

# CARIBBEAN COURT OF JUSTICE



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# Our Mission

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

# Our Vision

*To be:*

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

# Values

*In the carrying out of its mission, the Court and its staff are guided by the following values:*

- **Integrity**

*Every member of the Caribbean Court of Justice (CCJ) bench and staff is expected to exhibit the highest standards of integrity by adherence to moral and ethical principles. This will appear in behaviour that is accountable, responsible and responsive.*

- **Excellence**

*The CCJ is committed to excellence in attitude, behaviour and performance. As a consequence, the CCJ bench and staff must strive always to exhibit outstanding qualities in all their endeavours.*

- **Professionalism**

*Every function in the CCJ executed properly contributes to the achievement of justice. Therefore, even the smallest task must be performed with expertise, integrity and diligence. Every member of the CCJ Bench and staff must exhibit the highest levels of ability and willingness to do the work. This must be accompanied by a learning attitude and recognition that we are all stewards of the public trust and as such have a higher calling to effective public service.*

- **Courtesy/Consideration**

*Every member of the CCJ bench and staff will exhibit high standards of manners and social conduct, empathy, respect and consideration of others, demonstrating a positive attitude of service.*

- **Efficiency/Effectiveness**

*Recognizing the central importance of the public's right to due process, every member of the CCJ bench and staff must carry out their work with accuracy, expedition and timeliness. Nonetheless, we must not do our work with such haste that due process is impeded.*

- **Industry**

*Key to the effectiveness of the Court is the systematic way in which we approach our work. This means reliable, energetic, devoted attention to every task by members of the Bench and staff who must exhibit high levels of initiative, motivation and attention to detail in their work.*

# Passing of the Gavel

At its meeting in St. Georges, Grenada, in February 2010, the Caribbean Community Heads of Government agreed to the recommendation of the Regional and Judicial Legal Services Commission (RJLSC) that the Right Honourable Sir Dennis Byron be appointed President of the Caribbean Court of Justice to succeed the Right Honourable Mr Justice Michael de la Bastide TC, who retired on 18 August, 2011. Sir Dennis Byron took the oath of office as President of the CCJ on 1 September 2011 at Government House, Basseterre, St. Kitts and Nevis, before an assembly of Caribbean leaders from every sphere of activity: judicial, political, economic and social.

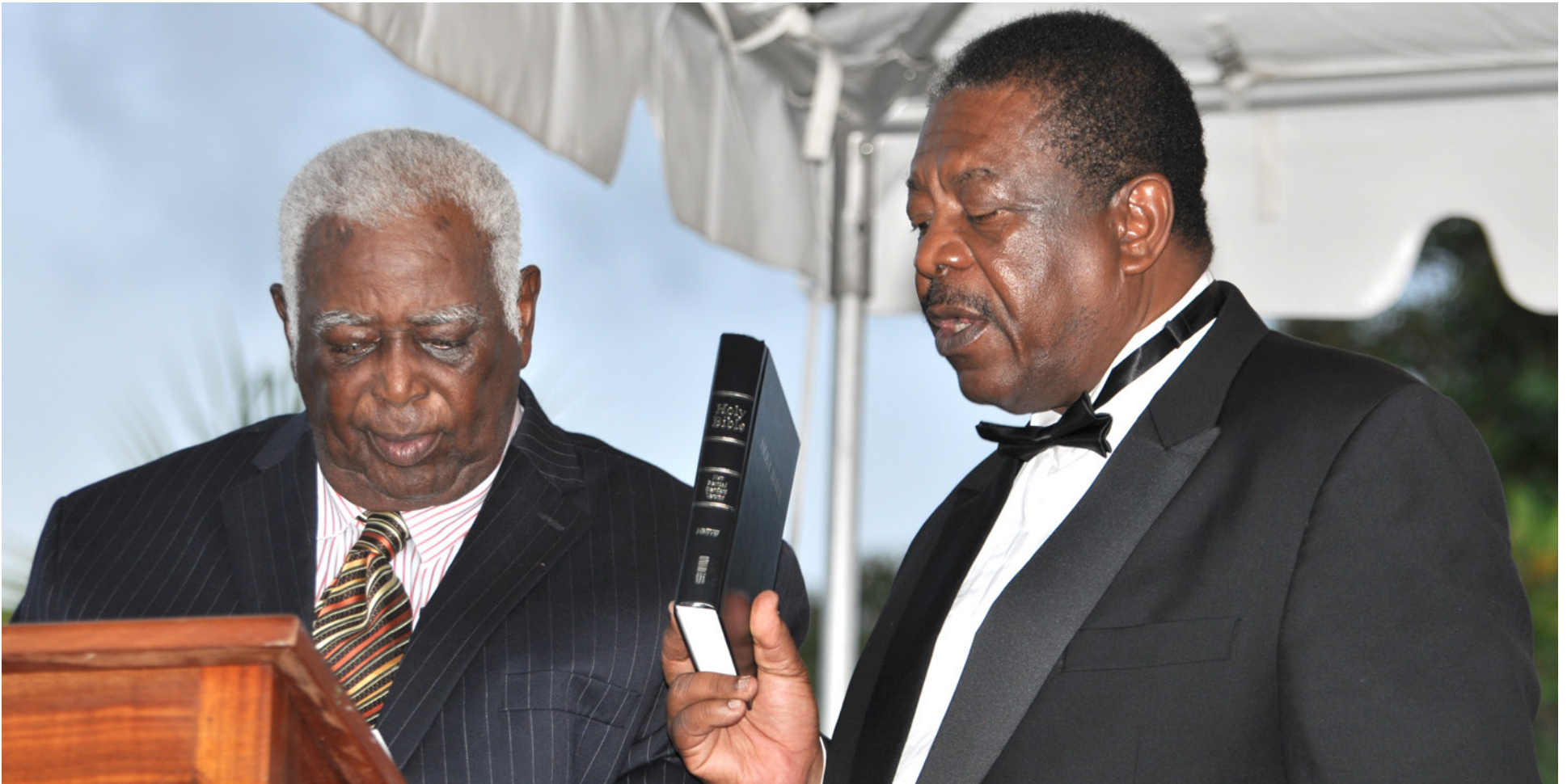
Born in Basseterre in 1943, Sir Dennis won the Leeward Islands Scholarship in 1960 and went on to read law at Fitzwilliam College, Cambridge University, from which he graduated with an M.A. and LL.B. After 16 years of private practice in the Eastern Caribbean, he moved on to serve as High Court Judge, Justice of Appeal and then Chief Justice of the Eastern Caribbean Supreme Court. During his tenure as Chief Justice, Sir Dennis led the Eastern Caribbean Supreme Court Judicial Reform Programme, which included the establishment of a Code of Ethics for Judges, the implementation of new Civil Procedure Rules and the establishment of a Judicial Education Institute, among other innovations. His special interest in judicial education activities has led to his appointment as President of the Commonwealth Judicial Education Institute (CJEI), a position which he has held since the year 2000.

In July 2000, Sir Dennis Byron was elevated to the rank of Knight Bachelor by Queen Elizabeth II and he was appointed a member of the Privy Council, as well as an Honorary Bencher of the Honourable Society of the Inner Temple in 2004. Appointed by the United Nations Secretary General to replace Judge Lloyd George Williams, the then Mr Justice Byron served as a Judge of the United Nations International Criminal Tribunal for Rwanda (ICTR) as of June 2004. He was elected President of the Tribunal in May 2007, succeeding former President Erik Møse of Norway and was re-elected for a second term as President in May 2009.

Sir Dennis Byron has written many articles and publications and also holds the first Yogis and Keddy Chair in Human Rights Law at Dalhousie University Nova Scotia, Canada.



*CCJ President, the Rt Hon Sir Dennis Byron, displays the CCJ seal at his inauguration ceremony*



*Above: Oath being administered to CCJ President by H.E. Governor General of St. Kitts and Nevis*

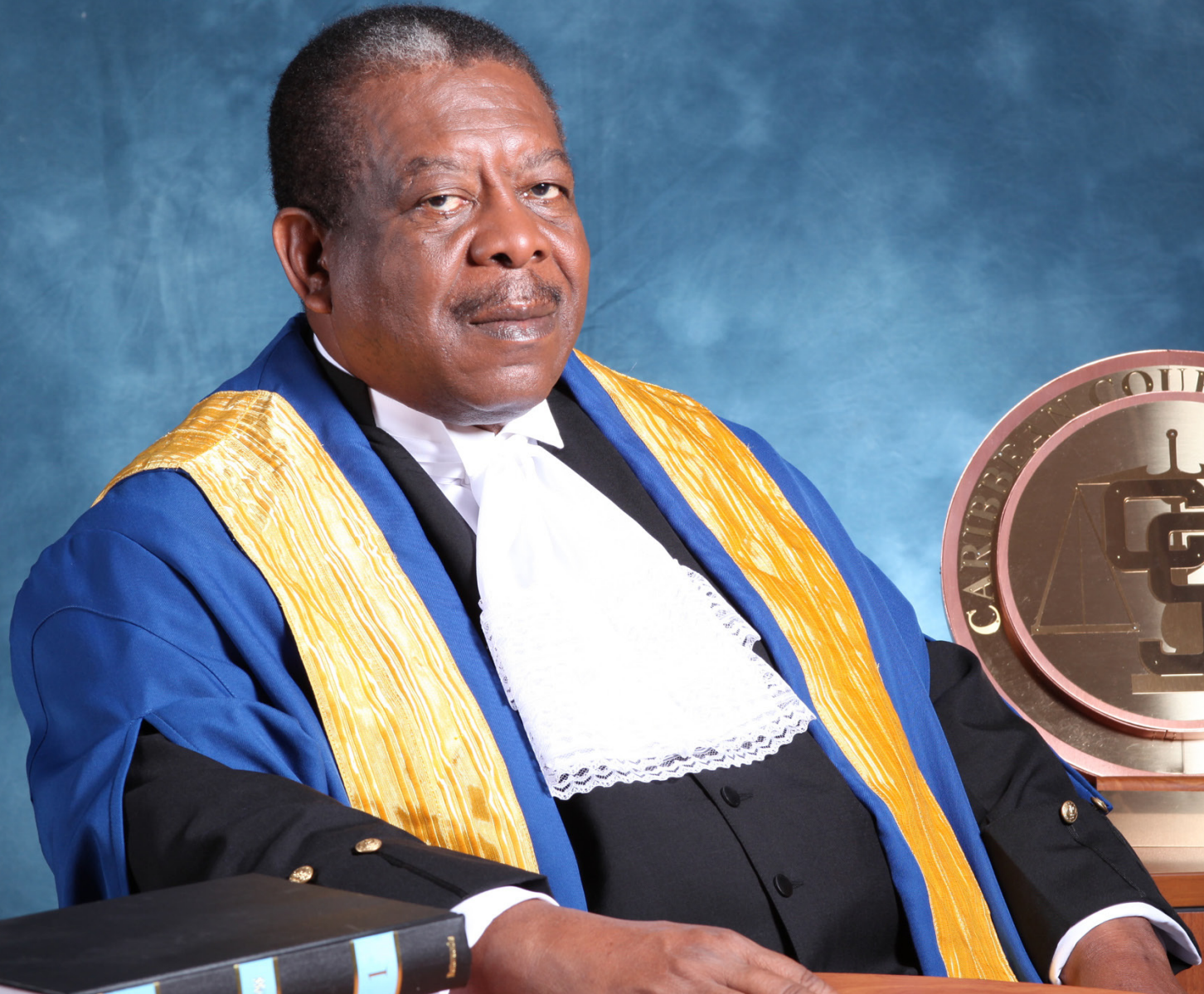
The programme for Sir Dennis' installation as President began with an invocation by Reverend Dr Wycherly Gumbs, Superintendent Minister of the St. Kitts Circuit of the Methodist Church of the Caribbean and the Americas. This was followed by a "Passing the Gavel" feature, as the assembly was addressed by the Right Honourable Mr Justice Michael de la Bastide, TC, retired first President of the CCJ, who formally said goodbye to the Presidency of the Court and passed the gavel to Sir Dennis.

Mr Justice de la Bastide's address was followed by greetings from the Honourable Dr Denzil Llewellyn Douglas, Prime Minister of the Federation of St. Kitts and Nevis, in which he expressed the pride and satisfaction of the islands in seeing a son of the soil elevated to the Presidency of the CCJ.

The Honourable Mr Justice Saunders, Judge of the CCJ, and himself Sir Dennis' successor as Chief Justice of the Eastern Caribbean Supreme Court, next took centre stage to introduce the President-Designate. This was followed by the solemn taking of the oath of office by Sir Dennis. The oath was administered by His Excellency the Governor-General of St. Kitts and Nevis, Sir Cuthbert Sebastien.

This having been completed, Ms Paula Pierre, Registrar and Chief Marshal of the CCJ, then presented Sir Dennis with the Seal of the Court, the symbol of its authority. The final formal part of the proceedings was an address by the new President of the CCJ.

All the formalities having been completed, His Excellency the Governor General hosted a reception for all guests at Government House.



# Message from the President

The Caribbean Court of Justice is part of the soul and spirit of the human beings who call these shores of the Caribbean home. It is one of the institutions of governance constructed by the creative intellect of our people to deliver new guiding principles of order and coherence for our societies, as one of our early thinkers, the great Guyanese historian, Professor Elsa Goveia puts it. It begins with the creation of institutions, but the search is a process which is fuelled by an unrelenting optimism and belief in our capacity to offer to each citizen of the Caribbean, and those in the global society with whom we come into contact, the inspiration and opportunity to construct spaces for excellence, renewal and growth. This is precisely what the Caribbean Court of Justice is – an institutional space for Caribbean excellence, renewal and growth.

I am humbled to have been selected as the President of the Court which I consider a pleasure and a privilege. I see my serving in this capacity as a high point in my judicial career. I am of the view that it is extremely important for appeals to the Privy Council to be abolished, as the benefits to be derived are tremendous.

As President of this Court, to continue the vision and in the footsteps of our great Caribbean judges and political leaders to put our stamp on our creative and intellectual space is an immense privilege. This is an opportunity to be at the forefront of the change which the first Chief Justice of Trinidad and Tobago, Sir Hugh Wooding, described as the “radical, almost revolutionary change, if we are to have a juridical system to meet the needs of our social order.” The Caribbean Court of Justice is the lynchpin in the development of Caribbean jurisprudence. It represents the completion of the circle of independence started by our regional forefathers.

Thus far, the Court has unveiled its Strategic Plan 2013-2017, which will foster the fulfilment of our overarching goal of being a leader in providing high-quality justice reflective of the values and mores of our diverse communities and is worthy of the trust and confidence of the people of the region. In the journey towards excellence, access to justice for our Caribbean people is of critical significance. In this vein, the Court has streamlined its internal processes to provide for the electronic filing of documents through a specially designated and secure electronic portal. We have also embarked on a review of our procedural rules to ensure that the Court’s processes are user-friendly, accessible, effective and efficient. The justice we deliver must touch the life of the

ordinary man. With this in mind, the Court has endeavoured not to sit in isolation at the Seat of the Court but rather to ensure that we visit various jurisdictions throughout the Caribbean region, such as Barbados and Jamaica. The judges of the Court have been engaged in several initiatives aimed at raising the public profile of the Court. This has seen a high level of participation at judicial conferences, seminars and workshops to ensure that the presence of the Court is felt both regionally and internationally.

Quite apart from its work as an appellate court, a substantial commitment has been made to strengthening and building the capacity, both in terms of infrastructure and intellect, of Caribbean judiciaries. This initiative has spawned the creation of umbrella bodies, the Caribbean Association of Judicial Officers (CAJO) and the Caribbean Academy for Law and Court Administration (CALCA). CAJO is a prime vehicle for judicial education in the region and is currently considering online judicial education programmes for Caribbean judges. It has already held two successful biennial conferences bringing together the judicial officers in the region. CALCA’s main objective is the advancing of knowledge, education, learning, research, and practical application of law and the administration of justice in the Caribbean context. Its two main functions are to provide a forum for discussing legal concepts and rules in the areas particularly of, general international law, international trade law, regional integration law, and comparative law and to facilitate training and evaluation and to develop problem-solving capability in order to enhance all areas of court administration.

It is my steadfast belief that the raison d’être of this Court is to serve our Caribbean people. This Court belongs to the people; I am merely the custodian. With that in mind I present to you our Court Report for the period 2011-2013.

**Sir Dennis Byron**  
**President**



# Message from the Court Executive Administrator

On 18 August 2011, the Right Honourable Mr Justice Michael de la Bastide demitted office as the founding President of the CCJ. He was succeeded on 1 September 2011 by the Right Honourable Sir Dennis Byron.

The advent of a new President heralded the start of a new direction. The two years under review saw the Court first in a period of transition, then in one of consolidation. With a new leader at its helm, it seemed prudent for the Court to embrace the opportunity to reflect upon its progress and determine how to chart its future course most sagaciously.

In this regard, the CCJ embarked on its first strategic planning exercise with a view to taking stock, evaluating and assessing its progress thus far. The results gleaned from this process have provided the court with the data enabling it to strategise the approach for the next stage of its development, which was undertaken in its eighth year. As a young institution, the Court is mindful of the need for it to be dynamic and innovative and to ensure that it provides a timely and relevant service to its stakeholders.

The role that the CCJ was created to play in the Caribbean Community, as the lynchpin of the CSME, and the prime mover in the development of an authentic Caribbean jurisprudence, necessarily means that the Court must remain permanently sensitive to the demands of leadership. The Court counts on reaping double dividends from its strategic planning exercise.

Having completed our strategic plan, we recognise that even the best-laid plan is not worth much unless it can be operationalised. The Court therefore commenced work on the next stage of the process of translating its strategies into detailed initiatives and action steps with timeframes that can be monitored, while aligning all the work being done at every level in the organisation, and creating a momentum through shared commitment, that will ultimately produce the outcomes defined in the strategic plan. Important as well is the identification of concrete milestones and the establishment of key performance indicators and targets to gauge the success of the plan.

On the one hand, it is hoped that the process will have helped the Court in its transition from one presidency to another; on the other, that the Court's focus will have been sharpened; and that these two developments together will position the CCJ to serve the peoples of the Caribbean to its best of its ability.

**Christie-Anne Morris-Alleyne**  
Court Executive Administrator



# Message from the Registrar and Chief Marshal

This is the last message which I write as Registrar of the CCJ since I have ended my tenure at the Court.

As I look back over my almost nine years at the Court, I remember the daily challenges and the excitement of the staff on the achievement of each 'first' by the Court. Some of you may remember the first matter filed by a litigant from Barbados in July 2005, the first two matters filed from Guyana in January 2006 or Belize in April 2010, the first judgment delivered, the first Practice Direction issued in March 2007, the first teleconference, the first videoconference, the first itinerant sitting, the first document filed electronically.

These are but a few of the many firsts that the Court has achieved to date and none of these could have been successfully achieved without the dedicated and committed staff of the Court and the sub-Registries and the co-operation of attorneys.

I still believe that the most important aspect of a start-up organisation is training and to this end the Court hosted several public seminars and conferences with a view to familiarising stakeholders and the general public about the Court, and in particular, its original jurisdiction. Without training, preparation and familiarisation, none of the said 'firsts' could have been managed. The Court continues in various ways to provide information and guidance to its customers and stakeholders through its website, guided tours, outreach visits, meetings of Registrars and Court Executive Administrators; IT officers; and librarians.

One challenge which has not been fully overcome is that there is still the perception that a country is not a part of the Court if it is not part of the appellate jurisdiction. As I look ahead I hope that public education will once and for all correct this perception and I look forward to the other nine countries which have signed the Agreement Establishing the Court, joining its appellate jurisdiction. I also wish the Court and its staff success with the many milestones still to be achieved, including the implementation of its five year Strategic Plan.

**Paula Pierre**  
Registrar and Chief Marshal



# Judicial Leadership

The President's approach to judicial leadership is one of inclusion. A judicial forum was therefore established and the Bench has become accustomed to meeting monthly in a cordial atmosphere so that Judges have the opportunity to share information and consult with each other. These meetings have strengthened the Judges' esprit de corps and have provided a forum for ventilating views and initiating action.

On the concept of judicial leadership, judges have been ready, willing and available to contribute more extensively to assisting the Chambers of the President in the non-judicial areas of the work of the Court. There is a common sentiment that there are areas of court activity, not necessarily judicial, where members of the Bench could make useful contributions to the improvement of the Court's functions and the enhancement of work and life at the CCJ.

Consequently, various committees, chaired by Judges, were formed in 2011-2012 and got into their stride in 2012-2013. The CCJ declares as part of its Vision its determination to be "a leader in providing high quality justice". Therefore, how the CCJ works in practice and its future orientation will depend closely on the issue of leadership. If the Court is to be a leader, then those designated as its leaders must not only establish the institution as a leader among other institutions, but they must also demonstrate the qualities of leadership within the institution as well.

The following committees were established, as indicated:

• Budget Committee	Honourable Mr Justice Adrian Saunders
• Caribbean Academy for Law and Court Administration Committee	Honourable Mr Justice Winston Anderson
• Code of Ethics and Social Networking Policy Committee	Honourable Mr Justice Jacob Wit
• Conference Committee	Honourable Mr Justice Rolston Nelson
• Guidelines, Administrative Decisions and Directives Committee	Honourable Mr Justice Winston Anderson
• Internship Committee	Honourable Mme Justice Désirée Bernard
• International Law Mooting Committee	Honourable Mr Justice David Hayton
• Judicial Code of Ethics Committee	Honourable Mme Justice Désirée Bernard
• News and Case Reports	Honourable Mr Justice Adrian Saunders
• Research Assistants Committee	Honourable Mme Justice Désirée Bernard
• Rules Committee	Honourable Mr Justice Rolston Nelson
• Privileges and Immunities Committee	Honourable Mr Justice Winston Anderson
• Strategic Planning Committee	Honourable Mr Justice Adrian Saunders
• Website Committee	Honourable Mr Justice Adrian Saunders

*Later in this report, the work of some of these committees is highlighted.*

# Judges of the Caribbean Court of Justice



(front row L to R) the Hon Mr Justice Rolston Nelson, the Rt Hon Sir Dennis Byron, Court President, the Hon Mr Justice Adrian Saunders  
(back row L to R) the Hon Mr Justice Jacob Wit, the Hon Mr Justice Winston Anderson, the Hon Mme Justice Desirée Bernard, the Hon Mr Justice David Hayton

# Moving from Strategic Planning to Implementation

With a renewed focus on preparing for the future, the CCJ embarked on a strategic planning exercise during 2012 with the clear intention of reviewing its operations and checking the pulse of its stakeholders to enable it to set clear priorities and develop a road map for the next five years. The strategic planning exercise will provide the CCJ with a framework within which it will prepare itself to address the challenges of the future, and establish the parameters by which the Court will know if it is achieving the goals it has set for itself.

## The CCJ Strategic Planning Leadership Team (SPLT)

A Strategic Planning Leadership Team was formed to develop the Strategic Plan and to guide the organisation through the next stages of its development. The members of the SPLT are:

- The Right Honourable Sir Dennis Byron – Court President
- The Honourable Mr Justice Adrian Saunders – SPLT Chairman, Judge of the Court
- The Honourable Mr Justice Jacob Wit – Judge of the Court
- Master Christie-Anne Morris-Alleyne – Court Executive Administrator
- Mrs Wendy Lewis-Callender – Deputy Court Executive Administrator
- Ms Paula Pierre – Court Registrar and Chief Marshal
- Mr Larry Ramoutar – Financial Comptroller
- Ms Seanna Annisette – SPLT Coordinator

The SPLT has had the guidance, help and support of consultant, Dr Daniel Straub, who brought to the table decades of court administration and court strategic planning experience.

To ensure the success of the strategic planning process, stakeholder and customer engagement was viewed as an important and critical element. Therefore, various activities were facilitated to allow the Court's stakeholders and customers to participate in, and contribute to, the development of its Strategic Plan.

## Stakeholders Engagement

With the assistance of the Canadian International Development Agency (CIDA), the CCJ hosted its first Regional Stakeholders' Strategic Planning Session on 1 March, 2012 at the Hyatt Regency Trinidad, in Port of Spain.



*Above: Stakeholder providing feedback at the Strategic Planning Session*

This session received the participation of several regional judicial sector stakeholders including, the Conference of Heads of Judiciary and Chief Justices of the Caribbean, Presidents of the Bar Associations of CARICOM countries, representatives of labour and business sectors of CARICOM countries, and representatives of civil society including Jamaicans for Justice and the United Nations Entity for Gender Equality and the Empowerment of Women.

In delivering welcome remarks at the Opening Ceremony, the Right Honourable Sir Dennis Byron, President of the CCJ, shared his vision for the CCJ's Strategic Planning exercise, stating that it:

*"... will allow the Court to reflect on its formative years, assess its performance, and most importantly, ensure that its operations are well-aligned with the expectations of the region and the people it serves."*

The then President of the Republic of Trinidad and Tobago, His Excellency Professor George Maxwell Richards TC, CMT, Ph.D, congratulated the Court on its efforts while delivering opening remarks to the gathering:

*"The fact that you have come together, during this time, not as a cloistered legal entity, but in company with business, labour and civil society, speaks clearly of your recognition of the need to understand the societies that you are called to serve. One cannot easily set aside the importance of an intimate understanding of the cultural dimensions that shape these societies. They must have a place in guiding the decisions that are taken in every aspect of our lives, not least those which pertain to law."*

Against the backdrop of these encouraging statements, the participants delved into the Strategic Planning session with various exercises, which were designed to provoke candid feedback and discussion. In guiding the sessions along, facilitator Dr Daniel Straub, reiterated the importance of the inclusiveness of the CCJ's strategic exercise to the overall success of the initiative.

A workshop was also facilitated for the members of the Regional Judicial and Legal Services Commission (RJLSC) and the trustees of the CCJ Trust Fund. These two groups came together to give feedback on the Court's accomplishments and their expectations for the future.

A similar exercise was held for the CCJ's judges, management and support personnel over the period 4 and 5 April, 2012, to facilitate open and honest dialogue. Apart from this session, surveys were designed to gather information on the internal customers' experience with working at the CCJ.

To ensure the widest reach of its regional stakeholders, the Court also surveyed those persons who have come into direct contact with the CCJ (including attorneys and litigants), to assess their experience with the Court's judicial services.

Stakeholder and customer feedback were considered, analysed and evaluated by the SPLT. Where the internal and external views coincided, the Court could draw some satisfaction. Where there was dissonance, the work yet to be done was identified and solutions to shortcomings structured into the strategic plan.

A working draft Strategic Plan was developed in October 2012 that identified strategic issues, goals, strategies and priority areas. The draft document was circulated among stakeholders and customers prior to finalising the document.

The consensus emerging from this exercise was that it was well worth the time and resources committed to it, and there emerged a sense of general satisfaction that everyone wanted "aboard" the CCJ ship, to be part of the crew as it sets out on a new course.



**Above: President of Trinidad and Tobago delivering remarks at the Strategic Planning Session**

Under the theme; Responsive, Innovative, Inspirational, the CCJ launched its Strategic Plan for 2013 to 2017 on 6 December, 2012 at the CCJ headquarters in Port of Spain.

The newly-stated strategic direction for the CCJ focuses on seven issue areas:

1. Access to Justice;
2. Independence and Accountability;
3. High Performance Work Environment and Workforce Engagement;
4. Equality, Fairness, Integrity and Promoting the Rule of Law;
5. Organisational Capacity for Caseload Growth;
6. Attaining and Preserving Public Trust and Confidence; and
7. Enhancing Regional Justice System Performance.

The Court's Strategic Plan has been distributed widely "so that everyone can assess what we have laid out and can hold us to account for what we say we will accomplish" as stated by the Honourable Mr Justice Saunders, SPLT Chairman, at the launch of the strategic plan.



*Above: Facilitator Daniel Straub providing assistance to CCJ managers*

## Operationalising the Strategic Plan

In order to implement its new strategic agenda, the Court recognises that it must now translate its strategic plan into a detailed road map that is followed at every level of the organisation: the Bench, the Court Administrative Leadership Team (CALT), the various units and the individual employees.

After the fact-finding stage, as part of its method of implementation, the court outlined a suite of progressive steps and targets to be attained incrementally.

Much time and energy were expended by the Court leadership to get all personnel to “buy into” the plan. A process of “MAP-ing”, the drawing-up of Multi-Action Plans, was set in motion. Each member of each Court unit was called upon to participate directly in the composition and construction of a unit plan. These exercises were designed to ensure that all persons not only understood thoroughly what the end strategic goal would be and why it would be important, but also how it would be attained. This was an excellent team-building stratagem, reasoned to be the best way to motivate the greatest number of persons to collaborate to move the plan – their plan – forward.



*Above: Highlights from the Regional Stakeholders' Planning Session*

# Promoting the Rule of Law

In accordance with Strategic Issue IV; Equality, Fairness, Integrity and Promoting the Rule of Law, the Court assumes these responsibilities in a variety of ways. The most immediately apparent way is through its judicial decisions. Its reasoning and application of legal precept are intended to provide, in its coldest, hardest form, the physical practical manifestation of the rule of law. The jurisprudence fashioned by the court must be perceived as alive and representing the free and unhindered workings of a tribunal that is impartial, effective and efficient.

The CCJ, however, has not confined itself with being in the vanguard of the law through a transparent, efficient and timely judicial process. It was understood that from its earliest gestation as a revolutionary tribunal that the CCJ would be an itinerant court. The CCJ has assumed the responsibility of making good on the promise enunciated by its creators by travelling outside the Seat of the Court in Trinidad and Tobago to sit in Barbados and Jamaica. In this way, the Court brings itself closer to its clientele, and inserts itself, into the routine of their lives. The Court, and through it, the rule of law, is perceived as real and solid.

Further, through its virtual teaching arm, the Caribbean Academy for Law and Court Administration (CALCA), the Court convenes annual seminars on international law. The CCJ, thus, through its judgments and the learning advanced through its seminars provides the Caribbean region with evidence of its commitment to the rule of law.

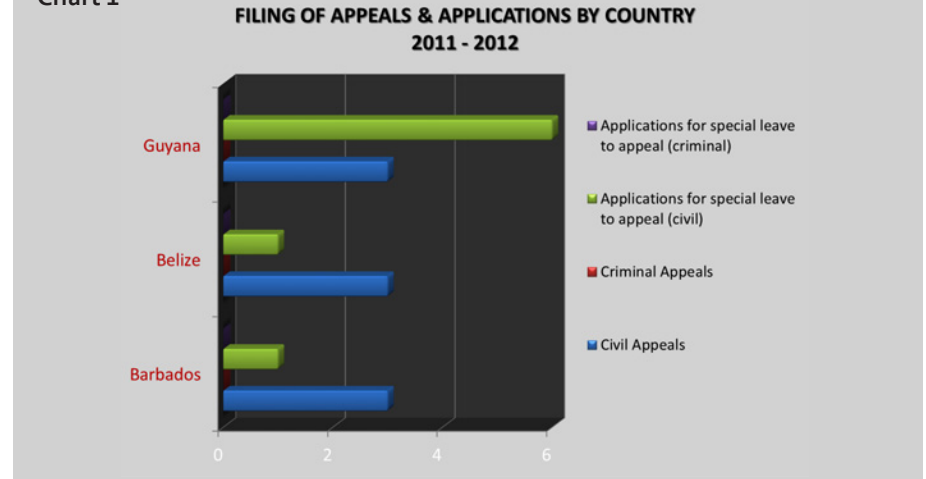
Thirdly, since the institution of its first International Law Mooting Competition in 2009, the CCJ has demonstrated its commitment to the budding attorneys in the region. The Revised Treaty of Chaguaramas forms the basis of the moot brief each year. This treaty establishes the CARICOM Single Market and Economy and is a legal document that is warm and alive, regulating daily life in the Caribbean Community. By making the Treaty the centerpiece of its annual moot, the Court has found an excellent, highly visible and recognisable avenue to imprint the rule of law in the eyes and hearts of the future attorneys of the region.

## Judicial Decisions: 2011 - 2012

Over the period 1 August, 2011 to 31 July, 2012 in the **Appellate Jurisdiction**, seventeen (17) matters were filed; nine (9) civil appeals and eight (8) applications for special leave to appeal.

As identified on **Chart 1**, of the nine (9) civil appeals, three (3) matters were from Barbados, three (3) from Belize and three (3) from Guyana. Of the eight (8) applications for special leave to appeal (civil), one (1) matter was from Barbados, one (1) from Belize

Chart 1



and six (6) from Guyana. During the period there were no criminal appeals or applications for special leave to appeal (criminal) filed.

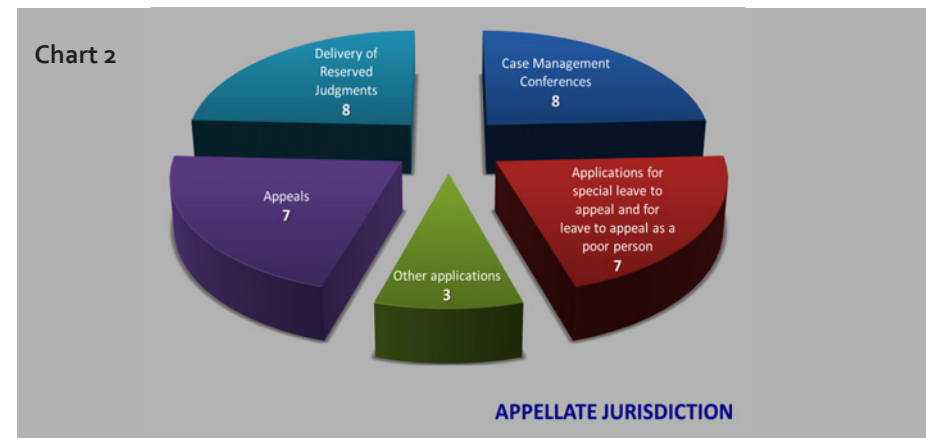
During the period under review, thirteen (13) of the seventeen (17) matters were determined, and four (4) matters remained pending.

In the Original Jurisdiction, two originating applications were filed.

During 2011-2012, the Court delivered and issued ten (10) judgments, eight (8) in the Appellate Jurisdiction and two (2) in the Original Jurisdiction.

The appellate sittings of Court for the period under review are set out in the **Chart 2** below.

Chart 2





During the period, the sittings of the Court in the Original Jurisdiction included one (1) case management conference and one (1) originating application.

The Court continued to conduct all of its case management conferences by video and started conducting some of the applications for special leave to appeal in the same manner. This saved attorneys and litigants both time and costs.

## Itinerant Sittings

This term will be remembered as the term in which the Court held its first itinerant sitting in April 2012. This sitting was historic for many reasons. The first day of sitting, 16 April, 2012, coincided with the seventh anniversary of the Court's inauguration. This sitting was held in Barbados, which also had the dual distinction of sending the first case to the Court on 15 July, 2005 and providing the Regional Judicial and Legal Services Commission with its first Chairman, Sir David Simmons, former Chief Justice of Barbados. The sitting lasted four (4) days, during which the Court heard appeals from each of the Contracting Parties which have acceded to the Appellate Jurisdiction as well as an application for special leave to commence proceedings in the Original Jurisdiction. Each matter was heard by a panel of five judges. The cases heard at this historic first sitting were:

1. *CV 8 of 2011 Marjorie Ilma Knox v John Vere Deane and Others* 16 April, 2012 - Barbados Civil Appeal
2. *CV 9 of 2011 Guyana Manufacturing Limited v Robert Ramcharran and Anor.* 17 April, 2012 – Guyana Civil Appeal
3. *AR 1 of 2012 Shanique Myrie v Barbados* 18 April, 2012 Application for special leave to commence proceedings (in the Original Jurisdiction)
4. *CV 3 of 2011 Mayan King v Jose L. Reyes and Others* 19 April, 2012 – Belize Civil Appeal

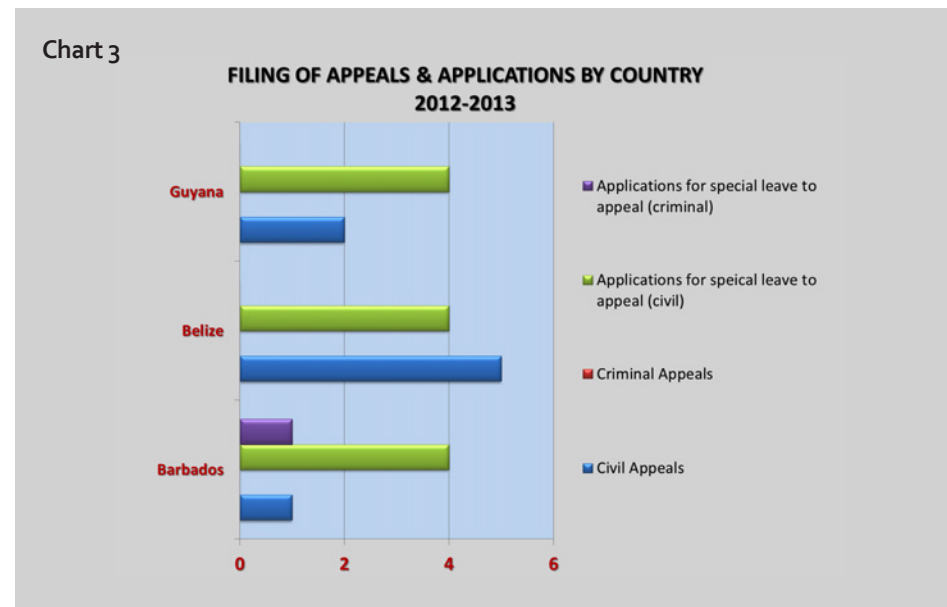
The idea of itinerancy was very well received regionally, and the President has had discussions with a view to making an annual itinerant sitting a regular feature of the CCJ's operations. The number of personnel required to travel was minimal, as the Supreme Court of Barbados was able to provide additional valuable and efficient support services necessary for the operation of the Court.

## Judicial Decisions: 2012 - 2013

This was an exciting term for the Court. It held itinerant sittings in both Jamaica and Barbados in March 2013 in order to take the evidence of witnesses in one of the most important cases the Court has heard in its Original Jurisdiction to date, that of Shanique Myrie v Barbados. In this matter the Court sat from 4 to 6 March, 2013 in Jamaica and from 18 to 21 March, 2013 in Barbados. For the first time in the CCJ's history on 6 March, 2013, a site visit was conducted by the Court at the Grantley Adams International Airport.

The visit was required to assist in evidence evaluation to support the fact finding role of the Court. Final submissions were held in Port of Spain on 8 to 9 April, 2013. Judgment was delivered on 4 October, 2013.

In the Appellate Jurisdiction, eight (8) civil appeals and thirteen (13) applications for special leave to appeal were filed. **Chart 3** below shows that of the eight (8) civil appeals, one (1) matter was from Barbados, five (5) from Belize and two (2) from Guyana. Of the twelve (12) applications for special leave to appeal, four (4) matters were from Barbados, four (4) from Belize and four (4) from Guyana. During the period there was only one (1) application for special leave to appeal a criminal conviction, and no criminal appeals were filed.

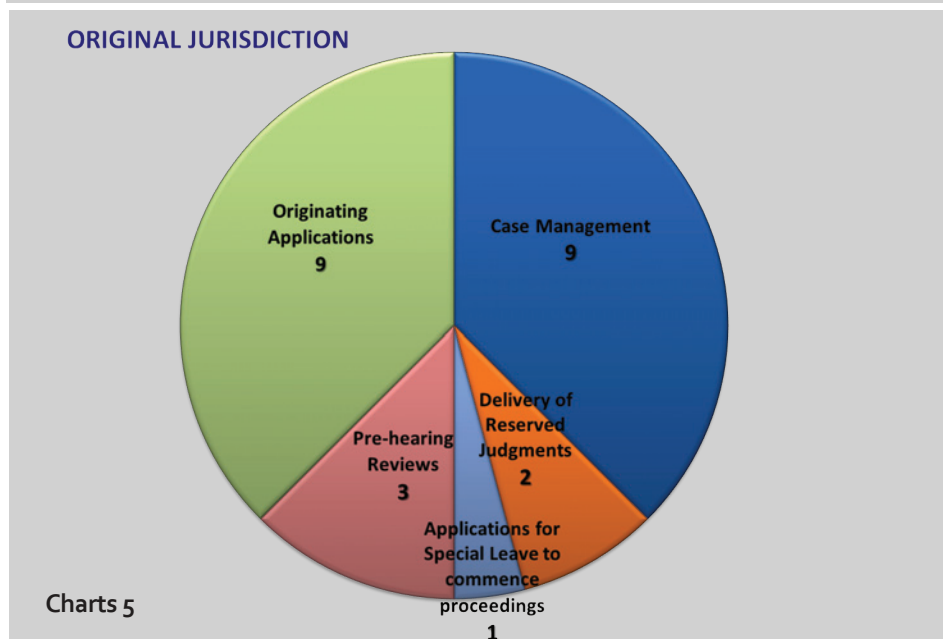
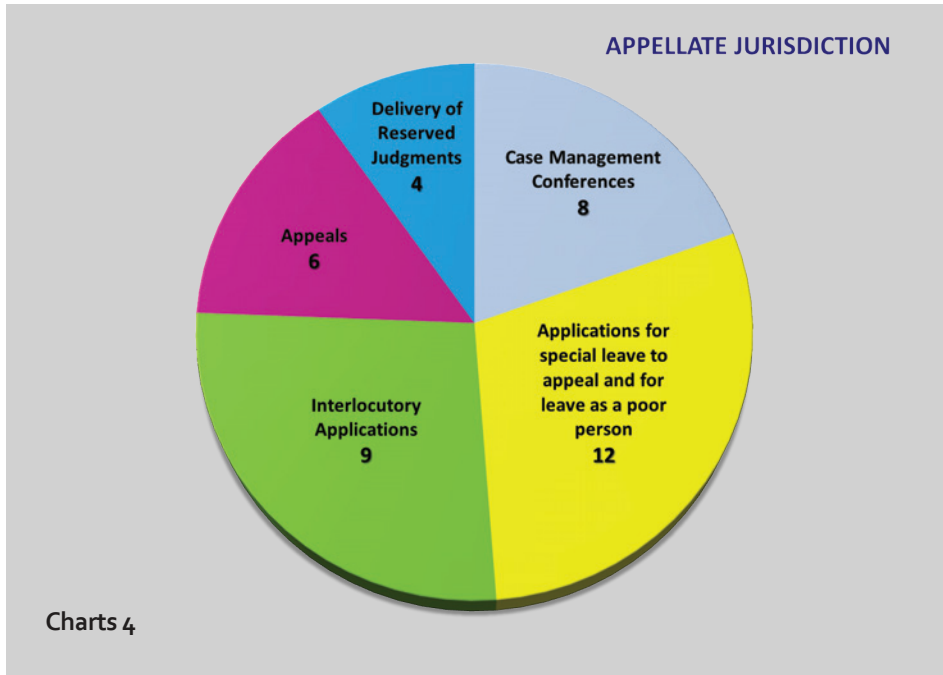


In the Original Jurisdiction, three applications for special leave to commence proceedings and one originating application were filed.

Pursuant to Part 10.4 (1) of the CCJ (Original Jurisdiction) Rules 2006, a national wishing to commence proceedings pursuant to Article 222 of the Treaty must file an application for special leave in order to initiate proceedings. This initial application sets out why the Court should grant leave, and if leave is granted, the applicant is then entitled to file an originating application setting out the nature of the claim and the relief sought. The originating application that is filed can be considered a continuation of the special leave application if the Court has granted leave.

During the period under review the Court delivered and issued sixteen (16) judgments, twelve in the Appellate Jurisdiction and four (4) in the Original Jurisdiction.

The sittings of Court in the Appellate and Original Jurisdictions for the period under review are set out in the **Charts 4** and **5** below.



The Court continued to utilise videoconferencing technology for the conduct of case management conferences and applications for special leave to appeal and special leave to commence proceedings.

### Statistical Review: 2005 to 31 July, 2013

From the date of the establishment of the Court in 2005 to this 2011-2013 period under review, a total of 109 cases have been filed and 94 cases disposed. There are currently 15 pending cases, 4 of which have been placed on inactive status. Typically, the status of a case is administratively changed to inactive when the Court can take no further action on the case until an event occurs which restores the case to the Court's active pending caseload.

#### Clearance Rates: Appellate Jurisdiction

The Court in its appellate jurisdiction up to 31 July 2013, has received filings in 99 matters, 88 of which have been disposed. This reflects a clearance rate of approximately 88.9%.

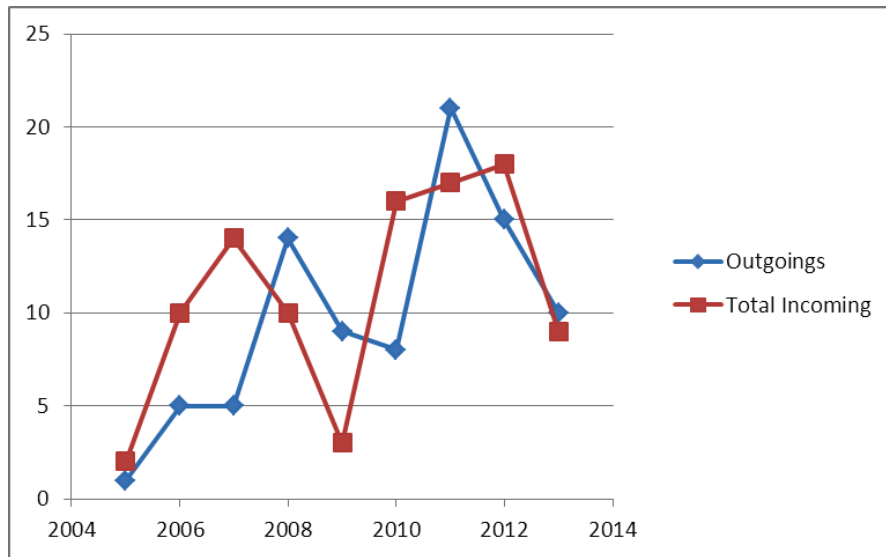
Table 1 below shows that the Court started off a bit slowly, as would be expected of a new court, reflecting a clearance rate of below 50% in 2005, 2006 and 2007. In the fourth and fifth years of the Court's operations, the clearance rate showed significant improvement with rates in excess of 100% in 2008 and 2009. In fact, the highest clearance rate over the period was in year 5 of the Court's operations, in which the clearance rate was 300%.

**Table 1** – No. of Outgoing Cases as a Percentage of Incoming Cases

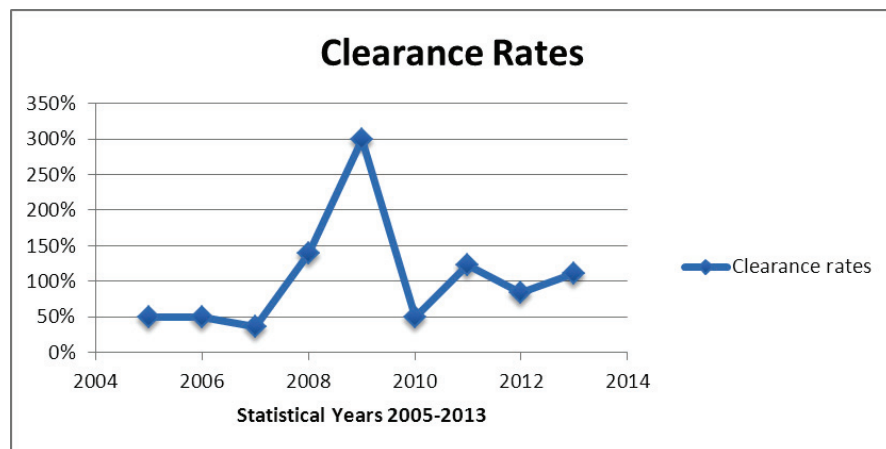
Year	Appellate Jurisdiction		
	Incoming	Outgoing	Clearance Rate per annum
2005	2	1	50.00%
2006	10	5	50.00%
2007	14	5	35.71%
2008	10	14	140.00%
2009	3	9	300.00%
2010	16	8	50.00%
2011	17	21	123.53%
2012	18	15	83.33%
2013	9	10	111.11%
<b>Total</b>	<b>99</b>	<b>88</b>	<b>88.89%</b>

A graphical presentation of these statistics for the appellate jurisdiction is provided in **Graphs 1 and 2** below.

**Graph 1 – Incoming and Outgoing Cases (Appellate Jurisdiction)**



**Graph 2 – Clearance Rates (Appellate Jurisdiction)**



**Clearance Rates: Original Jurisdiction**

The work of the Court in its original jurisdiction commenced in 2008. In that year, 3 matters were filed, with the first being in April 2008. These 3 matters were disposed of in 2009. If the matters filed in 2008 and 2009 are taken together then the clearance rate would be 100%.

**Table 2 – No. of Outgoing Cases as a Percentage of Incoming Cases**

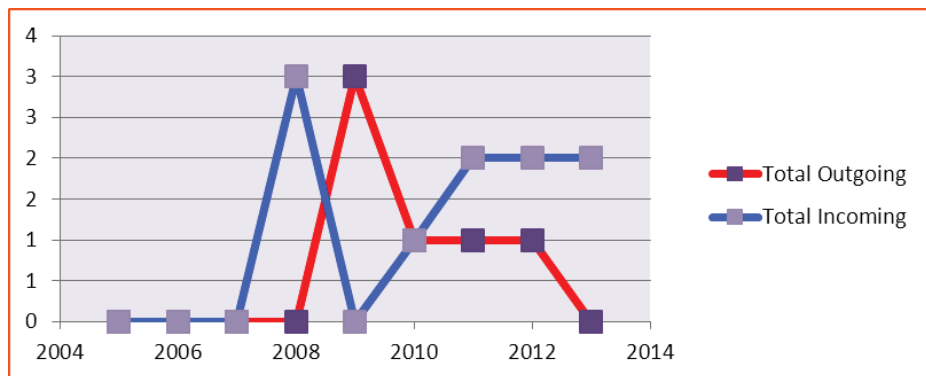
Year	Appellate Jurisdiction		
	Incoming	Outgoing	Clearance Rate per annum
2005	0	0	NA
2006	0	0	NA
2007	0	0	NA
2008	3	0	0.00%
2009	0	3	
2010	1	1	100.00%
2011	2	1	50.00%
2012	2	1	50.00%
2013	2	0	0.00%
<b>Total</b>	<b>10</b>	<b>6</b>	<b>60.00%</b>

The clearance rate for 2010 was 100%, while the rates for 2011 and 2012 were 50%. For the year 2013, up to 31 July, there were no cases disposed in the Original Jurisdiction.

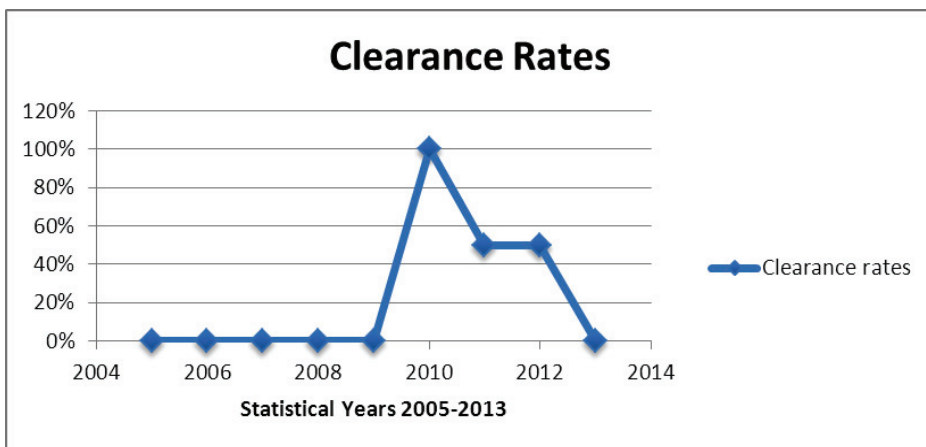
From 2008 to the present time, 10 matters have been filed in the Original Jurisdiction, with 6 of these matters being disposed of by the Court. This results in a clearance rate of 60%, which is reflected in Table 2 above.

A graphical presentation of these statistics for the original jurisdiction is provided in **Graphs 3 and 4** below.

**Graph 3 – Incoming and Outgoing Cases (Original Jurisdiction)**



**Graph 4 – Clearance Rates (Original Jurisdiction)**



### Time to Disposition

Table 3 shows the number of disposed cases over the entire period of the Court's operations in both its appellate and original jurisdictions.

It is noted that of the disposed cases, approximately 2/3 were disposed of in fewer than 270 days. The average time to disposition of these cases, i.e. the period from initial filing to final disposition, is approximately 253 days or just over 8 months.

**Table 3 – Time to Disposition for Cases from 2005 to 31 July 2013**

CASES DISPOSED			
Time to disposition	Number of Cases	Percentage Disposed	Cumulative Percentage
0 - 90	21	22.34%	22.34%
91 - 180	22	23.40%	45.74%
181 - 270	19	20.21%	65.96%
271 - 360	10	10.64%	76.60%
361 - 450	12	12.77%	89.36%
451 - 540	3	3.19%	92.55%
541 - 631	3	3.19%	95.74%
632 - 721	1	1.06%	96.81%
722 - 811	1	1.06%	97.87%
812 and Over	2	2.13%	100.00%
<b>Total</b>	<b>94</b>	<b>100%</b>	

Overall, the statistics from 2005 to July 2013 indicate that approximately 77% of the cases are disposed of in under 360 days or 12 months, and approximately 89% are disposed of within 15 months or 450 days.

### Age of Pending Caseload

As at 31 July 2013, there were 15 pending cases. Of these, 4 cases are "Inactive Pending" and they are likely to remain pending until an event restores the case to the Court's active pending caseload.

Of the 11 active pending cases, the oldest pending case was filed on 6 January 2012.

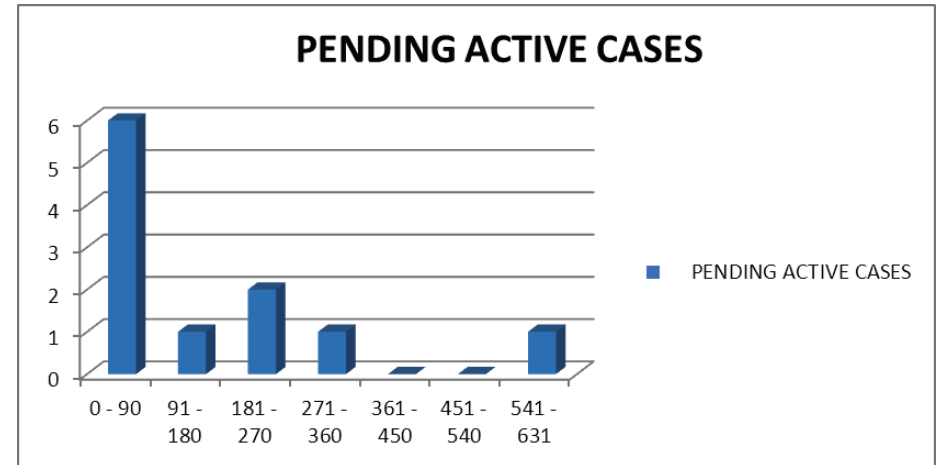
**Table 4** presents the information on the age of the active pending caseload and from the actual data, it is calculated that on the average these cases have remain pending for approximately 152 days.

About 55% of the matters pending, or 6 out of the 11 matters, have been filed within the last 3 months. Only 1 matter is outstanding for more than one year and 4 matters are outstanding for more than 6 months or 180 days.

**Table 4** – Days Cases Pending

PENDING ACTIVE CASES			
Days Cases Pending	Number of Cases	Percentage Disposed	Cumulative Percentage
0 - 90	6	54.55%	54.55%
91 - 180	1	9.09%	63.64%
181 - 270	2	18.18%	81.82%
271 - 360	1	9.09%	90.91%
361 - 450	0	0.00%	90.91%
451 - 540	0	0.00%	
541 - 631	1	9.09%	
<b>Total</b>	<b>11</b>	<b>100%</b>	

**Graph 5** – Number of Cases Pending in Time Range



# The Caribbean Academy for Law and Court Administration (CALCA)



*Above: From left to Right Prof Armand de Mestral, Prof Joost Pauwelyn, The Hon Mr Justice Anderson and Dr Kusha Haraksingh*



*Above: Participants attending the CALCA Second Seminar in Law*

The Caribbean Academy for Law and Court Administration (CALCA), chaired by the Honourable Mr Justice Anderson, is the educational arm of the CCJ and has as its main objective the advancing of knowledge, training, research, and practical application of law and the administration of justice in the Caribbean context. In this respect, CALCA provides training for legal practitioners in relevant areas of law.

During the reporting period, CALCA conducted its Second Annual Seminar on International Law on "World Trade Organisation Law and Policy – Interface with Economic Partnership and CARICOM Single Market and Economy" held 24 to 28 September, 2012 at the HYATT Regency Hotel, Port of Spain, Trinidad and Tobago.

The three modules covered were:

- WTO Law: History and Development; Theoretical dimensions; WTO Agreements and Institutions; WTO and World Trade; Fundamental Principles and Jurisprudence; Participation of Developing Countries; Enforcement;
- EPA: Regulatory regime and environment; Impact on CSME; Implementation; Business Opportunities; Dispute resolution; Opportunities for legal practitioners; and
- CCJ Original Jurisdiction: Applicable law, interface with jurisdictional competence under the WTO and EPA; return to forum non conveniense.

Eighty (80) persons registered for the seminar and there was significant interaction and discussion between facilitators and participants. Of the 80 registered persons, a total of sixty eight participants (85%) received a certificate of participation signed by the President of the CCJ and the Chairman of CALCA.

The former Prime Minister of Jamaica, the Most Honourable PJ Patterson, ON, OCC, PC, QC delivered a well-received special guest lecture entitled "International Law, WTO – Interface with EPA and the CSME" on 27 September, 2012 at the Convocation Hall, Hall of Justice, Port of Spain, as part of the programme of the Seminar.

# CCJ International Law Moot

The CCJ's Annual International Law Moot Court Competition was inaugurated in March 2009, pursuant to the Court's Original Jurisdiction mandate of "ensuring uniform interpretation and application of the Revised Treaty of Chaguaramas, thereby underpinning and advancing the CARICOM Single Market and Economy."

The Court views the Moot Competition as an excellent medium and opportunity to foster an interest in and familiarisation with the principles of the Revised Treaty of Chaguaramas among existing and upcoming regional legal practitioners.

In his welcome remarks to the mooters, Sir Dennis Byron, President of the CCJ, highlighted the successes of the moot as "building a regional cadre of lawyers and research practitioners who are actively engaged in the process of bringing the Treaty to life in Caribbean jurisprudence".

Professing his personal interest in judicial education, the President expressed his "firm belief that the foundation for a judicial career is laid in exercises" like the moot. Sir Dennis stated the Court's wish to see this annual moot "grow and develop and become one of the annual watershed events in the regional legal calendar".

Since 2009, the CCJ's Moot Court programme has increased in scope and size, with each new moot stimulating research and analysis of the Revised Treaty of Chaguaramas.

## IV Annual CCJ International Law Moot:

Six institutions took part in the 4th Annual CCJ International Law Moot on 23 March, 2012. They were:

- Eugene Dupuch Law School (The Bahamas);
- Norman Manley Law School (Jamaica);
- Hugh Wooding Law School (Trinidad and Tobago);
- University of Guyana;
- University of Technology (Jamaica); and
- University of the West Indies (Cave Hill).



*Above: CCJ President with all teams at the IV Annual CCJ International Law Moot*



*CCJ President with the winning team,  
Faculty of Law, UWI - Cave Hill*

Further, ten first-year students of the Faculty of Law (UWI-St. Augustine) volunteered to form the Moot Registry. They filled the roles of: Registrar; Deputy Registrar; Court Support Officer; Marshal; Timekeeper and Usher.

This year's moot case dealt with the imposition of the Common External Tariff (CET), together with other issues involving environmental law and international law. Arguments were presented before the panel of CCJ Judges. The then Chairman of the Trinidad and Tobago Environmental Commission, Her Honour Sandra Paul, was also invited to sit on the Bench with the CCJ panel.

The panel commended the students on the "exceptionally high standard" of their submissions.

The winning team, the Faculty of Law, UWI - Cave Hill, comprised Tania Alexis-Prime, Rashad Brathwaite and Donna Fuller, with team advisor Mr Westmin R A James. This was the

first time that a faculty of law team won the competition.

The team from the Norman Manley Law School in Jamaica came in second place, with the previous year's winners, Eugene Dupuch Law School, in third place. Ms Deniece Alleyne was awarded a special prize for her submissions on the environmental issues.

The Faculty of Law of the University of the West Indies at Cave Hill emerged double winners: they won the overall prize of the CCJ International Moot Challenge Shield, as well as the plaque for the best academic institution, presented for the first time this year. Other prizes were awarded as follows:

- each participant was awarded a book prize and a certificate of participation (inclusive of members of the Moot Registry); and
- the winning and the second-placed teams were presented with certificates to be awarded at the graduation ceremony from their respective institutions.



## V Annual CCJ International Law Moot:

For the first time, the Court's 5th Annual International Law Moot was held over two days this year on 14 and 15 March, 2013. This was as a result of the high number of participants. The ten regional institutions taking part in the competition were:

- Eugene Dupuch Law School (The Bahamas);
- Hugh Wooding Law School (Trinidad and Tobago);
- Norman Manley Law School (Jamaica);
- Faculty of Law of the Anton de Kom University of Suriname;
- School of Law of the FHR Lim A Po Institute of Suriname;
- Faculty of Law of the University of Guyana;
- Faculty of Law of the University of Technology (Jamaica);
- Faculty of Law of the University of the West Indies (Cave Hill);
- Faculty of Law of the University of the West Indies (Mona); and
- Faculty of Law of the University of the West Indies (St Augustine).

This year's moot brief dealt with banking and financial issues as they relate to the Revised Treaty of Chaguaramas.

The winning team comprised Mr Raphael Ajodhia, Ms Cathisha Lenin Williams and Ms Narisa Simmons, with team advisor the Honourable Mr Justice Ronnie Boodoosingh. This is the first win for the Hugh Wooding Law School since it began competing in 2009.

The team from the Faculty of Law, University of the West Indies - Mona in Jamaica came in second place and was awarded a special prize of best team from an academic institution.



*Above: The Hon. Mme. Justice Bernard with the winning team, Hugh Wooding Law School*

Apart from the students filling the roles of advocates in the courtroom, once again ten first-year students of the Faculty of Law (UWI-St. Augustine) volunteered to form the Moot Registry.



*Above: The Hon. Mme. Justice Desirée Bernard with all teams at the V Annual CCJ International Law Moot*

# Building the Court's Capacity

In accordance with Strategic Issue V; Organizational Capacity for Caseload Growth, during the period 2012 – 2013, the Court began to review its internal operations. In particular, emphasis was placed on its Court Registry, Information Technology (IT) and the capacity of the Judicial Support Unit. In so doing, the Court President sought the professional assistance of Mr James Rebo, retired Chief Information Officer, Information Systems Division, New Jersey Judiciary; Mr Andre Griffith, Advisor, Corporate Services, Caribbean Centre for Development Administration (CARICAD); and Mr Justice Stanley Moore, retired Judge, to provide independent assessments in the respective areas identified above.

## Reviewing the Court's IT and Registry Processes

During the period 29 October to 2 November, 2012, Mr James Rebo embarked on a preliminary assessment of the Court's IT systems. Particular attention was placed on the Court's case management system, the Judicial Enforcement Management System (JEMS), to assess its usefulness to the end users and the judicial function. In reviewing JEMS, he also held interviews with representatives of the Judiciary of Trinidad and Tobago, Mr. Jim McMillan, Principal Court Management Consultant, National Centre for State Courts (NCSC), Mr. Tracy Ownbey, primary architect of JEMS, and Mr. Gregory Girard, Court Executive Administrator for the Eastern Caribbean Supreme Court.

After considering Mr. Rebo's final report and recommendations, the Court decided that he would be invited back to assist the Court's team with further developmental work in this area.

In June, 2013 Mr. Andre Griffith was also asked to review the Court's IT, as well as processes of the Court Registry, and to interact with Mr. Rebo, with a view to making recommendations in light of the Court's Strategic Plan. Mr. Griffith submitted a report which contained several recommendations for consideration.

## Developing a Legal Unit

Within the existing organisational structure, there are two Judicial Research Assistants, who are required to work with the seven Judges of the Court. As the Court looks towards the impending caseload growth, given the increasing number of cases in the Court's Original Jurisdiction and additional countries acceding to the Court's Appellate Jurisdiction, the development of a Legal Unit is necessary.

To spearhead this initiative, the Court obtained the professional services of Mr Justice Stanley Moore, retired Justice of Appeal of the Republic of Botswana, retired Senior Justice of the Supreme Court of the Bahamas and retired Judge of the Eastern Caribbean Supreme Court, whose chief mandate was to provide recommendations to the Court President for the Legal Unit's structure, composition, role and responsibilities.

As defined by Mr Justice Moore, the principal function of the Unit will be to provide the full measure of judicial assistance to the President and to the other judges of the Court so as to enable them to deliver reasoned judgments, reflective of the most thorough research of all relevant issues, in the shortest possible time. A subsidiary function of the unit is the provision of assistance to all of the Judges in preparing for the several extra-legal functions which they are required to perform as members of the local and international community. The Legal Unit will also be available to the CEA and to the Registrar for such legal advice and assistance as might be necessary.

Mr Justice Moore's contributions to this project were deemed valuable and are now being considered for implementation.

# Enhancing Access to Justice

The notion of access to justice is neither new nor original. All courts around the world profess to provide it almost routinely. Indeed “access to justice” is the first stratagem on the Court’s strategic plan, whereby the CCJ “focuses on the need to ensure that all citizens of the Caribbean have equal access to justice”.

Under this heading, the Court works to eliminate any barriers to its services. It has to be stressed that these barriers do not only relate to the physically challenged, such as persons who are wheelchair-bound, hearing impaired and low vision court users. With a clientèle ranging from Belize in Central America, through the Caribbean archipelago, to Guyana and Suriname in South America, some perceived “barriers to justice” can represent formidable obstacles, if one were to take the simple stretch of the Caribbean Sea as one. Audio and video-conferencing have been two ways in which the CCJ has eliminated the barrier of distance. These two means of conducting sittings electronically facilitate access to the Court by those for whom the expense of air travel and hotel accommodation, might represent significant obstacles.

There are other ways in which the Court is enhancing access to justice for the people of the Caribbean Community: through the work of the Rules Committee to ensure harmonised, standardised administration of court procedures; and through the introduction of electronic submission and service of documents.

## The Work of the Rules Committee

The mandate of the Rules Committee is to keep the Rules of Court under on-going review. These Rules regulate the practice and procedure of the Court in the exercise of both its Appellate and Original Jurisdictions. Continued review of the Rules is critical to the efficient and effective operation of the Court given the changing needs of the Court’s constituents and the Court’s commitment to being “responsive to the challenges of our diverse communities”. With this in mind, the Rules Committee embarked fervently on its tasks, particularly since the previous review of and amendments to the Original Jurisdiction Rules and the Appellate Jurisdiction Rules were in 2006 and 2008, respectively.

One of the committee’s major tasks was to prepare for the Court President a draft Practice Direction on the Electronic Submission and Service of Documents. After examining provisions in the Rules that address the filing and service of documents and the submission of documents for filing, the committee prepared the Practice Direction that approved e-filing and service of documents.

The committee also prepared an extensive brief of proposed amendments to the Rules and tabled them for discussion at the Judicial Retreat scheduled to take place on 20 - 21 September, 2013. This was done with a view to indicate to the Court specific provisions that require modification and to raise issues that were not covered by the Rules but whose inclusion would result in clearer guidance to the public on the practice and procedure of the Court.

The proposed amendments addressed a variety of issues, some of which emanated from observations and suggestions of attorneys-at-law and other members of the public who previously dealt with the Court’s processes. In relation to the Appellate Jurisdiction Rules, proposals concerned the revision of the overriding objective of the Rules, the process to apply to the Court for special leave and for leave to appeal as a poor person, and fees for filing documents. Proposals relating to the Original Jurisdiction Rules included a review of the Court’s powers regarding evidence and case management. Other general proposals were concerned with reflecting the new realities of videoconferencing and teleconferencing of the Court’s hearings and conferences and other new practices.

The members of the Rules Committee were:

The Honourable Mr Justice Rolston Nelson	Chairman
The Honourable Mr Justice Adrian Saunders	CCJ Judge
Ms Paula Pierre	Registrar and Chief Marshal
Ms Sylvia Samuel	Intern

## Electronic Submissions and Service of Documents

Since the Court began its operations in 2005, documents to be filed in the Registry were either filed directly at the Seat of the Court or at a sub-Registry of one of the contracting parties, for onward transmission to the CCJ. Hard copies of documents were submitted, stamped as filed and thereafter the documents were sent via international courier to the Court in Trinidad. This resulted in delays in transmission as well as costs based on the volume of documents being sent.

As a result of the work of the Rules Committee and the introduction of the Practice Direction 1 of 2013, issued on 27 June, 2013, the filing of documents is now done using a system that allows attorneys to e-mail documents to the Registry. The soft-copy documents when received are electronically numbered, stamped as filed, encrypted for security and stored. The filed copies are then returned electronically to the attorney for

service to the parties. The Court also allows for the service of filed documents by electronic means. Copies of the electronically filed documents are also stored for use by judicial officers, the Registry and their support team.

Attorneys are also now required to submit only the list of authorities for their matter. The Court's Library supplies the authorities to the Court in digital format for uploading to the shared folders for use by the judicial team. Authorities not available in the Library must be submitted to the Court by the attorney. This has resulted in a significant reduction in the volume of documents being sent to the Court and the related costs for transmission.

This project could not have been successful without the support of the Court's Information Systems Unit and the work of the dedicated Registry Staff.

## E-Resources to Support Judicial Decision-Making

Judges' Collaboration Folders: Judicial officers required a solution that would allow them access to information electronically in order to collaborate and to enable them to work in a paperless environment or to print on demand. Previously, copies of documents were made for all judges. With the collaboration folder system, however, documents (such as pleadings, records of appeal, authorities filed by counsel) are all stored electronically in shared folders for use by judges, registry staff and other members of the judicial support team during the life cycle of a matter. Judges can access these files on their laptop computers from their chambers or from the bench during the hearing of a matter. Remote access to the shared folders is also possible when judges are away from the Court using a Virtual Private Network (VPN).

## CCJ Space

This is an internal online digital repository designed to store, index, distribute and preserve the digital collections of the Library, administrative material of the Court and relevant CARICOM material. It is powered by DSpace and provides access to all types of digital content. CCJSpace is organised according to communities and each community is divided into sub-communities and collections.

Communities in CCJSpace include:

- **CCJ News: newspaper articles and online news about the CCJ**
- **Guidelines, Administrative Decisions and Directives (GADDS)**
- **Judges' Resources:**
  - o CCJ Judgments
  - o Agreements relating to the CCJ
  - o Rules (Both Jurisdictions as well as Civil Proceedings Rules (CPR) for the courts in the region)
  - o Protocols relating to the CCJ
  - o The Original Treaty and the Revised Treaty of Chaguaramas
  - o Practice Directions
  - o Compendium of instruments relating to the CCJ
- **S-Judgments:** Signed copies of all CCJ judgments
- **Legislation:** Acts, Bills, Legal Notices and Statutory Instruments of various CARICOM countries
- **Library Resources:** journal articles, book excerpts and papers

# Financial Management and Accountability

## Governance Review

The CCJ's adoption of strategic planning and the implementation of its 2013-2017 strategic plan were of course motivated by a desire to bring the Court in line with good modern managerial practices. Beyond that, there is an overarching concern with good governance – the notion of how public institutions conduct public affairs and manage their resources. The Court is concerned with the process of decision-making and with implementation of these decisions. In particular, considering all the structures put in place to insulate the Court financially from external pressures, special attention is focused on good financial management and governance of the Court's monetary resources.

This is of great significance to the Court, given that the very notion of "good governance" often emerges as an instrument for comparing ineffective economies against thriving ones. The Court appreciates the need for it to responsibly handle its finances not only to ensure its own viability, but also and importantly, to ensure transparent accountability to its stakeholders. With a view to ensuring that good governance ruled the Court's financial management, a Commissioner of the Regional Judicial and Legal Services Commission, Ambassador Wendell Lawrence, was charged with conducting a governance review and making recommendations. Consequent to this exercise, a Financial Oversight Committee (FOC) was formed, comprising representatives of the Court, RJLSC, and the Trust Fund, with a mandate to ensure the application of a comprehensive set of financial and accounting policies.

In his report, Ambassador Lawrence averred that "the stakeholders of the CCJ ... have a right to expect that the resources they commit to the CCJ are used effectively, efficiently and with due regard for value-for-money considerations." The Court subscribes to this belief, and moreover, does not perceive "good governance" as being relative solely to administration of the Court's finances. Good governance also denotes satisfying stakeholders' desire to see that the Court is managed competently and tightly, with its operations transparent, its personnel accountable and its processes able to withstand the accusing light of scrutiny.

Further to this, in July 2013, the Court engaged a consultant company, whose very detailed and highly structured three-phased work plan involved project planning and mobilisation; review, assessment and recommendations, culminating in the production of an accounting policies and procedures manual. The rationale behind hiring these services was to ensure a thorough ventilation of the Court's financial management with a view to a complete overhaul of procedures (should this prove necessary) and installing the new financial regime firmly as part of the implementation of the CCJ's strategic plan.

There are very high aspirations for the Court at all levels across the Caribbean, and even beyond it. The Court is determined to live up to them, and to satisfy the demands made by its stakeholders.

## Budget Committee

In April 2012, a budget committee comprising three (3) judges and representatives of court administration was established by the Court President to:

- review the existing budget process and develop a new budget framework that would guide budget development for the period 2013-2014;
- identify budget assumption priorities and objectives to guide unit heads;
- identify a budget ceiling;
- provide oversight in the development and creation of the budget;
- consider forecasted budgets compiled by units, ensure submissions are in keeping with stated priorities and budget objectives, and make any necessary recommendations;
- consider the financial impact of programmes developed by units and in particular the filling of any vacant positions; and
- evaluate any necessary changes throughout the life of the budget.

A new budget structure and supporting log frame was established, and a circular developed and approved. However, with the work of the recently contracted consultant, this format is expected to be reviewed and enhanced.

The budget circular directed that the preparation of the estimates for the period be guided by the Court's Performance Areas (Access to Justice, Expedition and Timeliness, Integrity, Fairness and Equality, Independence and Accountability, Public Trust and Confidence and Promoting and Protecting the Rule of Law), and should also take cognisance of the rules of court, policies, processes and strategies of the organisation. These performance areas are very much aligned to the Court's strategic plan and have smoothed the Court's transition in moving to its new agenda.

It should be noted that as a result of recommendations made by Ambassador Lawrence in his Governance Report, the RJLSC, CCJ and the Trust Fund jointly agreed to continuously develop a constructive, efficient and collaborative approach to strategic planning, budgeting and cooperation, which recognises the individual responsibilities of each institution without sacrificing their specific obligations and independence. The budget committee serves as the conduit for information regarding financial matters related to the Court. Additionally, with the establishment of the FOC, financial issues are brought to their attention for recommendations to the RJLSC.

## Audited Financial Statements: 2011 and 2012

The CCJ is committed to ensuring transparency and accountability, with the belief that reliable financial information and compliance with the spirit and letter of International Financial Reporting Standards are fundamental to its operations.

### *Independent Audit*

The public accounting firm of KPMG has audited the accompanying financial statements for the CCJ as of, and for the year ended 31 December 2011; and for the year ended December 2012, the Court's auditors were BDO. The auditors' reports on the financial statements and the financial statements are included in this Court Report at **Appendix A**.

The Court received unqualified audits of the 2011 and 2012 financial statements from its auditors. In addition, the auditors reported no internal control weaknesses for 2011 and the Court received two management letter points in 2012.

### *Financial Highlights*

The assets of the Court exceeded its liabilities at the close of 2011 by USD1.412 million (net assets). Net assets in 2012 were USD1.518 million.

Current assets in 2011 were USD973,000 and USD797,000 in 2012; while, current liabilities were USD496,000 in 2011 and USD268,000 in 2012.

In fiscal 2012, administrative expenses increased by USD453,180 (7.45%). The largest increase occurred in pension costs; an increase of USD319,277. This increase was attributable to two judges having retired for one full year, and an increase in the number of staff being eligible for gratuities and pension.

## Code of Judicial Conduct

During the period under review, a committee of judges headed by Mme Justice Bernard embarked on the task of drafting a Judicial Code of Ethics. There had been in existence a draft Code of Ethics prepared by draftsmen at the CARICOM Secretariat but which, though followed by the judges, had not formally been adopted.

The Committee studied and critically analysed the locus classicus of judicial codes, "The Bangalore Principles of Judicial Conduct." It consulted particularly the Commentary on the Bangalore Principles. In analysing the Commentary, the Committee considered parallel provisions in the codes of ethics for the Supreme Court in London, as well as codes of ethics

for judges in Australia, India and some jurisdictions within the United States. The final product is crafted in a simple, lucid style, and in addition to the usual topics, deals with matters such as propriety, independence, integrity, impartiality, equality, competence and diligence and accountability.

## Code of Ethics and Social Networking Committee

In October 2011, the President appointed a Social Networking Committee, chaired by the Honourable Mr Justice Wit, to develop rules dealing with the ethical aspects of social networking. He also appointed Ms Paula Pierre, Registrar and Chief Marshal (in her capacity as Secretary of the RJLSC), Mrs Wendy Lewis-Callender, Deputy Court Executive Administrator (as the Human Resources representative), and Ms Carlene Cross, Systems Manager (as the IT representative) as members of the committee. He also decided that there should be a member/secretary, and appointed Ms Lisa Furlonge in this regard.

Right from its first meeting, the committee considered that it would not make much sense to make rules for the use of social networking, since such rules should be embedded in a wider code of ethics. Such a code, however, did not exist for members of staff. The committee therefore requested the President to broaden its scope to include the drafting of recommendations for a Code of Ethics including rules for social networking.

The committee conducted very successful workshop sessions on the Staff Code of Ethics and Social Networking held on 15 and 17 May, 2012, facilitated by the Right Honourable Sir Dennis Byron, the Honourable Mr Justice Saunders, and chaired by the Honourable Mr Justice Wit. The goal of the workshop was for staff members to contribute to the creation of a living code that would guide their ethical conduct. The objective of the workshop was that by the end of the sessions, participants would be able to (a) identify ethical dilemmas in four different office/court scenarios; and (b) state at least two reasons why it is important for the CCJ to have a Code of Ethics and Social Networking Policy.

The President also acceded to the committee's unanimous request to appoint three (3) staff representatives as members of the committee, in order to involve staff optimally from the very start. This process was completed and a successful election process was conducted on 20 June, 2012, during which the three representatives were elected and subsequently recommended to, and appointed by, the President. The representatives are: Mr Aaron Alexander, Ms Catherine Beard, and Ms Candis Cayona.

The committee has continued to meet and has developed a draft list of topics to be considered for the code. Information has also been compiled on each of the topics and is now being discussed, adapted and formatted, in order to prepare the final draft of a code suitable for the staff of the CCJ.

# Engaging Our Community

In accordance with the Court's strategic goals and objectives, the Court has taken an active role in ensuring that:

- the CCJ is accessible to the region which it serves;
- the Court's business is conducted in an open and transparent manner;
- the people of the region are duly informed of the Court's operations and activities;
- the public perceives the Court as independent, fair and impartial; and
- public trust and confidence are engendered and maintained.

Based on the CCJ's jurisdiction, its customer base spans from continental Belize in the north to Guyana and Suriname in the south. Many of these territories are insular nations separated by water, with people of varying cultures and customs, educational backgrounds and knowledge, genders, ages, and occupations.

In order to bridge these gaps, the CCJ has embarked upon various public education activities. These include: public education visits to CARICOM countries, visits and tours of the Court's headquarters by students, public and private sector organisations, media and staff from other CARICOM judiciaries. The CCJ has also made great strides in ensuring that information about the Court is efficiently disseminated and is easily accessible in electronic and print formats.

## Public Education: Visit to St. Kitts and Nevis: August – September 2011

In the days leading up to the inauguration ceremony of the new CCJ President, the Court took the opportunity to conduct public education meetings and activities throughout St. Kitts and Nevis. The CCJ received the assistance of the High Court of St. Kitts and Nevis, the Ministry of Legal Affairs, the University of the West Indies Open Campus, the Ministry of Education and the Government Information Services (GIS).

The new CCJ President and officials met with Prime Minister, the Honourable Dr Denzil Douglas and the Leader of Opposition, the Honourable Mr Lindsay Grant. The Court hosted one-on-one sessions with the St. Kitts and Nevis Bar Association, the Chambers of Commerce in both St. Kitts and Nevis, the St. Kitts and Nevis Trade and Labour Union, the St. Kitts Christian Council and Council of Churches, and the local media. The CCJ Schools seminar was also quite interactive as students learned more about the CCJ and legal systems. The Court was also able to conduct town hall meetings in Charlestown,



*Above: Members of the St. Kitts and Nevis Bar Association attend a special public education seminar held at the High Court in St. Kitts*



*Above: President Byron and Mr Justice Hayton were hosted on a radio talk show on Choice Radio 105.3FM in St. Kitts*

Nevis, and in Basseterre, St. Kitts, as well as radio and television media appearances on call-in programmes.

## Media Meetings

With the assistance of Mr Tony Fraser, media consultant, the CCJ was able to host two (2) breakfast meetings with the region's media personnel on 10 April and 23 June, 2012 at its headquarters in Port of Spain. These meetings provided an opportunity for the CCJ and the media to interact, network, and discuss key issues surrounding the role, functions and development of the Court. The President and Judges made presentations to the group and thereafter provided a forum for questions and answers.

The verbal feedback from attendees proved that the events were informative and well-received. Media personnel were grateful for the candid and informal forum for discussions with the CCJ Judges.



*President Byron speaks with media personnel over breakfast*



*Above: Onel Sandford-Belle in discussions with Mme. Justice Bernard*

## A New Web Presence

The CCJ website was re-launched in March 2012, with a view to providing a more modern, user-friendly, interactive and better-managed web-presence.

As the CCJ's customers span a region of 12 Caribbean countries, a virtual presence is one of the most effective and efficient tools to assist the Court's communication with its public. This new initiative also facilitates the integration of the Court's various new media tools; the website, its social media platform, visual media sharing tools, and news categorising tools.





The main objectives of the website reconstruction project are to:

- provide a forum for the efficient and effective dissemination of information about the CCJ to its customers, thereby facilitating greater customer awareness of the roles and functions of the Court;
- incorporate the use of new media, modern website design and infrastructure technologies;
- develop a competent content management system for successful internal website maintenance;
- provide a simple, barrier-free and user-friendly interface with special consideration for accessibility (visual limitations, language differences, technology differences, technology literacy etc); and
- afford the Court the opportunity to monitor, gauge and analyse the interactivities between the supply of information about the Court and the needs of the Court's customers – what information is most and least subscribed to, what countries do our customers originate from, etc.

### Future projects

Although the website was re-launched, its reconstruction process is on-going. The following are some of the elements to be addressed in the coming months:

- developing a back-end Content Management Software workflow for court matters specifically;
- creating a feedback forum for visitors to the site;
- manual translation of all material on the website from English into Dutch and French;
- responsive design and new media accessibility;
- developing a micro-site with material for children;
- meeting international disability compliance standards; and
- conversion of documents from PDF format to e-book format.

### Website Analytics

One of the stated objectives of the website reconstruction project was to adopt the appropriate tools to enable the Court to track the activity of its website. This information is very beneficial to the Court's public education endeavours as it informs the Court's strategy, while also providing real data to monitor and assess its performance.

With the aid of Google Analytics, the information generated tracks the activity of the website and provides analytical reports based on this activity. Figure 1 below provides a sample of information on the website analytics for the period 1 March to 31 December 2012:

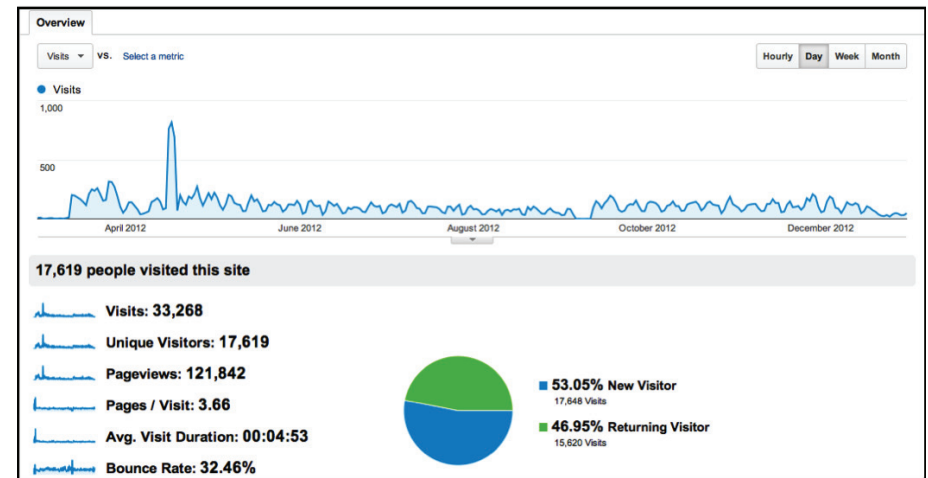


Figure 1 - Overview of the activity of the CCJ website (1 March to 31 December, 2012)

# CCJ CORNER

## Caricom Competition Commission's investigation process under CCJ scrutiny

By ELIZABETH M MITCHELL-DAXON, EDLS BAHAMAS

*Today we begin a series titled CCJ Corner. This column is intended to assist the public in learning more about the work of the CCJ. It is not a formal document of the court. The judgment of the court is the only authoritative document and may be found at [www.caribbeancourtjustice.org](http://www.caribbeancourtjustice.org)*

Caricom has established a Competition Commission that investigates and polices anti-competitive business behaviour throughout the Caricom region. In the CCJ case of *Trinidad Cement Limited v The Competition Commission Trinidad Cement Limited (TCL)* brought an action against the commission claiming that the commission failed to consult with and notify it of the commission's decisions to investigate alleged anti-competitive business behaviour by TCL.

The key question in the case was whether the commission had a duty to notify TCL before the investigation was launched. This depended on whether TCL was an "interested party" within the meaning of Article 175 of the Revised Treaty of Chaguaramas.

In deciding the case, as a preliminary matter, the CCJ held that the commission was a proper party to the proceedings given its extensive powers under the treaty and its ability to initiate legal proceedings before the CCJ in its own name. The court further held that it had jurisdiction to hear TCL's complaint as "no conduct or exercise of power by a treaty created institution... should escape the judicial scrutiny of the court".

On the critical issue of whether TCL was "an interested party" at the investigation stage, the court stated that this did not hinge on the fact that the company was targeted by the commission. The treaty did not grant a targeted business any role in consultations at the investigations stage. TCL had no legitimate interest which could be affected at that preliminary stage where the commission was simply deciding whether it could and should carry out an investigation. The court therefore dismissed the case.

Although it dismissed TCL's application, the court encouraged the commission to review its rules to ensure that they are in concert with the treaty and reflect appropriate standards of fairness.

### List of Published Summaries

1. *Winton Campbell v The Attorney General of Guyana* [2009] CCJ 1 (AJ): Roxaine Smith
2. *Stephen Edwards v The Attorney General of Guyana* [2008] CCJ 10 (AJ): Kiady Brown
3. *Doreen Johnson v Caribbean Center for Development* [2009] CCJ 3 (OJ): Kristina Wallace-Whitfield
4. *Julian Oscar Francis v The Queen* [2009] CCJ 9 (AJ): Monique Scott
5. *Jeffrey Adolphus Gittens v The Queen* [2010] CCJ 1 (AJ): Kerri-Ann Mew
6. *Jassoda Ramkishun v Conrad Ashford Fung-Kee-Fung* [2010] CCJ 2 (AJ): Joan Lewis
7. *Jippy Doyle v The Queen* [2011] CCJ 4 (AJ): Doneth Brown-Reid
8. *Florencio Marin and Jose Coye v The Attorney General of Belize* [2011] CCJ 9 (AJ): Olivia Robinson
9. *Sea Havens v John Dyrud* [2011] CCJ 13 (AJ): La Toya Greene
10. *Elroy Garraway v Ronald Williams* [2011] CCJ 12 (AJ): Shara Reid
11. *Barbados Turf Club v Eugene Melynk* [2011] CCJ 14 (AJ): Daniel Thompson
12. *Robin Singh v The Attorney General of Guyana* : D'Andra Lewars [2012] CCJ 2 (AJ) No.12 Ref
13. *Trinidad Cement Ltd v The Competition Commission* [2012] CCJ 4 (OJ): Elizabeth Mitchell-Daxon
14. *Sandy Lane Hotel Co Ltd v Brigitte Laurayne* [2013] CCJ 1 (AJ): D'Andra Lewars

### The CCJ Corner

The CCJ Corner is an initiative launched by the Court to provide the public with engaging and interesting summaries of all the decisions of the Court. The summaries are composed and submitted by law students from across the region and are then forwarded to various Caribbean media outlets to be published on a weekly basis.

At present, the contributors to the programme hail from the Norman Manley Law School and the Eugene Dupuch Law School. Since its inception, the CCJ Corner has been successful in facilitating the publication of fourteen summaries of cases from both the original and appellate jurisdictions of the court. The list of media houses who have partnered with the CCJ Corner reads like a map of the region, spanning from Guyana in the South all the way to the Bahamas in the North. The regional bar associations have also come on board, agreeing to publish the summaries in their newsletters and journals.

The CCJ Corner currently falls under the chairmanship of Mr Justice Adrian Saunders. Its activities are facilitated by the Judicial Research Assistants at the Court who liaise with the law schools, the contributors, media houses and bar associations to ensure that the publications are effective, efficient and accessible. Plans are in train to expand the pool of contributors to include the Hugh Wooding Law School and the Faculties of Law at the University of the West Indies. The list of media participants is kept under constant review to ensure that all avenues for partnerships are explored. The dialogue with the bar associations is on-going with an aim of ensuring that the summaries reach the widest audience throughout the region.

The CCJ Corner stands as a testament to the capacity of the Court to deepen the regional integration process. It is a distinctly Caribbean affair involving the efforts of the Court, regional law students, media outlets and bar associations. Through this partnership, the public will be better equipped to understand the decisions of the Court and their impact on everyday life in the Caribbean. The vision of The CCJ Corner is to ensure that justice is not isolated in an ivory tower but instead is accessible to the ordinary person in the street, the maxi, or the mini bus engaging in that hallowed Caribbean tradition of reading the morning newspaper.

## Visits to the Court

The Court has, from its inception, pursued an open-door policy with regard to visitors. Of course, the CCJ welcomes formal visits by groups from schools, Regional Life Centres, the Hugh Wooding Law School, the Faculty of Law of the University of the West Indies at St Augustine, the Institute of International Relations and other educational institutions on a regular basis. The Court also welcomes and encourages visits by individuals or groups which, by providing positive feedback on the CCJ to third parties, are well positioned to augment the Court's good standing in the eyes of a still-sceptical Caribbean public.

Also, and especially, the Court has engaged in exchanges of courtesy calls and on-going high-level discussions with government officials as well as representatives of diplomatic missions and international organisations based in Trinidad and Tobago, and in some instances, with such personnel based in other CARICOM territories.

In the period under review, the CCJ was most pleased to welcome to its premises

- CARICOM Heads of Government
- Members of the Diplomatic Corps and international organisations
- Members of the Legal Fraternity, both regional and international
- Academia
- International Organisations
- Private Sector

The Court intends to continue to operate its open-door policy with a view to attracting more and varied visitors so as to ensure that our public grows more familiar with, and understands the nature and operations of the CCJ.



*Clockwise: Visit of the Hon. Baldwin Spencer, Prime Minister of Antigua and Barbuda*

*Systems Manager briefing representatives of the British High Commission*

*Systems Manager conducting a demonstration of courtroom Technology*

*Interaction in the Court Registry*

# Strengthening Regional ties to Advance the Administration of Justice in the Region

## A Strong Regional Consensus for Judicial Reform

The Tenth Meeting of the Conference of Heads of Judiciary and Chief Justices (which is comprised the Heads of the Judiciaries of all CARICOM Member States and all Associate Member States as well as the President of the CCJ) was held in The Bahamas on 5 October, 2011. In their communique subsequent to the meeting, the Heads affirmed the need for a harmonised regional approach to justice sector reform, led by the Conference, as opposed to individual national approaches.

*Below: Group photo of the Heads of the Judiciary and Chief Justices of the Region at the 10th Meeting of the Conference of Heads of Judiciary and Chief Justices*



During the same period, the Canadian Development Agency (CIDA) engaged consultants who conducted a study to provide CIDA and its partners in the region with guidance and advice in conducting an analysis of the justice sector (the Stiles-Darby Report) as part of its Caribbean Regional Program.

Complementary to the study and report, CIDA also convened a Stakeholder Technical Consultation Meeting, on 30 November and 1 December 2011 at the CCJ (Summary Report: A Way Forward for Justice Sector Reform in the Caribbean Region). At this meeting, a group of twenty-five (25) senior experts and stakeholders from the region comprising judges, court executives, attorneys and bar associations, civil society, the business sector and academia did a participatory "sector analysis", the conclusions of which were tabled at the meeting of 29 February 2012 and are documented in the summary report.

At the 29 February 2012 meeting, the Conference of Heads of Judiciary and Chief Justices and their technocrats, supported by CIDA, met at the CCJ to discuss and strategise a way forward for the advancement of a harmonised regional judicial reform agenda.

Other key stakeholders in the region, including government executives, the bar, academics and civil society were also invited to participate at the meeting. CIDA played a significant role in facilitating this important meeting and the process, a role that is gratefully acknowledged.

From this consultation, it was recognised that there is consensus among judicial and justice sector stakeholders and partners in the region.

At the meeting, the Conference and participants took the opportunity to begin to map out the high priority areas of a harmonised approach to the justice sector policy agenda for the region.

As a result of the intensive and extensive process of consultations, three clear outcomes have emerged:

- the CCJ was identified as the agency that should act on behalf of the judiciaries of the region in overseeing the planning, coordination and execution of the initiative;
- a number of principles have been identified regarding how the reform process should be undertaken; and
- priorities were identified regarding the types of initiatives that should form the substantive core of any reform initiative.



*Above: The Hon Sir Michael L Barnett, Chief Justice of The Bahamas delivers remarks at the CAJO conference*

## 2nd Biennial Conference of the Caribbean Association of Judicial Officers (CAJO)

Following the 10th Conference of Caribbean Chief Justices and Heads of Judiciary meeting on 5 October, 2011, the Caribbean Association of Judicial Officers (CAJO) conference, themed "Bringing the Law Closer to the People", was held from 6 to 8 October, 2011 at the Colonial Hilton Hotel, Nassau, The Bahamas.

CAJO's opening ceremony was also attended by Bahamian officials, including the Honourable John Delaney, Attorney General of The Bahamas, and Ms Vinette Graham-Allen, Director of Public Prosecutions. Members of the National Youth Choir performed the Bahamian National Anthem and a local folk song for the audience.

The judicial officers participated in discussions on the following topics:

- The Role of Morality in the Adjudication Process
- Judicial Approaches to Corruption in Public Office
- Judicial Sensitisation to Money Laundering
- Challenges in Sentencing
- Small States, the CSME and the impact on Globalisation
- Protecting the Rights of the Victims of Crime
- Substance vs Procedure
- Access to Justice/Using Technology to Enhance the Judicial Role
- Environment: Is there a case for Specialisation within the Court System?
- Disaster Preparedness for Courts and Tribunals
- Judicial Ethics and the Appearance of Bias, especially in a world of social media

Welcoming colleagues at the opening ceremony of CAJO, the Honourable Sir Michael Barnett, Chief Justice of The Bahamas, expressed the importance of creating linkages for the development of judicial administration.



*Standing: left to right: the Hon Mr Justice Marston Gibson – Chief Justice of Barbados, Ms Marissa Robertson – Registrar, Judiciary of Trinidad and Tobago, the Hon Mr Justice Kenneth Benjamin – Chief Justice of Belize, the Hon Mme Justice Cynthia Valstein-Montnor – President of the High Court, Suriname, Her Worship Cresencia Brown – Resident Magistrate, Jamaica, Ms Sandra Dee Brown, CAJO Secretary – CCJ, the Hon Mr Justice Ian Kalawey – Chief Justice of Bermuda*

*Seated: left to right: the Hon Mme Justice Roxane George – Judge, Supreme Court of Guyana, Ms Camille Darville-Gomez – Assistant Registrar, Supreme Court of The Bahamas, the Hon Mr Justice Adrian Saunders, CAJO Chairman – Judge, CCJ, the Hon Mr Justice Christopher Blackman – Court of Appeal Judge, the Bahamas, Her Worship Tamara Gill – Chief Magistrate of Grenada*

## 8th Annual Caribbean Association of Court Technology Users (CACTUS)

The Caribbean Association of Court Technology Users (CACTUS) is a non-profit making organisation comprising of individuals and organisations actively promoting the use, relevance, sharing and implementation of information and communications technology (ICT) within courts in the Caribbean.

The Eastern Caribbean Supreme Court hosted the 8th Annual CACTUS Conference at the Coyaba Beach Hotel, Grand Anse, Grenada from 2 to 4 April, 2012. The theme of the conference was "Court Support Officers - Using Technology to Pave the Way for Advancement in the Courtrooms of the Caribbean". A record number of participants attended the conference from Barbados, Belize, Curaçao, Jamaica, Trinidad and Tobago, Eastern Caribbean territories as well as from St Maarten, Aruba and The Bahamas. The agenda was geared toward making the participants more aware of the important role of the Court Support Officer and how, with the use of technology, that person's functions can be enhanced.

Brief remarks were made by Her Ladyship the Honourable Mme Justice Louise Blenman, Chairman of the Judicial Education Institute of the Eastern Caribbean Supreme Court. The opening remarks were done by Her Ladyship the Honourable Mme Justice Clare Henry with the feature address by Master Christie-Anne Morris-Alleyne, Court Executive Administrator of the CCJ on the theme 'The Court Support Officer'. Teams from Eastern Caribbean and the Judiciary of Trinidad and Tobago shared information about the role of court support officers and how technology is used to improve their job. Discussions also centred on the differences in the way the court support officer's functions are performed in different countries.

Presentations also included "Social Media Networks and the Courts" by Ms Carlene Cross (Information Systems Manager, CCJ) and "Collaboration Technology in Courts" by Mr Ricardo Dowell (Court Network Officer, CCJ) as well as vendor presentations and demonstrations.

At the meeting, the election of representatives for the coming two year period 2012 - 2014 was held. The following officers were elected:

Chairperson – Ms Carlene Cross (CCJ)

Vice Chairperson – Mr Mark Ernest (Eastern Caribbean Supreme Court)

Treasurer – Mrs Carol Herbert (Judiciary of Trinidad and Tobago)

Secretary – Ms Avril Bennett (Judiciary of Belize)

The camaraderie that is developed as a result of participation also assists in the development of the regional court information team. There is a wealth of knowledge in the region and this conference is seen as a golden opportunity to share experiences and get information about court information technology. It also makes others aware of possible solutions that other courts in the region may be using, which they can incorporate into their court best practices, to better and more efficiently manage their processes.

## Judicial Cooperation between CCJ and the Judiciary of Suriname

In February 2012, the Acting President of the Court of Justice of Suriname, the Honourable



*CACTUS Group photo*

Mme Justice Cynthia LA Valstein-Montnor requested the CCJ to assist the Judiciary of Suriname in developing a Judicial Code of Conduct.

To this end, the Acting President organized a judicial workshop to introduce the subject to the Judges of the Court. On this occasion, the President of the CCJ, the Right Honourable Sir Dennis Byron and the Honourable Mr Justice Jacob Wit, Judge of the CCJ, gave presentations which were enthusiastically received by the Judges.

The workshop led to the development of the Judicial Ethics Programme for the Judiciary of Suriname, based on a system designed by Judge Sandra Oxner, Chairman of the Commonwealth Judicial Education Institute (CJEI). The official inauguration of this Programme took place on 29 June, 2012, during a public ceremony in Paramaribo, Suriname. At this event, speeches were delivered by the Acting President, the Procurator General of Suriname, the Dean of the Bar Association of Suriname, the CCJ President Sir Dennis Byron and Mr Justice Wit.

The Judicial Ethics Programme commenced the following day, 30 June, 2012 with a workshop entitled; "Judicial independence and its implications for judicial behaviour." This was the first in a series of six workshops, each of which dealt with a specific theme: impartiality, integrity, propriety, equality, competence and diligence. These workshops were held throughout the judicial year 2012-2013. During the working sessions, the relevant themes were discussed by the judges on the basis of their written answers to hypothetical questions developed by a faculty which also guided the discussions. This faculty consisted of Mr Justice Wit, who presided, former President of the Court, Mr Justice Ewald Ombre and Mr Hans Lim A Po.

Currently, a committee of the Judiciary of Suriname is in the process of drafting the Code of Conduct with the assistance of Mr Justice Wit.

# Developing Strategic Relationships

Through advantageous strategic partnerships, the Court and its partners can harness each other's strengths and expertise for mutual growth and development over time.

This is the rationale that motivated the CCJ to sign Memoranda of Understanding (MOU) with two entities whose expertise and acumen in the world of law and court administration are very well known. Such is the wealth of knowledge of which these institutions are repositories that the CCJ is well poised to advance the cause of and be itself an exemplar of rigorous and transparent administration of justice in the Caribbean region through its strategic collaboration with them.

## Memorandum of Understanding: National Centre for State Courts

The Conference of the Heads of Judiciary of CARICOM and the CCJ signed a MOU with the US based NCSC at the CCJ headquarters in Port of Spain on 29 October 2012.

The MOU allows for cooperation in implementing justice sector reform and enhancing the administration of justice within the Caribbean. Under the MOU, the CCJ will have responsibility to design and implement justice reform programmes through a shared vision with the mentorship and transfer of knowledge and expertise provided by the NCSC.

"Sharing a common history and a similar set of challenges, Caribbean courts will look to the CCJ as representative of the interests of the region and the institution that has demonstrated the forward-thinking and the capacity to organise and deliver programmes as the executing agency," said the Chief Justice of Trinidad and Tobago, The Honourable Mr Justice Ivor Archie, in his address at the signing ceremony.

The NCSC is a non-profit organisation which provides technical assistance, training, and technology to advance justice across 50 US States and around the world. NCSC specialises in Judicial Independence, Judicial Ethics and Accountability and Court Management and Administration throughout the United States and as part of the services it offers to countries and regions in Africa, the Middle East, Asia, Eastern Europe and Latin America.

In addressing the audience, the President of the CCJ, the Right Honourable Sir Dennis Byron identified the areas in which cooperation with the NCSC can be of great benefit to the people of the Caribbean:

"The National Center has established a reputation as the world leader in case management systems, a world leader in technology, a world leader in Alternative Dispute Resolution and these are some of the areas in which we would be working with them to improve the way we do things here," said the President of the CCJ.



*Above: NCSC MOU signing at the CCJ headquarters*

With reference to a question raised by reporters on the issue of backlogs facing the courts, the Vice President of the NCSC, Mr Jeffrey Apperson, acknowledged that "Backlogs are very difficult to administer, but I do know this, as we bring together the best practices in the world...we can together work out all issues facing the courts of the Caribbean."

Mr. Apperson, who also serves as Chairman of the NCSC International Advisory Committee, gave some insight on the efforts of NCSC International; "What we are doing is studying the best practices of administration in the world and we want the Caribbean to be a beneficiary of the best practices in the administration of justice." The CCJ's Court Executive Administrator, Master Christie-Anne Morris-Alleyne, was also invited to serve on the NCSC's International Advisory Committee.

Mr. Apperson also spoke of the formation of an International Institute for Justice Administration Excellence; "the Board of which will be a collection of representatives of the best court administration institutions in the world".



Further to the signing of the MOU, Mr Jim Mc Millan, Principal Management Consultant from NCSC was invited to visit the Court from 9 to 15 June 2013. Mr Mc Millan was engaged in discussions with Court about the possibility of using base case management software from NCSC. The Court was also shown a demonstration of the Amicus Case Management System which was developed by NCSC.

### Memorandum of Understanding: UWI Cave Hill

With a view to strengthening institutional cooperation, an MOU was signed between the Faculty of Law of the University of the West Indies, Cave Hill Campus, Barbados and the CCJ, on the 27 September and 5 November, 2012 respectively.

Both the CCJ and the Faculty of Law are desirous of cooperating institutionally to promote awareness of the CCJ and its jurisprudence in the Faculty of Law and throughout the region, and also to enhance awareness by the CCJ of the scholarship and other intellectual contributions of the Faculty of Law.

Workshops and seminars are therefore to be conducted by the CCJ for students and academic staff of the Faculty of Law. To further augment learning by law students, the CCJ will also offer internship and research opportunities for those students recommended by the Faculty of Law.

The Faculty of Law is expected to provide assistance in the continuing legal education programmes offered by the CCJ and, both institutions will endeavour to offer joint continuing education programmes. It is also the intention that the Faculty of Law will make itself available for consultations by the CCJ, on matters related to Caribbean and other regional legal systems and international law.

Further, it is proposed that joint meetings, in the form of a yearly colloquium be held to discuss research, academic papers and common legal issues and concerns.

### Activities of the CCJ Privileges and Immunities Committee

During the reporting period the CCJ Privileges and Immunities (P&I) Committee sought to achieve the following objectives:

- Reconciling the differences in the privileges and immunities of the Court, judges of the Court and officers of the Court as set out in the Order of 2004 with those set out in the Act of 2008;
- Clarifying the nature and extent of the P&I that are accorded to the various groups of staff internally the CCJ;

- Apprising the Ministry of Foreign Affairs and Foreign Trade (MFAFT) officials of the unique characteristics and functions of the CCJ and how the Court differs from a diplomatic mission;
- Making recommendations to the Government of Trinidad and Tobago to accord recognition to the CCJ as an international Court by including the President and the judges in the Table of Precedence for Trinidad and Tobago;
- Making recommendations to the Government of Trinidad and Tobago for the prevention of any judicial process being initiated against the Court;
- Initiating the dialogue between the CCJ and the Government of Trinidad and Tobago in respect of permanent accommodation for the Court;
- Elaborating policy and procedural guidelines concerning the treatment of non-national members of CCJ staff;
- Making recommendations to the Government for "First Arrival Privileges" for all levels of staff recruited from outside of Trinidad and Tobago;
- Making the appropriate representation on behalf of the Court's employees and their dependents to various Government stakeholders in respect of immigration, customs and education matters as may be necessary to facilitate a smooth transition into Trinidad and Tobago and for the duration of their tenure at the CCJ;
- Making requests to the Immigration Department for CCJ staff and the members of their household to be granted an indefinite right to enter and remain in Trinidad and Tobago, with the appropriate endorsement of the passports of the principal non-national employees and their dependents; and
- Seeking clarification on the MFAFT existing procedure for the notification, accreditation and identification for newly appointed members of staff in International Organisations and requested an extension of these courtesies to the CCJ in order to facilitate the first arrival process.

The Committee has started its activities towards achieving these objectives which will continue in the next year.

### Letters of Exchange: CCJ-ICTR

During the period 11 to 25 May, 2013 Mr Constant Hometowu, visited the CCJ to exchange ideas and share experiences in areas related to the operations of international courts. Mr Hometowu, a barrister-at-law and solicitor of the Supreme Court of Ghana, and the holder of an Executive MBA from the Eastern and Southern African Management Institute, brought a wealth of experience to the exchange programme in his capacity as the Legal Officer, Officer-in-Charge of the Judicial Proceedings Unit of the United Nations International Criminal Tribunal for Rwanda (UNICTR). His visit was made pursuant to an exchange of letters between the Registrar of the CCJ and the Registrar of the UNICTR. Both the CCJ and the UNICTR were able to benefit from the experiences exchanged between the staff of the CCJ and Mr Hometowu relating to the operations of the two courts and general customs and practices of international courts.

# Staff in Action



*Highlights from the CCJ Staff end of year function*



## CCJ Staff End of Year Function: December 2011

The Court's End-of-Year Staff Function, usually held in early December, is planned so that all judges and staff can come together in a social gathering to relax, have fun and embrace the spirit of the season.

A planning committee, comprising only staff members, came together to plan this event with the following objectives in mind:

- celebrate with each other the end of a successful 2011;
- achieve maximum attendance by staff and Judges; and
- build camaraderie among staff.

The culmination of the planning efforts was the CCJ 2011 End of Year Staff Function, which took place on 2 December, 2011 at "Drink Wine Bar" in Woodbrook in Port of Spain. This was the "inauguration ball" of sorts for the newly appointed President of the Court, Sir Dennis Byron. It was the President and his wife, Lady Norma's, first Christmas with the CCJ Family and their first-hand view of how "Trini does lime."





A short programme, featuring members of the clerical staff, was wittily emceed by Mr Garth Jerry, Court Usher, causing the audience to erupt into spontaneous bursts of laughter while under his command. Musical entertainment was provided in the form of a monologue titled "Trini Christmas", performed by Ms Celeste Reid, a song, "The 12 CCJ Days of Christmas" written and performed by staff and the highlight of the evening, a performance by Los Alumnos de San Juan, a parang band. There was an encore for the paraderos that moved those in attendance to their feet to dance along to the sweet sounds of "Sai Sai Sai." The event was well attended by all personnel, from judges to support staff, who deemed the event a success. A special note of gratitude was extended to the members of the planning committee for their hard work and dedication in ensuring that this event was executed seamlessly and enjoyably.

### CCJ Panyard Crawl: February 2012

Affectionately referred to as a staple on the CCJ Calendar of Events, the Annual CCJ Panyard crawl, now dubbed "The Crawl", was on its 7th year, crawling from panyard to panyard and mas' camp to mas' camp during the Trinidad and Tobago 2012 Carnival season.

This annual event seeks to create an opportunity to showcase the Carnival culture and art form of Trinidad and Tobago. As a regional court, with judges and staff representing countries from throughout the Caribbean region, this event provides an opportunity for the judges and staff, their friends and families to personally visit and meet with some of the leaders in the Carnival industry, while having fun.

On 10 February, 2012, the event was attended by approximately 165 'crawlers', making this the Court's biggest panyard crawl to date. Persons arriving at the departure park were greeted by the sweet sound of the steel pan being played by the Sapphonics Steel Orchestra.

Some persons were visibly stirred to 'shake a leg' while waiting for the crawl to begin. Large maxi taxis nicknamed 'crawl buses' were assigned to transport persons along the route. Crawl buses were named after the soca music front runners for the season, "Mr. Fete", "I am Soca", and "Bacchanalist", to name a few. The CCJ PanYard Crawl 2012 visited the Desperados Steel Orchestra's Pan Yard, Phase II's Pan Yard, Trini Reveller's Mas Camp, and Brian Mac Farlane's Mas' Camp. Crawlers enjoyed on-the-go pre-packaged snacks, reminiscent of a masquerader's meal on Carnival Monday and Tuesday – geera pork, corn soup, boiled corn, mini rotis and pholourie.

For the Court President, an ardent pan lover, and his wife, Lady Norma, this was their first "official" crawl with the CCJ Family and friends. If one can judge from appearances, they had a fine time.

All in attendance reported that they were thoroughly entertained and that they were looking forward to 2013.



Highlights from the CCJ Panyard Crawl



### Fielding a CCJ Team: Judiciary of T&T Sports and Family Day: June 2012

Upon the invitation of the Honourable Mr Justice Ivor Archie, Chief Justice of Trinidad and Tobago, staff of the CCJ and their families were invited to field a team to join the Judiciary of Trinidad and Tobago at their Fifth Sports and Family Day, held on 2 June, 2012 at the Mannie Ramjohn Stadium in Marabella. The theme of the event was "The Golden Celebration" in commemoration of the 50th Anniversary of the Court of Appeal.

The CCJ family and friends championed the call for marchers, runners and supporters and formed a team named "Regional Avengers". The Avengers participated in the Inaugural Health Fair and Savannah Run held on 19 May, 2012, a lead-up event to the Sports and Family day. This saw team CCJ copping first place in the 1-lap Savannah run and the points earned at this event accrued towards the final placing. In the final count, Team CCJ – the Regional Avengers – placed third.

The extremely wide involvement by all levels of staff and their family members made this event a memorable one for the Court. Team CCJ looks forward to participating in the next Sports and Family Day.

## CCJ End of Year Function: December 2012

Staff ended the year on a big note celebrating a year of hard work and camaraderie on 14 December, 2012. Themed "Nice, Naughty, or Misunderstood", the President, Judges and staff all wore festive hats that favoured their choices.

A "Scouting for Talent" competition was the highlight of the afternoon which saw entertaining acts from staff members - a magic show by Ayinde Burgess and songs by Veronica Brooks, Semone Moore and Anson Figaro respectively. Semone Moore was the winner of the competition. The competition was judged by the NAPA's Fine Arts students, while auditors, Jacinth Smith, Carlene Cross and Venold O'Garro ensured that the judges scoring were in keeping with the criteria set out. The staff organized Christmas food and drinks that were native to countries from throughout the Caribbean region. A special guest performance was delivered by the NAPA's Fine Arts students, which reminded us about the importance of team work and the real reason for the season.

The event was well attended and many were looking forward to make it onto the "nice" list for 2013.

## CCJ Carnival Lime- 'Iz we ting': February 2013

For the first time, CCJ stayed at home and hosted its very own Carnival Ole Mas' Competition and Lime titled, "Iz We Ting" on 4 February, 2013.

The event, held in the Court's carpark, was designed to bring staff together, not only to celebrate the national event, Carnival, but more importantly to foster team-building activities that help strengthen bonds in a unique way that will be remembered for time to come.

Staff and their family were eager participants - preparing costumes, supporting team members - and willing competitors in the Ole Mas' Competition.

Necessary Arts Productions opened the program with traditional characters - jab molassie, moko jumbie, midnight robber and Dame Larraine. We created our own savannah stage, coconut vendor and all, and we were fortunate to have Ms Sarah Morris and Mr Araine Brown to assist with creating a Carnival atmosphere, Mr Dennis McComie as our "MC" and Ms Jacqueline Morris as the coordinator for the Ole Mas participants and artistes. Ole Mas categories included political and social commentary, office humour and comedy.



Selwyn Hart, Court Usher, emerged the winner with his witty portrayal called "Clean Sweep" which depicted the results of the recently concluded THA elections in Tobago. Sandra Dee Brown and Venold O'Garro copped second place with their portrayal "Section 34 Double J", and third place to Wendy Lewis-Callender and Candis Cayona with "More Wuk". Judges of the competition included Paula Pierre, Francis Barriteau and Daniel Maynard.

The CCJ was entertained by Sapphonic Steel Orchestra and popular soca artistes "Blaxx" and "Benjai". The staff was also entertained by the 3rd place winner in the Junior Young Kings Competition Sergio Francisco and Richard Gomez of Rosary Boys RC School.

# Appointments and Resignations

## Staff Appointments

Name	Position	Date of Appointment
Joel Chee Alloy	Protocol Assistant	15 April, 2011
Jerry Clarke	Security Officer	8 August, 2011
The Right Honourable Sir Dennis Byron	President of the Court and Chairman of the RJLSC	1 September, 2011
Denise Douglas	Protocol & Information Assistant	6 February, 2012
Melony Morgan	Judicial Research Assistant	16 April, 2012
Leighton Jackson	Legal Officer	19 July, 2013

## Staff Resignations

Name	Position	Date of Resignation
Joel Chee Alloy	Protocol Assistant	22 August, 2011
Natasha George	Judicial Research Assistant	4 November, 2011
Lindsay Hosein	Judicial Research Assistant	14 November, 2011
Melony Morgan	Judicial Research Assistant	14 December, 2012
Radha Permanand	Deputy Registrar	21 January, 2013
Ricardo Dowell	Network Officer	5 April, 2013

# CCJ Welcomes the new President



THE CARIBBEAN COURT OF JUSTICE  
Audited Financial Statements  
For the year ended December 31, 2012



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# Independent Auditor's Report

**The Court Executive Administrator  
The Caribbean Court of Justice  
Port of Spain, Trinidad**

## **Report on the Financial Statements**

We have audited the accompanying financial statements of the Caribbean Court of Justice, which comprise the statement of financial position as at December 31, 2012 and the statements of comprehensive income, changes in accumulated fund and cash flows for the year then ended and the accompanying notes to the financial statements.

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## **Management's Responsibility for the Financial Statements**

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

## **Auditor's Responsibility**

Our responsibility is to express an opinion on these 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 judgement, 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 control 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 control. 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.

## **Opinion**

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Caribbean Court of Justice as at December 31, 2012, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

## **Other matter**

The financial statements of the Caribbean Court of Justice for the year ended December 31, 2011 were audited by another auditor who expressed an unmodified opinion on those statements on May 7, 2012.

*February 28, 2013  
Port of Spain,  
Trinidad, West Indies*

THE CARIBBEAN COURT OF JUSTICE

Statement of Financial Position

As at December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

	Notes	2012	2011
<b>ASSETS</b>			
<b>Non-current assets</b>			
Property, plant and equipment	3	6,236,027	5,890,373
Retirement benefit due from Trust Fund	4	<u>15,703,380</u>	<u>13,321,980</u>
<b>Total non-current assets</b>		<u>21,939,407</u>	<u>19,212,353</u>
<b>Current assets</b>			
Other receivables	5	1,465,856	2,380,245
Cash and cash equivalents		<u>3,553,013</u>	<u>3,750,101</u>
<b>Total current assets</b>		<u>5,018,869</u>	<u>6,130,346</u>
<b>Total assets</b>		<b><u>\$ 26,958,276</u></b>	<b><u>\$ 25,342,699</u></b>
<b>ACCUMULATED FUND AND LIABILITIES</b>			
Accumulated fund		<u>9,566,391</u>	<u>8,898,340</u>
<b>Non-current liability</b>			
Retirement benefit liability	6	<u>15,703,380</u>	<u>13,321,980</u>
<b>Current liabilities</b>			
Deferred income	7	7,869	15,479
Due to related party	8	432,032	1,415,935
Other payables	9	<u>1,248,604</u>	<u>1,690,965</u>
<b>Total current liabilities</b>		<u>1,688,505</u>	<u>3,122,379</u>
<b>Total accumulated fund and liabilities</b>		<b><u>\$ 26,958,276</u></b>	<b><u>\$ 25,342,699</u></b>

See accompanying notes to the financial statements.

These financial statements were approved for issue by the Court Executive Administrator on February 28, 2013 on behalf of the Caribbean Court of Justice.

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Court Executive Administrator

THE CARIBBEAN COURT OF JUSTICE

**Statement of Comprehensive Income**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)*

	<b>Notes</b>	<b>2012</b>	<b>2011</b>
Funding provided by the Trust Fund		37,883,878	34,567,828
Other income	10	<u>1,122,502</u>	<u>4,133,034</u>
		<b>39,006,380</b>	<b>38,700,862</b>
Administrative expenses	11	<u>(38,338,329)</u>	<u>(35,483,295)</u>
<b>Total comprehensive surplus for the year</b>		<b><u>\$ 668,051</u></b>	<b><u>\$ 3,217,567</u></b>

*See accompanying notes to the financial statements.*

**THE CARIBBEAN COURT OF JUSTICE**

**Statement of Changes in Accumulated Fund**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)*

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	<b>Accumulated Fund</b>
<hr/>	
<b>Year Ended December 31, 2012</b>	
Balance at January 1, 2012	8,898,340
Total comprehensive surplus for the year	<u>668,051</u>
<b>Balance at 31 December 2012</b>	<b><u>\$ 9,566,391</u></b>
<b>Year Ended December 31, 2011</b>	
Balance at January 1, 2011	5,680,773
Total comprehensive surplus for the year	<u>3,217,567</u>
<b>Balance at 31 December 2011</b>	<b><u>\$ 8,898,340</u></b>

*See accompanying notes to the financial statements.*

**THE CARIBBEAN COURT OF JUSTICE**

**Statement of Cash Flows**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)*

	<b>2012</b>	<b>2011</b>
<b>Cash Flows from Operating Activities</b>		
Total comprehensive surplus for the year	668,051	3,217,567
Adjustments to reconcile total comprehensive surplus for the year to net cash from operating activities		
Depreciation	3,800,562	3,991,743
Adjustments to property, plant and equipment	-	28,486
Interest income	(45,587)	(100,387)
Deferred income released to the statement of comprehensive income	(9,124)	(4,004,133)
Retirement benefit expense	3,490,200	3,214,260
Changes in deferred income	1,514	(34,539)
Changes in retirement benefit due from Trust Fund	(2,381,400)	(2,407,860)
Changes in other receivables	914,389	(324,656)
Changes in due to related party	(983,903)	(986,290)
Changes in other payables	(442,361)	(427,168)
Retirement benefit contributions paid	(1,108,800)	(806,400)
<b>Net cash from operating activities</b>	<u>3,903,541</u>	<u>1,360,623</u>
<b>Cash Flows from Investing Activities</b>		
Interest received	45,587	100,387
Acquisition of property, plant and equipment	(4,146,216)	(1,660,037)
<b>Net cash used in investing activities</b>	<u>(4,100,629)</u>	<u>(1,559,650)</u>
<b>Cash flows from financing activities</b>		
Grants refunded to donor	-	(1,678,597)
<b>Net cash from financing activities</b>	<u>-</u>	<u>(1,678,597)</u>
Decrease in cash and cash equivalents for the year	(197,088)	(1,877,624)
Cash and cash equivalents at January 1	<u>3,750,101</u>	<u>5,627,725</u>
<b>Cash and cash equivalents at December 31</b>	<b><u>\$ 3,553,013</u></b>	<b><u>\$ 3,750,101</u></b>
<b>Analysis of cash and cash equivalents</b>		
Cash in hand and at bank – unrestricted cash	1,975,635	1,915,614
Money market deposits	1,460,093	1,308,907
Cash held on behalf of CAJO	117,285	525,580
	<b><u>\$ 3,553,013</u></b>	<b><u>\$ 3,750,101</u></b>

*See accompanying notes to the financial statements.*

## THE CARIBBEAN COURT OF JUSTICE

### Notes to the Financial Statements

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)*

#### 1. Establishment and principal activity

The Caribbean Court of Justice (the “Court”) and the Regional Judicial and Legal Services Commission (the “Commission”) were established on February 14, 2001 by the Agreement Establishing the Caribbean Court of Justice (the “Agreement”). The Agreement was signed on that date by the following Caribbean Community (“Caricom”) states: Antigua & Barbuda, Barbados, Belize, Grenada, Guyana, Jamaica, St. Kitts & Nevis, St. Lucia, Suriname and Trinidad & Tobago. Two further states, Dominica and St. Vincent & The Grenadines, signed the Agreement on February 15, 2003, bringing the total number of signatories to 12.

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

The first Commission came into force on August 21, 2003 and works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.

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

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

#### 2. Significant accounting policies

##### *(a) Basis of preparation*

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

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

###### (i) New and amended standards adopted by the Court

There are no IFRSs or IFRIC interpretations that are effective for the first time for the financial year beginning on or after December 31, 2012 that was adopted and had a material impact on the Court.



**Notes to the Financial Statements**

For the year ended December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

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

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

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

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

IAS 1, 'Financial statement presentation' regarding other comprehensive income (Amendments) - The main change resulting from these amendments is a requirement for entities to group items presented in 'other comprehensive income' (OCI) on the basis of whether they are potentially re-classifiable to profit or loss subsequently (reclassification adjustments). The amendments do not address which items are presented in OCI. This amendment is effective for periods beginning on or after December 31, 2012.

IAS 19, 'Employee benefits' was amended in June 2011. The impact on the Court will be as follows: to eliminate the corridor approach and recognise all actuarial gains and losses in OCI as they occur; to immediately recognise all past service costs; and to replace interest cost and expected return on plan assets with a net interest amount that is calculated by applying the discount rate to the net defined benefit liability (asset). The Court is yet to assess the full impact of the amendments. This amendment is effective for periods beginning on or after January 1, 2013.

IAS 32 'Financial Instruments: Presentation' (Amendments) clarify some of the requirements for offsetting financial assets and financial liabilities in the statement of financial position. In connection therewith, IFRS 7, 'Financial instruments: Disclosures' amendments were also issued. These new IFRS 7 disclosures are intended to facilitate comparison between IFRS and US GAAP preparers. The converged offsetting disclosures in IFRS 7 are to be retrospectively applied, with an effective date of annual periods beginning on or after January 1, 2013. The IAS 32 changes are retrospectively applied, with an effective date of annual periods beginning on or after January 1, 2014. Master netting agreements where the legal right of offset is only enforceable on the occurrence of some future event, such as default of the counterparty, continue not to meet the offsetting requirements. The disclosures focus on quantitative information about recognized financial instruments that are offset in the statement of financial position, as well as those recognized financial instruments that are subject to master netting or similar arrangements irrespective of whether they are offset. The new amendments are not expected to have any significant impact on the Court's financial position or performance.

**Notes to the Financial Statements**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)***(b) Changes in accounting policy and disclosures (continued)**

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

IFRS 9, 'Financial instruments' – This new standard introduces new requirements for the classification, measurement and recognition of financial assets and financial liabilities and replaces parts of IAS 39. The standard is effective for annual periods beginning on after January 1, 2015 with early adoption permitted. IFRS 9 is required to be applied retrospectively. IFRS 9 uses business model and contractual cash flow characteristics to determine whether a financial asset is measured at amortized cost or fair value, replacing the four category classification in IAS 39. The determination is made at initial recognition. The approach is also based on how an entity manages its financial instruments (its business model) and the contractual cash flow characteristics of the financial assets. For financial liabilities, the standard retains most of the IAS 39 requirements. The main change is that, in cases where the fair value option is taken for financial liabilities, the part of a fair value change due to an entity's own credit risk is recorded in other comprehensive income rather than the income statement, unless this creates an accounting mismatch. The Court is yet to assess IFRS 9's full impact and intends to adopt IFRS 9 no later than the accounting period beginning on or after January 1, 2015.

IFRS 11, 'Joint Arrangements' is based on the principle that each party to a joint arrangement accounts for its rights and obligations that arise from that arrangement. In consequence:

- Where an entity has rights to the assets and obligations for the liabilities relating to a joint arrangement, it is regarded as being a joint operator. Joint operators account for the assets and liabilities, and associated revenues and expenses that arise from the joint arrangement.
- Where an entity has rights to the net assets relating to a joint arrangement, it is regarded as having an interest in a joint venture. Joint venturers account for the net assets arising from the joint arrangement by applying equity accounting.

An entity that is part to a joint arrangement that is not structured through a separate vehicle is regarded as a joint operator.

For arrangements that are structured through a separate vehicle it is necessary to analyse the legal form, the contractual terms and any other relevant facts and circumstances of the joint arrangements in order to determine whether the arrangement gives rise to a joint operation or a joint venture.

The Court is yet to assess IFRS 11's full impact and intends to adopt IFRS 11 no later than the accounting period beginning on or after January 1, 2013.

IFRS 12, 'Disclosure of Interest in Other Entities' includes the disclosure requirements for all forms of interests in other entities, including joint arrangements, associates, special purpose vehicles and other off balance sheet vehicles. The Court is yet to assess IFRS 12's full impact and intends to adopt IFRS 12 no later than the accounting period beginning on or after January 1, 2013.

Notes to the Financial Statements

For the year ended December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

2 Significant accounting policies (continued)

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

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

IFRS 13 'Fair Value Measurements' is effective prospectively for annual periods beginning on or after January 1, 2013. Earlier application is permitted. IFRS 13 defines fair value, sets out in a single IFRS a framework for measuring fair value and requires disclosures about fair value measurements. The standard applies, except in some specified cases (e.g. share-based payments) when other IFRSs require or permit fair value measurements. It does not introduce any new requirements to measure an asset or a liability at fair value, change what is measured at fair value in IFRSs or address how to present changes in fair value. Although IFRS 13 describes some of the fair value measurements and disclosure requirements in a different way from how they were expressed previously, there are a few changes to the requirements it replaces (principally the requirement to use an exit price). Instead, IFRS 13 is intended to clarify the measurement objective, harmonize the disclosure requirements and improve consistency in application.

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

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

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

(c) Use of estimates

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

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

Note (d)	Property, plant and equipment
Note (e)	Other receivables
Note (m)	Employee benefits
Note (h)	Other payables
Note (i)	Provisions
Note (o)	Impairment

**Notes to the Financial Statements**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)*

**2 Significant accounting policies (continued)**

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

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

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

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

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

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

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

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

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

***(e) Other receivables***

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

## Notes to the Financial Statements

For the year ended December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

### *(f) Cash and cash equivalents*

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

### *(g) Due to related party*

Due to related party is stated at cost.

### *(h) Other payables*

Other payables are stated at cost.

### *(i) Provisions*

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

### *(j) Revenue recognition*

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

Unconditional funding related to the ongoing operations of the Court is recognised in the statement of comprehensive income as income in the period in which the funds are received.

#### Grants

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

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

All other revenue is recorded on an accruals basis.

**Notes to the Financial Statements**

For the year ended December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

**2 Significant accounting policies (continued)**

**(k) Foreign currency transactions**

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

**(l) Taxation**

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

**(m) Employee benefits**

**(i) Defined contribution plan**

Obligations for contributions to the defined contribution pension plan are recognized as an expense in statement of comprehensive income when they are due. The employees of the Court, except Judges, are participants of this plan.

**(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. Only the Judges participate in this plan.

**(n) Accumulated fund**

The accumulated fund represents the excess of funding received over expenditure.

**Notes to the Financial Statements**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)*

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

***(o) Impairment***

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

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

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

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

**THE CARIBBEAN COURT OF JUSTICE 3. Property, plant and equipment**

Notes to the Financial Statements  
For the year ended December 31, 2012  
(Expressed in Trinidad and Tobago Dollars)

	Computers & Software	Furniture Fixtures & Equipment	Flags Crests & Seals	Library Books	Security Equipment	Lease- hold Improve- ments	Vehicles	Total
<b>Year ended December 31, 2012</b>								
<b>Cost or valuation</b>								
At January 1, 2012	\$ 10,397,183	\$ 9,621,774	\$ 393,705	\$ 13,433,457	\$ 835,647	\$ 875,481	\$ 2,976,449	\$ 38,533,696
Additions	226,468	428,905	15,155	464,651	-	7,037	3,004,000	4,146,216
<b>At December 31, 2012</b>	<b>10,623,651</b>	<b>10,050,679</b>	<b>408,860</b>	<b>13,898,108</b>	<b>835,647</b>	<b>882,518</b>	<b>5,980,449</b>	<b>42,679,912</b>
<b>Accumulated depreciation</b>								
At January 1, 2012	9,504,576	7,457,883	365,721	11,276,444	816,459	245,791	2,976,449	32,643,323
Charge for the year	555,835	1,138,057	24,281	1,265,226	6,396	59,767	751,000	3,800,562
<b>At December 31, 2012</b>	<b>10,060,411</b>	<b>8,595,940</b>	<b>390,002</b>	<b>12,541,670</b>	<b>822,855</b>	<b>305,558</b>	<b>3,727,449</b>	<b>36,443,885</b>
<b>Net book value</b>								
<b>At December 31, 2012</b>	<b>\$ 563,240</b>	<b>\$ 1,454,739</b>	<b>\$ 18,858</b>	<b>\$ 1,356,438</b>	<b>\$ 12,792</b>	<b>\$ 576,960</b>	<b>\$ 2,253,000</b>	<b>\$ 6,236,027</b>
<b>At December 31, 2011</b>	<b>\$ 892,607</b>	<b>\$ 2,163,891</b>	<b>\$ 27,984</b>	<b>\$ 2,157,013</b>	<b>\$ 19,188</b>	<b>\$ 629,690</b>	<b>\$ -</b>	<b>\$ 5,890,373</b>
<b>Year ended December 31, 2011</b>								
<b>Cost or valuation</b>								
At January 1, 2011	\$ 10,083,728	\$ 9,248,228	\$ 391,130	\$ 12,644,530	\$ 810,063	\$ 825,541	\$ 2,976,449	\$ 36,979,669
Additions	336,592	427,933	2,575	817,413	25,584	49,940	-	1,660,037
Adjustments	(23,137)	(54,387)	-	-	-	-	-	(77,524)
Disposals	-	-	-	(28,486)	-	-	-	(28,486)
<b>At December 31, 2011</b>	<b>10,397,183</b>	<b>9,621,774</b>	<b>393,705</b>	<b>13,433,457</b>	<b>835,647</b>	<b>875,481</b>	<b>2,976,449</b>	<b>38,533,696</b>
<b>Accumulated depreciation</b>								
At January 1, 2011	8,578,255	6,378,904	339,094	9,580,731	728,745	165,566	2,957,809	28,729,104
Charge for the year	949,458	1,133,366	26,627	1,695,713	87,714	80,225	18,640	3,991,743
Adjustments	(23,137)	(54,387)	-	-	-	-	-	(77,524)
<b>At December 31, 2011</b>	<b>9,504,576</b>	<b>7,457,883</b>	<b>365,721</b>	<b>11,276,444</b>	<b>816,459</b>	<b>245,791</b>	<b>2,976,449</b>	<b>32,643,323</b>
<b>Net book value</b>								
<b>At December 31, 2011</b>	<b>\$ 892,607</b>	<b>\$ 2,163,891</b>	<b>\$ 27,984</b>	<b>\$ 2,157,013</b>	<b>\$ 19,188</b>	<b>\$ 629,690</b>	<b>\$ -</b>	<b>\$ 5,890,373</b>
<b>At December 31, 2010</b>	<b>\$ 1,505,473</b>	<b>\$ 2,869,324</b>	<b>\$ 52,036</b>	<b>\$ 3,063,799</b>	<b>\$ 81,318</b>	<b>\$ 659,975</b>	<b>\$ 18,640</b>	<b>\$ 8,250,565</b>



Notes to the Financial Statements

For the year ended December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

4. Retirement Asset due from Trust Fund

	2012	2011
Defined benefit plan assets	<b>\$ 15,703,380</b>	<b>\$ 13,321,980</b>

In 2007 the Trust Fund proposed that since the retirement arrangements of the Court and Commission are already funded within the Trust Fund with a legislature from the Heads of Government to ensure that resources are always adequate, the retirement benefits due to the Judges will be paid from the Trust Fund as they fall due. This balance represents the future cost of the judges' pensions to be provided by the Trust Fund.

5. Other receivables

	2012	2011
VAT recoverable	287,948	489,127
Other receivables and prepayments	1,177,908	1,891,118
	<b>\$ 1,465,856</b>	<b>\$ 2,380,245</b>

6. Retirement benefit liability

The President and Judges of the Court are to be paid superannuation benefits in respect of service with the Court as follows:

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

Principal actuarial assumptions at the reporting date are as follows:

	2012	2011
Discount rate	4.0%	5.0%
Expected rate of return on plan assets	5.0%	5.0%
Salary growth rate	1.0%	1.5%
Average expected remaining working lives of employees	9 years	9 years

**Notes to the Financial Statements**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)***6. Retirement benefit liability (continued)**

	2012	2011
Fair value of plan assets at the beginning of year	6,192,900	5,172,300
Expected return on plan assets	264,600	283,500
Contributions	1,108,800	806,400
Benefits paid	(1,108,800)	(806,400)
Actuarial (loss) gain	(1,978,200)	737,100
<b>Fair value of plan assets at the end of year</b>	<b><u>4,479,300</u></b>	<b><u>6,192,900</u></b>
Present value of obligation at beginning of year	25,480,980	23,080,680
Interest cost	1,247,400	1,178,100
Total current service cost	2,060,100	1,770,300
Benefit payments	(1,108,800)	(806,400)
Actuarial loss on obligation	2,475,900	258,300
<b>Present value of obligation at end of year</b>	<b><u>30,155,580</u></b>	<b><u>25,480,980</u></b>
Current service cost	2,060,100	1,770,300
Interest cost	1,247,400	1,178,100
Expected return on plan assets	(264,600)	(283,500)
Net actuarial cost recognized	447,300	549,360
<b>Expense recognized in the statement of comprehensive income</b>	<b><u>3,490,200</u></b>	<b><u>3,214,260</u></b>
Opening Liability	(13,321,980)	(10,914,120)
Expense in statement of comprehensive income	(3,490,200)	(3,214,260)
Contributions paid	1,108,800	806,400
<b>Closing liability</b>	<b><u>\$ (15,703,380)</u></b>	<b><u>\$ (13,321,980)</u></b>
Present value of the obligation	(30,155,580)	(25,480,980)
Fair value of plan assets	4,479,300	6,192,900
	(25,676,280)	(19,288,080)
Unrecognized actuarial losses	9,972,900	5,966,100
<b>Liability recognized in statement of financial position</b>	<b><u>\$ (15,703,380)</u></b>	<b><u>\$ (13,321,980)</u></b>

## Notes to the Financial Statements

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)*

## 6. Retirement benefit liability (continued)

	2012	2011
Expected return on plan assets	264,600	283,500
Actuarial (loss) gain on plan assets	(1,978,200)	737,100
Actual (loss) return on plan assets	<b><u>\$ (1,713,600)</u></b>	<b><u>\$ 1,020,600</u></b>

## Table on Historical Summary

Year ended December 31	2012	2011	2010	2009	2008
	TTS'000	TTS'000	TTS'000	TTS'000	TTS'000
Fair value of plan assets	4,479	6,193	5,172	8,177	7,667
Present value of pension obligation	(30,156)	(25,481)	(23,083)	(26,825)	(9,526)
Plan surplus/(Deficit)	<b><u>(25,677)</u></b>	<b><u>(19,288)</u></b>	<b><u>(17,911)</u></b>	<b><u>(18,648)</u></b>	<b><u>(1,859)</u></b>
Experience adjustment of plan liabilities	(57)	(258)	441	2,797	
Experience adjustment of plan assets	<b><u>(1,978)</u></b>	<b><u>737</u></b>	<b><u>(3,371)</u></b>	<b><u>(126)</u></b>	

## Deferred income

## 7.

	EDF Grant	Capital Grants	Total
<b><i>Year ended December 31, 2012</i></b>			
Balance at January 1, 2012	-	15,479	15,479
Interest Income	-	1,514	1,514
Released to the statement of comprehensive income	-	(9,124)	(9,124)
Balance at December 31, 2012	<b><u>\$ -</u></b>	<b><u>\$ 7,869</u></b>	<b><u>\$ 7,869</u></b>
<b><i>Year ended December 31, 2011</i></b>			
Balance at January 1, 2011	5,682,730	50,018	5,732,748
Interest Income	-	192	192
Refunded to the EDF	(1,678,597)	-	(1,678,597)
Released to the statement of comprehensive income	(4,004,133)	(34,731)	(4,038,864)
Balance at December 31, 2011	<b><u>\$ -</u></b>	<b><u>\$ 15,479</u></b>	<b><u>\$ 15,479</u></b>

**Notes to the Financial Statements**

For the year ended December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

**8. Related Party Transactions**

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

	<u>2012</u>	<u>2011</u>
<b>The Commission:</b>		
a) Due to related parties:		
- The Commission	\$ 432,032	\$ 1,415,935

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

b) Trust Fund income received on behalf of, and transferred to the Commission	\$ 1,793,875	\$ 1,739,443
c) Expenses charged to the Commission	\$ 1,615,223	\$ 695,823

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

**Key management compensation:**

d) Key management compensation Salaries and other short term benefits	\$ 5,612,234	\$ 5,548,713
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**9. Other payables**

	<u>2012</u>	<u>2011</u>
Accounts payable	144,197	145,696
Other payables and accrued liabilities	1,104,407	1,545,269
	<b><u>\$ 1,248,604</u></b>	<b><u>\$ 1,690,965</u></b>

**10. Other income**

	<u>2012</u>	<u>2011</u>
Deferred income released to the statement of comprehensive income	9,124	4,038,864
Interest income	45,587	65,657
Miscellaneous income	496,595	28,513
Funds related to CIDA Grant	571,196	-
	<b><u>\$ 1,122,502</u></b>	<b><u>\$ 4,133,034</u></b>

**Notes to the Financial Statements**

For the year ended December 31, 2012

*(Expressed in Trinidad and Tobago Dollars)***11. Administrative expenses**

	2012	2011
Salaries and allowances	22,544,597	22,938,179
Pension cost and gratuities	3,506,998	1,495,554
Administrative expenses	6,173,780	4,957,441
Depreciation	3,800,562	3,991,743
Insurance expenses	1,254,052	1,187,435
Public education	256,359	742,298
Foreign exchange gain	(325,530)	(401,016)
Bank charges	30,337	26,124
Professional fees	465,099	499,315
Audit Fees	61,074	44,975
Expenses related to EDF Grant	-	1,247
Expenses related to CIDA Grant	571,002	-
	<b><u>\$ 38,338,329</u></b>	<b><u>\$ 35,483,295</u></b>

Pension deductions from the employees of the Court, except Judges, are paid into an unstructured unaudited pension contribution plan which is monitored by the Court.

**12. Financial Risk Management****Financial risk factors**

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

**Foreign exchange risk**

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

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

	2012	2011
<b>Assets</b>		
Retirement benefit due from Trust Fund	\$15,703,380	\$13,321,980
Cash and cash equivalents	\$ 2,421,791	\$ 1,222,421
<b>Liabilities</b>		
Retirement benefit liability	\$15,703,380	\$13,321,980

Notes to the Financial Statements

For the year ended December 31, 2012

(Expressed in Trinidad and Tobago Dollars)

12. Financial Risk Management (continued)

Financial risk factors (continued)

Foreign exchange risk (continued)

The table below summarizes the sensitivity of the Court’s assets and liabilities to changes in foreign exchange movements at the period ended. The analysis is based on the assumptions that the relevant foreign exchange rate increased/decreased by 5 % to the Trinidad and Tobago dollars (2011: 5%), with all other variables held constant. This represents management’s best estimate of a reasonable possible shift in the foreign exchange rates, having regard to historical volatility of those rates .

Foreign exchange risk	Effect on accumulated fund	
	2012	2011
<i>Increased by 5%</i>	121,090	61,121
<i>Decreased by 5%</i>	(121,090)	(61,121)

Credit risk

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

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

Cash and deposits are held with reputable financial institutions, with amounts varying between \$4,935 and \$1,227,512 (2011: \$744 and \$1,298,445). The maximum amount with one financial institution is \$1,227,512 (2011: \$1,298,445).

The carrying value of financial assets on the statement of financial position represents their maximum exposure. Further disclosures regarding other receivables, which are neither past due nor impaired, are provided in note 5.

Liquidity risk

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

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

**Financial risk factors (continued)**

**Liquidity risk (continued)**

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

	<b>Less than three (3) months</b>	<b>Less than one (1) year</b>	<b>Total</b>
<b>At December 31, 2012</b>			
<b>Financial liabilities:</b>			
Deferred income	-	7,869	7,869
Due to related party	-	432,032	432,032
Other payables	1,248,604	-	1,248,604
<b>Total liabilities</b>	<b>\$1,248,604</b>	<b>\$ 439,901</b>	<b>\$ 1,688,505</b>
<b>At December 31, 2011</b>			
<b>Financial liabilities:</b>			
Deferred income	-	15,479	15,479
Due to related party	-	1,415,935	1,415,935
Other payables	1,690,965	-	1,690,965
<b>Total liabilities</b>	<b>\$ 1,690,965</b>	<b>\$ 1,431,414</b>	<b>\$ 3,122,379</b>

13. **Subsequent Events**

Management evaluated all events that occurred from January 1, 2013 through February 28, 2013, the date the financial statement were available to be issued. During the period, the Court did not have any subsequent events requiring recognition or disclosure in the financial statements.

# Supplementary Financial Information

THE CARIBBEAN COURT OF JUSTICE

December 31, 2012



## **Independent Auditor's Report**

To the Court Executive Administrator  
The Caribbean Court of Justice  
Port of Spain, Trinidad

### **Report on the Supplementary Financial Information**

We have audited the financial statements of the Caribbean Court of Justice for the year ended December 31, 2012, and have issued our report thereon dated February 28, 2013.

We conducted our audit 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 from material misstatements.

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

February 28, 2013

*Port of Spain,  
Trinidad, West Indies*

# THE CARIBBEAN COURT OF JUSTICE

## Statement of Financial Position

As at December 31, 2012

(Expressed in United States Dollars)

	2012	2011
<b>ASSETS</b>		
<b>Non -current assets</b>		
Property , plant and equipment	989,845	934,980
Retirement benefit due from Trust Fund	<u>2,492,600</u>	<u>2,114,600</u>
<b>Total non -current assets</b>	<u>3,482,445</u>	<u>3,049,580</u>
<b>Current assets</b>		
Other receivables	232,676	377,817
Cash and cash equivalents	<u>563,970</u>	<u>595,254</u>
<b>Total current assets</b>	<u>796,646</u>	<u>973,071</u>
<b>Total assets</b>	<b>US \$ <u>4,279,091</u></b>	<b>US \$ <u>4,022,651</u></b>
<b>ACCUMULATED FUND AND LIABILITIES</b>		
Accumulated fund	<u>1,518,475</u>	<u>1,412,435</u>
<b>Non -current liability</b>		
Retirement benefit liability	<u>2,492,600</u>	<u>2,114,600</u>
<b>Current liabilities</b>		
Deferred income	1,249	2,457
Due to related party	68,576	224,752
Other payables	<u>198,191</u>	<u>268,407</u>
<b>Total current liabilities</b>	<u>268,016</u>	<u>495,616</u>
<b>Total reserves and liabilities</b>	<b>US \$ <u>4,279,091</u></b>	<b>US \$ <u>4,022,651</u></b>

Translation Rate used - US\$1.00: TT\$6.30

**THE CARIBBEAN COURT OF JUSTICE**

**Statement of Comprehensive Income**

For the year ended December 31, 2012

*(Expressed in United States Dollars)*

	<u>2012</u>	<u>2011</u>
Funding provided by the Trust Fund	6,013,314	5,486,957
Other income	<u>178,175</u>	<u>656,037</u>
	<b>6,191,489</b>	<b>6,142,994</b>
Administrative expenses	<u>(6,085,449 )</u>	<u>(5,632,269)</u>
<b>Total comprehensive surplus for the year</b>	<b>US\$ <u>106,040</u></b>	<b>US\$ <u>510,725</u></b>

Translation Rate used - US\$1.00: TT\$ 6.30

# THE CARIBBEAN COURT OF JUSTICE

## Statement of Changes in Accumulated Fund

For the year ended December 31, 2012

*(Expressed in United States Dollars)*

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	<b>Accumulated Fund</b>
<hr/>	
<b>Year Ended December 31, 2012</b>	
Balance at January 1, 2012	1,412,435
Total comprehensive surplus for the year	<u>106,040</u>
<b>Balance at 31 December 2012</b>	<b>US \$ <u>1,518,475</u></b>
<b>Year Ended December 31, 2011</b>	
Balance at January 1, 2011	901,710
Total comprehensive surplus for the year	<u>510,725</u>
<b>Balance at 31 December 2011</b>	<b>US \$ <u>1,412,435</u></b>
Translation Rate used	- US\$1.00: TT\$6.30



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