement was already being considered in two pending claims before the Court. However, the Court found that Rock Hard, as an entity doing business in the Community, is entitled to import goods at rates in accordance with the correct classification of its cement under the Common External Tariff, and any misclassification is prejudicial to it. Further, the Court found that other pending matters would not enable determination of the classification issue and, as an intervener, Rock Hard could not widen the scope of those proceedings. The Court, therefore, found that Rock Hard had satisfied the requirements of Article 222 and granted special leave.

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## CCJ judges to rule on cement war



### UPDATE:

LOCAL cement manufacturer Trinidad Cement Ltd (TCL) has referred to the Caribbean Court of Justice (CCJ), in its original jurisdiction, a complaint that the State has applied the incorrect classification to its competitor Rock Hard Cement.

After hearing from attorneys for TCL, the State, Rock Hard Cement, its local distributor Motilal Rahmit and Sons and Caricom, the CCJ judges hearing the complaint reserved their ruling, with the president of the Port of Spain-based court promising give their decision as quickly as they can.

Rock Hard Cement is imported from Turkey and is distributed in TT, as well as other Caricom states.



## Judicial Counsel and Interns

The Internship Committee, under the chairmanship of the Hon. Mr Justice David Hayton, facilitated the engagement of voluntary interns at the Court. Six students interned at the CCJ for three weeks between May and July 2019 as recommended by their respective principals. Five of these students were pursuing their Legal Education Certificate from the Hugh Wooding Law School in Trinidad and Tobago and hailed from Guyana, Jamaica, Nigeria and Trinidad

and Tobago. The other student from Guyana attends Harvard University in the USA. The interns followed a programme which saw them learning about, and assisting in, the work of the various Units of the Court, principally the Registry Department and Chambers of the President. The programme serves to advance the culture of the rule of law in the region by creating a deeper understanding of the Caribbean Court of Justice and its mandate.



*Judicial Counsel Ms Kavita Deochan, Ms Latoya McDowald and Mr Tyrone Bailey at the Special Sitting for The Honourable Mr Justice David Hayton.*

## 11th Annual CCJ International Law Moot

The Annual CCJ International Law Moot has installed itself as an annual watershed event in the legal calendar of the law schools and law faculties of the region. Once a year in March, students from the regional universities gather in the halls of the CCJ and rigorously compete for law moot supremacy. It is a most exciting time.

The competition provides an invaluable opportunity for competitors to build advocacy skills, sharpen their public speaking abilities, and engage in legal analysis on a variety of areas of Caribbean law. The scrutiny is always on the Revised Treaty of Chaguaramas (RTC) and the workings of the CCJ in the original jurisdiction. In 2019, the debate challenged the criteria set out in the RTC regarding voting rights.

11th Annual CCJ International Law Moot (continued)

Law Moot 2019 was held over two days. It was a dazzling competition with the Hugh Wooding Law School emerging winners of the coveted title. The winning team comprised Mr Arthur George Thomas, Mr Michael Ron Munroe and Mr Roger Mathew Hector. They were advised

by Mr Gregory Delzin. The Judges who presided were the Honourable Mr Justice Jacob Wit, the Honourable Mr Justice David Hayton and the Honourable Mr Justice Winston Anderson.



The winning 2019 Law Moot team from the Hugh Wooding Law School, St. Augustine pictured with CCJ President, The Honourable Mr Justice Adrian Saunders and Moot Chairman, The Honourable Mr Justice David Hayton.

Because of his retirement, Mr Justice David Hayton bade farewell to the competition. He had been Chair of the Law Moot Committee for 11 years. There was added poignancy to the Award ceremony as there were many accolades laid on him for his sterling contribution to mooting in the region. The Honourable Mr Justice Andrew Burgess has now taken over those reins.

Distinguished guests of the Court for the occasion included the Honourable Mr Justice Ivor Archie, Chief Justice of Trinidad and Tobago, Mr Justice Carl Singh, former Chancellor and Head of the Judiciary of Guyana, His Honour Anthony D J Gafoor, Chairman of the Tax Appeal Board, members of the diplomatic corps, jurists and academia.



An intense look from Mr Reon Miller of the University of Guyana during his argument before the CCJ Bench. The University of Guyana was the runner-up and took home the prize for Best Academic



# High Performance Environment

## Organisational Structure

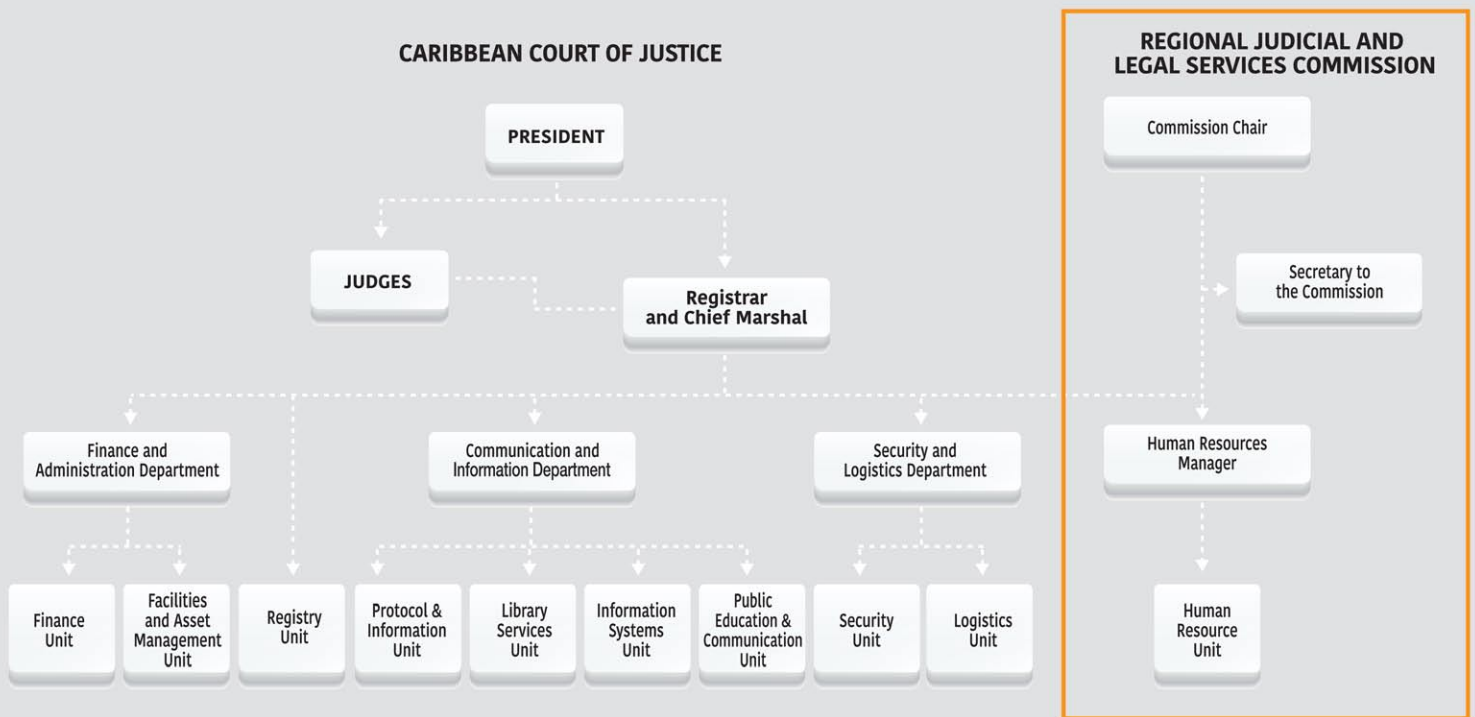


Figure 6

## Department Reports

### President’s Chambers

1 August 2018 to 31 July 2019 covered the greater part of the first year in office of the Court’s 3rd President, The Honourable Mr Justice Adrian Saunders. The main activities over that time focused on achieving key strategic and operational objectives, organisational strengthening initiatives and continued local, regional and international engagement.

### Strategic Plan 2019-2024

The CCJ’s Strategic Plan 2019-2024 was launched in January 2019 with the theme ‘Unlocking Potential: Strengthening Caribbean Jurisprudence’. As Chair of the Strategic Planning Committee (SPC), the President provided leadership for the project, ensuring meaningful

engagement of staff across all organisational levels. As the focus of the SPC shifted from development to implementation of the Plan, the Plan’s human, financial and physical resource requirements were identified and aligned with the Court’s budget. Tragically, the Court lost the services of its long-standing external consultant, the much beloved Dr Daniel Straub, who died after a brief illness. The Court pays homage to his dedication, professionalism and expertise.

### Rules of Court

The Honourable Mr Justice Wit led the Rules Committee. Upon the review of the CCJ’s Rules of the Court, they took effect in April 2019. The amendments better streamline and enhance efficiencies in managing the steadily increasing caseload of the Court. Notable changes are outlined in Table 5:

Noteworthy changes to Rules of Court

Appellate Jurisdiction	Original Jurisdiction
<ul style="list-style-type: none"> <li>• Elimination appeals of filing fees in criminal</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthening of measures to permit the Court to elicit relevant information from non-parties</li> </ul>
<ul style="list-style-type: none"> <li>• Reduction of case processing time by centralising the preparation of documents required for the appeal process</li> </ul>	<ul style="list-style-type: none"> <li>• Requiring applicants for interim measures to identify persons who may reasonably be affected by such measures</li> </ul>

Table 5

### Judicial Work

A total of 108 hearings were convened during the year across both Jurisdictions of the Court. The Court also maintained its post-disposition monitoring function in the Maya Leaders Alliance case from Belize.

One of the several notable appeals heard was *McEwan and others v The Attorney General of Guyana* , which, like *Nervais and Severin [2018] CCJ 19 (AJ)* some months earlier, explored issues of the nature and effect of Constitutional savings law clauses which immunised certain laws from judicial scrutiny. In *McEwan*, the Court recognised the right of transgender persons to freely express their gender identity through their mode of dress.

Department Reports (continued)

## Official Visits and Public Engagements

The President’s Chambers hosted several regional and international officials during the period. Among these were His Excellency Juan Aníbal Barría García, Chilean Ambassador to Trinidad and Tobago; a high-level delegation from UN Women’s Executive Board led by the Board’s Vice-President Her Excellency Ms Katalin Annamária Bogay; and the Chief Justice of Sierra Leone, The Honourable Mr Justice Desmond Babatunde Edwards.

As in previous years, the President made presentations at several local, regional and international judicial and public education programmes. Many of this year’s activities focused on judicial integrity, promoting greater efficiencies in the management of cases in national courts and the role of the CCJ in regional and global justice.

### Engagement of the Court President over the period August 1st 2018 – July 31st 2019

Local & Regional	International
<ul style="list-style-type: none"> <li>Annual Luncheon of the Guyana Manufacturing and Services Association Ltd, Guyana</li> </ul>	<ul style="list-style-type: none"> <li>Commonwealth Magistrates’ and Judges’ Association’s Annual Conference, Australia</li> </ul>
<ul style="list-style-type: none"> <li>Graduation Ceremony (UWI), Barbados</li> </ul>	<ul style="list-style-type: none"> <li>J20: The Judicial Conference of the Supreme Courts of the G20, Argentina</li> </ul>
<ul style="list-style-type: none"> <li>50th Anniversary Independent Jamaican Council for Human Rights’ Annual Charter Lecture, Jamaica</li> </ul>	<ul style="list-style-type: none"> <li>Conference on Access to Justice and Judicial Integrity hosted by the German Federal Ministry for Economic Cooperation and Development (BMZ), Ivory Coast</li> </ul>
<ul style="list-style-type: none"> <li>Conference on Access to Justice and Judicial Integrity hosted by the German Federal Ministry for Economic Cooperation and Development (BMZ), Ivory Coast</li> </ul>	
<ul style="list-style-type: none"> <li>ECSC Judicial Education Institute’s Annual Judicial Conference, St Kitts &amp; Nevis</li> </ul>	
<ul style="list-style-type: none"> <li>Judges’ Conference, Guyana</li> </ul>	

Table 6



During a courtesy call with the Embassy of Japan, President Saunders met with Ambassador His Excellency Mitsuhiko Okada in November 2018.

Department Reports (continued)



*His Excellency Juan Aníbal Barría García, Ambassador of Chile paid a courtesy call to the Caribbean Court in October 2018. Pictured left to right are The Honourable Mr Justice Winston Anderson, The Honourable Mme Justice Maureen Rajnauth-Lee, The Honourable Mr Justice Adrian Saunders, His Excellency Juan Aníbal Barría García and The Honourable Mr Justice David Hayton.*

## Looking Ahead

In the year ahead, the President will spearhead a number of initiatives to build on the lessons learned over the period. These will include enhancing the level of communication between the leadership and staff of the Court; creating greater opportunities for career development of Court staff; fostering a more empowering environment for Managers and Unit Heads; ensuring that the Court's internal and external stakeholders are better aware of the Court's work and performance standards; and leaving a greater virtual footprint through the CCJ's website and social media platforms.

Department Reports (continued)

## Human Resources

The potential of any organisation lies not in its inanimate assets but its human resources – the employees. How this potential is realised is by selecting and retaining the best talent and providing opportunities for employees to rise above their capabilities. The unleashing of potential is also accomplished within the context of a governance architecture and systems to maximise performance in the workplace. It is in this vain, embracing the principal aim of the Court, to enhance the rule of law in the region, that the HR Department executes its function.

### Training and Development

Over 210 hours were spent on developmental initiatives for employees, conducted either directly by the Court or by external providers. The areas of development included Performance Management, Protocol and Diplomacy, Design Essentials – Adobe C26 Illustrator Photoshop and InDesign, Effective Business Communications and Administration Management. In addition to this, representatives of the Court continued their networking and knowledge sharing activities at the 2019 Annual Conference of the Caribbean Association of Law Libraries.



*Ms Susan Campbell-Nicholas  
Human Resources Manager*



*Performance Management training for managers and supervisors of the CCJ  
administrated by the HR Manager and Consultant, Mr Henry Williams.*

Department Reports (continued)

### Training & Development Manhours

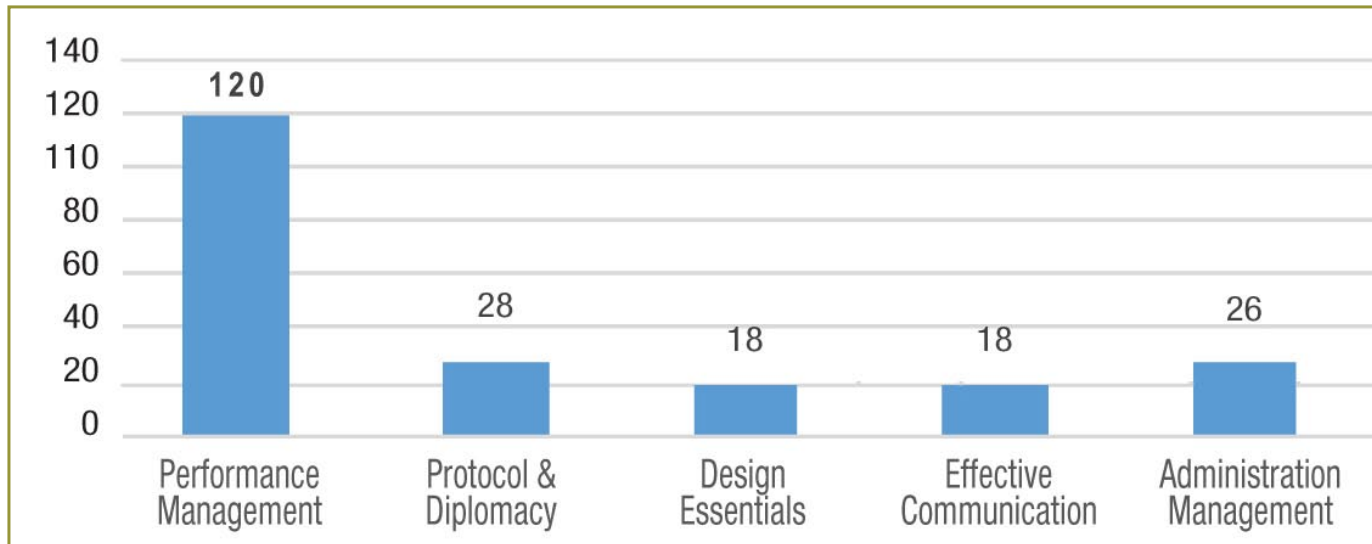


Figure 7

During the review period, significant time was spent by the Department’s staff on the development of the Strategic Plan and the Department’s Annual Operational Plan. The Department was also engaged in a Skills Gap Analysis sub-committee and participated in the Performance Measure sub-committee of the 2019 – 2024 Strategic Plan project.

In terms of its core human resource management responsibilities, the Human Resources Department continued to consistently and tirelessly undertake initiatives to provide improved levels of services to the Court. These included: collaboration with Information Systems on the continued upgrading of its Human Resources Information System; and partnering on a consultancy to revise the Court’s Performance Management System.

Review of the common Staff Regulations and participation in the Internship Committee (under the chair of the Hon. Mr Justice David Hayton) also engaged the attention of the HR Department. The CCJ facilitated 12 students from the Hugh Wooding Law School and Norman Manley Law School (six each in 2018 and 2019) between May and July for three weeks each as part of their mandatory internship training between years one and two of law school.

Additionally, interviews were conducted for 13 vacancies between August 2018 and July 2019 as a result of both voluntary and involuntary separations from the CCJ. Eight of the successful candidates assumed duty during this reporting period in the positions highlighted:



Department Reports (continued)

**Staff assumptions over the period under review**

Names	Position Title	Effective Date
Mr Trevor James	Security & Logistics Manager	28 January 2019
Hon. Mr Justice Andrew Burgess	Judge	1 February 2019
Ms Kerine Dobson	Legal Officer	1 April 2019
Mrs Gizel Thomas-Roberts	Deputy Registrar & Chief Marshal	8 July 2019
Mr Elron Elahie	Executive Assistant (Judicial)	11 July 2019
Mr Shasta Sankar	Driver/Usher	11 July 2019
Hon. Mr Justice Peter Jamadar	Judge	15 July 2019
Ms Jamie Les Pierre	Accounting Support Officer	15 July 2019

Table 7

Also, the following employees demitted office:

**Staff transitions over the period under review**

Name	Position Title	Reason	Effective Date
Mrs Feli Renwick- Risbrooke	Accounting Support Officer	Demitted Office	28 October 2018
Mr Maurice Piggot	Security & Logistics Manager	End of contract	3 February 2019
Mr Nandlal Hardial	Registry Supervisor	Retired	31 May 2019
Ms Meisha-Ann Kelly	Deputy Registrar & Chief Marshal	Resigned	28 June 2019
Hon. Mr Justice David Hayton	Judge	Retired	13 July 2019
Ms Charmaine Wright	Communications & Information Manager	Resigned	31 July 2019
Ms Dionne Stevens	Executive Assistant	Retired	31 July 2019

Table 8

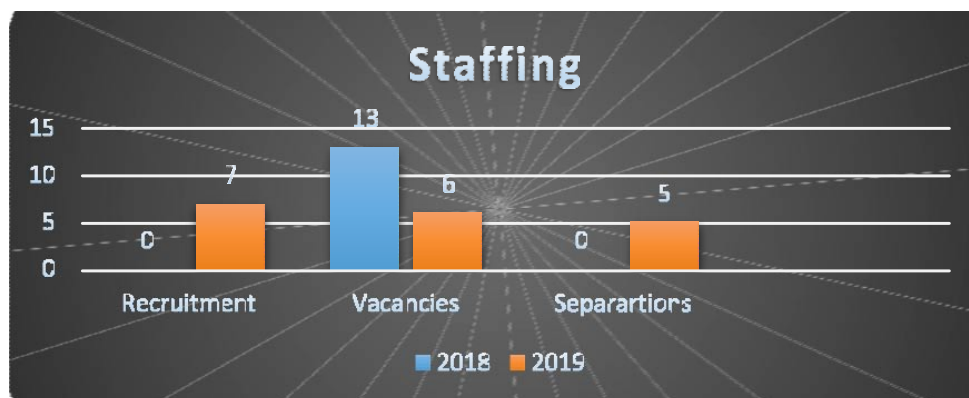


Figure 8

Department Reports (continued)

## Communications and Information

The Department is comprised of the Information Systems Unit, the Library Unit, Protocol and Information Unit and the Public Education and Communications Unit. Over the last judicial year, each of the Units provided service to internal and external customers in the hope of living up to the CCJ’s mission of “providing accessible, fair and efficient justice for the people and states of the Caribbean Community”.

### Information Systems Unit

During the period under review, the Information Systems (IS) Unit worked on a variety of projects. One of significance was the completion of an upgrade to the platform used to manage the live broadcast of Court matters. In April, the broadcasts began to livestream using YouTube to take advantage of additional features for viewers and to allow the harvesting of analytics for more precise decision-making.

The Unit is also charged with ensuring that CCJ’s data is secure. In furtherance of this objective, there was an improvement to the service used to protect the systems from cyberattacks, to meet current and future needs, and the individual security of the desktop and laptops used within the Court. The IS team also provided support, both locally and regionally, to the JURIST Project and the CCJ Academy for Law at meetings and events during the period.



*Ms Charmaine Wright  
Communications & Information Manager*



*Mr Ayinde Burgess of the IS Unit engages students of the Goodwood Secondary School, Tobago with a presentation of the Court’s technology during a tour of the Court.*

*Department Reports (continued)*

During the next judicial year, the IS Unit will be working with the Facilities Unit on implementing an inventory system. The IS Unit has also begun managing a project to upgrade the Library Management software.

## Library Services Unit

Enabling a culture of the rule of law requires access to information about the law. The Library's mandate is to support the information needs of the Court and to provide resources to attorneys, courts and related organisations throughout the Caribbean Community. To achieve this, the Library is continually enhancing its collection and exploring new ways to improve its services and user access, both on-site and remotely, to its resources. During the period, new titles and key revised editions were acquired to keep the collection up-to-date and relevant.

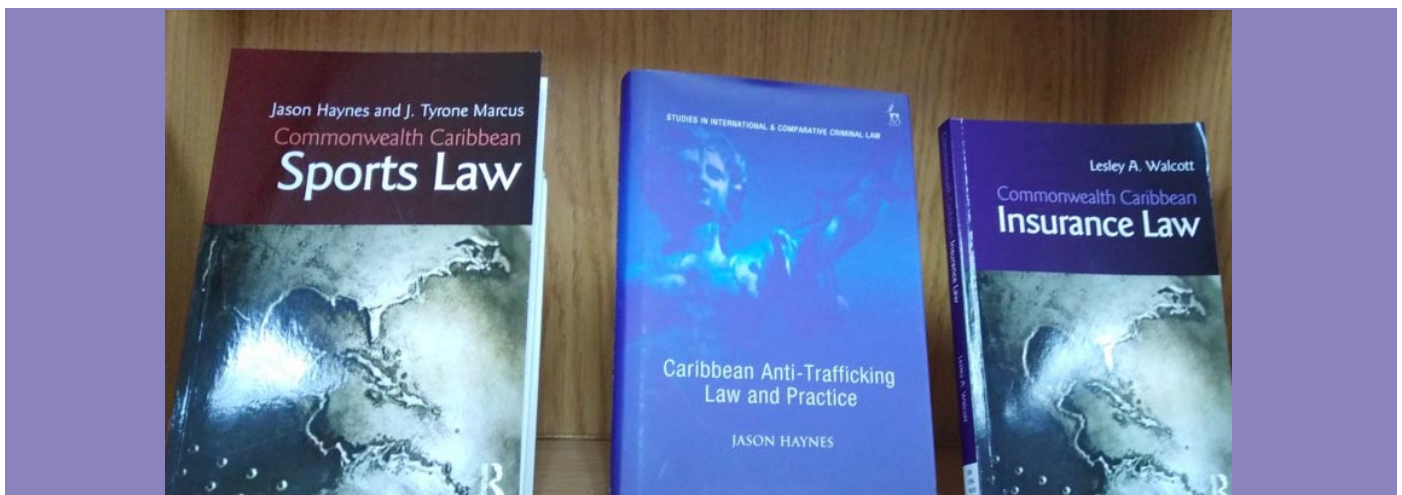
Access to new content was also provided through online subscription databases, such as LexisLibrary, Westlaw, JustisOne and HeinOnline, to supplement the print collection.

To improve access to resources, the Library is in the process of upgrading its web-based library system to InMagic Genie Plus. This upgrade will enhance collection

automation and management by integrating traditional library services with powerful knowledge management capabilities, to allow for quick and easy creation of knowledge repositories. Once completed, the online public access catalogue will be launched on the Court's website. The existing inhouse repository, CCJSpace will then be customised to complement this system.

The Library also continued to develop the Court's Records Management capabilities and in conjunction with the IS Unit, continued the development of shared unit workspaces using SharePoint. This will enable greater efficiencies of Records Management services for the Court.

The members of the Library Services Unit bid a warm farewell to the Hon. Mr Justice David Hayton, the first Chairman of the Library Collection Development Advisory Committee, who retired from the Court in July 2019. He has been succeeded by the Hon. Mr Justice Andrew Burgess.



*New titles added to the Library's collection*

Department Reports (continued)

## Protocol and Information Unit

As the CCJ is both an international organisation and a court, the duties of the Protocol and Information Unit are highly specialised.

Over the last 13 years, the Unit has coordinated the CCJ International Annual Law Moot. This year was also the last year that the Moot Committee will be helmed by its indefatigable Chairman, the Hon. Mr Justice David Hayton. His support and guidance will be missed. Preliminary work for the 2020 edition of the Law Moot is already in progress under the leadership of the Hon. Mr Justice Andrew Burgess.

The Protocol and Information Unit also played a key role in several special events at the CCJ this year. Of note was the Ceremonial Sitting marking the retirement of Mr Justice

Hayton in May 2019. This event included dignitaries from around the region.

The Unit is also responsible for providing information to stakeholder groups. The Unit provides tours and other informational support to stakeholder groups. During the CCJ's anniversary week, the Unit welcomed 54 people to the Court and led them through the CCJ's history, a demonstration of courtroom technology and how various units work together.

As a part of its informational role, the coordination of the annual report, in collaboration with the Public Education and Communications Unit, is one of the ways to reach stakeholder groups. This represents a comprehensive review of the work of the Court and an excellent way for our stakeholders to find ways to support the work of the CCJ.



*Students of the Hugh Wooding Law School, St. Augustine visited the CCJ for a Court Tour and received information about the history and work of the Court.*

Department Reports (continued)

## Public Education and Communications

During the period the Public Education and Communications Unit continued its efforts to increase the knowledge of the Court and its work throughout the Caribbean. In addition to issuing media releases, invitations and advisories, and the development of public education materials, the Unit has been working to expand the Court's presence on social media. The Court's Twitter account now has over 2,600 followers while LinkedIn boasts of a loyal following comprising more than 3,800 followers.

During the period the Court also adopted the use of Facebook and YouTube. The use of these social media channels has greatly increased the organisation's reach among its stakeholders as Facebook and YouTube continue to be among the most popular social media platforms in the Caribbean. YouTube especially has facilitated increased viewership of the Court's hearings, with the more high-profile matters being viewed by thousands of people. In fact, although the Court's channel currently only has 755 subscribers, the channel has had over 78,000 views since its launch. The Court's Facebook page has provided a well-used interface for peoples throughout the region to communicate with the institution.

This aids in building public trust and confidence. It is the Court's fastest growing platform: with over 2,000 followers in just over eight months.

In addition to its social media work, the Unit also worked on refreshing the Court's website to improve usability and visual appeal. The website, which was launched in April 2019, now features new enhancements such as a Court calendar, a featured news item, improved search functionality and greater social media channel integration.

Public outreach efforts, however, were not just restricted to new media, but also the Court has made efforts to engage traditional media. As part of the organisation's 14th anniversary celebrations, a Media Day was hosted at the Seat of the Court. Regional and local media houses were invited to participate in the Saturday event, during which, judges and external speakers made presentations on the work of the Court and its influence on regional law.

The Court also sought to engage the public of Trinidad and Tobago by disseminating hundreds of copies of "Fast Facts about the CCJ" as an insert in a local daily newspaper on the Court's anniversary.



*Dr Indira Rampersad, Political Scientist & Lecturer in Political Science at The University of the West Indies, St. Augustine Campus makes her presentation at the CCJ Media Day.*

Department Reports (continued)

## Finance and Administration

The Finance and Accounting Unit manages the financial accounting, reporting, budgeting payroll, receipts/payments and communicates with external audit partners, suppliers, banks and other institutions.

In addition to the functions outlined above, the Unit is also responsible for maintaining the financial integrity of the organisation by developing and ensuring compliance with established policies.

During 2018/2019 the Finance Unit continued to seek to embed a culture of continuous improvement and ensure a high-performing, modern and efficient court by providing timely and accurate financial information to its internal and external key stakeholders while protecting the Court's Assets, both real and intangible.

**Over the 2018/2019 year the Finance Unit has finalised the establishment of the following:**

### Automated Payroll System

The Automated Secured Payroll System/automatic payslips was completed in conjunction with the Human Resources Information System. Additionally, policies were documented for continuity and standardisation of work.

### Records Management/Unit File Plan

The Unit engaged in an exercise to upgrade and tidy the Finance vault. All records outside of the statutorily required retention period were disposed of to create space for new records. This exercise was supported by the Chief Librarian and her team; the Department is currently in the process of developing a revised filing plan tailored to our specific needs. The revised filing plan is expected to be implemented by October 2019.

### Report Generation JP Marshal

The Unit embarked on the design of financial reporting templates using the Management Report tool which



*Ms Andrea Callender  
Finance and Administration Manager*

is integrated with the Microsoft Dynamic Great Plains Accounting System. These reports are used internally to meet the specific reporting needs of the Court as well as for submission to the Trust Fund to satisfy our reporting obligation. These reports allow for greater efficiency in decision-making as the reports can be generated real time.

### Departmental Staffing

The vacancy of Accounting Support Officer was filled in July 2019. This will allow for greater productivity in the department as the responsibilities will be more equitably distributed.

### Strategic Plan

Coming out of the Court's Strategic Plan launch for the period 2019-2024, the Department developed its Management Action Plans for the biennium 2019-2020. This plan identified some key projects for the Finance Unit

*Department Reports (continued)*

to align its work with the strategic direction of the Court. These include strengthening policies and procedures and improved reporting quality and timelines.

### Financial Reporting for CCJ Academy for Law/CAJO

The Unit continued to provide administrative support to CAJO and the CCJ Academy during the period by facilitating all payment requests and maintenance of proper financial records.

### Facilities and Asset Management Unit

This Unit skillfully manages all the areas of the built environment to ensure both its internal and external

customers continue to exist in comfort and harmony. Procurement controls were improved and put in place to ensure purchases are linked to approved budgets. Several initiatives and projects conducted by this Unit helped to increase the overall productivity of the other Units and the Court, during the past year.

### Audit Report 2018

The auditors issued an unqualified audit opinion for the financial statements as at December 2018. Audited financial statements were processed by 31 March 2019.

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## Security and Logistics

The Security and Logistics (S&L) Department has undergone several dynamic changes in the last fiscal year. These are all geared towards improving the delivery of premium security and logistics services to the Court. There was a changing of the guard as Mr Trevor James assumed duties as the new manager, replacing Mr Maurice Piggott who retired. This change saw the execution of projects that were in-train as well as new initiatives. The new state-of-the-art X-ray Baggage Scanner was installed and operationalised. This was further supported by targeted signage and revised Standard Operating Procedures (SOPs), with the results being increased levels of compliance with the organisation's security protocols and no reported incidents of security breaches. The electronic locks were integrated into the emergency response system, ensuring statutory compliance as well as maintaining security in the event of an emergency.

Utilising a lean management approach, the operations of the Department were revamped to increase the internal response capabilities as well as increasing the security coverage of the Court. Furthermore, the issuance of uniforms to the S & L Department was streamlined to reduce cost.



*Mr Trevor James  
Security and Logistics Manager*



## Internal Activities

### Procedural Rules of Court

The Rules Revision Committee chaired by the Hon. Mr Justice Wit completed the biennial review of the CCJ Court Rules 2019 after a process which lasted for four months between November 2018 and March 2019. On this occasion, the Committee invited external stakeholder participation. Inputs, suggestions and comments were received by the Committee from the CARICOM Secretariat, attorneys and the Attorney General of St. Lucia.

Rules Revision Committee membership:

1. Hon. Mr Justice J. Wit – Chairman
2. Hon. Mr Justice D. Hayton
3. Hon. Mr Justice D. Barrow
4. Ms Jacqueline Graham
5. Ms Meisha-Ann Kelly
6. Ms Latoya McDowald
7. Mr Nandlal Hardial

The submissions from our stakeholders contributed to a comprehensive review of both the Appellate and Original Jurisdiction Rules. The new Rules ensure that as the number of cases filed increases, the Court will continue to fulfil its overriding objective to be accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.

In both sets of Rules, the Court recognised the importance of having Rules which acknowledge the role of both men and women in its processes. The Court also updated the language in the Rules to reflect gender inclusivity. The use of male pronouns or masculine language was amended to gender-neutral language. Contemporary modes of communication and electronic processes in the Rules were also added and references to manual procedures were updated. The e-Filing procedures were also updated. Additionally, media provisions were updated to include social and other non-traditional media for publications, instead of reliance on print media.

In the Appellate Jurisdiction, extensive changes were made to those Rules which relate to the introduction of reduced timelines at the various stages of a case in order to shorten the timeframe for completion. As a result, the Committee reduced timelines for filings in appeals and special leave applications, as the Committee noted that most attorneys who appear before the Court opt to serve documents by email, which reduces the time required to effect, notify and acknowledge service. A most notable amendment relates to the reduction in the timeline for filing the Record of Appeal (ROA). The new process empowers the parties to file the documents which form the ROA as soon as possible after the appeal is filed which would ensure that matters proceed promptly. The amendment also rationalises the role of the proper officer in the finalisation of the Record so that the responsibility shifts from the proper officer to the appellant to file the ROA within the reduced timeframe.



*Internal Activities (continued)*

Given the increase in filings in the Original Jurisdiction, extensive revision of those Rules relates to third party interventions, interim measures and advisory opinions. The Committee amended the procedure related to the application for interim measures, specifically identifying when the Court would consider such an application. The Rules relating to third party interventions were amended to reflect the broad scope of Article XVIII of the Agreement Establishing the Caribbean Court of Justice which states that “A Member State, the Community or a person having

a substantial interest of a legal nature which may be affected by a decision of the Court in the exercise of its original jurisdiction, may apply to the Court to intervene.” The Rules also now specifically distinguish the procedure to be followed when a request for an advisory opinion is filed by Member States or by the Caribbean Community. The Schedules in the OJ Rules were also updated to introduce two new forms to assist in the filing of requests for Advisory Opinions and Referral proceedings from national courts or tribunals.



*CCJ President, The Honourable Mr Justice Adrian Saunders signs the revised rules for 2019.*



*The Honourable Mme Justice Maureen Rajnauth-Lee (right) signs the Rules of Court 2019 as Ms Jacqueline Graham, Registrar and Chief Marshal (left), looks on.*

## Harassment Policy

Why a Harassment Policy? The development of a Harassment Policy arose out of a collaboration between the CCJ, JURIST and UN Women on gender sensitisation training under the banner “Gender Equality and Access to Justice”. The training was aimed at achieving two main goals:

- (1) Building the capacity of all CCJ staff to integrate gender equality into the tools developed under the JURIST Project
- (2) Improving the ability of all staff to understand and integrate gender-responsive techniques in their work

Forty Court staff members participated in the training sessions. For the most part, the training led to positive changes in the perceptions that the participants had of gender and its role in the workplace. A significant outcome from the training was the decision to enlist the assistance



*Internal Activities (continued)*

of JURIST and UN Women to develop a harassment policy for the Court and the RJLSC. A Harassment Policy Working Committee was appointed comprising the following: the Honourable Mme Justice Maureen Rajnauth-Lee (Chair), Ms Jacqueline Graham, Ms Susan Campbell-Nicholas, Ms Meisha-Ann Kelly, Ms Anika Gray (JURIST), Ms Semone Moore, Ms Tanya Alexis (Secretary), Mr Aaron Alexander, and Ms Tonni Ann Brodber (Deputy Representative, UN Women Multi-Country Office, Caribbean).

The work of the Committee began with the development and distribution of a survey to Judges, Managers and Staff to elicit important comments and responses on the areas that the Harassment Policy should cover. The results of the survey provided the basis upon which a draft Harassment Policy was developed. Feedback was then sought on the draft Harassment Policy and consultations on the policy were held with Judges, managers and staff. Ms Michelle Brathwaite, National Human Rights Advisor, United Nations, facilitated those consultations. Participants were in high praise for Ms Brathwaite's wealth of knowledge and her respectful responses to the questions posed and issues discussed. The feedback

and consultations revealed that the issues of harassment and sexual harassment were equally important to Judges, managers and staff.

Further comments were received by the Committee on the revised draft, and a final draft Harassment Policy was submitted for the approval of the RJLSC. It is important to note that the draft Harassment Policy recognises the value of every member of staff including every manager and Judge, and seeks to ensure that all employees and users of the Court and the RJLSC are treated with dignity, courtesy and respect.

Throughout this exercise, it was evident to the Committee that Judges, managers and staff alike, considered a Harassment Policy to be an important policy document which would enhance their work experience. In its Report to the RJLSC, the Committee noted: "We trust that once approved, the Policy will become a part of the daily lives of the CCJ and RJLSC, and that through training and reinforcement, any complaints of harassment will be dealt with fairly and expeditiously."

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## Staff Activities

The Court recognises that employees form the cornerstone of the organisation and that everything it hopes to achieve is hinged upon the support and contributions of the staff. As the CCJ positions itself to "unlock potential", it continues to demonstrate appreciation for all staff and to build an environment that fosters camaraderie and teamwork. As such, throughout the year, the Public Education and Communications and Human Resources Units collaborated to develop and execute several employee-focused activities.

In October 2018, the Court hosted "Think Pink 2018", a breast cancer awareness event. The first of its kind for the Court, the event featured a well-received lecture and Q&A segment by a local gynaecologist as well as a discussion with a survivor who recalled her experience of being diagnosed and treated for breast cancer. Employees were also given information on various types of cancers and proudly displayed pink ribbons to demonstrate their support for breast cancer awareness.

*Internal Activities (continued)*

Nothing says community and family like a pot-luck, so for the Court’s 2018 end-of-year celebration, the Fun-At-Work Committee coordinated an office decorating initiative along with an employee pot-luck. Members of staff came together to decorate the main areas of the Court and to top off the day’s festivities, all Units of the CCJ and RJLSC contributed dishes for a staff luncheon.

In February 2019, the Court continued its tradition of hosting a carnival function for employees and their guests. Themed “Legends,” the event which sought to pay tribute to some of the region’s legendary calypso and soca artistes, boasted a record number of attendees. The night featured performances by local soca artistes as well as a crowd-pleasing performance by the Court’s next-door neighbour, the BP Renegades Junior Band.

In March, the Court commemorated International Women’s Day in 2019 by celebrating the contributions of all our female members of staff. Each woman was given a personalised token to remind them of their importance to the institution as well as to the entire region.

The signing of the new Court Rules coincided with the celebration of the Court’s 14th Anniversary in April 2019. In July, employees came together in honour of the first anniversary of the presidency of the Honourable Mr Justice Adrian Saunders.



*Dr Sabrina Ramkissoon led an informative discussion on breast cancer awareness in the Court’s Training and Conference Room in October 2018.*



*Staff members get into the Christmas spirit to deck the halls of the CCJ.*

## Health, Safety, Security and Environment

The Health, Safety and Environment Committee was revitalised and rebranded the Health Safety, Security and Environment Committee to include the security element thus creating a greater synergy of efforts. The Committee members, including the Safety Wardens, received instruments of appointment. An Inventory and Management programme was implemented to ensure all equipment is up to date and congruent with potential emergency needs.



## Enhanced Regional Justice System Capacity and Performance

### CCJ Academy for Law

#### Biennial Conference, Pegasus, New Kingston, Jamaica

The 5th Biennial Conference was 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 was held 13-15 December 2018 in Kingston, Jamaica and it featured a three-day programme of presentations, plenary/concurrent sessions, and networking breaks geared towards expanding the capacity to address some of the pressing contemporary challenges faced by legal practitioners within the Caribbean hemisphere. On the first day, over 400 persons were in attendance.

The conference upheld the tradition of bringing together the world’s leading legal minds to discuss the future of legal practice in the Caribbean canvassing the latest thinking on Intellectual Property; emerging Digital Technology trends that will transform the Court; and Corporate Law as a facilitator of good governance for the promotion of the Rule of Law over corruption.

A focus of the 2018 conference was the signing of the Memorandum of Understanding between the CCJ Academy for Law and the Council of Legal Education. This signalled the Council’s and the Academy’s commitment towards working together and collaborating in the review, development and advancement of legal education throughout the Region. The Academy looks forward to establishing similar relationships with other institutions geared towards similar initiatives.

#### Ensuring Environmental Access Rights in the Caribbean

The CCJ Academy for Law has the overriding objective of contributing to the development of high standards of excellence in the administration of justice. A key strategy is the promotion of research and publication into “new and ground-breaking areas of the law to advance the rule of law at national, regional and international levels”.

In collaboration with the United Nations Economic Commission for Latin America and the Caribbean, the Academy joined efforts to showcase the judicial developments in the Caribbean and resolute commitment to access rights for environmental protection in producing a book “Ensuring Environmental Access Rights in the Caribbean: Analysis of Selected Cases-Law” published September 2018. CCJ Academy Chairman Hon. Mr Justice Anderson made a presentation in St Lucia at the launch of the book.

Notably, the book reviews and analyses trends taken by Caribbean courts in over 30 cases reaffirming key environmental principles, most importantly, sustainable development and environmental protection and democracy. The book shows how Caribbean judges have interpreted the Constitution, legislation and the common law principles in ways that have advanced environmental access and provided efficient justice based on the values, aspirations and ideals of the Caribbean people.



*Enhanced Regional Justice System Capacity and Performance (continued)*

## Responding to public health priorities of the Community

The CCJ Academy for Law also collaborated with regional public health, academic and industry interests on the Regional Alcohol Legislative Reform Project which seeks to address the issue of underage drinking and drunk driving in our Caribbean societies. Phase one, a review of laws throughout the Caribbean, has already been completed.

During this period, the Academy participated in a Caribbean Public Health Agency workshop at the Hilton Hotel, Port of Spain on 18 and 19 June 2019 that addressed the development of a Roadmap on Multi-Sectoral Action in Countries to Prevent Childhood Obesity through Improved Food and Nutrition Security.

This multi-sectoral collaborative approach demonstrated the Academy's willingness and commitment to the promotion and development of measures for the prevention of disease in the Caribbean.

## Caribbean Community Administrative Tribunal

The CCJ Academy for Law has been tasked by the Court with leading the work on the development of the Caribbean Community Administrative Tribunal (CCAT). CCAT will be an independent institution mandated to resolve employment disputes between employees and their CARICOM institution employers that enjoy immunity. Having received the approval of Heads of Government in February 2019, the Tribunal is to be established and become operative by the end of the year 2019/first quarter of 2020.

## Building on Stakeholder Base

During this judicial year, a membership drive commenced to attract qualified legal professionals in different jurisdictions who have contributed to the progress of legal education

in the Caribbean to become Ordinary Members of the Academy. The Academy will provide its members with opportunities to enhance their professional skills through the biennial conferences, build networking presence and to earn continuing Legal Education Credits.

## Professional Website Development

Rebranding of the CCJ Academy for Law required updating the website to achieve its digital marketing and brand awareness. The final website would be more user-friendly and useful so that the redesign of ccjacademy.org would be seamlessly implemented to successfully inform interested visitors, prospects and existing members about the Academy's activities while facilitating streamlined media, conference registration and inquiry systems. Website development objectives are outlined as follows:

- Develop a modern, professionally designed WordPress website which utilises vibrant, visually appealing and relevant graphical elements;
- Web design customisation and branding framework based on project goals and specification;
- Integration of Google Analytics user trends and activity monitoring platform;
- Integration and configuration of a site-wide search engine system;
- Creation of news, recent developments, multimedia gallery and e-marketing platform;
- Integration of Facebook, Twitter, YouTube icons and links to relative social account pages;
- Search engine optimisation to enhance the search engine visibility to all site pages; and
- Publishing/launching of the completed website.

Enhanced Regional Justice System Capacity and Performance (continued)



Co-Chairman of the CCJ Academy for Law, The Honourable Mr Justice Winston Anderson makes his opening remarks at the 5th Biennial Conference in Kingston, Jamaica.



Conference keynote speaker, Sir Ernest Ryder, Senior President of Tribunals, Judiciary of England and Wales as he addresses the audience on the future of the legal profession.

Enhanced Regional Justice System Capacity and Performance (continued)

## Caribbean Association of Judicial Officers (CAJO)



### Caribbean Association of Judicial Officers (CAJO) 6th Biennial Conference

31 October - 2 November 2019  
Best Western Plus Belize Biltmore Hotel  
Belize City, Belize

thecajo.org

CAJO will host its 6th Biennial Conference in Belize in 2019.

Over this past year, CAJO continued its work of strengthening its internal organisational structure, enhancing the skills of judicial officers through ongoing judicial education and collaborating with fraternal judiciaries, donor agencies and other institutions.

### Executive Meetings

CAJO's Executive Committee met on six different occasions by Skype over the period. The meetings were generally well attended with excellent participation from executive members and country representatives.

### Gender Equality Protocols

The judiciaries of Trinidad and Tobago and Belize launched their respective Gender Equality Protocols in November and December 2018. These Protocols were created from the generic Draft Gender Protocol that was developed during the last period through the collaborative efforts of CAJO, the JURIST Project and UN Women.

### Learning Exchanges

There were a number of collaborative initiatives that resulted through the fraternal relationships enjoyed by CAJO with regional judiciaries and agencies such as the



*Enhanced Regional Justice System Capacity and Performance (continued)*

JURIST Project, UN Women and the United Nations Office on Drugs and Crime (UNODC). The following are highlights of some of the activities that took place during the period:

### **November 2018**

- o The Honourable Mr Justice Adrian Saunders, in his capacity as a Member of the Advisory Board of the UNODC's Global Judicial Integrity Network (GJIN), delivered the Introductory Speech on "Strengthening Judicial Ethics", for the Regional Training-of-Trainers Workshop in Kingston, Jamaica.
- o The Honourable Mr Justice Peter Jamadar participated in GJIN's Expert Group Meeting (EGM) on the Use of Social Media by Members of the Judiciary.
- o The Honourable Mme Justice Simone Morris-Ramlall from Guyana participated in a roundtable discussion on Access to Justice as one of the levers to achieving gender equality and the Sustainable Development Goals in the Caribbean. The event took place at The UWI's Cave Hill Campus in Barbados and explored challenges, successes and future requirements associated with developing gender responsive judicial systems.

### **December 2018**

- o A Group of six CAJO judges and magistrates were among a 16-member multi-sectoral delegation visiting South Africa as part of the 'South-South' Knowledge Exchange. The Exchange, coordinated by UN Women, facilitated the sharing of experiences, best practices, policies and procedures for ensuring gender-responsive systems. The CAJO contingent comprised The Honourable Mme Justice Lisa Ramsumair-Hinds (Trinidad & Tobago), The Honourable Mme Justice Jacqueline Cornelius (Barbados), Senior Magistrate Patricia Arana (Belize), Senior Magistrate Sunil

Scarce (Guyana), Parish Judge Sahai Whittingham-Maxwell (Jamaica) and Magistrate Wayne Clarke (Barbados).

- o On 6 and 7 December 2018, The Honourable Mme Justice Roxane George, Chief Justice (Ag) of Guyana and The Honourable Mme Justice Judith Jones, Justice of Appeal from Trinidad & Tobago, represented CAJO at an Experts Group Meeting on gender-related judicial integrity issues. The Meeting took place in Seoul, South Korea and was coordinated by GJIN in collaboration with the Judicial Policy Research Institute of the Supreme Court of the Republic of South Korea.

### **March 2019**

- o CCJ Judge, The Honourable Mme Justice Maureen Rajnauth-Lee and The Honourable Mme Justice Sonya Young (Belize) represented CAJO as facilitators in two side events during the Sixty-Third session of the Commission on the Status of Women (CSW63) in New York. Coming out of the events, the work being done in the Caribbean was identified as a global model for developing judiciaries in building gender responsive justice systems and processes.

### **June 2019**

- o CAJO and the CCJ hosted a multi-sectoral delegation from Sierra Leone as part of the Caribbean leg of the 'South-South' Knowledge Exchange.

### **July 2019**

- o CAJO's Vice-Chairman, The Honourable Mr Justice Peter Jamadar, participated as a facilitator in a 2-day gender-sensitive adjudication training for judicial officers in Barbados.



Enhanced Regional Justice System Capacity and Performance (continued)

### CAJO Members elected to UN Tribunal

The Honourable Mr Justice Francis Belle, a Barbadian national of the Eastern Caribbean Supreme Court, and The Honourable Mme Justice Eleanor Donaldson-Honeywell of Trinidad and Tobago, were among four persons elected by the United Nations General Assembly to serve as half-time judges in the United Nations Dispute Tribunal from 10 July 2019.

### 6th Biennial Conference

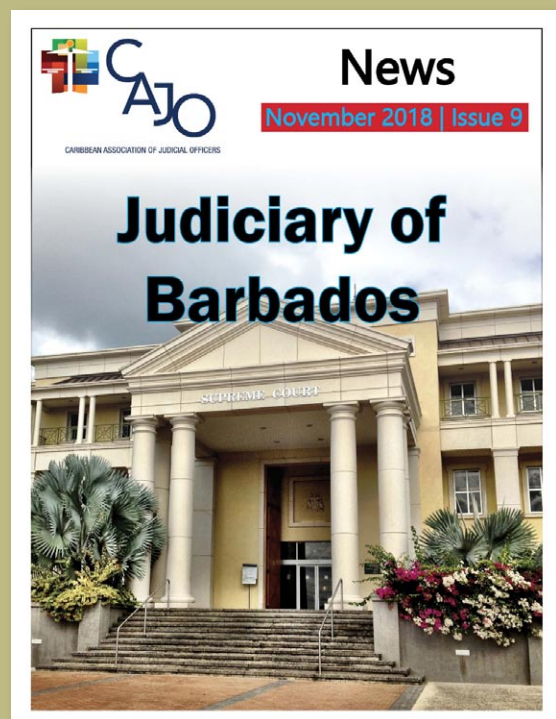
Organisational efforts intensified for the sixth staging of CAJO’s Biennial Conference. The Conference will be hosted by the Judiciary of Belize under the theme ‘*Judicial Integrity – The Pathway to Public Trust and Confidence*’. This year’s Conference is being coordinated with the invaluable assistance of the Local Organising Committee in Belize which is led by The Honourable Chief

Justice Kenneth Benjamin who is supported by the CAJO Executive Members Justice Sonya Young and Senior Magistrate Patricia Arana.

### Other Noteworthy Events

In May 2019, CAJO paid special recognition to Mrs Linda Hayton who tirelessly served on CAJO’s Papers and Panels Committee from 2009 up to that time.

There was also a leadership change within the Association as The Honourable Mr Justice Adrian Saunders, who served as CAJO’s Chairman since inception, demitted office on 31 July 2019, handing over to his CCJ colleague, The Honourable Mr Justice Peter Jamadar. Mr Justice Saunders will remain on the Executive Committee of the Association.



## The Judicial Regional and Institutional Strengthening (JURIST) Project



*The Honourable Dame Janice Pereira (centre), Chief Justice, Eastern Caribbean Supreme Court (ECSC) chats with Mrs Gloria Richards-Johnson (left), Director and Mr John Furlonge, Regional Project Coordinator and Capacity Building Specialist, both of the JURIST Project during the handover of equipment and the Disaster Recovery Plan to the Dominica Courts in February 2019.*

The Judicial Reform and Institutional Strengthening (JURIST) Project recorded its most prolific year since its inception during the period under the review. The Project continued to make good progress towards its targets in implementing judicial reforms.

In February 2019, the Government of Canada granted a no-cost, four-year extension to the Project. The extension enables the project to build on the foundational work and investments in baseline studies, tools, training programmes, protocols and guidelines. It also provided an opportunity to effectuate change management in the beneficiary judiciaries.

### Component 1

The Project assisted instituting gender-responsive reforms in court and judicial service delivery. Courts in Antigua and Barbuda, Belize, Guyana and Trinidad and Tobago have adopted and, to varying degrees, implemented gender-responsive policies, practices and procedures.

In January 2019, the Project established the Sexual Offence Model Court in Antigua and Barbuda. It also developed Gender Equality Protocols for Belize and Trinidad and Tobago and provided gender sensitisation training.



*The Judicial Regional and Institutional Strengthening (JURIST) Project (continued)*

## Component 2

The Project continued its efforts to develop a Knowledge Management System and in July 2019 advertised for a consultant to commence Phase II of this initiative which seeks to design and implement the actual system.

The Project developed plans for the development of public education campaigns and stakeholder training including “Being Media Ready.” In June 2019, the Project received “Designing and Implementing Public Education and Engagement Campaigns – A training plan for judicial stakeholders.” The plans include learning objectives, complete modules, activities, handouts, pre and post-training assessment surveys.

The two regional courses – Developing Public Education and Engagement Campaigns and Being Media Ready – will each be a fully certifiable, 40-hour, three-part theoretical and practical course available to judicial officers, court staff and other justice sector stakeholders.

Additionally, Public Education and Engagement Working Groups/Committees were established in Guyana and the Eastern Caribbean Supreme Court (ECSC) to assist in the development, delivery, implementation and monitoring and evaluation and sustainability of programmes. Other Committees are expected to be formed in Belize and Barbados in the coming months.

## Component 3

The Project also focused its attention on improving court systems, policies and procedures to reduce delays and the backlog in the system.

Barbados received the first Disaster Recovery Plan (DRP) developed by the Project. Soon after, the country suffered disaster as the Supreme Court building was suddenly closed for safety reasons. Barbados used the DRP to help the Supreme Court recover efficiently from the business

interruption. The court provided essential services at alternate locations while the Supreme Court building was being repaired. The DRP provided valuable guidance on recovering in the shortest possible time.

Guyana and the ECSC received draft DRPs in November 2018 and February 2019. The ECSC received the DRP in February 2019 to guide future recovery efforts in their jurisdiction. The Project provided equipment to operationalise two courts in the Commonwealth of Dominica which was devastated by Hurricane Maria in 2017.

Other countries in the region are interested in this success story, and Belize has asked for project assistance to adapt the DRP in that country. It is also currently being adapted to local realities in Guyana. The criminal court in Dominica is a Model Court for the ECSC. Now it can operate as a virtual courtroom. In February 2019, the Chief Justice of the ECSC handled about 70 case management matters while located in St Lucia. She also rendered judgment on another matter with the party in the courtroom in Dominica while she was in St. Lucia.

A business model for Information and Communications Technology solutions was prepared with a focus on Case Management Systems (CMS). Courts in the region will use the technology in case adjudication, archive and document management and remote back-ups for CMS.

The Project also strengthened the delay and backlog reduction programme in Guyana during the reporting period. The Project increased the capacity of the court system through the provision of equipment for the courts and training for court officers. The Project installed digital audio-recording equipment in 10 courtrooms in Georgetown and set up a video conference unit in the Berbice High Court. Judicial officers and court staff in Guyana were also trained to use the equipment for

*The Judicial Regional and Institutional Strengthening (JURIST) Project (continued)*

transcript preparation and trial progression. The video conference unit in Berbice will eliminate the need for judicial officers to travel from Georgetown to adjudicate cases.

The JURIST Project introduced improved processes and policies into the Guyana court system with the introduction of new Civil Procedure Rules and training of 147 persons beginning in November 2018.

Court Annexed Mediation is an integral part of the court process and a way of reducing delays and backlog across the region. The Project delivered training in Court Annexed Mediation to 108 persons in Barbados, Guyana and St. Vincent and the Grenadines. JURIST partnered with the Judicial Education Institute of the ECSC and the

University of the West Indies in delivering the training. These countries each increased their complement of mediators and enhanced the capacity of those on their roster.

In December 2018, the Criminal Bench Book Committee launched the Bench Book, which compiles rules of procedure distilled from primary legislation, case law and policy in the region. The Bench Book will increase the skills and knowledge of magistrates and parish court judges in judgment writing and giving of reasons, dealing with vulnerable defendants and witnesses, sentencing options and extradition proceedings. Using the Bench Book will result in improved conduct of trials and decision-making.



*Members of the JURIST Project have the undivided attention of a conference attendee in at the CCJ Academy for Law's 5th Biennial Conference in Kingston, Jamaica.*

# Financials

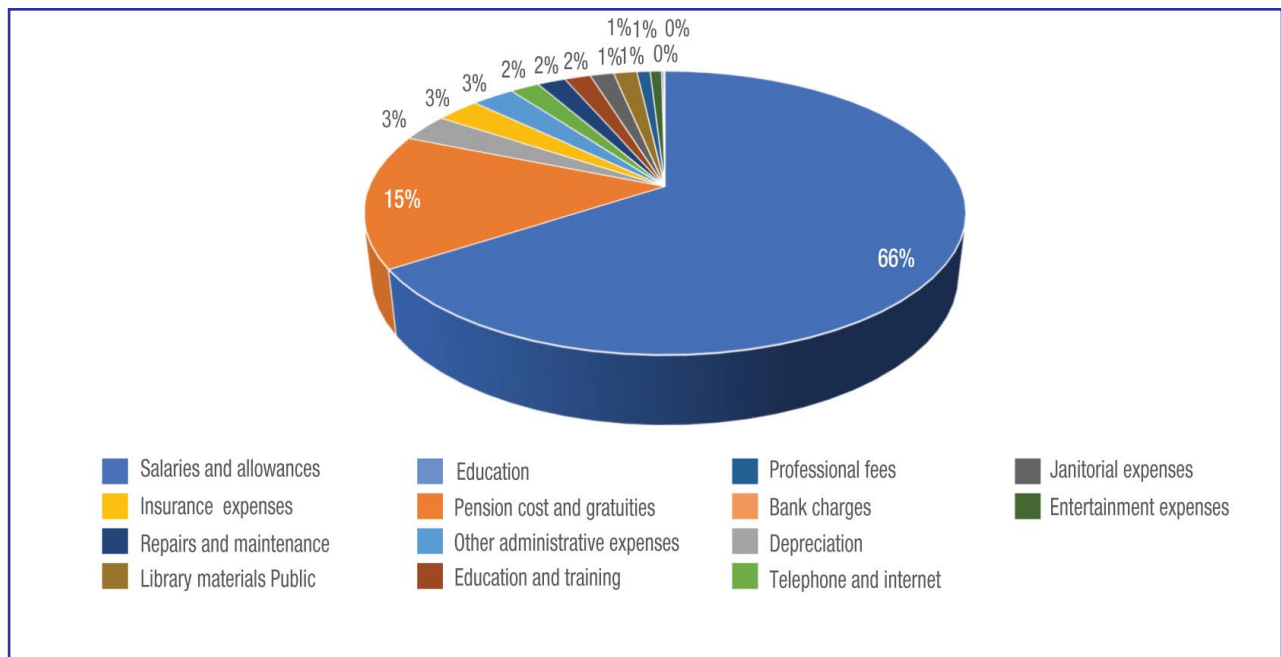
## Summary of the Financial Year 2018

The Caribbean Court of Justice received the sum US\$7,513,884 for both recurrent and capital Expenditure for the financial year 2018.

### Recurrent Expenditure

Approximately 90.4% of the annual allocation which amounts to US\$6,795,789 was for recurrent expenditure. This represents a decrease of 1.6% over 2017. This decline in expenses was largely related to reductions in professional fees, judicial education and training and insurance expenses. The allocation for this year was utilised as follows largely related to staff costs.

CCJ Re-Current Expenditure 2018

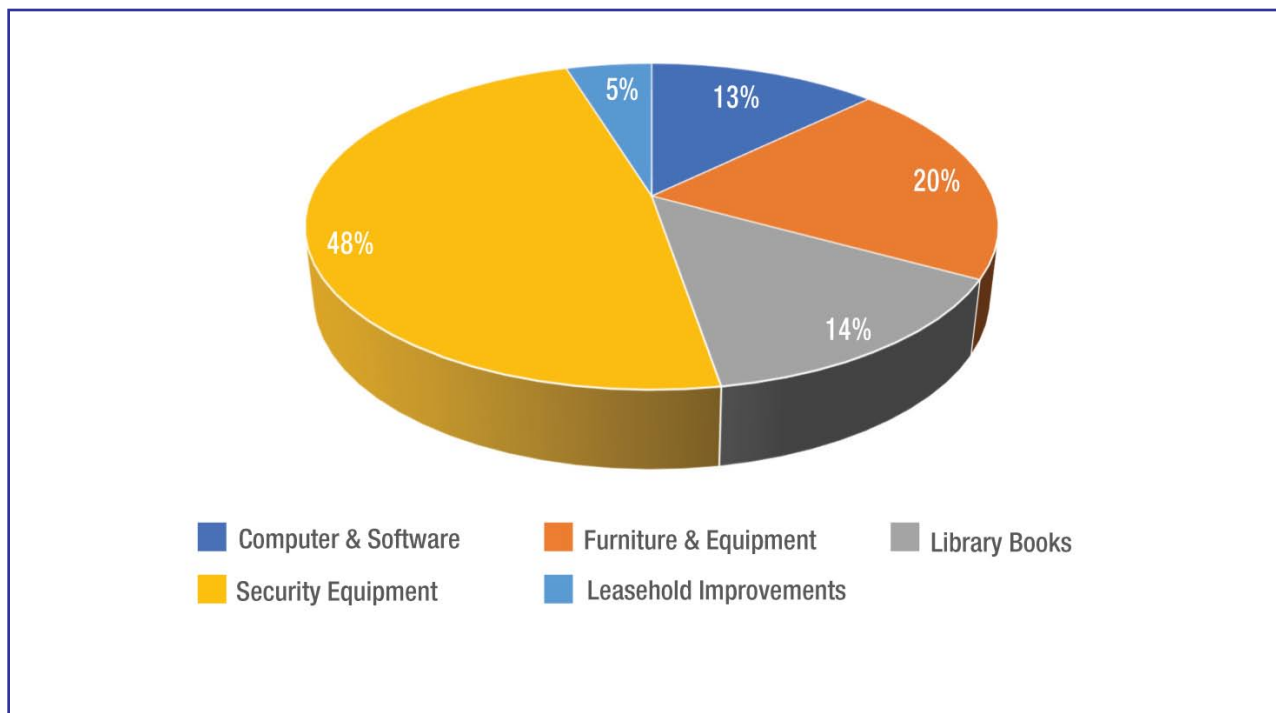


Summary of the Financial Year 2018 (continued)

### Capital Expenditure

The capital expenditure for the year was 1.7% or US\$129,851 of the yearly allocation for the Court. The funds were used to purchase IT software and hardware, renovations and upgrades to internal space, office equipment, library books and security equipment. The Security equipment accounted for 48% of the expenditure as a result of a baggage scanner being purchased.

CCJ Capital Expenditure 2018



### Cash Flow

During 2018, the CCJ met all its financial obligations as they became due. The closing cash balance for 2018 was US\$1,698,238 which indicates an increase of 137% over 2018 financials. This significant increase was due mainly to budgeted expenditure for the purchase of new vehicles being deferred to 2019. Net cash flow from operations was US\$1,109,689 which showed an increase from 2017 by 336%. Net Cash Flow from investing activities in the amount of US\$129,356 decreased by 46% over 2017.



# Audited Financial Statements

For the year ended December 31, 2018



Audited Financial Statements (continued)

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## Independent Auditors' Report



2nd Floor CIC Building  
122-124 Frederick Street  
Port of Spain  
Trinidad and Tobago  
vTel: +1 (868) 625 8662  
Fax: +1 (868) 627 6515  
www.bdo.tt

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, 2018, 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, 2018, and of its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards (“IFRS”).

### 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 IFRS, 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.



*Independent Auditors' Report (continued)*

## **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.

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.

May 24, 2019  
Port-of-Spain,  
Trinidad and Tobago

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**The Caribbean Court of Justice**  
**Statement of Financial Position as at December 31, 2018**  
*(Expressed in Trinidad and Tobago Dollars)*

	Notes	2018	2017
<b>Assets</b>			
<b>Non-current assets</b>			
Property, plant and equipment	3	2,348,962	2,905,708
Retirement benefits due from Trust Fund	4	91,124,489	86,929,859
<b>Total non-current assets</b>		<b>93,473,451</b>	<b>89,835,567</b>
<b>Current assets</b>			
Other receivables	5	1,450,552	1,187,208
Due from related parties	6	1,033,244	1,139,932
Cash and cash equivalents		11,361,213	4,802,782
<b>Total current assets</b>		<b>13,845,009</b>	<b>7,129,922</b>
<b>Total assets</b>		<b>\$107,318,460</b>	<b>\$96,965,489</b>
<b>Accumulated fund and liabilities</b>			
Accumulated fund		14,484,487	9,383,944
<b>Total accumulated fund</b>		<b>14,484,487</b>	<b>9,383,944</b>
<b>Non-current liability</b>			
Retirement benefit liability	7	91,124,489	86,929,859
<b>Total non-current liabilities</b>		<b>91,124,489</b>	<b>86,929,859</b>
<b>Current liabilities</b>			
Other payables	8	1,709,484	651,686
<b>Total current liabilities</b>		<b>1,709,484</b>	<b>651,686</b>
<b>Total accumulated fund and liabilities</b>		<b>\$107,318,460</b>	<b>\$96,965,489</b>

*See accompanying notes to the financial statements.*

These financial statements were approved for issue by the Court President and an RJLSC Commissioner on May 24, 2019, 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, 2018**  
*(Expressed in Trinidad and Tobago Dollars)*

	Notes	2018	2017
Funding from the Trust Fund	9	50,267,881	50,187,779
Other income	10	691,199	637,145
		<b>50,959,080</b>	<b>50,824,924</b>
Administrative expenses	11	(45,463,827)	(46,538,449)
Surplus for the year		<b>5,495,253</b>	<b>4,286,475</b>
Other comprehensive loss			
Re-measurement of defined benefit pension plans		(394,710)	(4,696,380)
<b>Total comprehensive surplus/(deficit) for the year</b>		<b>\$5,100,543</b>	<b>\$(409,905)</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, 2018**  
*(Expressed in Trinidad and Tobago Dollars)*

	<b>Accumulated fund</b>
<b>Year ended December 31, 2018</b>	
Balance as at January 1, 2018	9,383,944
Total comprehensive surplus for the year	5,100,543
<b>Balance as at December 31, 2018</b>	<b>\$14,484,487</b>
<b>Year ended December 31, 2017</b>	
Balance as at January 1, 2017	9,793,849
Total comprehensive deficit for the year	(409,905)
<b>Balance as at December 31, 2017</b>	<b>\$9,383,944</b>

*See accompanying notes to the financial statements.*



**The Caribbean Court of Justice**  
**Statement of Cash Flows for the year ended December 31, 2018**  
*(Expressed in Trinidad and Tobago Dollars)*

	2018	2017
<b>Cash flows from operating activities</b>		
Total comprehensive surplus/(deficit) for the year	5,100,543	(409,905)
Adjustments to reconcile total comprehensive surplus/deficit for the year to net cash from operating activities		
Depreciation	1,425,446	1,360,981
Interest income	(3,309)	(3,260)
Increase in retirement benefit due from Trust Fund	6,522,680	947,816
(Increase)/decrease in other receivables	(4,194,630)	(21,747,245)
Decrease in due from related parties	(263,344)	428,164
Increase in retirement benefit liability	106,688	671,478
Increase/(decrease) in other payables	4,194,630	21,747,245
	1,057,798	(346,069)
<b>Net cash generated from operating activities</b>	<b>7,423,822</b>	<b>1,701,389</b>
<b>Cash Flows from Investing Activities</b>		
Interest received	3,309	3,260
Acquisition of property, plant and equipment	(868,700)	(1,619,655)
<b>Net cash used in investing activities</b>	<b>(865,391)</b>	<b>(1,616,395)</b>
Increase in cash and cash equivalents for the year	6,558,431	84,994
Cash and cash equivalents as at January 1	4,802,782	4,717,788
<b>Cash and cash equivalents as at December 31</b>	<b>\$11,361,213</b>	<b>\$4,802,782</b>

*See accompanying notes to the financial statements.*



## The Caribbean Court of Justice

### Notes to the Financial Statements for the year ended December 31, 2018

*(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 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 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 historical 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

The Court adopted IFRS 9 Financial Instruments and IFRS 15 Revenue from Contracts with customers with a transition date of January 1, 2018. There were no material changes to these financial statements resulting from the adoption of these two new standards.

###### (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 16 Leases supersedes IAS 17 Leases and its related interpretations. IFRS 16 eliminates the



## 2. Significant accounting policies (continued)

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

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.

### (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 (e) Property, plant and equipment
- Note (g) Other receivables
- Note (m) Provisions
- Note (n) Employee benefits
- Note (j) Financial assets
- Note (k) Financial liabilities

### (d) 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.





Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

## 2. Significant accounting policies (continued)

### (e) 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 the 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.

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

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



## 2. Significant accounting policies (continued)

### (f) Impairment of non-financial assets

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.

### (g) Other receivables

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

### (h) Due (to)/from related party

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

### (i) Cash and cash equivalents

For the purpose of the statement of cash flows, cash and cash equivalents comprise cash in hand and at bank, and cash deposited with money market income funds with an original maturity of three months or less.

### (j) Financial assets

The Court classifies its financial assets at amortized cost. These assets arise principally from the Court's normal operations (e.g. advances to staff and VAT recoverable) but also incorporate other types of financial assets where the objective is to hold these assets in order to collect contractual cash flows and the contractual cash flows are solely payments of principal and interest. They are initially recognized at fair value plus transaction costs that are directly attributable to their acquisition or issue and are subsequently carried at amortized cost using the effective interest rate method, less provision for impairment.



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

## 2. Significant accounting policies (continued)

### (j) Financial assets (continued)

Impairment provisions for financial assets other than related party balances are recognized based on the simplified approach within IFRS 9 using a provision matrix in the determination of the lifetime expected credit losses. During this process, the probability of the non-payment of the financial assets is assessed. This probability is then multiplied by the amount of the expected loss arising from default to determine the lifetime expected credit loss for the financial assets. For financial assets, which are reported net, such provisions are recorded in a separate provision account with the loss being recognized within cost of sales in the statement of comprehensive income. On confirmation that the financial assets will not be collectable, the gross carrying value of the asset is written off against the associated provision.

Impairment provisions for receivables from related parties and loans to related parties are recognized based on a forward-looking expected credit loss model. The methodology used to determine the amount of the provision is based on whether there has been a significant increase in credit risk since initial recognition of the financial asset. For those where the credit risk has not increased significantly since initial recognition of the financial asset, twelve months expected credit losses along with gross interest income are recognized. For those for which credit risk has increased significantly, lifetime expected credit losses along with the gross interest income are recognized. For those that are determined to be credit impaired, lifetime expected credit losses along with interest income on a net basis are recognized.

The Court's financial assets measured at amortized cost comprise retirement benefits due from Trust Fund, other receivables, due from related parties and cash and cash equivalents in the statement of financial position.

### (k) Financial liabilities

The Court classifies its financial liabilities as financial liabilities at amortised cost. This primarily consists of other payables.

Payables and other short-term monetary liabilities are initially recognised at fair value and subsequently carried at amortised cost.

### (l) Accumulated fund

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

### (m) Provisions

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



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

## 2. Significant accounting policies (continued)

### (n) Employee benefits

The Trust Fund had previously proposed that since the retirement arrangements of the Court are already funded from within the Trust Fund with a legislature from the Heads of Government to ensure that the resources are always adequate, the retirement benefits due to the judges and non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court. Refer to Notes 4 and 7.

#### (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.

#### (ii) Defined benefit plan

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

### (o) 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.

### (p) Revenue recognition

#### Funds from the Caribbean Court of Justice Trust Fund

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



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

**2. Significant accounting policies (continued)**

**(p) Revenue recognition (continued)**

Grants

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

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.

**(q) Administrative expenses**

Expenses are recorded at cost on the transaction date and are recognised on the accrual basis in the statement of comprehensive income.



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

**3. Property, plant and equipment**

	Computer and software	Furniture, fixtures and equipment	Flags, crest and seals	Library books	Security equipment	Leasehold improvements	Vehicles	Total
<b>Year ended December 31, 2018</b>								
<b>Cost or valuation</b>								
As at January 1, 2018	11,537,275	11,753,699	428,470	14,913,525	1,171,213	1,011,286	4,103,935	44,919,403
Additions	110,796	176,028	-	124,375	416,063	41,438	-	868,700
<b>As at December 31, 2018</b>	<b>11,648,071</b>	<b>11,929,727</b>	<b>428,470</b>	<b>15,037,900</b>	<b>1,587,276</b>	<b>1,052,724</b>	<b>4,103,935</b>	<b>45,788,103</b>
<b>Accumulated depreciation</b>								
As at January 1, 2018	(10,605,677)	(10,880,385)	(422,582)	(14,729,407)	(928,620)	(568,616)	(3,878,408)	(42,013,695)
Charge for the year	(455,915)	(374,108)	(4,903)	(129,106)	(157,953)	(82,786)	(220,675)	(1,425,446)
<b>As at December 31, 2018</b>	<b>(11,061,592)</b>	<b>(11,254,493)</b>	<b>(427,485)</b>	<b>(14,858,513)</b>	<b>(1,086,573)</b>	<b>(651,402)</b>	<b>(4,099,083)</b>	<b>(43,439,141)</b>
<b>Net book value</b>								
As at December 31, 2018	\$586,479	\$675,234	\$985	\$179,387	\$500,703	\$401,322	\$4,852	\$2,348,962
<b>Year ended December 31, 2017</b>								
<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	84,688	-	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



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

#### 4. Retirement benefits due from Trust Fund

	2018	2017
Retirement benefits due from Trust Fund	<u>\$91,124,489</u>	<u>\$86,929,859</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 7.

#### 5. Other receivables

	2018	2017
Due from Caribbean Academy for Law & Court Administration (CALCA)	488,562	247,282
Employee advances	418,390	192,663
VAT recoverable	254,076	441,506
Due from the Caribbean Association of Judicial Officers (CAJO)	46,121	45,452
Prepayment	16,301	16,301
Other assets	227,102	244,004
	<u>\$1,450,552</u>	<u>\$1,187,208</u>

#### 6. Related party transactions

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

	2018	2017
a) Due from related parties:		
- The Commission	947,182	1,070,493
- JURIST Project	86,062	69,439
	<u>\$1,033,244</u>	<u>\$1,139,932</u>

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

b) Trust Fund income received on behalf of and transferred to the Commission:	\$3,424,845	\$3,579,799
c) Expenses charged to the Commission	\$78,861	\$62,482

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

#### Key management compensation:

d) Salaries and other short-term benefits	\$6,128,349	\$5,649,003
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Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

**7. Retirement benefit liability**

	2018	2017
Judges	70,934,070	68,565,810
Non-Judicial Staff	20,190,419	18,364,049
	<b>\$91,124,489</b>	<b>\$86,929,859</b>

**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.

Principal actuarial assumptions at the reporting date are as follows:

	2018	2017
Discount rate	4.0%	3.5%
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 as at the beginning of year	-	-
Contributions by the Court	3,191,130	2,254,530
Benefits paid	(3,191,130)	(2,254,530)
<b>Fair value of plan assets as at the end of year</b>	<b>\$-</b>	<b>\$-</b>
Present value of obligation as at beginning of year	68,565,810	49,743,748
Foreign exchange loss on opening obligation	-	69,992
Interest cost	2,401,710	2,040,450
Current service cost - Employer's portion	1,639,050	2,247,840
Past service cost	-	12,797,970
Benefit payments	(3,191,130)	(2,254,530)
Actuarial loss on obligation	1,518,630	3,920,340
<b>Present value of obligation as at end of year</b>	<b>\$70,934,070</b>	<b>\$68,565,810</b>
<b>Profit or loss</b>		
Service cost	1,639,050	15,045,810
Interest cost	2,401,710	2,040,450
	<b>4,040,760</b>	<b>17,086,260</b>





Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

**7. Retirement benefit liability (continued)****Judges pension arrangement (continued)**

	2018	2017
<b>Other comprehensive income</b>		
Net actuarial loss recognized	1,518,630	3,920,340
<b>Total expense</b>	<b>\$5,559,390</b>	<b>\$21,006,600</b>
Opening liability	(68,565,810)	(49,743,748)
Foreign exchange loss on opening liability	-	(69,992)
Total expense	(5,559,390)	(21,006,600)
Contributions paid	3,191,130	2,254,530
<b>Closing liability</b>	<b>\$(70,934,070)</b>	<b>\$(68,565,810)</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.

	2018	2017
Present value of the obligation	(70,934,070)	(68,565,810)
<b>Liability recognized in statement of financial position</b>	<b>\$(70,934,070)</b>	<b>\$(68,565,810)</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 the present value of defined benefit obligation</b>	<b>2018</b>	<b>2017</b>
Defined benefit obligation as at start of year	18,364,049	15,438,866
Foreign exchange loss on opening liability	-	21,723
Current service cost	1,578,840	1,532,010
Interest cost	682,380	561,960
Contributions paid	809,490	776,040
Past service cost	-	(301,050)
Re-measurements:		
- Experience adjustment	(829,560)	776,040
- Actuarial gains from changes in financial assumptions	(294,360)	-
- Benefits paid	(120,420)	(441,540)
<b>Defined benefit obligation as at end of year</b>	<b>\$20,190,419</b>	<b>\$18,364,049</b>



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

**7. Retirement benefit liability (continued)**

**Non-Judicial staff pension plan (continued)**

**Liability profile**

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

	2018	2017
- Active members	85%	83%
- Pensioners	15%	17%

The weighted average duration of the defined obligation at the year-end was 3 years (2017: 3.5 years). 82% (2017: 92%) of the benefits accrued by active members were vested. 1% (2017: 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.

	2018	2017
<b>Expense recognised in profit and loss</b>		
Current service cost	1,578,840	1,532,010
Net interest on net defined benefit liability	682,380	561,960
Past service cost	-	(301,050)
<b>Net pension costs</b>	<b>\$2,261,220</b>	<b>\$1,792,920</b>

**Movement in fair value of plan assets/asset allocation**

**Re-measurements recognised in other comprehensive income**

Experience losses	(1,123,920)	776,040
<b>Total amount recognised in other comprehensive income</b>	<b>\$(1,123,920)</b>	<b>\$776,040</b>

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

	2018	2017
Opening defined benefit liability	18,364,049	15,438,866
Foreign exchange loss on opening liability	-	21,723
Net pension cost	2,261,220	1,792,920
Re-measurements recognized in other comprehensive income	(1,123,920)	776,040
Employees salary deductions	809,490	776,040
Benefits paid by the Court	(120,420)	(441,540)
<b>Closing defined benefit liability</b>	<b>\$20,190,419</b>	<b>\$18,364,049</b>

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

Discount rate	4.0% pa	3.5% pa
Salary increases	1.0% pa	1.0% pa



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

## 7. Retirement benefit liability (continued)

### Non-Judicial staff pension plan (continued)

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:

	2018	2017
Life expectancy at age 65 for current pensioner in years:		
- Male	16.9	16.9
- Female	20.7	20.7

### 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.

#### As at December 31, 2018

	1% pa higher	1% pa lower
Discount rate	\$521,820	\$(622,170)
Salary increases	\$(100,350)	\$100,350

#### As at December 31, 2017

	1% pa higher	1% pa lower
Discount rate	\$568,650	\$(682,380)
Salary increases	\$(120,420)	\$113,730

An increase of one year in the assumed life expectancies shown above would decrease the defined benefit obligation as at December 31, 2018, by \$127,110 (2017: \$127,110).

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 \$568,650 in 2019.

## 8. Other payables

	2018	2017
Accounts payable	784,286	267,010
Pension contributions due to Trust Fund	637,180	102,748
Accruals	210,709	208,785
Deferred income	593	593
Miscellaneous liabilities	76,716	72,550
	<b>\$1,709,484</b>	<b>\$651,686</b>



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

**9. Funding from the Trust Fund**

	2018	2017
Funding received from the Trust Fund	47,611,951	43,698,479
Pension income receivable from the Trust Fund	5,178,060	6,489,300
	<b>\$52,790,011</b>	<b>\$50,187,779</b>

**10. Other income**

	2018	2017
CALCA registration fee income	152,143	234,633
Memorabilia sales	5,825	44,046
Interest income	3,309	3,260
Miscellaneous income	55,815	6,556
Foreign exchange gain	474,107	348,650
	<b>\$691,199</b>	<b>\$637,145</b>

**11. Administrative expenses**

	2018	2017
Salaries and allowances	29,925,622	30,517,660
Pension cost and gratuities	6,964,849	5,916,289
Depreciation	1,425,446	1,360,981
Insurance expenses	1,282,633	1,491,783
Telephone and internet	855,436	975,686
Repairs and maintenance	825,658	1,031,753
Education and training	756,271	1,141,722
Janitorial expenses	688,611	693,511
Library materials	681,313	774,542
Other administrative expenses	484,662	478,040
Professional fees	387,053	1,380,588
Travelling expenses	353,091	-
Entertainment expenses	328,596	210,073
Office supplies	152,868	112,491
Motor vehicle expenses	146,946	167,258
Uniforms	105,533	17,491
Public education	58,577	228,803
Bank charges	40,662	39,778
	<b>\$45,463,827</b>	<b>\$46,538,449</b>
Number of employees	84	86

**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.



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

## 12. Financial risk management (continued)

### Foreign exchange risk (continued)

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

	2018	2017
<b>Assets</b>		
Retirement benefit due from Trust Fund	91,124,489	86,929,859
Cash and cash equivalents	9,989,912	4,455,329
<b>Total assets</b>	<b>\$101,114,401</b>	<b>\$91,385,188</b>
<b>Net exposure</b>	<b>\$101,114,401</b>	<b>\$91,385,188</b>

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 (2017: 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 the historical volatility of those rates.

Foreign exchange risk	Effect on accumulated fund	
	2018	2017
<i>Increased by 5%</i>	\$5,055,720	\$4,569,259
<i>Decreased by 5%</i>	\$(5,055,720)	\$(4,569,259)

### Credit risk

Credit risk is the risk that a borrower or counterparty 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.



Notes to the Financial Statements for the year ended December 31, 2018 • Expressed in Trinidad and Tobago Dollars (continued)

**12. Financial Risk Management (continued)**

**Liquidity risk (continued)**

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

	Less than three (3) months	Less than one (1) year	No stated maturity	Total
<b>At December 31, 2018</b>				
<b>Financial liabilities:</b>				
Other payables	1,709,484	-	-	1,709,484
<b>Total liabilities</b>	<b>\$1,709,484</b>	<b>\$-</b>	<b>\$-</b>	<b>\$1,709,484</b>
<b>At December 31, 2017</b>				
<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>

**13. Subsequent events**

Management evaluated all events that occurred from January 1, 2019, through May 24, 2019, 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.



# Supplementary Financial Information

(Expressed in United States Dollars)

For the year ended December 31, 2018



2nd Floor CIC Building  
122-124 Frederick Street  
Port of Spain  
Trinidad and Tobago  
vTel: +1 (868) 625 8662  
Fax: +1 (868) 627 6515  
[www.bdo.tt](http://www.bdo.tt)

## 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, 2018, and have issued our report thereon dated May 24, 2019.

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

We conducted our audit for the purpose of expressing an opinion on the financial statements of the Caribbean Court of Justice taken as a whole. The accompanying supplementary financial information, consisting of the statements of financial position, comprehensive income and changes in accumulated fund, is presented for the purpose of additional analysis in United States Dollars and should not be considered necessary to the presentation of the basic financial statements. This information has been subjected to the audit procedures applied to the basic financial statements and, in our opinion, is fairly presented, in all material respects, when taken as a whole with the basic financial statements.

May 24, 2019

Port of Spain,  
Trinidad, West Indies

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**The Caribbean Court of Justice**  
**Statement of Financial Position as at December 31, 2018**  
*(Expressed in United States Dollars)*

	2018	2017
<b>Assets</b>		
<b>Non-current assets</b>		
Property, plant and equipment	351,115	434,336
Retirement benefit due from Trust Fund	13,621,000	12,994,000
<b>Total non-current assets</b>	13,972,115	13,428,336
<b>Current assets</b>		
Other receivables	216,824	177,460
Due from related parties	154,446	170,393
Cash and cash equivalents	1,698,238	717,905
<b>Total current assets</b>	2,069,508	1,065,758
<b>Total assets</b>	<b>US\$16,041,623</b>	<b>US\$14,494,094</b>
<b>Accumulated Fund and Liabilities</b>		
Accumulated fund	2,165,095	1,402,682
<b>Total accumulated fund</b>	2,165,095	1,402,682
<b>Non-current liability</b>		
Retirement benefit liability	13,621,000	12,994,000
<b>Total non-current liabilities</b>	13,621,000	12,994,000
<b>Current liabilities</b>		
Other payables	255,528	97,412
<b>Total current liabilities</b>	255,528	97,412
<b>Total accumulated fund and liabilities</b>	<b>US\$16,041,623</b>	<b>US\$14,494,094</b>

Translation rate used - US\$1.00: TT\$6.69 (2017: US\$1.00: TT\$6.69)



**The Caribbean Court of Justice**  
**Statement of Comprehensive Income for the year ended December 31, 2018**  
*(Expressed in United States Dollars)*

	2018	2017
Funding from the Trust Fund	7,513,884	7,501,910
Other income	103,318	95,238
Administrative expenses	7,617,202 (6,795,789)	7,597,148 (6,956,420)
Surplus for the year	821,413	640,728
Other comprehensive loss		
Re-measurement of defined benefit pension plans	(59,000)	(702,000)
<b>Total comprehensive surplus/(deficit) for the year</b>	<b>US\$762,413</b>	<b>US\$(61,272)</b>

Translation rate used - US\$1.00: TT\$6.69 (2017: US\$1.00: TT\$6.69)



**The Caribbean Court of Justice**  
**Statement of Changes to Accumulated Fund for the year ended December 31, 2018**  
*(Expressed in United States Dollars)*

	<b>Accumulated fund</b>
<b>Year ended December 31, 2018</b>	
Balance as at January 1, 2018	1,402,682
Total comprehensive surplus for the year	762,413
<b>Balance as at December 31, 2018</b>	<b>US\$2,165,095</b>
<b>Year ended December 31, 2017</b>	
Balance as at January 1, 2017	1,466,013
Foreign exchange loss on the opening balance	(2,059)
Total comprehensive deficit for the year	(61,272)
<b>Balance as at December 31, 2017</b>	<b>US\$1,402,682</b>

Translation rate used - US\$1.00: TT\$6.69 (2017: US\$1.00: TT\$6.69)







The Caribbean Court of Justice  
**ANNUAL REPORT**  
2018 - 2019

**UNLOCKING POTENTIAL**  
ADVANCING THE RULE OF LAW IN THE REGION

The Caribbean Court of Justice  
134 Henry Street, P.O. Box 1768, Port of Spain  
Republic of Trinidad and Tobago  
868-623-2225  
pecu@ccj.org

[www.ccj.org](http://www.ccj.org)

