

THE CARIBBEAN COURT OF JUSTICE



One Region
One People
One Court



A N N U A L
R E P O R T
2 0 0 6 - 2 0 0 7



Mission

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

Vision

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

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Message from the President

In my introduction to the First Annual Report of the Caribbean Court of Justice I gave the assurance that similar reports would be published on an annual basis. In fact, that was implicit in the description of that first report as “annual”. So with the publication of this, the Second Annual Report of the Caribbean Court of Justice (“the CCJ”) we are keeping faith with the commitment which we then made.

During the period under review, the Court delivered two important judgments both in criminal appeals from Barbados. The first was in the case of *Boyce and Joseph*, a death penalty case in which the judgments delivered by the Court addressed many of the constitutional issues which had been the subject of earlier decisions by the Privy Council. Whether one agrees or disagrees with these judgments, hopefully they will have served to eradicate the notion that the Court’s approach to these issues would be anything other than principled and rational. In the other case of *The Queen v. Mitchell Lewis*, the Court confronted the issue whether the appeal as of right to the CCJ granted by Section 6 (c) of the Caribbean Court of Justice Act of Barbados in cases involving an interpretation of the Constitution, extended to the Crown in a criminal matter. It was held that it did.



Above:
The Right Honourable Justice Michael de la Bastide, T. C.
President, Caribbean Court of Justice

Barbados and Guyana continued to be the only two CARICOM States which have adopted the CCJ as their final court of appeal. On the original jurisdiction side, one suspects that the lack of activity was due to a lack of awareness among the business and legal communities of the region of the right of private entities and individuals to access the Court directly. We have sought to counter this lack of awareness by a Public Education programme. Two major events in this programme were conferences, one sponsored by the Court in collaboration with the Organization of Commonwealth Caribbean Bar Associations and held in Cave Hill in Barbados in November, 2006, and the other organized in conjunction with the Judicial Education Institute of Trinidad and Tobago and held at Queen's Hall, Port-of-Spain, in March, 2007. The Judges of the Court participated in, and made contributions at, these conferences and also accepted numerous invitations to speak at other conferences and seminars throughout the CARICOM region on topics related to the Court and the CSME.

It is not possible to tailor the expenditure involved in establishing and operating the CCJ directly to the actual number of cases filed in the Court from time to time. We have been mandated by the Agreement Establishing the Court and the Revised Treaty of Chaguaramas to create a court which can perform two very important functions: one is to interpret and enforce the Revised Treaty and the other is to replace the Privy Council as the final court of appeal of Member States. In fulfilling this mandate we have recognised the importance of using the best technology available to facilitate access to the Court, to promote efficiency and expedition in the disposition of cases and to enhance the quality of the judgments of the court. This has required the recruitment of suitably qualified personnel and the purchase or rental of sophisticated electronic equipment and technology. The verdict as to how successful we have been in achieving our objectives is one for the users of the Court to render, but we have been gratified by the generally favourable feedback we have had so far on the Court's performance.

We welcome visitors to the Court and try to accommodate any group of persons who are interested in seeing for themselves the rather sophisticated IT systems which have made the CCJ court-room a model for other courts in the region.

We have done our best to establish a court which both in the quality of its bench and in the effectiveness of its support services and its processes, can bear comparison with any other final court in the Commonwealth. Full utilisation of this facility, however, is a matter for which we have prepared but which we cannot ensure. It is for the people of the CSME and their Governments now to take full advantage of their investment in the Court.

Michael de la Bastide
President



Message from the Court Executive Administrator



Above:
Master Christie Anne Morris Alleyne, Court Executive Administrator

The Caribbean Court of Justice is pleased to report to you on the second year of its operations. The Court continues to develop in keeping with the performance standards which had been set in its first year of operation:

- Access to Justice,
- Equality Fairness and Integrity and Promoting the Rule of Law,
- Expedition and Timeliness,
- Independence and Accountability,
- Attracting and Preserving Public Trust and Confidence,
- Protecting the Rule of Law.

In these pages, these standards become evident and the Court continues to test itself against them.

As those charged with the early development of this new institution of such a unique nature, we are keenly aware of the caution with which people approach and view newness. It has been our policy therefore to ensure that the organisation is one which attracts the trust and confidence of the people and through its operations and transparency, preserves it.

We are proud of the independence of this court and the extent to which our Caribbean governments went to ensure it. It is a point of pride that legal, public administration and government scholars from all over the world have been commenting favourably on the tools of this court's independence. Our design structure, inclusive of our Regional Judicial and Legal Services Commission and our CCJ Trust fund continues to generate interest and be the object of academic study.

The Court has now delivered several judgments which have allowed legal scholars the opportunity to examine the judicial strength of this Caribbean Court and we continue to be approached with requests for permission to study of the work of the court.

We are aware, however that a prophet is without honour in his own land and the CCJ is no exception. There still remain pockets of resistance to the idea of a Caribbean Court of Justice in its appellate jurisdiction. The Court can only address this by continuing to do well what it has to do and by continuing to inform the Caribbean people about our work. There also remains a large number of people; including those who carry professional responsibility to administer various aspects of the Revised Treaty of Chaguaramas, who are unaware of the design and structure of the Court, the Revised Treaty of Chaguaramas and the Agreement creating the Court. To address this we have seen the need to embark on a new public information and education series in the Caribbean. During the period under review, the Court held seminars in Barbados and in Trinidad and Tobago in an effort to further the information base. They were very well received and there have been cries for more.

A court tends not to be newsworthy until they do something untoward or the matter before it is somehow controversial or even bacchanalian. This lack of controversial action by the Caribbean Court of Justice has thus resulted in the muteness of the media about its work. We hope that the public education series helps to bring some volume to the voice of the media about the very important area of Caribbean jurisprudence by which all Caribbean people are affected.

We re-dedicate ourselves to the well-being of the Caribbean and ask our Caribbean people both at home and in the Diaspora to join us in this endeavour.

Message from the Court Registrar and Chief Marshal



Above:
Ms. Paula Pierre, Court Registrar and Chief Marshal

As Registrar I am naturally very pleased to report in the following pages that there has been an increase in the number of matters filed in the Court during the period under review. In these early stages of the development of the Court every new matter that is filed, whether application for special leave to appeal or notice of appeal, is still an exciting event for the Registry.

Each new filing however also underscores the ongoing need for training of staff and attorneys in the court processes. Training in the Rules of Court, and public education as a whole, continue to challenge the Court to find new and innovative methods by which to inform and educate the layman, the staff of the Registry and sub-Registries and attorneys-at-law and their staff.

At the meeting of Registrars and Court Executive Administrators held in May 2007 many Registrars reported that attorneys often called them with questions on procedure in the appellate and original jurisdictions. This is viewed as a strong indicator that some reading has been done or will be done by that attorney as a result of the conversation. It is recognized that familiarization with the Rules of Court will take time especially since matters are not filed on a daily basis.

I wish to encourage those persons who read this report to use the Court's website and email address to obtain information about the Court or to request information about the Court. I also hope that you find this report as interesting as the last.

Paula Pierre
Registrar and Chief Marshal



Judicial Accomplishments



Above: The President and Judges of the Caribbean Court of Justice

During the period 1st August 2006 to 31st July 2007 the Court delivered a very important judgment in an appeal from Barbados.

This was the judgment delivered on November 8, 2006 in the appeal from the Court of Appeal of Barbados between The Attorney General, Superintendent of Prisons, Chief Marshal v. Lennox Ricardo Boyce and Jeffrey Joseph. The appeal was heard on June 20 and 21, 2006 by the full Court comprising the President, the Rt. Honourable Mr. Justice Michael de la Bastide and the Honourables Mr. Justice Rolston Nelson, Mr. Justice Duke Pollard, Mr. Justice Adrian Saunders, Madame Justice Desiree Bernard, Mr. Justice Jacob Wit and Mr. Justice David Hayton. A joint judgment was delivered by the President of the Court and the Honourable Mr. Justice Saunders. Individual judgments were delivered by the other five Judges.

The main issues before the Court were:

1. Whether the exercise by the Governor General of the power *inter alia*, to commute a death sentence conferred by Section 78 of the Constitution of Barbados is subject to review by a court and if so, on what grounds.
2. To what extent, if at all, could unincorporated international human rights treaties which give a right of access to international tribunals, be relied upon to delay or preclude the carrying out of a death sentence on a person convicted of a murder.
3. Whether Section 24 of the Constitution of Barbados authorizes the Court to commute a death sentence or to give relief similar to any of the measures reserved to the Governor General under section 78 of the Constitution of Barbados and, if so, whether in all the circumstances it was appropriate for the Court of Appeal to take into account the matters that it did in deciding whether to commute or give relief.
4. Whether in the events that have happened, the State violated the rights given to the Respondents under Section 11 and/or Section 12 and/or Section 13 and/or Section 15 and/or Section 18 of the Constitution of Barbados.

The judgments in this appeal as well as the other judgments delivered by the Court during the period under review are available on the Court's website at www.caribbeancourtofjustice.org.

The appeal between the Attorney General and others v. Boyce and Joseph was not the only appeal in which the full bench of the CCJ deliberated. In the criminal appeal of *The Queen v. Mitchell Ken O'Neal Lewis*, another appeal from the Court of Appeal of Barbados, all seven Judges of the Court sat to determine whether;

- (a) By virtue of section 6 (c) of the Caribbean Court of Justice Act of Barbados, the Crown had an appeal as of right to the Caribbean Court of Justice in the circumstances of this case; and
- (b) Whether, if such a right of appeal exists, the Crown could as part of any relief it obtained, secure the reinstatement of the conviction of the Respondent.

Submissions were heard on these issues on December 4, 2006 and two judgments were delivered in this appeal on June 4, 2007. The judgment of the President and Justices Nelson, Saunders, Bernard, Wit and Hayton was delivered by the President, while Justice Pollard also delivered a separate judgment.

It was decided that the right of appeal to the CCJ granted by section 6 (c) of the Caribbean Court of Justice Act of Barbados did extend to the Crown in criminal matters which involved an interpretation of the Constitution but in the instant case, the decision of the Court of Appeal was not based on an interpretation of the Constitution and so the Crown did not have an appeal as of right.

During the period January to July 2007 eight (8) appeals were filed against decisions of the Court of Appeal of Guyana. No new appeals were filed between August 1, 2006 and July 31, 2007 from decisions of the Court of Appeal of Barbados. As at July 31, 2007 the Court had delivered all of its reserved judgments.



The period under review was important for the Court not only for the development of its jurisprudence and the first two sittings of the full bench, but also for the use of technology. For the first time, on December 14, 2006, the Court held its first case management conference by teleconference.

This historic occasion arose in the appeal of Gladston Watson v. Rosedale Fernandes, an appeal from Guyana.

The teleconference was presided over by the President and Mr. Justice Hayton. Mr. Gibson and Mr. Amsterdam participated in the conference on behalf of the Appellant and Respondent respectively.

Two other teleconferences were held by telephone in April and July 2007. Both of those teleconferences involved appeals from Guyana.

During the period under review, no matters were filed in the original jurisdiction of the Court, although several newspaper reports suggested that certain disputes could lead to court action.

Table 1 below indicates the new matters filed in the appellate jurisdiction of the Court during the period under review by type and country of origin.

Table 1 - Matters filed in the Appellate Jurisdiction for the period 1st August 2006 - 31st July 2007

August 1, 2006 – July 31, 2007	Barbados	Guyana
Applications for special leave to appeal	---	2
Applications for special leave to appeal as a poor person	---	2
Civil appeals	---	10
Criminal appeals	---	---
Total	---	14

Table 2 below indicates the status of matters filed before the Court as at July 31,2007

Table 2 - The status of matters filed before the court as at July 31st, 2007

Type of matter	No. filed	No. awaiting action by local court	No. awaiting action by parties	No. awaiting action by CCJ Registrar	No. awaiting action by the Court	No decision given but awaiting reasons	No. disposed of
Applications for special leave to appeal	2						2
Applications for special leave to appeal as a poor person	2						2
Civil Appeals incl. Constitutional Appeals	10		6		3		2
Matrimonial Appeals							1
Criminal Appeals							



Table 3 shows the number and type of matters filed in the Court from its inauguration on April 16, 2005 to July 31, 2007

Table 3- Breakdown of matters filed in the Court for the period
April 16th 2005 - July 31st 2007

Description of matters	2005	2006	Jan 1 - July 31, 2007	<u>TOTAL</u>
Applications for special leave to appeal	1	7	----	8
Applications for special leave to appeal as a poor person	----	7	-----	7
Civil Appeals incl. Constitutional Appeals	2	2	8	12
Matrimonial Appeals	----	1	----	1
Criminal appeals	----	3	----	3
<u>TOTAL</u>	3	20	8	

During the period under review, the Court held four case management conferences, heard four appeals and four applications for special leave to appeal and delivered judgement in four appeals and two applications

RULES OF COURT PRACTICE DIRECTION ON CITATIONS

Pursuant to Part 17.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2005 and Part 6.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2006, on March 14, 2007 the President of the Court issued his first Practice Direction. This Practice Direction is designed to assist attorneys, academics and legal writers in identifying and citing judgments delivered by the Court and the citation of reported cases to the Court. A copy of the Practice Direction is reproduced in **Appendix B**.



The Members of the Court's Administration Unit

Left to Right: Mr. Ayinde Burgess, *Systems Administrator*; Mr. Larry Ramoutar, *Financial Comptroller*; Mrs. Sandra Sandiford-Carr, *Security Manager*; Master Christie - Anne Morris- Alleyne, *Court Executive Administrator*; Dr. Michael Anthony Lilla, *Court Protocol and Information Officer*; Ms. Paula Pierre, *Registrar and Chief Marshal*; Ms. Jacinth Smith, *Chief Librarian*; Ms. Carlene Cross, *Systems Manager*; Mr. Vaughn Halliday, *Facilities Manager*

The Court Administration reports are as follows;

- The Court Registry
- Information Systems Unit
- Court Protocol and Information Division
- Court Library
- Court Security Unit
- Court Finance and Accounting Division
- Court Facilities, Assets and Office Management



The Court Registry

During the period under review the staff of the Registry focused its attention on training, streamlining of procedures and preparation for computerization of the Registry. Training was conducted not only in the procedures outlined in the Rules (both appellate and original) but also in the honing of skills required for the use of the court room technology.

The period under review also saw a greater increase in the filing of documents at the sub-Registry of Guyana. This in turn led to a heightened level of communication between the Registry and the sub-Registry of Guyana and between the Registry and attorneys-at-law in Guyana. Between January 1 and July 31, 2007 eight appeals were filed against decisions of the Court of Appeal of Guyana.

Interlocutory applications were also filed in those appeals and the Court exercised its discretion under the Rules, in appropriate circumstances, and dealt with some of the interlocutory applications on paper, without the need for hearing attorneys. Other applications were heard and determined at case management conferences.

The Registry was also engaged in the ongoing exercise of informing attorneys-at-law of the privileges and immunities accorded to them under the Protocol to the Agreement Establishing the Caribbean Court of Justice and the Seat of the Court Agreement, and the process by which these privileges and immunities could be invoked.

Article X of the Agreement establishing the Seat of the Caribbean Court of Justice and the Offices of the Regional Judicial and Legal Services Commission between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission (the Seat of the Court Agreement) accords the following privileges and immunities to attorneys-at-law appearing in a matter before the Court:-

“Counsel Appearing in Proceedings before the Court

1. Counsel appearing in proceedings before the Court while present in Trinidad and Tobago shall, in the performance of their functions connected with such proceedings, enjoy:
 - (a) inviolability of all papers, documents and materials relating to the proceedings before the Court;
 - (b) immunity from personal arrest or detention in relation to words spoken or written or acts performed by them in relation to proceedings before the Court;
 - (c) exemption from immigration restrictions, alien registration requirements and national service obligations;
 - (d) the same privileges and facilities in respect of currency and exchange restrictions in relation to their appearance in proceedings before the Court as are accorded to representatives of Government on temporary official missions.”



Above:
The Court Registrar and Court Registry staff hard at work



Above:

The Information Systems Unit from left to right; Mr. Ayinde Burgess – Court Systems Administrator, Ms. Carlene Cross-Court Information Systems Manager, Ms. Lavaughn Agard – Court Information Technology Support Officer and Ms. Sonia Thompson – Court Information Technology Support Officer

The Information Systems Unit

STAFFING

The Unit is staffed as follows:

- 1 Court Information Systems Manager**
- 1 Court Systems Administrator**
- 2 Court Information Technology Support Officers**
- 1 Court Information Systems Clerk (vacant)***

Ms. Lavaughn Agard who formerly held the position of Court Information Systems Clerk was promoted to Court Information Technology Support Officer with the departure of Mr. Janak Maraj in December 2006. The position of Court Information Systems Clerk has been advertised regionally with the hope of finding a suitable candidate before the end of 2007.



... Information Systems Unit

Court Performance Standards

The Information Systems Unit supports all of the performance standards of the Caribbean Court of Justice which include: Access to Justice; Expedition and timeliness; Equality Fairness and Integrity; Independence and Accountability and Public Trust and Confidence.

As an example, the Court recognizes that its customers are throughout the region and are entitled to access to justice. This performance standard, access to justice, can be supported through the use of technology by video conferencing technology, which enables the customer to take part in proceedings in court while being physically located in another member state. The Court also provides audio and/or video transcripts at the end of the days proceedings on our website www.caribbeancourtjustice.org.



Above:
Participants at the conference of the Caribbean Association for Court Technology Users (CACTUS), in Ocho Rios, Jamaica.

Continuing Staff Development and Training

The Unit continues to keep abreast of trends in technology. To this end three members of the Information Systems Unit attended the annual Caribbean Court Technology Users Conference held in Ocho Rios Jamaica and hosted by the Ministry of Justice, Jamaica.

The conference, which was held over a three day period, provided a forum for court technology personnel from throughout the region to share their experiences and learn from each other. Exhibitions and presentations on technology initiatives in the region were also featured as part of the event.



Two members of the Unit also attended the bi-annual National Centre for State Courts (NCSC) E-Courts Conference in Las Vegas, Nevada. As provided for by the rules of Court, E-Filing may be used at the Caribbean Court of Justice as a method of filing court documents in the Court Registry. Some areas addressed at the E-Courts Conference include the virtual courthouse, new technology solutions for electronic document filing and how e-filing and electronic documents have changed how courts work.

Standards for Court E-Filing are being continuously being developed and revised and this is extremely important as our customers span the region and required timely access to justice. The Systems Administrator also attended a course introduced by NCSC called Managing IT Projects in Courts. This focused on the unique requirements by courts for automated systems and other forms of technology to support the operations of the Court.



Above:

Carlene Cross, Information Systems Manager (second from right) with Skip Chessire, former President of the National Association for Court Management-NACM, Dr. Hugh Collins, State Court Administrator, Louisiana representing the Conference of State Court Administrators; Mary Mc Queen, President of the National Centre for State Courts; Honourable Robert Bell, Chief Judge, Court of Appeals Maryland representing the Conference of Chief Justices with Dean Geoff Gallas at the podium.

In May 2007 the Information Systems Manager graduated as a Fellow of the Institute for Court Management (ICM) at the Supreme Court in Washington DC. This was the culmination of a four-year period of study with the submission of a research paper on the implementation of court technology at the CCJ.



...Information Systems Unit

Court Room Technology

The technology implemented to support the operations of the court continued to meet and surpass the expectations of the users. In the courtroom attorneys were able to use the document presenter, pen presenter and their laptop while making submissions at the multimedia lectern.

A wireless network can also be accessed while in the courtroom and media presentations are made possible through the presence of both a video player and a DVD player.

The trial run for video in the court was done on July 28th 2006. This worked well and we have continued to record all Appeal hearings at the court. We also made history when the judgment in the matter of CV0002/2005 The Attorney General and ors vs. Jeffrey Joseph and Lennox Ricardo Boyce, was broadcast live on television in Trinidad and Tobago from the Court with the option for feeds to regional stations. This was significant because it was the first time in the region that a judgment was broadcast live from a court.



Above:
Mr. Ayinde Burgess, Systems Administrator demonstrating the Danish Interpretation Solution (DIS).

During this period the Danish Interpretation Solution (DIS) was implemented in preparation for matters requiring interpretation. This wireless solution allows speakers of different languages to communicate in the courtroom.

End User Technology- Computer Access Security

The Unit continues to support the operations of the Court by providing tools for use by the end user. One such tool is in library services where the IS Division, together with the library implemented a library management information system (LMIS) which catalogues and manages the books, serial, periodicals etc. within the library. It also manages membership and loans to track the distribution of books.

The Unit has also implemented a help-desk system to assist in streamlining IS support and tracking and improving our responses to users. The solution implemented is a database solution with reminders and tracking information so that the status of the issues may be readily seen. It also has an incorporated knowledgebase where users may get help on how to solve common issues themselves.



Projects In Progress

Network Security

In order to enhance the security of the data and information within in the Court the Unit intends to utilize a solution that will address intrusion prevention and detection, firewall protection, Internet security, etc. As an initial step towards physical security a biometric system has been implemented for end users to access their computers. This not only reduced access security risk, but has also reduced help-desk calls for resetting of passwords.

Case Management Information System

The solution provider is currently providing training for key end-users in the Court in the use of the case management information software. This project also includes the implementation of an e-filing solution with an interface to all information about a case including access to the audio/video digital court recording.

Audio Digital Court Recording – Portable Solution

As the court is itinerant and is expected to travel to member states, the IS Unit is currently preparing the portable audio digital court recording solution system. This system will be used in jurisdictions where there are no audio digital court recording systems in place. It will ensure that the Court keeps an accurate record of proceedings.



Court Protocol and Information Division

Mission Statement of the CPID

The Caribbean Court of Justice Protocol & Information Division works towards providing protocol services of the highest quality to the Court and its guests and is the principal organ in the meaningful exchange of information between the CCJ and its regional and international interlocutors, both protocol and information being provided in a courteous, timely and efficient manner.

The Vision of the CPID

The Caribbean Court of Justice Protocol & Information Division provides easily accessible customer-sensitive service characterised by courtesy and efficiency and in a manner so transparent and of such integrity as to inspire universal trust and confidence.

Strategic Goals

- to ensure the professional discharge of services in relation to protocol;
- to ensure easy accessibility for all to accurate, user- friendly information, disseminated and delivered in a timely and courteous manner;
- to assist in sustaining a high quality of interaction between the Court and all its interlocutors, thus ensuring a customer-service oriented organisation in which personnel possess a sound knowledge of Court processes.

Strategic Objectives

- the development of a human resource framework to ensure that the Protocol & Information Unit is adequately and competently staffed;
- the development of a training strategy to improve and maintain the competence and skills of the unit and the wider organisation with respect to all matters under its purview;
- the documentation of procedures and policies on matters pertaining to the Caribbean Court of Justice;
- dissemination of information through an integrated Public Education and Information Programme, aimed at local, regional and international consumers through audio-visual media and outreach programmes;
- the management of all Court events in an efficient, cost-effective and professional manner.



Above:

Dr. Michael Anthony Lilla , Court Protocol and Information Officer



The CPID is responsible for all aspects of protocol, information, customer service and non-judicial support for judicial officers.

Between 1 August 2006 and 31 July 2007, the CPID comprised:

**Dr. Michael Anthony Lilla, Court Protocol & Information Officer (CPIO);
Ms. Lisa Furlonge, CPID Secretary; and
Ms. Denise Dickenson, Tea Assistant.**

Ms. Seanna Annisette and Ms. Gina Affonso-Smith, Customer Service Representatives, frequently rendered assistance to the division in a variety of ways, including; the provision of protocol services.

Protocol

The Caribbean Court of Justice is an international tribunal. As such, certain of its attributes cause it to resemble a diplomatic entity. The CPID is the administrative section charged with the responsibility of providing protocol services of various kinds to the Court and the Regional Judicial & Legal Services Commission (RJLSC). The division has thus striven to ensure that the conduct of the Court's affairs, both public and internal, is of the kind traditionally associated with such bodies. Over the period under review, the CPID:

- provided airport assistance for international travel;
- provided organisational assistance at formal events;
- represented Court personnel in their dealings with CARICOM Ministries of Foreign Affairs, as well as diplomatic missions based in Trinidad & Tobago and abroad;
- represented the Court in its dealings with the various Trinidad & Tobago service agencies with which it must interact, such as, inter alia, the Customs & Excise Department and the Immigration Division of the Ministry of National Security;
- represented the Court in its dealings with agencies and organisations outside of Trinidad & Tobago;
- has been the Court's "voice" in its interaction with local, regional and international entities, ensuring that the nature and responsibilities of the Court are properly understood and the Court perceived and dealt with in a manner befitting its status and functions.

As the Court is an international tribunal, foreign dignitaries pay courtesy calls on His Honour the President, as well as other Judges of the Court. Arranging and managing such calls is the function of the CPID.



... Court Protocol and Information Division

During the period under review, the following visitors were formally received at the Court:

- Ms. Betty Mould-Iddrisu, Director of the Legal & Constitutional Affairs Division of the Commonwealth Secretariat (19 October 2006);
- His Excellency Dr. Helmut Ohlraun, Ambassador of the Federal Republic of Germany (17 November 2006);
- Professor Ludger Kühnhardt, Director of the Institute of European Integration of the University of Bonn (17 November 2006);
- His Honour Anthony D. J. Gafoor, Chairman of the Tax Appeal Board of Trinidad & Tobago (17 November 2006);
- The Honourable Mr. Justice Lensley Woolf, Chief Justice of Jamaica (2 March 2007);
- The Honourable Mr. Justice Abdulai Conteh, Chief Justice of Belize (3 March 2007);
- Sir Francis Jacobs, former Advocate General of the European Court of Justice (3 March 2007);
- His Excellency Fernando de la Serna, Ambassador of Spain (6 March 2007);
- His Excellency Gabriel Zepeda, Ambassador of Chile (7 March 2007);
- The Honourable Luis A. J. de Lannoy, Chief Justice of the Netherlands Antilles and Aruba (13 April 2007);
- The Honourable Lisbeth Moeldraad, Judge of the Joint Court of the Netherlands Antilles and Aruba (13 April 2007);
- Mrs. Louise de Bode-Olton, Counsellor for Netherlands Antilles Affairs at the Embassy of the Kingdom of the Netherlands (13 April 2007);
- Mr. Hans de Doelder, Professor of Criminal Law, Erasmus University of Rotterdam (30 April 2007);
- Honourable Mr Jan W. Fokkens, Procureur-Generaal to the Supreme Court of the Netherlands (30 April 2007);
- His Excellency Carlos Mauricio Pineda Cruz, Ambassador of the Republic of El Salvador (4 May 2007);
- His Honour, Ricardo Acevedo Peralta, President of the Central American Court of Justice (4 May 2007);
- Mr. Henry Charles, Regional Director of the Commonwealth Youth Programme (6 June 2007);
- Mr. Stelios Christopoulos, Minister Counsellor and Chargé d'Affaires a.i. of the Delegation of the European Commission to Trinidad & Tobago (11 July 2007);



Above:
Courtesy call by The Honourable Luis A. J. de Lannoy, Chief Justice of the Netherlands Antilles and Aruba with CJ Designate (13 April 2007)

Below: Courtesy call by His Honour, Ricardo Acevedo Peralta, President of the Central American Court of Justice



Information (As Public Education)

In 2006-2007, the provision of information to the public was essentially through media releases and interviews of Court personnel by the local, regional and international media. Court outreach thus far has been to accommodate requests for tours of the Court by interested institutions and groups. Likewise, invitations to visit and tour the Court have been extended to various parties, in order to encourage a greater sense of public awareness of the workings of the Court.

The CPID acknowledges that informing and educating the Caribbean on the nature, function and purpose of the CCJ, especially at this early stage in the life of the Court, represents a huge task. With this in mind, in the year under review, the division sought to devise a cogent Public Education and Information Programme (PEIP). The division, charged with providing information on the Court through all the media (print, audio and visual) understands its need to formulate a PEIP that would embrace all of these media.

The CPID further acknowledges that there persists much public and official scepticism as regards the Court. This naturally implies that the PEIP must be of such a nature and scope as to counter negative publicity over a large expanse.

Dutch

The Republic of Suriname being a member of the Court, Mrs. Zaitoen F. Badloe-Klaverweide, a national of Suriname, was engaged to conduct audio-lingual tutorials, during the period under review. All personnel, inclusive of Judges, participated in these tutorials.



Above:

The Hon. Mr. Justice Saunders engaging with students of the Diego Martin Government Secondary School, Port of Spain, Trinidad



Court Library

The Library is integral to the administration of justice as provider of legal resources. The growth and development of these resources is the single most important service, which the Library has to offer to its users. The Court and the public seeking legal information must have access to a comprehensive collection of materials that support legal research and the practice of law. To this end, the Library has continued to expand and improve its services, developed its various print and non-print collections, and introduced new electronic databases. The development of these information resources is necessary in order to build the foundations required to position the Library as one of the leading legal information institutions in the region.

Collection Development

The collection is the primary asset of any library. Patrons want a large collection of print materials, and electronic resources, which are easily accessible. They want it immediately and conveniently. During the past year, steps were taken to meet these needs with the implementation of the Library's online catalogue and the addition of print and digital resources.

Two new electronic databases have been added to the library's menu of online services. These include the Irish Reports published by Justis which contain the full text of published cases from 1919 and JustCite. JustCite is a legal reference search engine, which allows you to search for legal references and links to the full text in Westlaw, BAILII and Casetrack using a single interface. It covers case law, transcripts from the Courts of Appeal, Administrative Court and London's High Court, UK Statutes and Statutory Instruments, and CELEX, the official legal database of the European Union.

Although most primary materials (statutes and case law) on other countries are freely available online, much of the Caribbean material remains unavailable. During the past year, the Library acquired the Laws of a number of Caribbean countries, both in print and digital format. Concerted efforts are being made to collect all Caribbean legal titles that are being published.



Above:
Chief Librarian, Ms. Jacinth Smith

Gifts

During the year the library received several gifts which included several important additions to the Caribbean Collection. Gifts of books are gratefully received and are an important source of enrichment to the collections.

Collection Development Policy

A comprehensive draft collection development policy is being cultivated to define the Library's collection emphasis. In light of the increasing availability of electronic resources, the Court's dual jurisdiction, and the responsibility to provide a print collection of both archival and current primary Caribbean material. This will include selection criteria for print and electronic resources. Alternative sources of information, which need not be duplicated; such as free legal information resources available via the Internet, will be identified.

Library Services

The mission of the Library is to provide access to both legal and non-legal information to meet the needs of the Court and its customers. Access is provided through reference services using resources both in and outside of the library, and technical services.

The Library continued to assist patrons using traditional information resources such as books in combination with electronic resources. Over the counter and email reference requests have increased. Over 200 reference and information queries were received and approximately 95 % were answered/filled. There has been an increase in requests for assistance from members of the public especially law students researching regional topics.

Over 250 items were loaned to judges, staff and other libraries. While over 50 items were borrowed from other libraries.

It is the responsibility of the Technical Services staff to catalogue, arrange and provide access to library materials and electronic resources. Legal materials are unique in that the effectiveness of legal research demands that legal reference materials are kept up to date. Much of the Library's collection requires frequent and continuous updating in the form of supplements – bound and loose-leaf- bound volume replacements, and more. Over 20 titles were updated.



Above:
Assistant Librarian, Sheryl Washington-Vialva assists a patron at the Library.



... Court Library

In November 2006, the online catalogue was fully implemented and over 450 bibliographical records were added. These records included texts, journal articles and electronic resources. After this initial upload, the library continued to develop the catalogue to allow users proper access to the collection. The catalogue will be further enhanced with the addition of the electronic titles that are available on Hein Online, LexisNexis and Westlaw.

The Library staff continued the transition to the Inmagic Genie library system software. Most day-to-day tasks in cataloging, acquisitions and serials control, are now performed via the Inmagic Genie modules. The staff also attended training sessions to hone their Inmagic Genie skills.

Publications

Current Awareness Bulletins

During the period, the Library expanded a number of its services to make its patrons fully aware of new acquisitions. The Library produces two current awareness bulletins. One deals with texts and new legislation received from the various Caribbean countries. The other contains contents pages in PDF format of journals and law reports received at the Library. These enhancements provide patrons with up-to-date information on resources received by the Library. The bulletins that are published bimonthly have been placed on the server and in-house patrons can access them via short cut icons on their desktops.

Guides

The Library commenced work on preparing library guides on legal subject areas, and for the use of digital resources and online web services. An introduction to these services is often necessary, or simple instruction on their use is required because each of the vendors uses slightly different software. The guides can be found in the Library and will also be available electronically on the library's web page when it is launched.

Serials Holding List

The Library also commenced work on devising a number of tools to help patrons locate materials. The Serials Holding List will be a complete listing of all law journals and other periodicals subscribed to by the Library both in print and electronically. It will include such information as current holdings, missing volumes, call numbers and location, that is, whether in the Library or on a commercial database such as HeinOnline, Westlaw or LexisNexis. Once completed it will be placed on the integrated library system.

Facilities

Installation of library shelving in all three locations was completed in 2007. All books were removed from storage and are now shelved in the correct location.

The Library continued to face challenges in the care and preservation of its collection in the Main Library. Soon after its move, there was an outbreak of mold on certain sections of the collection. An air quality assessment was conducted and the recommended corrective measures were implemented. However, there are still some challenges.



Continuing Staff Development and Training

The Library continues to place a high priority on professional development and has devoted resources for staff to attend training and seminars. Staff members are also very active in professional associations on the local, regional and international level.

Library staff attended the annual meeting and seminar of the Caribbean Association of Law Libraries (CARALL), which was held in Saint Lucia over the period June 25 – 28, 2007. This was the second time that the Conference/AGM was held in St. Lucia as there was a previous meeting in 1999. The theme was ***“Raising the Bar: Caribbean Law Librarians on the Move”*** and like the previous year, there was a continued focus on change and the way libraries and librarians could improve and develop legal information services in the region.

Sheryl Washington-Vialva, the Court Library Assistant, attended the Canadian Association of Law Libraries (CALL) conference in Ottawa, Canada from May 6-9, 2007. The theme was ***“CAPITALising on change”*** and presentations focused on the technological changes in libraries and the new ways of doing business.

The Librarian attended a two-week training course on Judicial Records Management at RIPA International in London. The course covered the key principles of records management and how they apply in the 21st century.

The staff also received further training in Westlaw.



Court Security Unit

In keeping with the mission of the Court Security Unit to provide excellence in security services, the Unit has strived to develop a culture of excellence for the year under review.

Court Performance Standards

This process was streamlined using the Court Performance Standard of Safety, Accessibility and Convenience. This standard consists of three distinct aspects of court performance namely;

- i) the security of persons and property within the court house and its facilities,
- ii) access to the courthouse and its facilities and
- iii) the reasonable convenience and accommodation of those unfamiliar with court facilities and proceedings

Securing Persons and Property within the Courthouse and its Facilities

Manuals/Documentation

The Security Procedures developed for each security post at the Court are constantly being reviewed and updated. Additionally a Court Security Procedures Manual is being developed that will be used by all Court security officers to ensure a safer court environment for its users.

Training

In keeping with the Court's commitment to the highest standards and in compliance with the Occupational Safety and Health Act 2004 of Trinidad and Tobago, the Security Unit in conjunction with the Facilities Department has established a Safety Committee with representatives from each department.

Under the emergency/evacuation procedures, a number of other safety units have been established including a first response team, first aid providers, fire wardens and bomb search teams. In this exercise relevant training will be provided to ensure that unit members are able to carry out their assigned duties.



Above:
Court Security Manager, Sandra Sandiford - Carr



Access to the Courthouse and its Facilities

Identification Cards

For the year under review all members of staff including temporary and contract workers assigned to the facility, were issued with official CCJ Identification Cards.

Electronic Security System

With reference to the electronic security system identified in the previous year, the Closed Circuit Television System has been installed and is operational and the installation of the Access Control System is almost completed. The complete electronic system will be integrated with existing physical security measures to provide an additional layer of security for persons and property in the facility thereby securing the entire judicial process.

The reasonable convenience and accommodation of users of the court.

At the CCJ well trained and informed staff including security officers, is one of the main resources used to ensure the reasonable convenience and accommodation of users of the court. During the year under review Miss Carole Noble joined the staff at the CCJ as secretary to the Facilities and Security Managers. Miss Noble has worked with a number of international agencies and her experience and training will contribute towards the attainment of the Unit's objectives.

Training

For the year under review all security officers received in-house training in protocol and professionalism. Additionally, the court security unit has established monthly staff meetings where day-to-day security issues are addressed in a timely manner. This forum is also used to provide relevant in-house training.

In meeting this aspect of court performance a number of training areas have been identified. Competent trainers have been sourced and all security officers will receive the relevant training including, conflict resolution, communication and customer relations.

Signage

Signage is also used to make the facility more accommodating for users of the Court. All signs at the Court are written in English, French and Dutch, the languages of the Court.

For the year under review all security personnel received tutoring in basic Dutch in order to be able to communicate with our Dutch-speaking clients.



Court Finance and Accounting Division



Above:
Mr. Larry Ramoutar, Financial Comptroller

The Court Finance & Accounting Division of the Court's Administration manages the funds of the Court and the Commission. The Court Executive Administrator is the accounting officer and the division is headed by Mr. Larry Ramoutar, Financial Comptroller and includes Ms Feli Renwick, Accounting Assistant and Ms. Deborah Williams, Secretary to the Financial Comptroller.

The division works with senior management to prepare the biennial budget of the Court and Commission and provides financial management support to the Court Executive Administrator. The division is responsible for accounting for all funds received and expended by the Court and prepares financial reports, including the Court's annual financial and cash flow statements, analysis of budgets, and various reports for the RJLSC.

Other responsibilities include: VAT reporting; representation of the court in external audits; management of the cash and investments of the Court and Commission by monitoring bank balances; investing cash in hand to ensure maximum return pending disbursement, while facilitating timely drawdowns of funds when needed.

As the Court and Commission are financed by the Trust Fund managed by the Trustees, the Finance and Accounting division is responsible for the receipt of funds from the Trust fund. The division also prepares financial information and reports for grant agencies and assists the Court and Commission in the management of grant funds.

... Court Finance and Accounting Division



It is a performance standard of the division that all reports are submitted on time and that financial statements are completed according to generally accepted accounting principles and submitted for audit in a timely manner.

During the year to 31st July 2007, the Finance and Accounting Division developed finance and accounting performance standards for the unit and worked with the other divisions of the court's administration to develop other performance standards and policies. The finance and accounting standards address the finance and accounting procedures themselves as well as customer service standards.

It is the policy of Court Administration that the organisation is a learning organisation in which continuing education forms part of the organizational culture. Employees of the division therefore attend professional seminars/meetings to keep abreast of reporting changes and the department subscribes to publications providing this information. In this regard, the Financial Comptroller attended several International Financial Reporting Standards Workshops in Trinidad. Training has been planned for the accounting assistant in the area of accounting working papers and auditing.

2007/2008 BIENNIAL BUDGET

The biennial budget is based upon a fiscal year that runs from 1st January through 31st December and is presented by the Court Executive Administrator and the Financial Comptroller to the Commissioners for approval.

The biennial budget includes recurrent and capital expenditure on a quarterly basis. The total budgeted recurrent expenditure (2007 and 2008) is US\$10.6 million and of this amount, 68% or US\$7.2 million relates to salaries, allowances and pension costs. Commission's expenses account 4.5% of the recurrent biennial budget or US\$480,000.

Capital expenditure for 2007 and 2008 is budgeted at US\$1.29 million, (this includes capital commitments made in 2006 of US\$246,000) of this amount \$492,284 or 34% relates to Court Information Technology and US\$443,253 or 34% relates to the Law Library capital expenditure.

The biennial budget was based upon the fact that the Court is now moving to the second phase of start up implementation and the Court requires certain systems in order to be accessible, effective, efficient, independent, accountable and deserving of the confidence and trust of the people it is designed to serve.



... Court Finance and Accounting Division

ACCOUNTING AND FINANCE

One of the division's responsibilities is to provide accurate and efficient accounting support services. The division develops and maintains the Court's Accounting Systems, including the Financial Accounting System, the Payroll System, the Pension System and the Employee Loan System. With the help of these systems, the division verifies expenditure before making payments and records and reports on the Court's financial transactions.

Responsibilities of the division include:

- Record the Court's financial transaction, maintain accounts and prepare financial statements.
- Develop, manage and maintain the accounting systems and major enhancements.
- Pre audit payroll, contract and other voucher expenditure for legality and propriety.

Services provided by the division include processing the payroll for all employees and issuance of payment to all vendors. The division also performs the administrative function for the Court's pension plan and assists the Court Protocol and Information Division with certain aspects of the administration of the Court's Medical Health Plan. On March 2 and 3 2007 the CCJ held the first CSME seminar at Queens Hall, Port of Spain. The accounting division assisted the seminar in the collection of cash and the issuance of receipts as well as the purchase of items for sale at the CCJ gift shop.



Above: Caribbean Currencies

COURT'S PENSION PLAN

The CCJ Pension Plan commenced on 1st July 2006 and provides a defined benefit contribution for the President and Judges in accordance with their terms and conditions of employment. Staff members are provided a pension plan under a defined contribution plan.

The division has systems and procedures in place to administer the initial pension arrangements, which is not complex, however, a number of important databases must be maintained and monitored.

Typical work activities include:

- updating pension scheme member records;
- requesting statements;
- checking benefit calculations;
- processing retirements/resignations

Court Facilities, Assets and Office Management



The Court Facilities, Assets & Office Management Unit's primary function is to assist the Caribbean Court of Justice in fulfilling both its mission and vision, by maintaining proactively and striving continuously to improve the Court's Facilities, Assets and Office Systems in an efficient, reliable, innovative and cost-effective manner.

The Unit, staffed by the Court Facilities Manager, Mr. Vaughn Halliday, and the Office Manager, Mr. Nigel Payne, welcomed the addition of the Secretary to the Facilities Manager, Ms. Carole Noble, who joined the Court in October 2006. The Court Facilities Manager is also responsible for the supervision of the Court Drivers and Messengers.

Collectively, the overarching vision of the Court Facilities, Assets and Office Management Unit is to provide for the Caribbean Community a safe, accessible and convenient facility that is supported by efficient and effective systems, and is maintained and managed in keeping with the Performance Standards of the Caribbean Court of Justice and in a manner worthy of emulation both regionally and internationally.



Above:
Mr. Vaughn Halliday, Court Facilities Manager

The goals of the Unit are:

- To assist the Court in achieving its vision by anticipating, and seeking proactive solutions to, the emerging challenges towards the Court's Facilities, Assets and Office Systems.
- To maintain efficiently the physical environment and assets of the organization in a manner worthy of emulation by the courts of the region.
- To actively satisfy our external customers by ensuring the Court and its facilities are safe, accessible and convenient to use.
- To actively satisfy our internal customers by competently maintaining a comfortable, safe, efficient and functional work environment.
- To procure and manage contracted goods and services in the most effective and efficient manner possible.
- To implement and maintain adequate standards and procedures relating to Facilities, Assets and Office Systems that assist the both the Court and the Unit in achieving their goals and objectives.
- To constantly seek ways to improve our service and value to the Court.



... Court Facilities, Assets and Office Management

ACTIVITIES DURING PERIOD OF REVIEW: AUGUST 1st 2006 – JULY 31st 2007

During the period of review, the Facilities, Assets and Office Management Unit has paid particular attention to the Court Performance Standards which relate directly to its sphere of operations, principal of which is Standard 1.2 which relates to Access to Justice. To this end, since the Court's relocation in May 2006, the unit has continued to focus significantly on adjustments to the building and facility improvements to make the Court safer, more accessible, and more convenient to use for both its internal and external customers. Some of these measures include:



Above : Contractors carrying out the fabrication and installation of a removable fencing to protect the front of the premises during Carnival.

- Installation of additional signage, both on the interior and exterior of the building
- The installation of fire fighting and fire suppression equipment
- Minor adjustments to allow more convenient disabled public access.
- Managing the completion of the physical infrastructure for Courtroom 2
- Managing the installation of Cable service
- The fabrication and installation of a removable fencing to protect the front of the premises
- Installation of a P.A. system in the Training & Conference Room
- Installation of a water filtration system for the water supply to the premises

Below: The installation of fire fighting and fire suppression equipment



Below: The CCJ Celebrates the Republic of Trinidad and Tobago



Court Facilities, Assets and Office Management



Several substantial non-routine repair works were also undertaken including major repairs to the car park lighting; re-grading of the car park drainage; and a thorough cleaning of the building's entire air conditioning system including the ceiling plenums and ducting performed in conjunction with an environmental cleaning of the Court Library.

Another key focus area was policy and procedure development and implementation. This included the implementation of preventive maintenance inspections and schedules, and quality assurance procedures for custodial maintenance. Some cross-departmental projects such as the development of a correspondence management manual and the development of a comprehensive safety and emergency procedure manual are still in progress and will be completed in the near future.

Throughout all conducted activities the Court Facilities, Assets and Office Management Unit also remained cognizant of the Performance Standards, which relate to Independence and Accountability for public resources. Standard 4.2 in particular requires the Court to responsibly seek, use, and account for its resources. To this end the unit has consistently sought to ensure that all goods and services are procured in accordance with the Court Procurement Policy, and sought actively to reduce cost wherever possible, to preserve the perpetual funding of the Court.



Above: Staff Members participate in a Fire Safety Session

TRAINING & DEVELOPMENT: "IMPROVEMENT FOR SUCCESS"

Standard 4.5 that relates to Response to Change has also been a strong influencing factor on the Unit's activities. This standard requires that the Court seeks to anticipate new conditions and emergent events and adjusts its operations as necessary. To this end training, development, and the constant critical review of policies and procedures have been and will continue to be key factors in achieving this objective. For example, the training received by the Facilities Manager through the NCSC Emergency Management Conference is anticipated to play a significant role in the refinement of the Court's Safety and Emergency Procedures and Policy.

Other training and development conducted during the period include:

Office Manager

- Certificate in Purchasing and Supplies
- Certificate in Occupational Safety and Health

Facilities Secretary

- Certificate in Project Cost and Schedule Management

Court Drivers

- In-house Protocol Seminar by Court Protocol & Information Division

Staff Members

- Fire Safety Session
- Operation of the Fire Suppression System

In keeping with standard 4.5 several future training sessions are also being planned in conjunction with the Court Security Unit including Safety & Emergency Training Sessions, routine emergency drills, and Occupational Safety and Health Act (OSHA) training among others. The Facilities and Security Units are also pursuing actively the formation of an Occupational Safety and Health Committee.



... Court Facilities, Assets and Office Management

CROSS-DEPARTMENTAL PROJECTS: “WORKING TOGETHER”

Aside from ongoing policy development and training, there have been several other cross-departmental activities during the period of review. The Facilities Unit has worked very closely with the Security Unit in particular, and during the period March 2007 to June 2007 the Facilities Manager played a dual role as Acting Security Manager while the incumbent Manager, Ms. Sandra Sandiford-Carr was on maternity leave.

The Facilities, Assets and Office Management Unit was also pleased to have been actively involved in a number of internal functions such as the CCJ Christmas Luncheon and the Court’s Carnival “Panyard Crawl”. The latter of which also included as guests; participants from the Commonwealth Meeting of Judges and Magistrates. The Unit was equally pleased to have played a significant role in the success of a number of the Court’s public outreach initiatives such as:

- OCCBA/CCJ Conference - UWI, Cave Hill Barbados – Nov 2006
- CSME Conference – Queens Hall, St. Ann’s, Trinidad – Mar 2007
- Numerous Tours of the CCJ Facilities

In this spirit, the Court Facilities, Assets and Office Management Unit will actively seek to continue to play its role in assuring the people of the region that the Caribbean Court of Justice is there to serve their needs and interests through simple initiatives such as the mounting of commemorative Independence Banners on the exterior of the CCJ building, for all of the Court’s Member States during their week of Independence. Similarly the Unit will also continue to strive to preserve public trust through the provision excellent service.

From left to right: The CCJ celebrates the Independence of Belize, the Republic of Suriname, the Independence of St. Kitts and Nevis, the Independence of Dominica, the Republic of Guyana and the Independence of Antigua and Barbuda

FUTURE PLANS: “LOOKING AHEAD”

In keeping with the Court’s policy of being a learning organization, and to better enable the Unit to achieve its objectives, continuous training and development of the Unit’s staff will be key future focus areas. Other future plans of the Facilities, Assets and Office Management Unit include the implementation of a computerized maintenance management system (CMMS) as well as several renovation projects. Some of these include:

- Locker rooms for Security Personnel
- Additional Storage Space – Ground Floor & First Floor
- Registry Renovations
- Construction of an awning and Security receiving area at rear entrance





This section covers important events and occurrences that have contributed to this period's accomplishments. They are as follows:

- Public Education Seminars
- Second Meeting of Registrars and Court Executive Administrators
- Protocol for the interfacing and interaction of the RJLSC, CCJ and the CCJ Trust Fund
- The CCJ Internship Programme
- Commonwealth Meeting of Justices and Registrars of Final Appellate Courts



Public Education Seminars

**“NEW OPPORTUNITIES FOR CARIBBEAN LAWYERS”
AT THE MOOT COURT, FACULTY OF LAW, CAVE HILL CAMPUS,
BARBADOS, NOVEMBER 24 – 25, 2006.**

The Organization of the Commonwealth Caribbean Bar Associations (OCCBA) and the Caribbean Court of Justice (CCJ) held a conference on the CARICOM Single Market and Economy and the new opportunities that will arise for Caribbean attorneys-at-law under this regime.

The conference was held at the Moot Court, Faculty of Law, Cave Hill Campus, Barbados from November 24 – 25, 2006. Participants from throughout the region included judges, attorneys-at-law, lecturers, students and other interested persons.

In his opening address, Mr. Patrick Patterson, President of OCCBA and Chairman of the Conference noted that it was an honour to be part of this distinguished gathering. Several presentations were delivered over the period beginning with Dr Trevor Farrell who spoke on the Competition Commission.

Dr Farrell gave a very insightful account of competition Law and the role the Competition Commission will play in CSME. Mr. Justice Pollard followed with a presentation on the role of the CCJ in the CSME. Professor Ralph Carnegie closed the first day’s proceedings; with a presentation on WTO & GATS – The Implications for Legal Services in the Caribbean.



Above: Dr. Trevor Farrell enlightens the audience at the CCJ conference held at the Moot Court, UWI Cave Hill Campus, Barbados

... Public Education Seminars



The second day of the conference commenced with Professor Alina Kaczorowska speaking on “Supremacy of Community Law – An essential Step for Nations United in Commitment to Achieve a Single Market and Economy – The European Experience”. The presentations thereafter focused on the legal profession. The Honourable Mr. Justice Adrian Saunders looked at the impact of the CSME and the CCJ on the legal profession in the Caribbean. A panel discussion on “Bar Associations as Agents of Change” followed. Speakers including Mr. Wilfred Abrahams, President of Barbados Bar Association, Mr. Courtney Abel of the OECS Bar and Mr. Ruggles Fergusson of the Grenada Bar. President of the Court, The Right Honourable Mr. Justice de la Bastide delivered the closing address to an overall successful and well-received event.

Below: An interested audience listens in to the presentation made by the Hon. Mr. Justice Pollard, Judge of the CCJ, at the OCCBA/ CCJ hosted conference at the Moot Court, UWI Cave Hill Campus.





... Public Education Seminars

“THE CSME AND ITS LEGAL IMPLICATIONS: WHAT DOES IT MEAN FOR YOU AND FOR ME?”
AT QUEENS HALL, PORT OF SPAIN, TRINIDAD
MARCH 3RD – 4TH, 2007



Above: A Caribbean Stage design at the CCJ / Judiciary of Trinidad and Tobago hosted conference at Queen's Hall, Port of Spain

On March 2nd and 3rd 2007, the Caribbean Court of Justice in partnership with the Judicial Education Institute of the Judiciary of Trinidad and Tobago hosted a two day conference entitled “The CSME and its Legal Implications, What does it mean for me and for your?” at the Queen’s Hall in Port-of-Spain. It was the second public education exercise of this type conducted by the Caribbean Court of Justice.

The audience comprised members of the Bench, Bar, Labour movement, academia, students, lawyers and the general public. The Court was pleased to welcome the Chief Justices of the region and members of the national judiciaries. The Court acknowledged the attendance of the Registrar of the Privy Council.

The following papers were presented over the two days of this very well attended conference:

- The Caricom Single Market and Economy (CSME), the Caribbean Court of Justice (CCJ) and the Private Sector - **The Hon. Mr. Justice Pollard**
- Creating an integrated financial market in CARICOM: has the CCJ been sufficiently involved – **Mr. Christopher Malcolm**
- The Relationship between International Law and Caribbean Domestic Law – **Professor Stephen Vasciannie**
- CSME – Labour’s Contribution and Concerns – **Mr. George De Peana**
- The WTO and GATS – **Professor Ralph Carnegie**
- Brief Review of the Relationship between International Law and Caribbean Domestic Law – **Professor Stephen Vasciannie**
- Community Law: The experience of the European Court – **Sir Francis Jacobs**
- Competition Policy, the CCJ and the law: Why are they so important to the future of the entire Caribbean – **Dr. Trevor Farrell**
- Invoking the original jurisdiction of the CCJ – Learning from the European experience - **Sir Francis Jacobs**



Above: Sir Francis Jacobs seated at the head table of the conference hosted by the CCJ and the Judiciary of Trinidad and Tobago

Below: An enthralled audience consisting of Caribbean Chief Justices, CCJ Judges and members of the RJLSC, among others





... Public Education Seminars

Each presentation was followed by energetic Question and Answer sessions.

The Conference was a perfect opportunity for deepening the regional integration process through the meeting of minds and in many instances the meeting of friends and colleagues. It is after all true, as said by Mr. De Peana during his presentation, "All ah we is one". Coming together in a forum like this helps us to see how similar we really are and to overcome our challenges together.

A cocktail reception hosted by the Judiciary of Trinidad and Tobago allowed for social mingling and interaction on a different level. The CCJ proposes to hold several more public education sessions like this one through the CARICOM region.



Above: The Honourable Mr. Justice Saunders, Judge of the CCJ with Her Honour Sandra Paul, Chairperson of the Environmental Commission of T&T



Above: At the conference a simple group shot was taken which speaks to the great effect of Caribbean legal education. Some of the former students of Professor Carnegie got together for a photo. Among them were a CCJ Judge, Chief Justices, Judges, Magistrates, Attorneys General, Ministers of Government, Registrars, National and Regional Court Administrators, Presidents of Bar Associations and practicing attorneys at law.



Second Meeting of CARICOM Registrars and Court Executive Administrators



Above:

Attendees at the Second Meeting of the CARICOM Registrars and Court Executive Administrators, taken in Courtroom 2 of the CCJ Building. CARICOM Registrars are Deputy Registrars of the CCJ.

The second meeting of Registrars and Court Executive Administrators of the Region was held on May 22nd and 23rd 2007 at the Seat of the Court in Port of Spain. Participants were treated to a tour of the new home of the Court at Henry Street Port of Spain and given a demonstration of the technology in use at the Seat of the Court. This meeting focused on the need for public education in the region on the original jurisdiction of the Court and the role that the Registrar could play in that process.

At this meeting Registrars had the opportunity to discuss and compare the legal systems in Suriname and the rest of the region. Presentations were also made by Registrars on “The Role of the Sub-Registry, problems experienced and challenges presented: A view from Barbados”, “Challenges posed by the sub-Registry: the experience of the CCJ Registrar”, “The Appellate Procedure in the Eastern Caribbean”. Judges of the CCJ also made presentations to the meeting on “The Importance of the Original Jurisdiction to the region”, “Some peculiarities of the process before the CCJ in an Original Jurisdiction case” and “the Progress of an originating application in the Rules”. Participants then discussed the preparation of draft procedure manuals for the original jurisdiction rules. Funding of the Court and the need to be cost effective also played a part in the learning process at the meeting.

... Second Meeting of CARICOM Registrars and Court Executive Administrators



The following persons attended the second meeting of Registrars and Court Executive Administrators.

Name	Court/Country	Position held
Mr. Charlesworth Tabor	Antigua and Barbuda	Registrar of the Supreme Court
Mrs. Maureen Crane-Scott, Q.C.	Barbados	Registrar of the Supreme Court
Mr. Aldo Salazar	Belize	Registrar of the Supreme Court
Master Christie-Anne Morris-Alleyne	Caribbean Court of Justice	Court Executive Administrator
Ms. Paula Pierre	Caribbean Court of Justice	Registrar and Chief Marshal
Mr. Robert Branch	Grenada	Registrar of the Supreme Court
Ms. Sita Ramlal	Guyana	Registrar of the Supreme Court
Ms. Rosemarie Harris	Jamaica	Registrar of the Supreme Court
Mrs. Sherna Reid-Crosse	Jamaica	Registrar of the Court of Appeal
Mrs. Claudette Caddle-Jenkins	St. Kitts and Nevis	Registrar of the High Court of Justice
Ms. Amelia Daley	Montserrat	Registrar of the Supreme Court
Ms. Agnes Actie	St. Lucia	Deputy Chief Registrar of the Eastern Caribbean Supreme Court
Ms. Aisha InBaptiste	St. Lucia	Registrar of the High Court
Mrs. Monique van Genderen-Relyveld	Suriname	Registrar of the High Court of Justice
Ms. Evelyn Ann Petersen	Trinidad and Tobago	Registrar of the Supreme Court
Mr. Andrew Dalip	Trinidad and Tobago	Registrar of the Environmental Commission
Mr. Noel Inniss	Trinidad and Tobago	Registrar of the Industrial Court

The Registrars not only discussed matters affecting the appellate and original jurisdiction of the Court. They also discussed critical issues such as methods to increase greater communication among themselves between meetings, the high turnover of Registrars within the region and problems experienced within national courts, which directly or indirectly affected the CCJ.



A Protocol for the Interfacing and Interaction of the RJLSC, CCJ and the CCJ Trust Fund



Above (L to R): The Right Honourable Mr. Justice de la Bastide of the CCJ and Mr. Rollin Bertrand, Chairman of the CCJ Trust Fund signing the document.

A protocol for the interfacing and interaction of the RJLSC, CCJ and CCJ Trust Fund was agreed in January 2007. The protocol agreed to co-operation among the organs as well as the budgetary procedure, disbursement of funds to the Court and Commission and protocols for emergency expenditure.

The protocol shall be subject to review and amendment by the parties from time to time, but in any event not later than three years after it was signed.

The procedure adopted in preparing and finalizing the budget of the Court and Commission is as

- A draft budget is prepared by the Court and Commission.
- The draft is discussed with the Executive Officer of the Trust Fund who can make comments.
- The budget is submitted to the Commission for approval.
- The Executive Officer of the Trust Fund submits the approved budget to the Board of Trustees. The Board may meet with the Court and Commission to seek clarification of the budget.
- If necessary, the approved budget is submitted to the Commission for confirmation or revision in light of the Trustees comments, if any.

The CCJ Internship Programme



This year's programme accommodated three (3) law students. Mr. Matthew Stroh and Ms. Kaili Toome of the University of Western Ontario and Ms. Deidre Powell, a Jamaican attorney pursuing her PhD. at Queen Mary University of London participated in the Court's internship programme from May to July 2007.



Above:
Ms. Deidre Powell, PhD student of the Queen Mary University of London with Ms. Paula Pierre, Court Registrar and Chief Marshal.

Below: Mr. Matthew Stroh, intern with Judicial Research Assistant Ms. Radha Permanand





Commonwealth Meetings of Justices and Registrars of Final Appellate Courts and Regional Courts

Port of Spain, Trinidad
1st and 2nd February, 2007

On 1st and 2nd February 2007 the CCJ hosted the Commonwealth Meeting of Justices and Registrars of Final Appellate and Regional Courts at its offices at 134 Henry Street Port of Spain. The visit to the CCJ was the third and final leg of their visit to the Caribbean as the delegates had already visited Jamaica and Barbados and had met with Government officials and members of the Bench and Bar of those countries.

The visit to the Caribbean had been proposed at a Commonwealth Meeting held in February 2006 in order to “to take the exposures and sharing gained from the meetings in New Zealand and Australia”. The visit to Trinidad in particular was to observe the operation of the Caribbean Court of Justice.

All of the Judges of the CCJ, the Court Executive Administrator and the Registrar attended the meeting and participated in the discussions. Four Judges of the Court of Appeal of Trinidad and Tobago, including the Acting Chief Justice, also attended the first day of the meeting.

The delegation comprised representatives of the Community of Eastern and Southern African Court of Justice (COMESA), the Community Court of Justice, Economic Community of West African States (ECOWAS), the Supreme Court of Canada, the Supreme Court of New Zealand, the High Court of Australia and the Commonwealth Secretariat.

Papers which were presented at the CCJ included such topics as ‘Challenges faced by the Judiciary in New Court Establishment’; ‘Reflections on the History and Operations of the High Court of Australia’; ‘The Original Jurisdiction of the Caribbean Court of Justice’.



To the left :
Commonwealth Meeting participants listening in on the CCJ Courtroom Technology presentation, in Courtroom 1 of the CCJ Building.



Europe

July 1st - 13th, 2007

This Commonwealth Meeting was the climax to an Agenda which started in November 2002 with a mandate given to the Legal and Advisory Division of the Commonwealth Secretariat. That mandate included the formation of an expert group of persons who met in London in June 2003 and made recommendations for the ways in which Courts could de-link from the Judicial Committee of the Privy Council as their final Court of Appeal and create their own final Court.

The recommendations of the Expert Group prompted the Secretariat to host another meeting of Justices and Registrars, this time in New Zealand and Australia, in February 2006. At that meeting which was attended by CCJ representatives, we were able to share experiences with older Courts which had de-linked from the Privy Council and were comforted to realize that the path we were treading had been entirely familiar to those Courts.

One of the recommendations from the meeting in New Zealand and Australia was that the Caribbean in general might benefit from the same experiences and gain confidence in the newly established Caribbean Court of Justice if representatives of the older Courts could visit the region and by way of 'show and tell' share their problems and experiences in de-linking from the Privy Council. A Meeting hosted by the Commonwealth Secretariat in January 2007 accomplished this purpose.

Delegates from the Courts of New Zealand, Australia, Canada, ECOWAS and COMESA visited Jamaica, Barbados and the CCJ in Trinidad and Tobago and met with Attorneys General, Solicitor Generals, Chief Justices and other officials. The experiences were shared by means of presentations, tours and discussions.

Having seen some aspects of the Caribbean region and heard the proponents and opponents of the CCJ, the Commonwealth Secretariat then prepared to implement one of the recommendations of the delegates of the Caribbean Meeting, which coincided with a plan that had been four years in development, and that was to visit the International Courts in Europe.

Twenty-four delegates attended this meeting, including the Chief Justices and Registrars of Barbados, Guyana, the Chief Justice of Jamaica, the Chief Justice and Chief Registrar of the Eastern Caribbean Supreme Court, Judges and the Registrar of the CCJ and representatives of another new Court, the Southern African Development Community Tribunal, (SADC), which was established in December 2006. During this Meeting delegates visited the Court of Justice of the European Communities in Luxembourg, the International Criminal Tribunal for Former Yugoslavia, The International Court of Justice in the Hague, The Judicial Committee of the Privy Council and the House of Lords in London.

Two very important lessons learnt at this meeting were the fundamental difference in the role of the Registrar in the original jurisdiction as opposed to the appellate jurisdiction of the Court and the implications of operating a multi-lingual court.

Appendices



Financial Statements of

THE CARIBBEAN COURT OF JUSTICE

December 31, 2006



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INDEPENDENT AUDITORS' REPORT

Report on the Financial Statements

We have audited the financial statements of the Caribbean Court of Justice (the Court) set out on pages 2 to 16 which comprise the balance sheet as at December 31, 2006, and the statements of income, changes in retained earnings and accumulated deficit and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory notes.

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

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

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

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

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

Chartered Accountants

May 31, 2007

Balance Sheet

December 31, 2006

	Notes	2006	2005
ASSETS			
Non-current assets			
Property, plant & equipment	1	\$ 12,098,294	6,450,354
Retirement benefit asset	2	<u>1,014,930</u>	-
Total non-current assets		<u>13,113,224</u>	<u>6,450,354</u>
Current assets			
Other receivables	3	839,997	1,300,370
Cash and cash equivalents		<u>470,511</u>	<u>12,210,225</u>
Total current assets		<u>1,310,508</u>	<u>13,510,595</u>
Total assets		\$ <u>14,423,732</u>	<u>19,960,949</u>
ACCUMULATED FUND AND LIABILITIES			
Accumulated fund			
Retained earnings		\$ <u>9,983,870</u>	<u>13,778,262</u>
Current liabilities			
Deferred income	4	455,556	683,334
Due to related party	5	3,588,932	4,906,301
Other payables	6	<u>395,374</u>	<u>593,052</u>
Total current liabilities		<u>4,439,862</u>	<u>6,182,687</u>
Total accumulated fund and liabilities		\$ <u>14,423,732</u>	<u>19,960,949</u>

The accompanying notes form an integral part of these financial statements

On behalf of the Caribbean Court of Justice

Court Executive Administrator

Statement of Income

For the year ended December 31, 2006

	Notes	2006	2005
Revenue	7	\$ 22,891,914	34,562,388
Administrative expenses	8	<u>(26,686,306)</u>	<u>(20,218,130)</u>
(Deficit) surplus of income over expenditure for the year		\$ <u>(3,794,392)</u>	<u>14,344,258</u>

The accompanying notes form an integral part of these financial statements

Statement of Changes in Retained Earnings/Accumulated Deficit

For the year ended December 31, 2006

Year ended December 31, 2005

Balance as at January 1, 2005	\$	(565,996)
Surplus of income over expenditure for the year		<u>14,344,258</u>
Balance as at December 31, 2005	\$	<u>13,778,262</u>

Year ended December 31, 2006

Balance as at January 1, 2006	\$	13,778,262
Deficit of income over expenditure for the year		<u>(3,794,392)</u>
Balance as at December 31, 2006	\$	<u>9,983,870</u>

The accompanying notes form an integral part of these financial statements

Statement of Cash Flows

For the year ended December 31, 2006

	2006	2005
Cash Flows from Operating Activities		
(Deficit) surplus of income over expenditure for the year	\$ (3,794,392)	14,344,258
Adjustments to reconcile (deficit) surplus of income over expenditure for the year to net cash (used in) from operating activities		
Depreciation	4,739,183	2,150,118
Amortisation of deferred income	(227,778)	(227,778)
Other receivables	460,373	(1,300,370)
Due to related party	(1,317,369)	4,349,305
Other payables	(197,678)	584,052
Net cash (used in) from operating activities	<u>(337,661)</u>	<u>19,899,585</u>
Cash Flows from Investing Activities		
Purchase of fixed assets	(10,387,123)	(7,689,360)
Retirement benefit asset	(1,014,930)	-
Net cash used in investing activities	<u>(11,402,053)</u>	<u>(7,689,360)</u>
(Decrease) in cash and cash equivalents	(11,739,714)	12,210,225
Cash and cash equivalents at the beginning of the year	<u>12,210,225</u>	-
Cash and cash equivalents at the end of the year	\$ <u>470,511</u>	<u>12,210,225</u>
Analysis of cash and cash equivalents		
Cash on hand and at bank	\$ <u>470,511</u>	<u>12,210,225</u>

The accompanying notes form an integral part of these financial statements

Notes to Financial Statements

December 31, 2006

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 Communities (Caricom) states of Antigua & Barbuda, Barbados, Belize, Grenada, Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the agreement on 15th February 2003, bringing the total number of signatories to 12.

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

The first Commissioners came into force on July 23, 2003 and work to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.

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

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

Significant accounting policies

(a) *Statement of compliance*

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

(b) *Basis of preparation*

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

(c) *Functional and reporting currency*

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

Significant accounting policies (continued)**(d) Use of estimates**

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

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

In particular, information about significant areas of estimation uncertainty and critical judgements in applying accounting policies that have the most significant effect on the amount recognised in the financial statements are described in the note 2 retirement benefit asset.

(e) Property, plant and equipment

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

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

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

(f) Other receivables

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

Notes to Financial Statements

December 31, 2006

Significant accounting policies (continued)**(g) Cash and cash equivalents**

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

(h) Due to related party

Due to related party is stated at cost.

(i) Other payables

Other payables are stated at cost.

(j) Provisions

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

(k) Grants

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

(l) Operating leases

Payments made under operating leases are recognised in the income statement on a straight-line basis over the term of the lease. Lease incentives received are recognised in the income statement as an integral part of the total lease expense.

(m) Taxation

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

Significant accounting policies (continued)**(n) Foreign currency transactions**

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

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

(o) Impairment

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

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

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

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

Notes to Financial Statements

December 31, 2006

(p) Employee benefits**(i) Defined contribution plan**

Obligations for contributions to the defined contribution pension plan are recognized as an expense in statement of income when they are due.

(ii) Defined benefit plan

The Court's net obligation in respect of defined benefit pension plan is calculated by estimating the amount of future benefit that employees have earned in return for their service in the current and prior periods; that benefit is discounted to determine its present value, and any unrecognized past service costs and the fair value of any plan assets are deducted. The calculation is performed by a qualified actuary using the projected unit credit method. When the calculation results in a benefit to the Court, the recognized asset is limited to the net total of any unrecognized past service costs and the present value of any future refunds from the plan or reductions in future contributions to the plan.

Notes to Financial Statements

December 31, 2006

1. Property, plant and equipment

	Computers & Software	Furniture Fixtures & Equipment	Flags Crests & Seals	Library Books	Security Equipment	Lease- Hold Improve- ments	Vehicles	Totals
Cost or valuation								
At January 1, 2006	\$ 1,630,309	2,118,307	156,145	1,930,711	-	-	2,765,000	8,600,472
Additions	4,273,528	2,626,953	102,031	2,711,497	484,787	51,440	136,887	10,387,123
At December 31, 2006	\$ 5,903,837	4,745,260	258,176	4,642,208	484,787	51,440	2,901,887	18,987,595
Accumulated depreciation								
At January 1, 2006	\$ 407,577	529,577	39,036	482,678	-	-	691,250	2,150,118
Charge for the year	1,475,959	1,186,315	64,544	1,160,552	121,197	5,144	725,472	4,739,183
At December 31, 2006	\$ 1,883,536	1,715,892	103,580	1,643,230	121,197	5,144	1,416,722	6,889,301
Net book value								
At December 31, 2005	\$ 1,222,732	1,588,730	117,109	1,448,033	-	-	2,073,750	6,450,354
At December 31, 2006	\$ 4,020,301	3,029,368	154,596	2,998,978	363,590	46,296	1,485,165	12,098,294

2. Retirement benefit asset

The Court makes contributions to a non-contributory defined benefit plan that provide pension benefits for its judges upon retirement. The plan entitles a retired judge to receive a normal benefit based on the number of years pensionable service. For service less than 5 years, a retired judge is entitled to a gratuity equal to 20% of final salary for each year of pensionable service. For pensionable service between 5 to 10 years and greater than 10 years, an annual payment equal to 2/3 and 100% of final salary, respectively, for each year of service the judge provided.

Principal actuarial assumptions at the reporting date are as follows:

	2006
Discount rate	8.0%
Expected rate of return on plan assets	8.0%
Salary growth rate	0.0%
Average expected remaining working lives of employees	8.8 years

Notes to Financial Statements

December 31, 2006

2. Retirement benefit asset (continued)

	<u>2006</u>
Fair value of plan assets at the beginning of the year	\$ -
Expected return on plan assets	40,320
Contributions	1,940,400
Benefits paid	-
Actuarial gain (loss) or plan asset	<u>-</u>
Fair value of plan assets at the end of the year	\$ <u>1,980,720</u>
Present value of obligation at beginning of year	\$ -
Interest cost	-
Total current service cost	-
Past service cost - non-vested benefits	2,084,670
Past service cost - vested benefits	618,660
Benefits paid	-
Actuarial (gain) loss on obligation	<u>-</u>
Present value of obligation at end of year	\$ <u>2,703,330</u>
Current service cost	\$ -
Interest cost	-
Expected return on plan assets	(40,320)
Net actuarial (gain) loss recognised in year	-
Past service cost - non-vested benefit	347,130
Past service cost - vested benefit	618,660
Increase (decrease) in unutilisable asset	<u>-</u>
Expense (income) recognised in the income statement	\$ <u>925,470</u>
Opening asset (liability)	\$ -
Income (expense) in income statement	925,470)
Contributions paid	<u>1,940,400</u>
Closing asset (liability)	\$ <u>1,014,930</u>

Notes to Financial Statements

December 31, 2006

2. Retirement benefit asset (continued)

	<u>2006</u>
Present value of the obligation	\$ (2,703,330)
Fair value of plan assets	<u>1,980,720</u>
	(722,610)
Unrecognised actuarial (gains) losses	-
Unrecognised past service cost – non-vested benefits	<u>1,737,540</u>
Asset (liability) recognised in balance sheet	\$ <u>1,014,930</u>
Expected return on plan assets	40,320
Actuarial gain (loss) on plan assets	<u>-</u>
Actuarial return on plan assets	\$ <u>40,320</u>
Present value of obligation at January 1, 2006	-
Fair value of plan assets at January 1, 2006	<u>-</u>
Limits of 10% corridor	-
Unrecognised actuarial (gains) losses at January 1, 2006	<u>-</u>
Excess (A)	\$ <u>-</u>
Average expected remaining working lives (B)	8.8 years
Actuarial (gain) loss to be recognised (A/B)	-
Unrecognised actuarial (gains) losses at January 1, 2006	-
Actuarial (gain) loss for year – obligations-	-
Actuarial (gain) loss for year – plan assets	<u>-</u>
Subtotal	-
Actuarial gain (loss) recognised	<u>-</u>
Unrecognised actuarial (gains) losses at the beginning of year	\$ <u>-</u>

Notes to Financial Statements

December 31, 2006

3. Other receivables

	<u>2006</u>	<u>2005</u>
VAT recoverable	\$ 347,210	702,208
Other receivables	<u>492,787</u>	<u>598,162</u>
	\$ <u>839,997</u>	<u>1,300,370</u>

4. Deferred income

	<u>2006</u>	<u>2005</u>
Grant received	\$ 911,112	911,112
Accumulated amortisation	<u>(455,556)</u>	<u>(227,778)</u>
	\$ <u>455,556</u>	<u>683,334</u>

The deferred income relates to a grant of fixed assets from the Office of the Attorney General.

5. Due to related party

	<u>2006</u>	<u>2005</u>
The Regional Judicial and Legal Services Commission (RJLSC)	\$ <u>3,588,932</u>	<u>4,906,301</u>

Amounts due to RJLSC are interest free, with no fixed repayment terms.

6. Other payables

	<u>2006</u>	<u>2005</u>
Accounts payable	\$ 370,000	545,262
Other payables and accrued liabilities	<u>25,374</u>	<u>47,790</u>
	\$ <u>395,374</u>	<u>593,052</u>

Notes to Financial Statements

December 31, 2006

7. Revenue

	2006	2005
Funds from the Caribbean Court of Justice		
Trust Fund	\$ 22,237,456	33,534,217
Amortisation of deferred income	227,778	227,778
Interest income	369,621	780,795
Other income	57,059	19,598
	<u>\$ 22,891,914</u>	<u>34,562,388</u>

8. Administrative expenses

	2006	2005
Salaries and allowances	\$ 15,625,027	10,668,197
Pension cost	1,662,483	-
Inauguration expenses	-	3,802,202
Administrative expenses	3,230,273	2,677,800
Depreciation	4,739,183	2,150,118
Insurance expenses	834,497	363,417
Foreign exchange loss	42,790	26,901
Bank charges	10,036	8,650
Audit fees	20,000	20,000
Lease payments	522,017	500,845
	<u>\$ 26,686,306</u>	<u>20,218,130</u>

9. Operating leases

Non cancellable operating lease rentals are payable as follows:

	2006	2005
Less than one year	\$ 493,100	756,300
Between one and five years	264,600	491,595
	<u>\$ 757,700</u>	<u>1,247,895</u>

During the year, \$522,017 (2005 \$500,845) was recognised as an expense in the income statement in respect of operating leases.

Notes to Financial Statements

December 31, 2006

10. IFRS not yet effective

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

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

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

11. Financial instruments

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

Other receivables and payables

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

Supplementary Financial Information

THE CARIBBEAN COURT OF JUSTICE

December 31, 2006



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

**To: The Court Executive Administrator of the
Caribbean Court of Justice**

We have audited the financial statements of the Caribbean Court of Justice for the year ended December 31, 2006, and have issued our report thereon dated May 31, 2007.

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

We conducted our audits for the purpose of expressing an opinion on the financial statements of the Caribbean Court of Justice taken as a whole. The accompanying supplementary financial information, set out on pages 18 to 19, consisting of the balance sheet and statement of income, is presented for the purpose of additional analysis and should not be considered necessary to the presentation of the basic financial statements. This information has been subjected to the audit procedures applied to the basic financial statements and, in our opinion, is fairly presented, in all material respects, when taken as a whole with the basic financial statements.

Chartered Accountants

May 31, 2007

Balance Sheet

December 31, 2006

(Expressed in United States Dollars)

	2006	2005
ASSETS		
Non-current assets		
Property, plan and equipment	\$ 1,920,364	1,027,198
Retirement benefit asset	<u>161,100</u>	<u>-</u>
Total non-current assets	<u>2,081,464</u>	<u>1,027,198</u>
Current assets		
Other receivables	117,163	206,408
Cash and cash equivalents	<u>74,684</u>	<u>1,940,305</u>
Total current assets	<u>191,847</u>	<u>2,146,713</u>
Total assets	\$ <u>2,273,311</u>	<u>3,173,911</u>
RESERVES AND LIABILITIES		
Retained earnings	\$ 1,574,077	2,192,718
Foreign currency translation reserve	<u>(5,506)</u>	<u>(186)</u>
	<u>1,568,571</u>	<u>2,192,532</u>
Current liabilities		
Deferred income	72,310	108,466
Due to related party	569,672	778,778
Other payables	<u>62,758</u>	<u>94,153</u>
Total current liabilities	<u>704,740</u>	<u>981,379</u>
Total reserves and liabilities	\$ <u>2,273,311</u>	<u>3,173,911</u>

Statement of Income

For the year ended December 31, 2006
(Expressed in United States Dollars)

	2006	2005
Revenue	\$ 3,633,637	5,491,785
Administrative expenses	(4,252,092)	(3,209,227)
(Deficit) surplus of income over expenditure for the year	\$ <u>(618,455)</u>	<u>2,282,558</u>

APPENDIX B

CARIBBEAN COURT OF JUSTICE

PRACTICE DIRECTION

Citation of Judgments and Reported Cases

This practice direction has to do with:

- I. the identification and citation of judgments delivered by the Court; and
- II. the citation of reported cases to the Court.

I. Identification and Citation of Judgements of the Court

1. Judgments delivered by the Court shall be identified and cited in the following manner:
 - (a) the names (in italics) of the parties, followed by
 - (b) the year in which the judgment was delivered in square brackets, followed by
 - (c) the letters 'CCJ', followed by
 - (d) the number assigned to the judgment indicative of the place which the judgment occupies in the sequence, according to time of delivery, of judgments delivered by the Court in both jurisdictions in that year, followed by
 - (e) the letters 'AJ' or 'OJ' in round brackets depending on whether the judgment was delivered in the Court's appellate jurisdiction '(AJ)' or in its original jurisdiction '(OJ)'.

The following is an illustration of the results of applying the above directions to an imaginary case – *Smith v Jones* [2007] CCJ 28 (AJ)

2. The Registrar shall assign the appropriate number in keeping with paragraph 1 (d) above, to all judgments delivered by the Court in 2005 and 2006 as well as subsequently, and the form of neutral citation described above shall be used for all such judgments.
3. When a judgment of the Court which has been reported, is cited, the reference to the law report shall be preceded by the neutral citation of the judgment, but that citation need not be repeated if the judgment is referred to again in the same document.
4. In future when judgments are prepared for delivery or are issued as approved judgments, the pages of the judgments will not be numbered but the judgments shall be divided into numbered paragraphs. The numbering of these paragraphs will be continuous from the beginning of the first judgment to the end of the last, if there is more than one judgment. The paragraph numbers will be printed in the margin in square brackets. Not every indented paragraph, however, need be given a number, so that more than one indented paragraph may be treated as part of the same numbered paragraph.

5. When passages from judgments of the Court are referred to, they shall be identified by the number or numbers in square brackets of the relevant paragraph or paragraphs in which they occur. Accordingly, a reference to a passage in a judgment in the imaginary case used above by way of illustration, would read:

Smith v. Jones [2007] CCJ 28 (AJ) at [62]

II. Citation of Reported Cases to the Court

The following instructions relate to the citation of cases in proceedings before the Court and the provision of copies of cases for use by the Court:

1. Where a case is reported in the West Indian Reports, the reference to the case in that series of law reports should always be given and copies of the case in those reports should be provided to the Court.
2. Where the case is also reported in the official Law Reports produced by the Incorporated Council of Law Reporting of England and Wales ('the official Law Reports'), then the reference to the case in that series of law reports should also be given, but copies of the case in those reports need not be provided to the Court.
3. Where a case is reported both in the West Indian Reports and in some other series of law reports other than the official Law Reports, then no reference should be made to that other series of law reports and no copies of the case as reported in it need be provided to the Court.
4. Where a case is not reported in the West Indian Reports, but is reported in more than one series of law reports, then reference should be made to only one series of law reports and copies of the case in that series alone should be provided to the Court. The series of law reports to be used for reference and copying, shall be chosen in accordance with the following order of preference (in descending order):
 - (i) The official Law Reports.
 - (ii) The recognised law reports of the jurisdiction in which the case was decided.
 - (iii) The Law Reports of the Commonwealth.
 - (iv) The Weekly Law Reports.
 - (v) The All England Reports and
 - (vi) Other series of law reports.

This practice direction shall take effect from the date on which it is issued.

Issued by the President of the Caribbean Court of Justice pursuant to Part 17.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2005 and Part 6.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2006 on this 14th day of March 2007.

M. A. de la Bastide
President



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