



Annual Report  
2015

## OUR MISSION

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



## OUR VISION

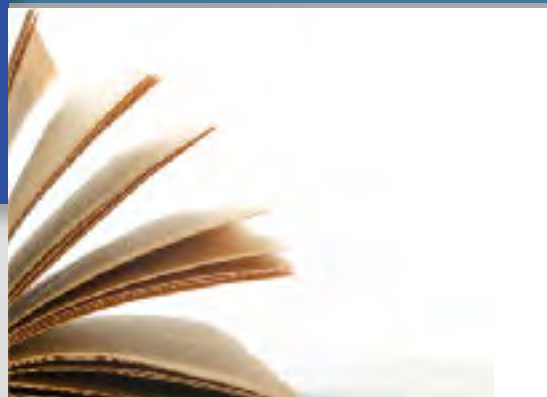
To be:

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

## OUR VALUES

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

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



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## CCJ IS GOING GREEN

In our efforts to be kinder to the environment and more prudent in our operations, this will be the last CCJ annual report that will be printed for wide distribution. Our annual reports will be prepared and distributed by email or, if preferable, an electronic version will be distributed by mail.

Email your preference to [pecu@ccj.org](mailto:pecu@ccj.org) or send by mail to 134 Henry Street, Port of Spain, Trinidad and Tobago.

### Keep In Touch

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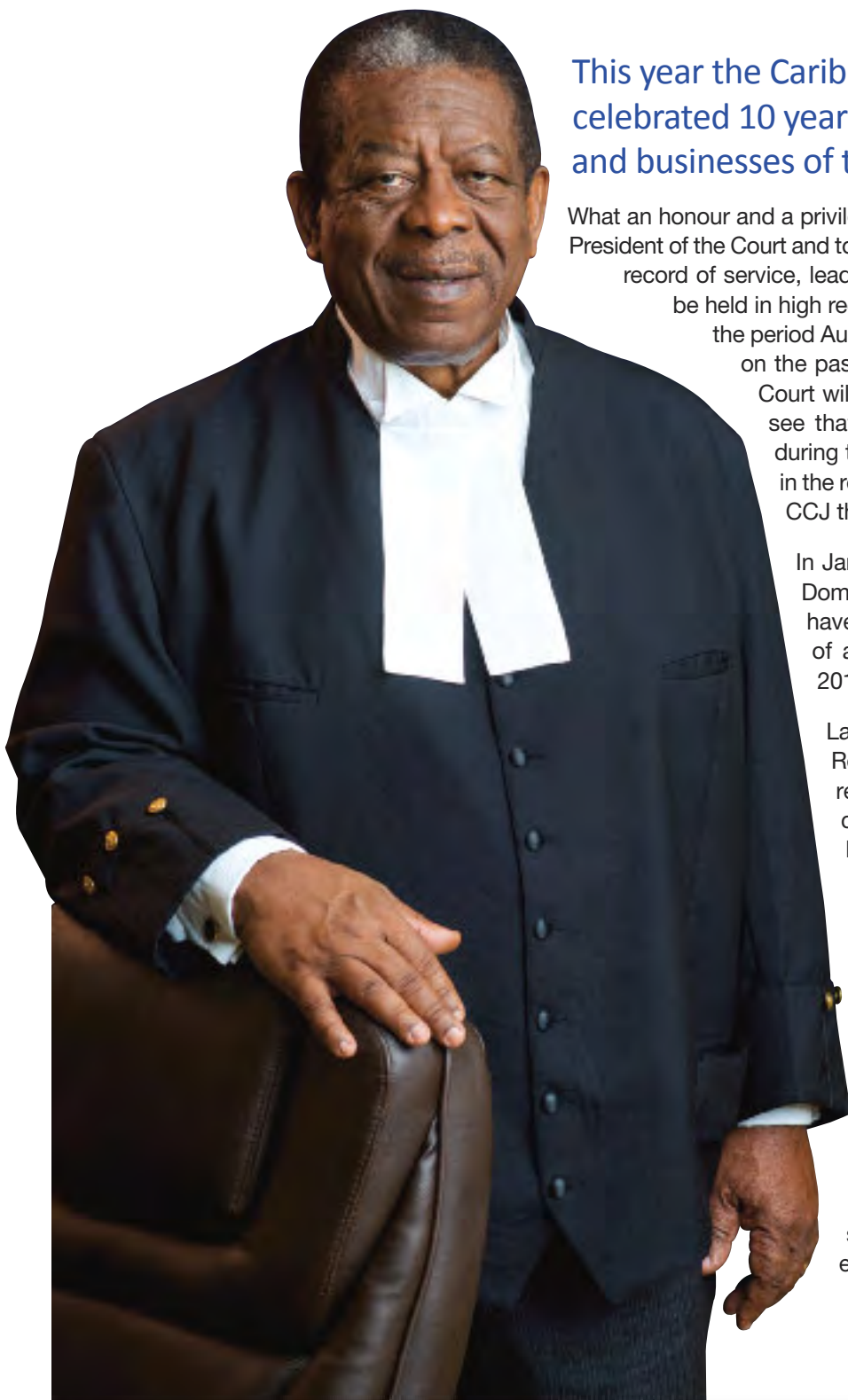
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This year the Caribbean Court of Justice (CCJ) celebrated 10 years of service to the citizens and businesses of the Caribbean Community.

What an honour and a privilege it is for me to pen this message as President of the Court and to work with such a talented team whose record of service, leadership and jurisprudence continues to be held in high regard. This annual report, which covers the period August 2014 to July 2015, will both reflect on the past and also share a vision for what the Court will be in the future. And we can already see that the future is bright for the CCJ as, during this judicial year, many of the countries in the region have been discussing making the CCJ their final court of appeal.

In January 2015 we received the news that Dominica would be joining the countries that have acceded to the CCJ as the final court of appeal. Dominica acceded in March 2015.

Later in the year, Jamaica's House of Representatives voted to have the Court replace the Privy Council as the final court of appeal. While not yet approved by the Senate, it sends the signal that more and more countries are seeing the value in having the CCJ as their final appellate court. Similar discussions are taking place in Grenada, Antigua and St. Lucia and we welcome those developments as a manifestation of the plans of our forefathers to have a regional Court as an arbiter of justice, a guardian of rights and a catalyst for the development of regional judicial systems. The Court can play a pivotal role in ensuring social stability and encouraging economic development in the region.



For the 10th Anniversary, we held a celebration at the Court, and invited a number of our internal and external stakeholders to share in this important milestone. Our 10th anniversary exhibition was also launched at the same time and serves as a tool for public education and a commemoration of the work that has been done over the years. We were also hosted by a number of media houses, in Trinidad and around the region, to spread awareness about the work of the Court in its ten years of existence.

Also of note, as we are a prudent institution, the planning and execution of the 10th anniversary activities was done by a talented in-house team with support from contractors.

As we are speaking of the CCJ's 10 years, it also behooves me to pay tribute to the first President of the Court, the Rt. Hon. Michael de la Bastide, for his dedication to this institution and the outstanding legacy he left. He has left an indelible mark on the Organization and the region owes him a debt of gratitude.

I must also make mention of the first chairman of the Regional Judicial and Legal Services Commission (RJLSC), Sir David Simmons, and all the other past commissioners of the RJLSC; to the first Chairman of the CCJ Trust Fund, Dr. Rollin Bertrand, and the past Trustees and staff of the Fund; retired judges Mr. Justice Pollard and Mme. Justice Bernard and to the management and members of staff who have served the Organization well and have moved on. All of them have contributed immensely to the development of the Court.

My sincere thanks to my current colleagues: the Judges, our Registrar & Marshal, the Registry and administrative staff, who continue to contribute their professional expertise, diverse talents and innovative ideas to the Institution. In December 2015, 27 members of staff will be rewarded for dedicated service of 10 years.

That represents almost 30% of our work force which speaks to the individual commitment, resilience and dedication of the CCJ's employees. Last, but certainly not least, I want to recognize the support and guidance of the CCJ Trust Fund and the RJLSC which have been stewards of the Caribbean Court of Justice for the last decade and whose support and guidance continue to be invaluable.

We have pledged to improve our human resources capabilities and we have begun to take steps to do so. The restructuring of the Organization continued with the hiring of a Finance and Administration Manager, Ms. Andrea Callender, and a Security and Logistics Manager, Mr. Maurice Piggott, in February 2015. Our Communications and Information Manager, Ms. Charmaine Wright, joined us in May 2015 completing the revised Organizational Structure recommended by the RJLSC. During this time we also bid farewell to the Deputy Court Executive Administrator, Ms. Wendy Lewis.

We have also been working with consultants to help with our institutional strengthening. The consultants have been mentoring units within the Court, and their leaders, while they develop annual operational plans that are more measurable, inclusive and directly contribute to the objectives outlined in the Court's Strategic Plan.

As we are in the midst of implementing the CCJ's Strategic Plan, which covers the years 2013-2017, it would be remiss of me not to also look towards what we see for the CCJ in the future. The CCJ must continue to develop and implement technological solutions to improve efficiency, reduce waste and to strengthen collaboration among nations. The work of the Judicial Reform and Institutional Strengthening (JURIST) Project also plays a role in that future. Already pilot projects in Barbados, Grenada, Guyana and Jamaica, are improving the effectiveness of the judiciaries in those countries. All of these initiatives being undertaken by JURIST will provide information and tools that we can use for the benefit of all judiciaries in the region.

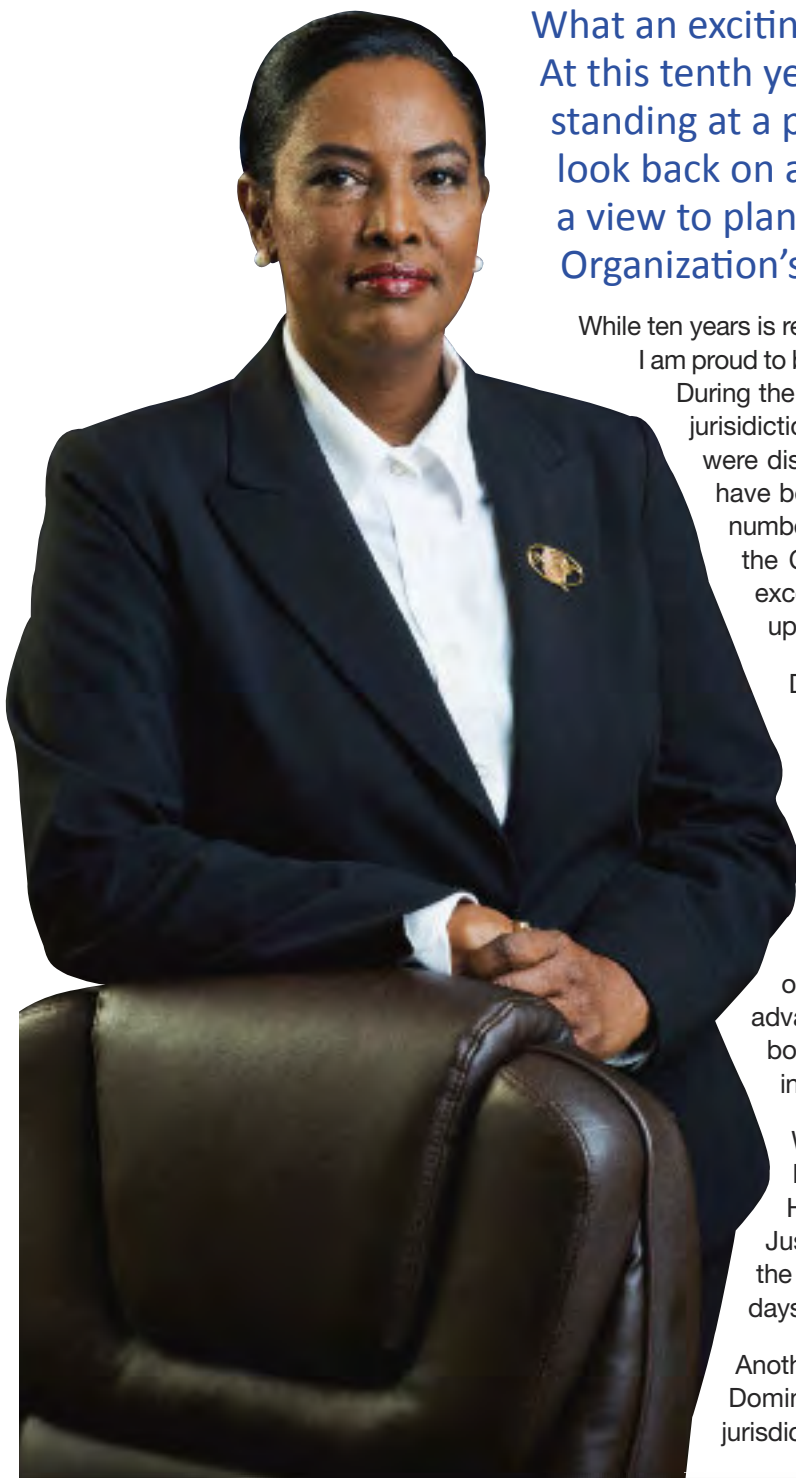
My final comment will be about the Court's existing efforts to be more responsible with its financial resources and its carbon footprint. We are actively working to reduce the amount of paper used within the Court and one of those areas will extend to our annual report. We will be reducing the number of printed copies of the annual report and are encouraging you to receive the report via email or an electronic copy. Please support us in this mission.

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



# MESSAGE

## THE REGISTRAR AND MARSHAL



What an exciting time here for us at the Court! At this tenth year of operations, the Court is standing at a pivotal vantage point where we look back on achievements and pitfalls with a view to planning for the next decade of the Organization's growth and development.

While ten years is relatively young in the life of a final appellate court, I am proud to be a part of such a progressive regional institution. During the Court's 10-year history, out of the 160 appellate jurisdiction matters that were filed, 140 of those matters were disposed of. In its original jurisdiction, 18 matters have been heard with 16 matters disposed. While the numbers appear to be small, these statistics show that the Court's work has matched, and in some cases exceeded, other appellate level courts in their start-up years.

During the period under review, the President and Judges approved the new Rules of Court for both the original and appellate jurisdictions. These revised rules bear greater consideration for the adoption of technological solutions to improve our case management procedures. Some of these solutions, which include e-filing and greater use of our video conferencing capabilities, all form part of a wider initiative by our Court President to ensure that we are taking advantage of current technology, reducing costs and bolstering the existing information technology infrastructure.

We welcomed the Honourable Mme. Justice Maureen Rajnauth-Lee, who succeeded the Honourable Mme. Justice Désirée Bernard. Mme. Justice Rajnauth-Lee, of Trinidadian nationality, is the tenth Judge to be appointed to the bench mere days before the Court's tenth anniversary.

Another momentous occasion during this period was Dominica's accession to the CCJ's appellate jurisdiction. On the 6th of March 2015, some of us were

fortunate to be present in Dominica while that country's people celebrated and applauded this move with true Dominican pride. After attending the ceremony, the President and Judges took the opportunity to interact with the Dominican Bar Association and conduct a small training exercise about the Rules of Court.

The Full Bench also travelled to Belize for the Court's first itinerant sitting in that territory. The itinerant sitting included the hearing of BZCV2014/002, *The Maya Leaders Alliance et. al v the Attorney General*, a matter of particularly high interest to Belizeans. Through these itinerant sittings, the Court disproves the notion that it is far-removed, providing direct access to members of the public who wish to see and feel the Court in action.

Congratulations are also in order for the Eugene Dupuch Law School, whose team won the CCJ International Law Moot for the fourth time. Even as budding attorneys, the submissions put forward were of a very high quality and their advocacy was admirable. This entire event is quite impressive and commendable.

In furtherance of the implementation of the Court's Strategic Plan, which covers the period 2013 to 2017, institutional strengthening exercises were undertaken by Dr. Aubrey Armstrong and Ms. Mona Romilly from Aubrey

Armstrong Management Associates. These exercises helped to further operationalize the pillars of the Strategic Plan and sought to assimilate these techniques into the everyday operations of the Court.

When one looks back at the Court's achievements over its ten-year history and the period under review, one would be hard pressed to not highlight the sheer talent and high-calibre of its people. They are indeed talented professionals who despite everyday challenges, have come together and rallied around the overarching goals of this Caribbean Court. These persons have laid the foundation and set an excellent example for those of us who have joined the institution in the intervening years. It is nothing short of remarkable, the joining together of perspectives of the 'veterans' and the 'freshmen' and how well this contributes to ensuring that this Court remains at the pinnacle of judicial, administrative and technological excellence in this region.

**Ms. Jacqueline Graham**  
Registrar and Marshal



*The Registrar and Judges of the Court along with a delegation from the International Union of Judicial Officers during a visit to the CCJ.*



# VISION FOR THE COURT

## THE RIGHT HONOURABLE SIR DENNIS BYRON

I have thought long and hard about my vision for the Caribbean Court of Justice. I watched the CCJ start off as a fledgling bird and I have been pleased to watch its growth as it is now soaring to new heights. As the Court celebrates 10 years, I am proud of where it has come but we must now begin to equip the Court for an exciting future ahead.

### TECHNOLOGY

Tools that enable courts, Judges and employees to deliver justice that is faster, more accessible and more efficient is necessary. I am a believer that technology can help courts to be far more accessible to the ordinary citizen and can help them to have the same access to justice as powerful governments or corporations. Technology is one of the drivers that can enable courts to work far more efficiently, allowing for faster disposition of cases, and will ultimately lead to greater access to justice for all. Another goal would be integration with the wider legal community so that all can benefit from increased efficiency and easier retrieval of documents. Some courts, including the CCJ, have achieved this with filing by email but this does not go far enough. I believe that the CCJ should pioneer and champion the application of a regional integrated case management system which would include an e-filing platform.

### CAPACITY BUILDING & OUTREACH

The CCJ must continue to engage with local judiciaries to provide resources, tools and training to advance their own judicial reform activities. I also see the CCJ being the repository for judicial reform information and guidance for the Caribbean and sharing that knowledge through publications, conferences and online sources. This way, justice reform is achieved more efficiently and effectively. In addition, the Court continues to provide opportunities for learning to young jurists. This is done through our annual intern programme for students of regional law schools and also developmental opportunities like our annual International Law Moot. It is my hope that these kinds of opportunities, which give valuable work experience as well as deeper appreciation for the practice of Law, will be expanded as the Court grows in scope.

### DISPUTE RESOLUTION

While we believe in the right of all litigants to have their matter heard in court, we also want the CCJ to be a catalyst in the growth of the settlement of disputes through alternative means throughout the region.. We are also

working with judiciaries and institutions in the region to build capacity in this area. It is hoped that this will lead to widespread adoption of this approach which reduces the amount of cases in already burdened judicial systems.

### PUBLIC CONFIDENCE

It is necessary that the public is not only informed about what their rights are but are aware of how the justice system works. This will give a level of confidence to the people who we serve and is a necessary component in ensuring social stability and helps to assure their use of the proper channels to obtain justice.

### HIGH-PERFORMING WORK ENVIRONMENT

It is one of the tenets of the CCJ's Strategic Plan 2013-2017, but it is also a vision of mine, to have employees who are happy, productive and engaged. The Court, and the RJLSC, continues to put in place measures and interventions toward this ideal. It is my belief that an organization that serves the Caribbean region must be staffed with persons of high intellect, tremendous expertise and with a strong sense of regional pride. We have such a team here and we must retain and reward them appropriately.

### JUDICIAL REFORM & ADMINISTRATION

The Court will continue to champion judicial reform from as many angles as are practicable. The CCJ is also engaged in the development of judicial education, training and capacity building exercises in the region. For example, the CCJ provides support to its educational arm, the Caribbean Academy for Law and Court Administration (CALCA), and to the Caribbean Association of Judicial Officers (CAJO). These efforts will be expanded over the next few years to be broader in context and to provide additional services to the region. These are in addition to other reform activities being championed by the Court.

In the area of our core work, as the CCJ has to lead by example, we have developed mechanisms to ensure that matters are heard and judgments delivered expeditiously. These activities are supported by an innovative performance measurement toolkit which is being developed. The methodologies for setting, monitoring and evaluating standards will be available to be shared with judiciaries in the region who are grappling with those issues.

## TEN YEARS OF ADJUDICATION IN THE CARIBBEAN COURT OF JUSTICE AND REFLECTIONS ON A DECADE OF CARIBBEAN JURISPRUDENCE<sup>1</sup>

Dr. the Honourable Lloyd G. Barnett, OJ<sup>2</sup>



### PROLOGUE<sup>3</sup>

The countries of the Caribbean suffered the brutality of slavery for three and a half centuries with several of the English-speaking territories enduring imperial domination for three centuries. During this period, the supervisory authority of the Crown was manifested by the role played by imperial institutions including

the Privy Council which became the supervisory administrative authority and the final appellate court for what was termed the plantations, primarily in the Western Hemisphere.

It is therefore surprising that against this historical background, when the former British colonies of the Caribbean emerged from their colonial status they elected to retain the Privy Council as their final appellate court. While it is true that in the last century the Privy Council in its reformed judicial manifestation has provided high quality judicial service to the Caribbean members of the Commonwealth, it is remarkable that unlike the vast majority of former colonies, having less historical

justification, we have to a large extent insisted on clinging to its overreaching jurisdiction.

In February 2001, 10 Caribbean States signed the Agreement for the Establishment of the Caribbean Court of Justice ('CCJ') which declared in the Preamble that they were convinced of the Court's "determinative role in the further development of the Caribbean jurisprudence through the judicial process".

There is no rational reason for the repudiation of that declaration particularly in light of 10 years of evidence in the judgments of the Court as to the quality of its jurisprudence.

### ACCESS TO APPELLATE JUSTICE

To ordinary citizens, the existence of a third tier jurisdiction assumes practical value if it is accessible, both in terms of the existence of a legal avenue for recourse beyond the first level of appeal as well as it being physically and financially within their reach.

The Court has repeatedly demonstrated a flexible and liberal approach to granting special leave to appeal. In the first case before the Court, the CCJ noted that in determining whether to grant special leave to appeal it would "pay attention to the practice adopted by the Judicial Committee" as well as the "practice and principles adopted by final courts of appeal in other Commonwealth countries" but did not consider itself

<sup>1</sup> Adapted from a paper delivered by the author on 23rd May 2015 at a conference organised by the Jamaican General Legal Council's Continuing Legal Professional Development Committee.

<sup>2</sup> Lloyd Barnett, O.J., B.A., LL.B. (Hons.), LL.M., Ph.D.(London), LL.D (Hon.) (UTech.) is a practising attorney in Jamaica and several Commonwealth Caribbean countries. Author – Civil Society Leader – Human Rights Advocate – Former Senator. In 1999 Dr. Barnett was awarded a Jamaican National Honour, the Order of Jamaica, for his outstanding contribution in the field of jurisprudence in the Region.

<sup>3</sup> The full article with citations is available in the CCJ's upcoming publication *The Caribbean Court of Justice: The First Ten Years* or by requesting it via email: pecu@ccj.org.



bound to strict adherence to those practices and principles. The Court noted its commitment to developing its own jurisprudence incrementally, as needed. It has been established that an applicant, in all cases, must show that the proposed appeal has a realistic chance of success or that, as a matter of public importance, a definitive reasoned judgment on the issue is required by the Court.

The Court will grant special leave to appeal in various circumstances including where:

1. The possibility that a sanction ‘may have been wrongly or unfairly imposed is significant enough to warrant the issue being fully and finally ventilated’;
2. The Court of Appeal wrongly refuses leave or imposes conditions on leave which it is not empowered to impose; or
3. The ineffective conduct of a trial by counsel renders the trial unfair and unsafe.

Notably, the Court has affirmed its independent power to grant special leave to appeal, even where an applicant is unable to avail herself of conditional leave from the Court of Appeal due to financial constraints, taking into account the circumstances of the case including any difficult legal questions raised by the appeal.

The potentiality and reality of the accessibility of appellate justice before the CCJ is further illustrated by its approach to concurrent findings of fact in the courts below. In *Lachana v Arjune* the Court reasoned that its closeness to the region and greater familiarity with its social and cultural dimensions made it easier to delve into the facts of the case, especially where they do not turn on the credibility of witnesses or are the result of inferences from primary facts.

Based on the foregoing, it can be stated with some confidence that the CCJ will provide all reasonable means of access to its appellate jurisdiction.

## PROTECTION OF HUMAN RIGHTS

The second area with which average citizens are deeply concerned is the need for confidence that the final appellate court will give effective protection to their constitutionally guaranteed fundamental rights and freedoms. Arguably, the best test of this is where the

person who claims the protection of the rights is morally undeserving or is despised by the society. Not surprisingly, the first test of the Court’s reliability in this area is a capital punishment case.

In *A-G v Joseph and Boyce*, the Court found that the exercise of prerogative mercy is reviewable notwithstanding a Constitutional provision to the contrary and held that it had an implied or inherent jurisdiction to give redress where there has been a breach of the guarantee to due process. In outlining the Court’s approach to death penalty cases, President de la Bastide and Mr. Justice Saunders, while noting the relevance of opinions of final courts in the Commonwealth generally and those of the Judicial Committee of the Privy Council while it was still the final court for Barbados (which it said continued to have binding effect until overruled by the CCJ), reiterated its primary role of developing Caribbean jurisprudence. Further, President de la Bastide and Mr. Justice Saunders held that the death penalty ought not to be carried out “without scrupulous care being taken to ensure that there is procedural propriety and that in the process fundamental human rights are not violated”.

The CCJ has also expressed that in exercising its power of redress or to prevent breaches of constitutionally protected rights, the doctrine of separation of powers does not preclude it from making coercive orders against the Executive, even where that order mandates expenditure of public funds.

## 10th Anniversary Memories

“ *The highlight of the Court was the Inauguration in 2005, it was immense work pressure but we all worked as a family; we worked together to get it done.* ”



Heather Dyer Thompson  
Case Management Officer

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## CONSTITUTIONAL CONSTRUCTION

Probably the most challenging task presented to a court in the context of a controlled Constitution is that of pronouncing on the validity of laws passed by the democratically elected legislature. The majority in *Zuniga v A-G of Belize* stated that in assessing the validity of a law the Court would not merely compare the Constitution with the impugned legislation to determine whether ‘the latter squares with the former’ but would seek to discover and apply ‘norms and principles that characterise the Constitution’ and, where appropriate, consider the propriety or expediency of the impugned Act. Further, where it is possible to save a law that may contain one or more inconsistent provisions, a scalpel, rather than a machete, is to be used to sever those inconsistencies. The *Zuniga Case* represents the clearest and most comprehensive enunciation of the principles which should guide courts in the exercise of this critical function of the judicial review of the constitutionality of legislation.

## COMMERCIAL LAW

The quality of appellate adjudication in the area of commercial law is of particular interest to businessmen, investors and financial institutions whose focus is the clarity and expedition of the resolution of their disputes and the soundness of the reasoning applied in such cases.

The Court has made several key rulings concerning securities including: (1) endorsing the validity of receivers’ powers of sale under debentures duly created and registered under the Companies Act and secured otherwise than by a separate mortgage under the Deeds Registry Act and (2) allowing recovery of a \$10 million guarantee from a company Director with interest despite her contention that she knew nothing of the guarantee having not signed or initialled it.

The Court in *Guyana Furniture Manufacturing v Ramcharan*, which concerned the commission to be paid to a receiver/manager and receiver under two separate debentures, reaffirmed the basic principle that the Court will not lightly reverse the benefits or protection accorded to parties by their commercial agreements.

These cases demonstrate a sound appreciation of the practical realities of business operations as well as an intellectual mastery of the relevant jurisprudence.

## PROPERTY LAW

The abolition of slavery in the Caribbean, the phenomenon of absentee landlords and the vast amount of unoccupied Crown lands, has resulted in a culture of squatting on other persons’ land. Consequently, the CCJ has had the inevitable and unenviable task of adjudicating land disputes occasioned by squatting. In dealing with such disputes, the Court’s disposition of these matters has been consistent with the decision of the House of Lords and the Privy Council. Notably, the CCJ in *Toolsie v Persaud* was careful to point out that in effecting entry to the land it was not important whether the intended possessor was aware of his wrongful act or entered the land under the mistaken belief that he had a legitimate right to enter, provided that such entry was not referable to an agreement or permission of the true owner.

Overall, the reasoning of the CCJ with respect to the vexed question of possessory land titles is thorough, refreshing and demonstrative of high judicial analysis.

## EPILOGUE

The qualitative assessment of the Court’s judgments is now the single most important factor in any decision as to whether or not to adhere to its appellate jurisdiction. I have been obliged to make a careful study of the CCJ judgments particularly in the appellate jurisdiction. In my view they are thorough and analytically sound, socially relevant, without being insular, learned without being pedantic, progressive while being appreciative of precedent, and culturally sensitive while appreciative of Commonwealth and international learning.



*One of the initiatives that is aimed towards a high performing staff complement was the implementation of an Employee Assistance Programme (EAP). The CCJ offers a comprehensive wellness programme for staff and their families, in an environment that is open, confidential and empowering.*

# CARIBBEAN COURT OF JUSTICE

## 10 YEARS OF MILESTONES



**2005**

**16 April 2005**

Inauguration of the CCJ in Port of Spain, Trinidad and Tobago.

**18-22 October 2005**

Public Education tour of Jamaica.

**26 October 2005**

First matter heard in the Appellate Jurisdiction

First appellate case from Barbados: Barbados Rediffusion Services Ltd v Asha Mirchandani, Ram Mirchandani and McDonald Farms Ltd.

**12 May 2006**

First appellate case from Guyana: Brent Griffith v the Guyana Revenue Authority.

**2006**

**13 June 2006**

Media Day for local and regional media.

**8 November 2006**

CCJ's first death penalty matter and a landmark case for human rights: the Attorney General, Superintendent of Prisons and Chief Marshal of Barbados v Jeffrey Joseph and Lennox Ricardo Boyce.



**1-2 February 2007**

Commonwealth Meeting of Justices and Registrars of Final/Regional Appellate Courts.

**2007**

**2-3 March 2007**

Seminar: The CSME and its Legal Implications. Feature speaker: Sir Francis Jacobs, retired Advocate General of the European Court of Justice.

**17 August 2007**

Signing of a financing agreement between the European Commission and CARIFORUM, under which the European Union (EU) provided 1.3 million euros to aid in the institutional support and capacity building of the CCJ.



**23 June 2008**

Seminar in partnership with the Supreme Court of Belize: "CCJ and CSME - Vehicles for Regional Unity: What does it mean for you and me?"

**2008**

**22 July 2008**

First Original Jurisdiction case: Trinidad Cement Ltd and TCL Guyana Inc v the Co-Operative Republic of Guyana.

**13-16 April 2008**

The CCJ hosted a study tour of judicial services in Trinidad and Tobago by the Supreme Court of Jamaica.



**4-8 January 2009**

The CCJ co-hosted the VI Brandeis Institute for International Judges with the International Center for Ethics, Justice, and Public Life of Brandeis University.

**2009**

**15 January 2009**

Trinidad Cement Ltd and TCL Guyana Inc v the Co-Operative Republic of Guyana: landmark ruling holding that under Article 222 of the Revised Treaty of Chaguaramas, a company can bring an application for special leave to bring an action against a state.

**18 March 2009**

1st Annual CCJ International Law Moot Court for students of CARICOM university law faculties and professional law institutions.

**25-27 June 2009**

Inaugural Conference of the Caribbean Association of Judicial Officers (Trinidad & Tobago).

**16 April 2010**

Fifth Anniversary of the Caribbean Court of Justice

Caribbean Law Institute Centre / CARICOM Secretariat CCJ 5th Anniversary Symposium.

**2010**

**1 June 2010**

Belize accedes to the Appellate Jurisdiction of the CCJ.

**1-3 November 2010**




CCJ co-hosts Fifth International Conference of the International Association for Court Administration: Access to Justice: Criminal, Commercial and International Courts and Tribunals.

**6-10 December 2010**

1st International Law Seminar under the auspices of the CCJ's Caribbean Academy for Law and Court Administration (CALCA).





2011	2012	2013	2014	2015
<p><b>26 June 2011</b> First appellate case from Belize: Florencio Marin and Jose Coye v the Attorney General of Belize.</p> <p><b>8-14 May 2011</b> Public education tour of Grenada.</p> <p><b>15 July 2011</b> Special sitting in honour of the Rt. Hon. Mr Justice Michael de la Bastide, outgoing founding President of the CCJ, Trinidad and Tobago.</p> <p><b>1 September 2011</b> Installation of the Rt Hon. Sir Charles M. Dennis Byron, second President of the CCJ, St Kitts and Nevis.</p> <p><b>6-8 October 2011</b> 2nd Biennial Conference of the Caribbean Association of Judicial Officers (CAJO), The Bahamas.</p>	<p><b>28 June 2012</b> Visit to the CCJ by Sen. the Hon. Mark Golding, Minister of Justice of Jamaica.</p> <p><b>14 August 2012</b> Seminar for the Trinidad and Tobago Manufacturers' Association.</p> <p><b>29 October 2012</b> Signing of Memorandum of Understanding among the Conference of Heads of Judiciary and Chief Justices of the Caribbean Community, the Caribbean Court of Justice and the National Center for State Courts (USA).</p> 	<p><b>4-5 February 2013</b> Meeting with delegation from the Caribbean Development Bank.</p> <p><b>5-8 February 2013</b> Visit of delegation from the State of Qatar, led by His Excellency Chief Justice Masoud Mohamed A. T. Al-Ameri, President of the Court of Cassation and President of the Supreme Judiciary Council.</p> <p><b>3 March 2013</b> Landmark Original Jurisdiction case on freedom of movement of CARICOM nationals: Shanique Myrie v the State of Barbados.</p> 	 <p><b>19 February 2014</b> Special sitting in honour of the Hon. Mme. Justice Désirée Bernard, Georgetown, Guyana.</p> <p><b>24 April 2014</b> Second Colloquium between the Caribbean Court of Justice and the Faculty of Law of the University of the West Indies (Cave Hill).</p> <p><b>14-15 July 2014</b> Meeting between CARICOM Heads of Judiciary and the Department of Foreign Affairs, Trade and Development of Canada to discuss the JURIST Project.</p> <p><b>2-4 December 2014</b> III Biennial CALCA Seminar on International Law.</p>	<p><b>21 January 2015</b> Symposium on the CCJ at the Faculty of Law of the University of the West Indies (St Augustine); contributions from the High Commission of Canada, the Organisation of American States and the International Labour Organisation.</p> <p><b>6 March 2015</b> The Commonwealth of Dominica accedes to the Appellate Jurisdiction of the Court.</p> <p><b>16 April 2015</b> Tenth Anniversary of the Caribbean Court of Justice; yearlong celebrations.</p> <p><b>24-26 September 2015</b> 4th Biennial Conference of the Caribbean Association of Judicial Officers (CAJO), Jamaica.</p> <p><b>30 October 2015</b> Landmark Appellate Jurisdiction case on the right to property and to protection of the law: the Maya Leaders Alliance et al v the Attorney General of Belize.</p>

## OFFICIAL LAUNCH

On March 16, 2016 the Court held a staff meeting to formally launch the Court's milestone 10th Anniversary. During the meeting, the planning committee outlined to staff all the plans to commemorate the anniversary while also revealing the logo and tag-line of the anniversary's campaign.

Though the meeting centered primarily around the Court's anniversary plans, the President of the Court, the Rt. Hon. Sir Dennis Byron, also took the opportunity to display a token from the government of Dominica, a framed copy of the gazetted Act empowering Dominica to accede to the CCJ's appellate jurisdiction, which was formally recognized earlier on March 06, 2016.

Sir Dennis also presented a copy of Dr Francis Alexis' book "Changing Caribbean Constitution" to Mrs. Sheryl Washington-Vialva, Deputy Librarian at the CCJ. Dr. Alexis donated the publication to the Court's library in celebration of the Court's 10th anniversary.

Here are some of the pictorial highlights of the launch of the 10th Anniversary celebrations:



### 10th Anniversary Memories

*“What drew me to the CCJ?  
It is the physical manifestation  
of regional integration.”*



Knijah Knowles  
Legal Officer

## STAFF BRUNCH

An organization is only as strong as its employees, making them its most valuable resource. With this in mind, the Court thought it necessary to celebrate its employees and their contributions to the development of the institution while commemorating its 10th Anniversary.

On the morning of April 16, 2016, the anniversary of the Court, employees were treated to a tour of the Court's 10th Anniversary Photo Exhibition after which they were invited to attend brunch. It was a nostalgic affair which began with a short video of several employees speaking about what it meant to them to work at the Court. The programme also featured a number of memorable performances by employees which included:

- A presentation of the poem "Laments and Trials of CCJ" composed and recited by Security Officer Ms. Erica La Barrie;

- A remixed version of "Like a Boss" by Ms. Sandra Dee Brown, CCJ Secretary;
- A stirring rendition of "We are the Court" the new CCJ song composed by Security Officers Mr. Aaron Alexander, Mr. Howard Marcel, and Mr. Whitfield Pilgrim and performed by the composers as well as Ms. Veronica Brooks, Security Officer, and Ms. Candis Cayona, Secretary.

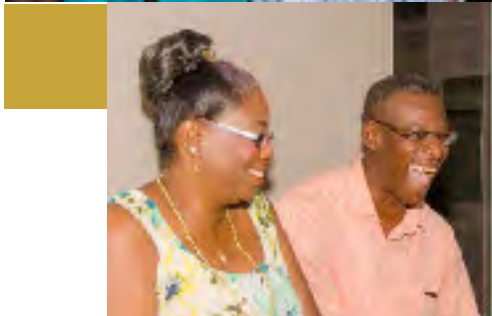
The President also made a short speech in which he congratulated the staff on the milestone anniversary and encouraged them to keep the spirit of the CCJ alive.

It was certainly an event unlike any other which left many yearning for the Court's next milestone anniversary.





## CHEERS TO THE 10TH



Knowing that without the support of family and friends, employees would never be able to contribute as meaningfully as they do to the Court, the CCJ thought it fitting that both employees and their support systems be given the opportunity to commemorate the Court's milestone anniversary together. With this in mind, the Court hosted its 'Cheers to the 10th' event in July of 2015. It was a night of karaoke and dancing as the CCJ and RJLSC staff, families and friends turned out to celebrate the CCJ and the work of the staff during its ten years in a light-hearted informal setting.

'Cheers' was emceed by Ms. Semone Moore, Public Education & Communications Assistant, who kicked off the celebration with her own karaoke renditions setting the tone for the rest of the evening. After the karaoke session

ended, it was time to open the dance floor which was welcomed by all in attendance.

A good time was had by all that night, with one attendee even remarking "this is the best time I've had in Trinidad so far!" while others expressed their anticipation for the next staff function.



## LAUNCH OF PHOTO EXHIBITION

The launch of the CCJ's 10th Anniversary Photo Exhibition was hosted on the afternoon of the Court's anniversary. Various external stakeholders were invited to attend as the Court showcased its development over the ten years since its inauguration in 2005.

Led by Dr. Michael Anthony Lilla, the Court Protocol and Information Officer, the programme for the afternoon began with a presentation by Court President, the Rt. Hon. Sir Dennis Byron, who spoke of the CCJ's role in increasing access to justice for people of the Caribbean, citing as an example the matter of *Ross v Sinclair* in which the parties consisted of "two very poor ladies in Guyana who had a dispute of the right to occupy a condominium... the CCJ heard this case under special rules for poor people. The Guyanese bar agreed to represent both ladies pro bono (free of charge) and they saved the cost of travel and heard submissions by way of teleconferencing."

Sir Dennis' address was followed by a presentation from Dr. Indira Rampersad, Political Science Lecturer at the University of the West Indies, St Augustine, who described the Court as a "breath of fresh air" and encouraged the audience to embrace it. Similarly, Mr. Reginald Armour SC, President of the Law Association of Trinidad and Tobago, expressed full support for Trinidad and Tobago and all CARICOM countries abolishing appeals to the British Privy Council in favour of the CCJ. Mr. Armour stated, "there can be no turning back on the road to maturation of the Caribbean... there will always be stumbles along the way but we will only be able to walk when we try."

During a short intermission, members of the CCJ staff once again performed "We are the Court" to a resounding round of applause just before the feature address by Dr. Francis Alexis, Chairman of the Grenada Constitutional Reform Committee. In his speech, Dr. Alexis lauded the quality of judges produced by the Caribbean over many decades and noted that the "machinery for appointing judges, pivoting on the autonomous RJLSC, is fully insulated against political interference."

Closing off the ceremony was the signing of a Memorandum of Understanding with Caribbean Regional Information and Translation Institute (CRITI). The document was signed by Mr. Hendrik Alimahomed, Director of CRITI and the CCJ President.

Once the formalities for the evening ended, guests were invited to tour the exhibition and participate in a reception hosted by the President.



# JUDGES OF THE CCJ



The Right Honourable  
Sir Dennis Byron  
Court President

The Honourable  
Mr Justice  
Rolston Nelson

The Honourable  
Mr Justice  
Adrian Saunders





The Honourable  
Mr Justice  
Jacob Wit

The Honourable  
Mr Justice  
David Hayton

The Honourable  
Mr Justice  
Winston Anderson

The Honourable  
Mme Justice  
Maureen Rajnauth-Lee

# JUDGES OF THE CCJ NEW JUDICIAL APPOINTMENT



**The Honourable Mme. Justice Maureen Rajnauth-Lee was sworn in as Judge of the Caribbean Court of Justice (CCJ) on March 27, 2015.**

The ceremony was held at the Office of the President of the Republic of Trinidad and Tobago.

The Honourable Mme. Justice Rajnauth-Lee was sworn in by His Excellency Anthony Thomas Aquinas Carmona, who lauded

her for her “selfless sacrifice” in dedicating herself to the service of the public and commended her achievement as “the first woman citizen of Trinidad and Tobago” to be appointed to the CCJ bench.

Mme. Justice Rajnauth-Lee is a former Justice of Appeal of the Judiciary of Trinidad and Tobago. She is a graduate of the University of the West Indies with a Bachelor of Laws (First Class Honours) and of the Hugh Wooding Law School with a Legal Education Certificate. She was admitted to the practice of law in Trinidad and Tobago in 1980. Thereafter, she served as State Counsel in the Solicitor General’s Department in Trinidad and Tobago. In 1985, she embarked on a career in private practice.

She was elected to the Council of the Law Association of Trinidad and Tobago and served for many years as a member and then Vice-Chairman of the Disciplinary Committee of the Law Association. She was appointed a member of the Advisory Committee to the Rules Committee which was established to report on the introduction of the Civil Proceedings Rules in Trinidad and Tobago. With effect from the 1st September, 2001, Mme. Justice Rajnauth-Lee was appointed a Judge of the High Court of Trinidad and Tobago. She presided in the civil courts and upon the establishment of the Family Court of Trinidad and Tobago, Mme. Justice Rajnauth-Lee became the second Judge to sit in that jurisdiction.

For several years, she served as a member and then Chairman of the Calendaring and Case Management Committee of the Judiciary of Trinidad and Tobago. She has also served as a member of the Continuity of Operations Planning Committee of the Judiciary. She was elevated to the Court of Appeal in 2012.

Mme. Justice Rajnauth-Lee is a member of the International Association of Women Judges. She was a member of the Steering Committee and now serves as Vice-President of the Caribbean Association of Women Judges. She is also a member of the Caribbean Association of Judicial Officers. Mme. Justice Rajnauth-Lee is a certified Mediator and a Fellow of the Chartered Institute of Arbitrators.



*The Honourable Mme. Rajnauth-Lee beams as she receives her robes which were gifted to her by her predecessor, Mme. Justice Bernard, who recently demitted office.*



*The Hon. Mme. Justice Rajnauth-Lee signs the guest book under the watchful eye of His Excellency Anthony Carmona, President of the Republic of Trinidad and Tobago.*



*CCJ President, the Rt. Hon. Sir Dennis Byron (2nd from right) welcomes Mme. Justice Rajnauth-Lee as the tenth judge to join the Court. The ceremony was also attended by (from left to right) Her Excellency Reema Carmona, wife of the President of Trinidad and Tobago; the Hon. Mr. Justice Ivor Archie; and the then Attorney-General of Trinidad and Tobago, Mr. Garvin Nicholas.*

## 10th Anniversary Memories

*“ It has been 10 years, we have come a long way and there is so much more to be done. Forge on! ”*



Collette Brown  
Secretary



# THE COURT MANAGEMENT TEAM

In 2015 the Regional Judicial and Legal Services Commission (RJLSC) reviewed the structure of the Organization and made some adjustments to equip the Court for development that would build upon the solid foundation that exists. Among those changes was the addition of a senior management layer to the Court's organizational structure. These managers have been asked to equip the Organization for accelerated growth, provide leadership to the CCJ's staff complement while ensuring that focus is consistently maintained on delivering justice for the people of the Caribbean.



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

Ms. Callender's main role is oversight of the financial affairs of the Court, including budget management, procurement and ensuring compliance with associated policies and procedures. She also oversees the management of the maintenance of the physical assets of the Court and works with a dedicated team to ensure that the Judges and employees enjoy favourable working conditions.



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

As a knowledge institution, fostering the development of the human capital of the Organization is critical to maintaining optimal performance and ensuring compliance with the mission and vision of the CCJ and also the RJLSC. The HR Team, under the management of Ms. Campbell-Nicholas and in conjunction with the RJLSC, is responsible for recruitment, employee benefits, compensation management, employee well-being, performance management and training and development of staff.



## **Mrs. Jacqueline Graham - Registrar & Marshal**

As Registrar and Marshal, Mrs. Graham fulfils many roles. As the head of the administrative arm of the Court, she ensures that the finances and other resources of the Court are managed prudently. She is also tasked with ensuring the efficient running of the Registry and Case Management Unit, in addition to serving as secretary to the Regional Judicial and Legal Services Commission. She provides strategic leadership to each of the CCJ Department Heads: Ms. Callendar, Ms. Wright and Mr. Piggott.



## **Mr. Maurice Piggott - Security & Logistics Manager**

Emerging threats, on-premises security and ensuring the safety of the Judges and staff of the CCJ are ably handled by Mr. Piggott and his team. The Department is responsible for ensuring the inviolability of the Court's premises and its digital and physical assets. He is also responsible for coordinating the transportation of Judges and official visitors to the Court and works with the HR Department to ensure the health and safety of judges and employees.



## **Ms. Charmaine Wright - Communications & Information Manager**

Ms. Wright is charged with ensuring that the technology used by the Court is secure and reliable while maintaining awareness of emerging tools that can enable the CCJ to operate more effectively and efficiently in the future. She is also in charge of Library Services, which provides excellent support to the judicial arm and other libraries within the region. Keeping the public informed and stakeholders appropriately engaged are also within her remit as the talented members of the Protocol and Information Unit and the Public Education and Communications Unit also report to her.

# THE WORK OF THE COURT

## COURT PERFORMANCE AND STATISTICS

### APPELLATE JURISDICTION

For the period August 1, 2014 to July 31 2015, a total of eighteen cases were filed under the Appellate Jurisdiction of the Court. Of these, thirteen were notices of applications for special leave to appeal and five were notices of appeals.

### COURT SITTINGS

During the period under review, the Court sat forty-four times. Below is a table showing the number and type of hearings.

Court Terms	Special leave to appeal	Special leave to appeal as poor person	Interlocutory Application	Case Management Conferences	Appeals	Judgments
First	1	1		11	4	2
Second	1	1	2	4		3
Third	2			1	2	2
	4	2	2	16	6	7

In the second term, one of the appeals heard at the headquarters in Trinidad was also heard simultaneously in Guyana by video conference.

### ITINERANT SITTING IN BELIZE

The Court, in fulfilment of its itinerant obligation, journeyed to Belize for Court hearings from 20 April, 2015 to 23 April, 2015. While in Belize, the Court conducted 2 case management conferences, heard 2 appeals, one in which judgment was given orally on the date of hearing. The Court also heard an application for special leave and leave to appeal as a poor person.

As happens in the Seat of the Court, the Judges were able to hear one of its appeals both at the court in Belize and by video conference from Belize to Guyana.

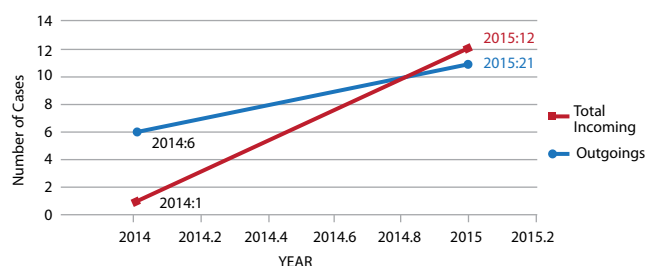
### APPLICATIONS

#### Clearance Rates

Of the thirteen applications for leave to appeal brought to this Court, seven were filed from the Court of Appeal in Barbados, two from the Belize Court of Appeal and four from the Court of Appeal of Guyana.

Seventeen applications were disposed of during the period under review, six of which were from 2014 and eleven from 2015. The disposition of those cases caused an increase in the Court's clearance rate from 106 percent to 133 percent, an increase of 27 percent over the last reporting period.

### INCOMING & OUTGOING APPLICATIONS

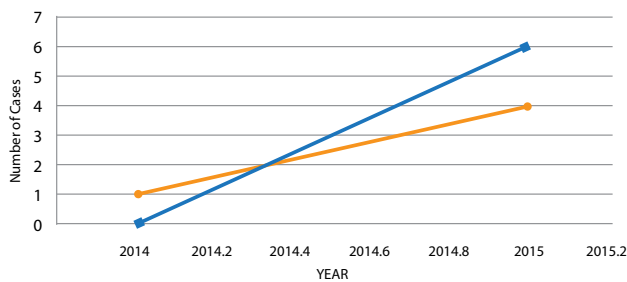


*Ms. Carlene Cross, Information Systems Manager, demonstrates the CCJ's courtroom technology to a group of visitors to the Court.*

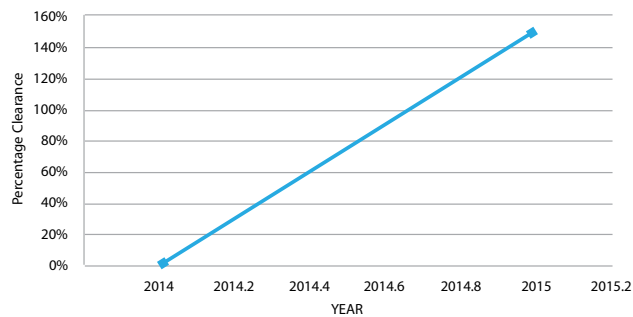
## APPEALS

As indicated above, a total of five appeals were filed during the period 1 August, 2014 to 31 July, 2015. However, six appeals were disposed of during that period. The average clearance rate of Appeals recorded for the period under review equates to 120 percent, a 67 percent increase over the last year.

### INCOMING AND OUTGOING APPEALS



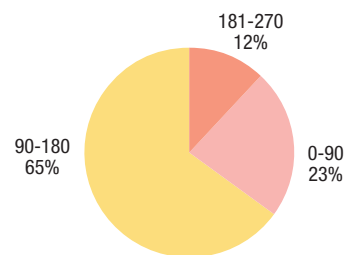
### CLEARANCE RATE OF APPEALS



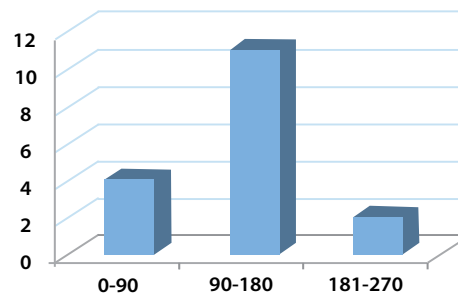
## TIME TO DISPOSITION

### Applications

#### DISPOSED APPLICATIONS AND APPEALS



#### NUMBER OF APPLICATIONS DISPOSED



## 10th Anniversary Memories

“I was elated that I was the first Guyanese junior staff (member) to be a part of this prestigious regional institution.”

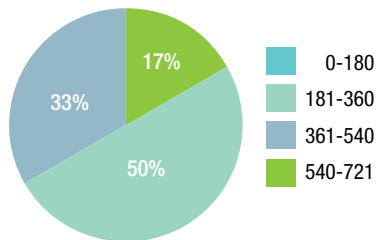


Wendy Mitchell  
Secretary



## TIME TO DISPOSITION - APPEALS

### DISPOSITION - APPEALS



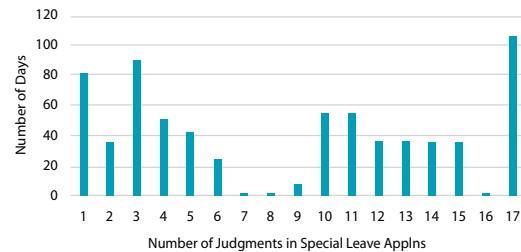
## JUDGMENTS

During the period under review, the Court delivered 23 decisions, 17 decisions on applications and 6 decisions on appeals. The charts below give an indication of the length of time it took to deliver a reserved decision in an application or an appeal.

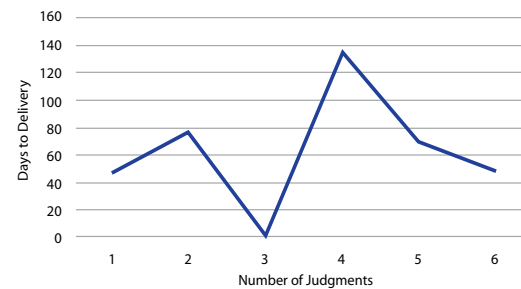
In some instances a judgment can be given immediately based on the simple nature of the matter before the Court. These judgments are normally given orally with written reasons to follow. Based on the complexity of other types of matters, decisions may take between 90-180 days for delivery.

You will recognize that in the case of an application, the longest period for the delivery of a judgment was 105 days and in the case of an appeal, 135 days.

## TIME FOR JUDGMENT DELIVERY – APPLICATIONS



## TIME FOR JUDGMENT DELIVERY – APPEALS



## ORIGINAL JURISDICTION

No new applications were filed in the original jurisdiction for the year 2014-2015; however, 2 matters were heard and are awaiting judgments.



*The CCJ was pleased to welcome interns from The Barcam to the Court. The Barcam is an organisation, based in Trinidad and Tobago, is primarily involved in the development of youth, communities and corporate entities.*

# THE WORK OF THE COURT

## JUDGMENT SUMMARIES

### SUMMARIES OF CASES BEFORE THE CARIBBEAN COURT OF JUSTICE (CCJ) FOR THE PERIOD: 1ST AUGUST 2014 TO 31ST JULY 2015

#### **System Sales Ltd v Browne-Oxley** [2014] CCJ 16 (AJ)

Special leave was sought to enforce a contract for sale of land with no accompanying plan. The CCJ determined that the Applicant, having been involved in land development for some 35 years, had erred in not correctly identifying the parcel of land by a plan and further aggravated its own losses by rejecting the Respondent's plan in favour of its own plan. As such, the application was dismissed for having no realistic prospect of success.

#### **Blackman v Gittens-Blackman** [2014] CCJ 17 (AJ)

The Respondents, in their capacity as successors in title, brought an action in the Barbados High Court against the Applicant for possession of a house and land, which was being occupied by the Applicant. The deceased and Applicant's mother had purchased the disputed land as joint tenants. The High Court determined that the Respondents were entitled to possession as no severance of the joint tenancy had occurred. The Applicant's appeal of this decision was denied by the Court of Appeal. The CCJ, upholding the rulings of the lower courts, stated that since the appeal was filed outside the time limit as prescribed within its Rules and no application for extension of time was further made by the Applicant, the Court had no jurisdiction to entertain the application.

#### **Sooknanan v Medical Council of Guyana** [2014] CCJ 18 (AJ), (2014) 85 WIR 394

A medical doctor sought to challenge the Medical Council's decision to remove his name from the Register of Medical Practitioners based on his gross negligence that contributed to a patient's death. The Guyana High Court quashed the Council's decision, and after a rehearing of the matter by the Council's invitation, the doctor was successful at first instance but unsuccessful in the subsequent appeal. In denying the doctor's appeal, the CCJ held that, since the Council had given the doctor an undertaking that it would not pursue further disciplinary against him, the appeal was academic and there was no arguable case to justify the grant of leave to appeal.

#### **Lovell v The Queen** [2014] CCJ 19

The Applicant sought to appeal his manslaughter conviction that earned him imprisonment for 22 years. His applications for special leave to appeal and for leave to appeal as a poor person were both filed out of time with no request for extension. The CCJ dismissed the appeal as the Applicant failed to provide a convincing explanation for his delay and did not demonstrate the possibility of a miscarriage of justice.

#### **Darnley v Reid** [2014] CCJ 20 (AJ)

A stay of execution was granted by the Full Court in respect of an appeal pending before it from the High Court. The Full Court subsequently granted leave to appeal that refusal to the Court of Appeal, which in turn declined to hear the appeal for lack of jurisdiction. The CCJ granted the application for special leave holding that the Court of Appeal did have jurisdiction under section 6(4) of the Court of Appeal Act and directed that Court to hear the appeal with expedition.

The CCJ considered the circumstances under which the Guyana Court of Appeal could hear appeals of matters that were before the Full Court. Adopting a broad interpretation, the Court determined that the words "upon appeal" in the Court of Appeal Act applied not only to substantive appeals but also interlocutory decisions. The Court of Appeal therefore did have such jurisdiction and was ordered to set a hearing date for the Applicant's appeal as soon as possible.

### **System Sales Ltd v Brown-Oxley** [2015] CCJ 1 (AJ)

The CCJ in its earlier decision in [2014] CCJ 16 (AJ) rejected the Applicant's appeal for having no realistic prospect of success. The Applicant then sought an extension of time for applications under either section 6 or 7 of the CCJ Act. The Court held that it had no jurisdiction to grant leave to appeal under either section as this was the exclusive jurisdiction of the Court of Appeal.

### **Belize Natural Energy Ltd v Maranco** [2015] CCJ 2 (AJ)

In this case, the CCJ specified that courts should be wary of interfering with the decisions of arbitral tribunals where the parties have agreed to this mode of dispute settlement. The CCJ, examining the Belize Arbitration Act, determined that, barring injustice, courts' interference in arbitration proceedings should be minimal; and in this case, there was no good reason to interfere by remitting the award for reconsideration. Accordingly, the arbitrators in this case had acted within their powers under the Belize Arbitration Act in awarding costs against the Applicant Company.



*Ms. Annette Tjon Sie Fat, Chair of the Advisory Committee of the Caribbean Regional Information and Translation Institute (CRITI) hands over a translated copy of the Revised Treaty of Chaguaramas Development Authority to the CCJ President, the Rt. Hon. Sir Dennis Byron. The document was translated into French.*

### **Battaleys (Barbados) Ltd v Kaupthung Singer & Friedlander Ltd** [2015] CCJ 3 (AJ)

The CCJ refused to extend the time for the Applicant's application which was filed a day out of time. The Court explained that such extensions are granted in cases which have a real prospect of succeeding. This appeal was without merit and the explanations offered for the delay were all foreseeable circumstances.

### **Guyana Sugar Corporation Inc. v Dhanessar** [2015] CCJ 4 (AJ)

Mr. Dhanessar was summarily dismissed following an altercation with his supervisor. The Applicant sought to challenge the Court of Appeal's ruling that Mr. Dhanessar's conduct was not serious enough to justify summary dismissal. While the CCJ agreed that there was sufficient cause for dismissal, it found that the payment of severance benefits to Mr. Dhanessar was excluded under the relevant legislation. As such, the CCJ set aside the award of the severance benefits but left intact the award of one month's salary in lieu of notice.

### **Attorney General of Guyana v NH International Ltd** [2015] CCJ5 (AJ)

In this case, the CCJ proclaimed that nothing precludes a Judge in Chambers from hearing an application for leave to enforce an arbitral award and, further, that the relevant rules did not provide for a direct appeal from that hearing to the Court of Appeal.

### **Lucas and Carillo v Chief Education Officer** [2015] CCJ 6 (AJ)

An administrative dispute resulted in the Principal and Vice Principal of a school being sent on leave. Despite the suspensions being eventually set aside, the Appellants alleged a breach of their fundamental rights and sought damages. The majority of the CCJ determined that no such breach occurred and the public nature of the offices rendered damages inappropriate. The minority judgment, on the other hand, concluded that the Appellants' right to protection of the law had been breached due to unfair investigative procedures and widespread publicity, and they ought to have been compensated.





*Representatives from the International Union of Judicial Officers, Ms Katrin Nyman-Metcalf (2nd left) and Dr Ionnis Papageorgiou (centre), held fruitful meetings with the Judges of the Court: the Hon. Mr. Justice Nelson (left), the Hon. Mr. Justice Hayton and the Hon. Mr. Justice Wit (right).*

### **Ramlagan v Singh**

[2015] CCJ 7 (AJ)

This case concerned a dispute over the ownership of a two-acre rice estate in Guyana. The CCJ ruled that the Respondent had satisfied the 12-year statutory time period for a claim of adverse possession of the land. Legal proceedings initiated by the Applicant's family in respect of the land did not interfere with this. As such, the Court ordered that a Transport be issued to Mr Singh for the two-acre parcel.

### **Samuels v Guyana Telephone & Telegraph Co Ltd**

[2015] CCJ 8 (AJ)

This case revolved around the issue of whether the Guyana Telephone and Telegraph Company (GT&T) breached its contract by disconnecting the Applicant's internet service based on his usage of an internet phone service that used Voice over Internet Protocol (VoIP) technology. The CCJ determined that the Court of Appeal wrongly implied a term into the contract restricting the Applicant's use of his internet service for making and receiving international calls. The Court declined to address whether GT&T's exclusive licence was void based on the Civil Law Act, Cap. 6:01 and the Constitution because these matters were not part of the Applicant's original claim.

### **Babulall v Public Trustee; Harry v Public Trustee**

[2015] CCJ 9 (AJ)

In this case, the CCJ held that the Rice Assessment Committee for Essequibo in Guyana was correct in refusing to grant permission to the Public Trustee to issue notices to quit seeking to evict the Appellants. The Appellants were able to show that they had bought the rice lands from the Public Trustee. As such, the Committee had no jurisdiction to hear the applications by the Public Trustee since there was no clear landlord and tenant relationship. The judgment of the Court of Appeal was set aside and the decisions of the Committee restored.

### **Campbell v The Queen; Rambarran v The Queen; Green v The Queen; Persaud v The Queen**

[2015] CCJ 10, 11, 12, 13 (AJ)

The CCJ determined that the issues of whether the time limit for appealing was 21 days after the date of conviction and whether the Court of Appeal was correct to dismiss the Appellants' applications for extension of time were matters of public importance that required ventilation before a fuller bench of the Court. All of the Applicants were granted leave to appeal the decisions and three received leave to appeal as poor persons.

# THE WORK OF THE COURT

## JUDICIAL LEADERSHIP – COMMITTEE REPORTS

### THE RULES COMMITTEE

**The crown jewel in the achievements of the Rules Committee for the period 2014 – 2015 has been the successful promulgation of new rules of procedure for both the appellate and original jurisdictions.**

The new Original Jurisdiction Rules (OJR 2015) and Appellate Jurisdiction Rules (AJR 2015) were issued under the hand of the President of the Court and came into effect on January 12, 2015. These new rules effect a paradigm shift in the manner in which litigation at the Court is conducted by laying out a comprehensive framework for the electronic filing and submission of documents in both the appellate and original jurisdictions. E-filing is part and parcel of the Court's vision of being a leader in the provision of high quality justice.

The OJR 2015 facilitates greater public participation in the work of the Court by providing for the filing of *amicus curiae* briefs and expanding the scope for intervention in on-going proceedings. The OJR 2015 also streamlines the rules of evidence by allowing, for the first time, the taking of evidence before a sub-panel of judges. In this regard, the practice of the Court has been brought into greater harmony with that of other international courts and

tribunals across the globe. Facilitating increased accessibility and participation in original jurisdiction proceedings is of crucial significance, given that this aspect of the Court's work is designed to breathe life into the Revised Treaty of Chaguaramas, thereby making the vision of the CARICOM Single Market and Economy a reality.

The central theme of access to justice also lies at the heart of the new AJR 2015. One significant amendment is the provision for the hearing of appeals via video conferencing. The breadth of the Court's case management powers is also expanded to include the utilisation of alternative dispute resolution in the management and disposition of appeals. The appellate process has been further enhanced by setting a six week deadline for the settling of the Record of Appeal, allowing the Record to be filed electronically and dispensing with the requirement for litigants to provide copies of any authorities being relied on in their submissions.

Looking ahead, the Rules Committee has decided to undertake a comprehensive review of the Court's procedural régime at the end of each term. This will ensure that the CCJ remains at the cutting-edge of all recent developments in law and technology and is fully equipped to fulfil its mandate of making justice accessible for the people of the Caribbean region.



*The Honourable Mr. Justice Wit, Judge of the CCJ, signs a copy of the Rules of Court which were developed during the period.*

### 10th Anniversary Memories

“ *The existence of the court is known, not just regionally but internationally. I am happy to be part of an organization that serves Caricom.* ”



Annette Clarke-James  
HR Assistant

## THE JUDICIAL ASSISTANTS AND COURT INTERNS COMMITTEE

In the year from 1st August 2014 to 31st July 2015 Ms Alicia Dixon and Ms Ria Mohammed-Davidson continued in their two year posts as Judicial Research Assistants and had their appointments extended for an additional year.

The RJLSC authorised the recruitment of two additional Judicial Assistants, bringing the complement to four, and several well-qualified applicants were interviewed. As a result, Ms. Kerine Dobson was appointed for two years from 20th July 2015 and Mr. Richard Layne for two years from 1st September 2015. Ms. Dobson graduated with the LLB with First Class Honours from the Jamaican University of Technology after earning a BSc there in Computing and Information Technology. Mr. Layne graduated with the LLB, with Distinction, from the University of Guyana and was on the Principal's Roll of Honour at the Hugh Wooding Law School.

Two English barristers, Mr. Shane Kingston and Ms. Latoya McDowald, in fulfillment of the requirements of the Hugh Wooding Law School's Legal Education Certificate course, assisted the Court as interns for three days a week from October 2014 to March 2015.

Over the June–August period, two students from each of the three Law Schools, the Hugh Wooding Law School, the Norman Manley Law School and the Eugene Dupuch Law School have normally spent five weeks each as interns with the CCJ, having been selected by the Law Schools. .



*The CCJ welcomes students as a part of its public education efforts. These students from Bishops Anstey High School East had an enjoyable and educational visit to the Court.*





## IMPROVEMENTS TO THE INFORMATION SYSTEMS INFRASTRUCTURE

Information technology (IT) is critical to courts. For the CCJ, in particular, the need is especially acute as so many of the processes and procedures that happen in the courtroom, and the operations that support the Court, are dependent on information technology. The reliability and accessibility of that information are also of paramount importance for the effective and efficient running of the Organization. Not only is it important for the CCJ, but the infrastructure must also serve judiciaries around the region.

Having realized the strategic importance, the CCJ's Registrar and Marshal began a project aimed at ensuring that the Court's IT infrastructure would be robust enough to fuel the strategic direction of the Court for years to come so as to ensure the Court is consistently providing services that meet internationally acceptable performance standards.

Among the initiatives was a comprehensive audit of the IT infrastructure that serves the Court. This included a review of the existing equipment, security, policies and procedures and the capabilities of the members of the Information Systems (IS) Unit. The review provided valuable information which will be used to make a number of fundamental changes and provide a basis for

developing, and implementing, an IT Strategy that will govern how the unit will support the needs of the Organization.

It was decided that, since much of the IT infrastructure was implemented at the Court since inception, a program would be undertaken to review the solutions and provide new solutions that would meet the requirements of the Court which have increased over the past 10 years. The IS Unit also looked at process improvements and ways that new hardware and software could provide savings, increased security and greater efficiency to the Organization.

The program will involve projects focusing on hardware, software, the network and enhanced collaboration within the Organisation. The final product will provide the Court with technology that adheres to internationally accepted performance standards and serves the present, and future, needs of the people of the region.



*Judges of the CCJ and Mr. Reginald Armour SC (3rd from right), President of the Law Association of Trinidad and Tobago (LATT) and Mr. Gerry Brooks (left), Vice-President of the LATT during a courtesy call to the Court.*



## THE CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS (CAJO)

Caribbean Association of Judicial Officers (CAJO) - The Caribbean Association of Judicial Officers (CAJO) is a voluntary association of judicial officers (including Chief Justices, Judges, Magistrates, Registrars, Court Administrators) from throughout the Caribbean.

CAJO's main activity involves the holding of a biennial Conference at which, inter alia, best practices and new ideas and techniques to enhance the efficiency and effectiveness of the administration of justice are discussed and agreed.

CAJO also engages in activities to promote judicial education and judicial reform. CAJO has been partnering with UN Women to produce a draft gender Protocol for the judiciaries of Barbados and Trinidad and Tobago. It is hoped that this project will be extended to all other judiciaries in due course.

### 4TH BIENNIAL CONFERENCE

Currently the preparations are underway for a conference in Montego Bay, Jamaica with the theme "Setting High Standards for Justice Delivery". It is expected that over 100 participants will attend the conference which will include keynote presentations from eminent jurists and academics, panel discussions and networking opportunities.

### PUBLICATION AND MEETINGS

In between biennial conferences CAJO publishes a biannual newsletter, CAJO NEWS, and the Executive meets regularly by Skype to promote various justice improvement initiatives in different Caribbean states. CAJO NEWS features news about interesting persons, events and issues in Caribbean justice systems.

### 10th Anniversary Memories

*“ Meeting some of the members of the Court, and learning their experiences - from where they worked and to where they are right now - was very good, because it gave me a sense of 'Alright, I am welcome' and I really & truly appreciated that. ”*



Veronica Brooks  
Security Officer



## THE CARIBBEAN ACADEMY FOR LAW AND COURT ADMINISTRATION (CALCA)

**The Caribbean Academy for Law and Court Administration (CALCA) is the educational arm of the Caribbean Court of Justice and is administered under the authority of the President of the Court and falls under the Chairmanship of the Honourable Mr. Justice Winston Anderson.**

CALCA held its Third Biennial Seminar on “Implementation of International Law: Global and Regional Trade Rules including Competition Law” during the period 2nd to 4th December, 2014 at the HYATT Regency Hotel, Port of Spain, Trinidad and Tobago. The sessions critically examined the implementation of rules on international and regional trade and competition together with the application of international law.

The Seminar was chaired by the Honourable Justices Winston Anderson and Jacob Wit. CALCA selected and facilitated the participation of eminent experts from Europe, North America and the Caribbean and participants in leading the sessions. The participants were engaged in informal discussions to stay in touch with the latest developments in these rapidly evolving areas.

From 30th to 31st March, 2015 CALCA co-sponsored the first “Inter-American Congress on the Environmental Rule of Law” which was held in Montego Bay, Jamaica. The opening ceremony featured eminent public figures including the Prime Minister and the Minister of Natural Resources and the Environment of Jamaica and the President of the Caribbean Court of Justice. The focus was on establishing a consultative forum for reflection and collective learning on emerging trends in environmental

law through continuous dialogue, research and analysis on key issues relevant to the governance in the Hemisphere.

CALCA is currently engaged in planning a number of activities to advance its agenda of providing quality legal education to the legal fraternity in the region. The Academy is supporting the establishment of the Caribbean Community Administrative Tribunal (CCAT) and the drafting of the the Tribunal's governing foundation documents. The Agreement Establishing the CCAT is expected to be approved by the participating institutions of the Community in March 2016.

CALCA has contacted seven judiciaries within CARICOM with a view to organizing lectures in their respective jurisdictions on the referral obligation under Article 214 of the Revised Treaty of Chaguaramas during the period April to July 2016. In preparation for these lectures, a manual and power point presentation are being prepared with the assistance of the Judicial Research Assistants.

The Academy is also engaged in the pre-planning stages for its Fourth Biennial Conference to be held in the island of St. Maarten. CALCA will partner with other entities is facilitating this conference which promises to be a historic opportunity for a high level of interface between common law and civil law lawyers in the Caribbean, given that such dialogue has traditionally been very limited. As presently conceived the conference will offer participants, exposure to experts in rich and diverse fields as International Commercial Law; Advocacy and Ethics; Private International Law; and Arbitration Law. The conference will be paperless and the official website will include a hyperlink for downloading material.



## HIGHLIGHTS - CALCA



*The Hon. Mr. Justice Winston Anderson, Judge of the CCJ and Chairman of CALCA, addresses the gathering at the 3rd Biennial Conference.*



*Secretary to CALCA, Ms. Susan Medina, speaks with attendees during one of the Conference breaks.*

*Registrar and Marshal of the Court, Mrs. Jacqueline Graham, addresses the audience. Mrs. Graham is also a member of the CALCA Managing Committee.*



*The President of the CCJ, the Rt. Hon. Sir Denis Byron, the CCJ Registrar, Mrs. Jacqueline Graham, and the CALCA Chair, Mr. Justice Winston Anderson, enjoy a light moment during the Conference.*

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## THE JUDICIAL REFORM AND INSTITUTIONAL STRENGTHENING (JURIST) PROJECT

The Judicial Reform and Institutional Strengthening (JURIST) Project, a five-year regional judicial reform initiative, is being implemented on behalf of Global Affairs Canada (GAC) and the Conference of Heads of Judiciary of CARICOM (the Conference), by the Caribbean Court of Justice (CCJ), which was appointed by the Conference as its Regional Executing Agency (REA).

The Project is working with judiciaries in the region to support their own efforts to improve court administration and strengthen the ability of the courts and the judiciary to resolve cases efficiently and fairly. The Project is being implemented in at least six countries and will be expanded to include other territories in the region.

The Project held its first Steering Committee meeting from September 29-30, 2014 at the Caribbean Court of Justice's (CCJ) headquarters in Port-of-Spain, Trinidad.

Activity was undertaken in three countries, namely: Grenada, Jamaica and Belize. Grenada was our first model court project and its objective was to reduce 175 backlogged civil cases to zero in 6 to 9 months. The initiative commenced on February 2, 2015 with the training of eight judicial officers by the Commonwealth Judicial Education Institute (CJEL). The model court project tested mandatory mediation, case management conferences, delivery of oral judgments and the digital court room.

To achieve this objective, two temporary judges were assigned to Grenada, and with the assistance of the Government of Grenada, two additional court rooms were built and the mediation center was expanded. The court clerks were also trained in the use of the digital recording equipment (the Liberty System). The Case Management System (CMS) was also configured to generate statistical reports to measure the impact of the model court techniques.

JURIST, in collaboration with the Judiciary of Jamaica, launched a digital recording project. The Commercial Division of the Supreme Court of Jamaica was the first court to participate in the project. This was the first step

in a phased roll out of the project which also included six other courts - two Civil Courts, one Criminal Circuit Court at the Supreme Court; one High Court Division of the Gun Court and two Resident Magistrate's Courts – one at the Corporate Area Criminal Court and the other at the St. James Resident Magistrate's Court.

The project commenced the week of March 30, 2015 with the training of 25 judicial officers. The training focused on the development of performance standards which were selected and determined by the Judiciary and topics such as judgment writing, delivery of oral judgements, differentiated case management and better case management practices were covered. The project tested digital recording of evidence (DRE) and implemented certain case management procedures.

In Belize, a project to introduce new case management, information technology support and other programs in the Court of Appeal of Belize to improve the quality of justice delivery of the court was implemented by JURIST. The project commenced the week of April 20, 2015 with the training of 36 judicial officers and the introduction of case management techniques.

A consultant was retained to assist the President of the Court of Appeal to set up Case Management Conferences (CMCs), to engage the Bar in the representation of unrepresented litigants and to ensure that systems are put into place to prevent further backlogs. For the Belize project, CMCs by a pre-trial panel of appellate judges were made mandatory.

These activities are geared towards modernizing the regional justice system and achieving the overarching goal of the Project which is to establish a judicial system that is more responsive to the needs of women, men, youths and businesses. As such, the JURIST Project employs a participatory planning process and firmly believes that an inclusive approach will result in judicial reform initiatives that are more efficient and effective.

## HUMAN RESOURCES REPORT

**The period under review included a number of significant human resources management projects focussed on strengthening the human capital of the Court, fostering a work environment of teamwork and improving the human management practices of the institution.**

The placement of the human resources management services of the Court under a single Human Resources Department rather than as an addendum with other functions in the Court has seen significant results.

The Court remains committed to utilizing human resource management best practices to support and fulfill one of its strategic goals: to "develop and promote a strong and engaged workforce". The Human Resources Department continually monitors the work environment and has recommended, as well as implemented, a number of initiatives in support of this goal.

A main responsibility of the Department is ensuring that the Court and the Commission has optimal manpower as defined in the revised organizational structure. To achieve this the Human Resources Department, under the supervision and guidance of the RJLSC, managed the recruitment activities as well as staff placements throughout the various functional areas of the Court. Five (5) vacancies were filled through internal placement while seven (7) were filled by external candidates.

Closely linked to staffing was the determination of appropriate job descriptions and specifications required for a Job Evaluation Exercise. In the first quarter of 2015, four (4) regional consulting firms were invited to tender for the exercise and in June 2015 the consultancy commenced with Focal Point Consultants of Jamaica.

The Human Resources Department also completed its review of the 2010 Staff Regulations in preparation for consideration by the RJLSC's Constituent, Instruments Review and Regulations Committee and the RJLSC. The aim of the review was to continue to enhance existing human resource management systems, policies, procedures and processes so that they are aligned with human resource management best practices.

The continued focus on the employees' well-being provided the opportunity for the commencement of a programme that provided relevant support in a highly confidential manner. In this regard, an Employee Assistance Programme (EAP), available to all staff and their immediate families, was introduced in May 2015.

The need to improve communication resulted in the production of an Employee E-Newsletter "THE VERDICT". Spearheaded by the Human Resources Manager, the Committee, comprising volunteers from across the Organization, produced and circulated four issues since the first circulation in October 2014. The Human Resources Department, under the guidance of the President's Chambers and in collaboration with the IS Unit, undertook the implementation of a Transformation Register for the CCJ and the RJLSC. This system afforded the Court and the RJLSC a mechanism to record initiatives of a transformative nature intended to deepen support to the issues of institutional memory and organizational knowledge, both of which are critical to the sustainability of the Court and the road map for the journey ahead in making the strategic theme "high performance work environment and workforce engagement" in the 2013-2017 Strategic Plan a reality, now and into the future.

The commitment and engagement of the staff of an apex Court, such as the CCJ, serving the CARICOM region remain in the line of sight of the Department as it continually seeks to recommend, support or lead initiatives to achieve this. The main objective of these initiatives was to continue to motivate staff and engage them at various levels and in multiple ways.



## STAFF MOVEMENTS

### Staff Appointments

Names	Position	Assumption Date
Reneiasha Garcia	Accountant	November 3, 2014
Knijah Knowles	Legal Officer	January 8, 2015
Maurice Piggott	Security and Logistics Manager	February 2, 2015
Andrea Callender	Finance & Administration Manager	February 2, 2015
Maureen Rajnauth-Lee	Judge	March 27, 2015
Jason Jeremie	Facilities Supervisor	April 1, 2015
Candace Simmons	Secretary	April 15, 2015
Charmaine Wright	Communications & Information Manager	May 4, 2015
Kerine Dobson	Judicial Assistant	July 20, 2015

### Staff Separations

Names	Position	Date of Separation
Wendy Lewis-Callender	Deputy CEA	September 24, 2014
Catherine Narine	Security Officer	December 25, 2014
Cyril Bernard	Security Manager	April 1, 2015
Sandra Dee Brown	Secretary	June 16, 2015
Knijah Knowles	Legal Officer	August 19, 2015
Carlene Cross	Systems Manager	August 31, 2015
Stewart Matthews	Security Officer	August 31, 2015
Natalia Nurse	IS Assistant	September 24, 2015

### 10th Anniversary Memories

“ It gives me great pleasure to be a part of this prestigious and regional organization. ”



Selwyn Hart  
Driver



Ms. Natalia Nurse, IS Assistant, demonstrates the Transformation Register to Ms. LeShaun Salandy from the Library Unit. The Transformation Registrar details projects that are being undertaken by the Court to improve its efficiency.



## PLAY HARD

Inspired by the adage ‘the family that plays together stays together,’ the Court hosted its first ever games evening during the period. Themed “work hard and play hard,” employees were invited to enjoy each other’s company in an atmosphere of fun and friendly rivalry.

It was an exciting afternoon of spirited competition, filled with games, boasts, taunts, sweet victories, disappointing defeats and true sportsmanship. With games such as Dominoes, a Jamaican favourite, card games - including the very popular All Fours, and even the provision of a video game console for those who preferred more tech savvy games. There was something for everyone.

The victors for the evening included:

- Ms. Collette Brown - Dominoes
- Mrs. Wendy Mitchell - Go to Pack
- Reneaisha Garcia and Trevor Blackman - All Fours

The event ended with staff distributing the remaining food to the homeless in Port of Spain - a decision they all described as immensely rewarding.



### 10th Anniversary Memories

“ Being a part of this regional institution is a labour of love and a responsibility which I accept with humility and a deep sense of obligation to ensure that the Court provides justice for all and serves the people of the Caribbean. ”



Jennifer Scipio-Gittens  
Secretary



## CARNIVAL CRAWL



The CCJ Carnival Crawl is as much a staple of the Court's culture as the Caribbean flags which are flown on the compound. Every year it is hosted as a means of introducing new staff to the culture of both the CCJ as well as the country in which the Court is headquartered and building camaraderie among employees. Maintaining the high standard that has been set for the event in the past, this year the 'Crawlers' were greeted with 'doubles,' a local favourite, and music while they assembled in the CCJ car park. All creating an atmosphere of excitement and anticipation of the evening ahead.



This year's pan crawl included visits to two pan yards, where bands perfect their Carnival presentations. Heading first to the home of 'Silver Stars,' attendees were able to view Liam Teague, the "Paganini of the Steelpan," directing the pan as they practiced their piece for Panorama. The next stop of the evening was the Phase II Pan Groove Pan Yard where 'Crawlers' got the chance to see this band in action as they performed a number of songs for the audience-filled pan yard.



Returning to the CCJ car park, staff members were encouraged to stay and mingle to the sounds of soca and calypso which they willingly accepted. Though a little different to what was done previously, employees reported that they welcomed the enhancements and that the 'Crawl' was every bit as enjoyable as it was in the past.



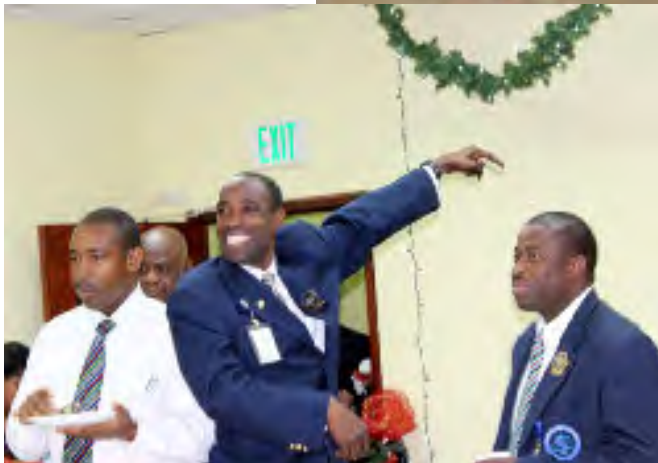




## HOLIDAY CELEBRATIONS

The Court's year end function is one that is looked forward to every year by employees. It is an event that is meant to bring staff together to celebrate the season and build camaraderie. Though the intent was the same, the design of this year's function was a definite departure from the past. In the lead up to the event, all employees were left a Christmas tree decoration on their desks overnight with a cryptic note that alluded to the upcoming celebration and the decoration of the tree.

Meanwhile, the Christmas tree was set up overnight but left bare in the Registry. As the function grew closer, hints and teasers were sent to staff from a secret email address until the day of the event in which they were asked to retrieve an envelope with their name from the tree replacing it with the decoration. In the afternoon, staff gathered to sing Christmas songs as the President wished everyone season's greetings as they received their hampers. He also complimented the organizing team on the unique approach and a job well done.





## PRESIDENT'S CHAMBERS



*The President of the Court, the Rt. Hon. Sir Dennis Byron (left) welcomed the High Commissioner of Jamaica to Trinidad and Tobago, His Excellency Mr David Pendergast (2nd left) to the CCJ. Also participating in the meeting were a number of the judges of the CCJ with the High Commissioner were (from left to right) Messrs Justice Hayton, Anderson, Wit and Saunders.*

During the Judicial Year 2014-2015, the President's Chambers continued to engage in various activities aimed at building awareness of Caribbean Court of Justice and a number of judicial reform activities.

These included a number of speaking engagements, meetings with stakeholders and courtesy calls. While these are too numerous to mention in totality, a number have been selected to give some insight into the work of the President's Chambers.

During the period under review, the Rt. Hon. Sir Dennis Byron attended the Opening Session of the Permanent Council Meeting of the International Union of Judicial Officers (UIHJ). This meeting witnessed the signing of a Cooperation Agreement between the Caribbean Court of Justice and UIHJ. The Agreement signals the collaboration between the parties for the improvement of the management of the enforcement of court orders in the region. These initiatives include the development of a regional association of bailiffs which will represent, and act on behalf of, the countries represented.

Sir Dennis attended the 9th ILO Caribbean Labour Ministers' Meeting in the Bahamas in March 2015. Various



*The President of the Caribbean Court of Justice, the Rt. Hon. Sir Dennis Byron (centre) and Lady Norma Byron (right) share a light moment with the President of Guyana, His Excellency Brigadier David Granger. President Granger was the guest speaker at the opening ceremony of the University of the West Indies (UWI) South Campus in Trinidad and Tobago.*

discussions were held with the International Labour Organization to provide support for the establishment of the Caribbean Community Administrative Tribunal (CCAT). The establishment of the CCAT is intended to provide an avenue for the resolution of employment related disputes involving the staff of eligible CARICOM institutions. It is intended that the Tribunal will begin to be operationalized by 2017.

Of significant importance was also the delivery of the Magna Carta Lecture, in celebration of its 800th Anniversary, by the CCJ President at the University of the West Indies Open Campus in Basseterre, St. Kitts. Sir Dennis' presentation recognized the impact and influence of the Magna Carta on the Commonwealth Caribbean and called upon colonial powers to put an end to the last vestiges of colonialism.

Several significant stakeholder engagements were held throughout the region in furtherance of the projects being considered and undertaken for the JURIST Project. The project, a five-year regional judicial reform initiative funded under an arrangement with the Government of Canada, is aimed at improving regional court administration and strengthening the ability of the courts and judiciaries to resolve cases efficiently and fairly. In 2015, a number of pilot projects commenced in Barbados, Belize, Grenada, Guyana, Jamaica and St. Lucia.

The President continued his public outreach with courtesy calls and visits from regional and international officials and members of the diplomatic corps. These visits help to broaden the relationships between the CCJ and regional and international institutions.

The President also furthered his aim to introduce technology and to reduce the use of paper within the Court. In addition, the development of a bespoke case management system is being actively pursued as one of the ways to assist with this drive.



*The President of the Court, the Rt. Hon. Sir Dennis Byron, welcomed the Hon. Sir Manuel Sosa, President of the Court of Appeal in Belize to the CCJ.*



*The Hon. Sir Manuel Sosa, President of the Court of Appeal in Belize, included a speech to students at the UWI St Augustine Faculty of Law while on his visit to Trinidad in 2015.*

## 10th Anniversary Memories

*“ My wish for the Caribbean Court of Justice in the years to come, is for all the member states to join, so the Caribbean can fully enjoy the benefits and be guided and protected by the Caribbean Court of Justice. ”*



Alec Baptiste  
Security Officer

## THE CCJ WELCOMES DOMINICA TO ITS APPELLATE JURISDICTION

**On 6 March, 2015, the Commonwealth of Dominica became the fourth country to accede to the CCJ's appellate jurisdiction.**

The Court President, Judges and the Registrar travelled to Dominica to attend the event, which was hosted at the State House Conference Centre. The ceremony was attended by His Excellency Charles A Savarin, President of the Commonwealth of Dominica, the Honourable Roosevelt Skerrit, Prime Minister of Dominica, Her Worship the Honourable Mme. Justice Janice Pereira, Chief Justice of the Eastern Caribbean Supreme Court, His Excellency Irwin LaRocque, Secretary General of CARICOM, Dr. Francis Alexis, Head of the Constitution Reform Committee of Grenada, among others.

During his remarks, the Court President highlighted a quote from the illustrious Dominican jurist, the Right Honourable Telford Georges, who regarded it as: "a compromise of sovereignty" for Caribbean nations to remain wedded "to a court which is part of the former colonial hierarchy." President Byron continued his address by stating that, "In this context I extend my congratulations to the people of Dominica; to the Hon. Roosevelt Skerrit, Prime Minister, and to the entire government and establishment on this definitive step towards completing the circle of independence."

The Court President described the CCJ as an accessible final court: "The CCJ offers increased access to justice for the people of the Caribbean. This is very evident in the countries in which the CCJ is already the final court. Unlike the Privy Council, ordinary folk have been bringing their cases before the CCJ. It is not only governments and big business who are litigants before our court. We have a much less expensive and simpler procedure for lodging an appeal. Many more cases from Barbados, Guyana and Belize come to the CCJ and we can proudly assure you that the court is accessible to anyone who has a legitimate dispute worthy of adjudication."

Dominica is also the first Eastern Caribbean country to accede to the CCJ's Appellate Jurisdiction, which is currently also accessed by Barbados, Guyana and Belize.

While in Dominica, the President, Judges and Registrar conducted training sessions for local court staff and the Dominica Bar Association. The training sessions were geared towards sensitizing participants to the procedural rules and techniques for accessing the CCJ's appellate jurisdiction. These sessions were well attended and facilitated good discourse between the Bar and the Court.



Picture courtesy of CARICOM

*President of the CCJ, the Rt. Hon. Sir Dennis Byron; Prime Minister of Dominica, the Hon. Roosevelt Skerrit; Constitutional Law expert and Featured Speaker, Dr Francis Alexis were among those who participated in the ceremony to mark the accession of Dominica to the CCJ.*





## VII ANNUAL CCJ INTERNATIONAL LAW MOOT

### The Caribbean Court of Justice held its VII Annual International Law Moot on Friday, 13 March 2015.

Eight teams registered to participate, two more than in 2014. They were the:

- Eugene Dupuch Law School (The Bahamas);
- FHR-Lim A Po School of Social Studies (Suriname);
- Hugh Wooding Law School (Trinidad and Tobago)
- Norman Manley Law School (Jamaica);
- Department 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) and
- Faculty of Law of the University of the West Indies (St Augustine).

The Caribbean Court of Justice International Law Moot Challenge Shield was won by the Eugene Dupuch Law School of The Bahamas, for the fourth time. The winning team also won gold medals.

In second place was the Norman Manley Law School of Jamaica, winner of the silver medals.

The CCJ plaque for the best academic team (i.e., not from a professional institution) was won by the Faculty of Law of the University of the West Indies (St Augustine).

Each participant, inclusive of the Moot Registry, was awarded a certificate of participation.

Volunteer students of the Faculty of Law of the University of the West Indies (St Augustine) manned the Moot Registry, filling the roles of: Registrar, court support officer, marshal, timekeeper and usher.

The Moot Rules were amended in 2014 to allow for e-filing. Thus, the Moot Registry volunteers located mooters' case authorities in the Court library and uploaded them to memory sticks for the Moot Judges, rather than produce voluminous binders of printed documents.



*The members of the winning team: Ms. Crystal Jaunette Newman, Ms. Lowrell Lore'n Asha Edgecombe and Mr. Krisspin Romero Sands proudly display their trophy. The Eugene Dupuch Law School first won the competition in 2010, again in 2011 and 2014.*





Financial Report

**Caribbean Court of Justice**

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**Audited Financial Statements**

Year Ended 31st December 2014

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## Independent Auditors' Report

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

We have audited the accompanying financial statements of the Caribbean Court of Justice, which comprise the statement of financial position as at December 31, 2014 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.

### 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, 2014, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.



May 15, 2015

*Port of Spain,  
Trinidad, West Indies*

# Statement of Financial Position

As at December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

	Notes	2014	2013 (Restated)	2012 (Restated)
<b>ASSETS</b>				
<b>Non-current assets</b>				
Property, plant and equipment	3	2,523,990	3,783,653	6,236,027
Retirement benefit due from Trust Fund	4	49,203,200	36,797,440	26,444,280
<b>Total non-current assets</b>		<b>51,727,190</b>	<b>40,581,093</b>	<b>32,680,307</b>
<b>Current assets</b>				
Other receivables	5	1,317,398	1,596,588	1,465,856
Cash and cash equivalents		3,649,100	3,299,761	3,553,013
Due from related parties	8	1,071,730	375,215	-
<b>Total current assets</b>		<b>6,038,228</b>	<b>5,271,564</b>	<b>5,018,869</b>
<b>Total assets</b>		<b>\$57,765,418</b>	<b>\$45,852,657</b>	<b>\$37,699,176</b>
<b>ACCUMULATED FUND AND LIABILITIES</b>				
Accumulated fund		6,998,470	8,298,864	9,566,391
<b>Non-current liability</b>				
Retirement benefit liability	6	49,203,200	36,797,440	26,444,280
<b>Current liabilities</b>				
Deferred income	7	9,618	17,948	7,869
Due to related party	8	-	-	432,032
Other payables	9	1,554,130	738,405	1,248,604
<b>Total current liabilities</b>		<b>1,563,748</b>	<b>756,353</b>	<b>1,688,505</b>
<b>Total accumulated fund and liabilities</b>		<b>\$57,765,418</b>	<b>\$45,852,657</b>	<b>\$37,699,176</b>

See accompanying notes to the financial statements.

These financial statements were approved for issue by the Court President and an RJLSC Commissioner on May 15, 2015 on behalf of the Caribbean Court of Justice.



Court President



Commissioner



# Statement of Comprehensive Income

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

	Notes	2014	2013 (Restated)
Funding provided by the Trust Fund		41,293,327	44,753,606
Other income	10	<u>96,670</u>	<u>860,769</u>
		<b>41,389,997</b>	<b>45,614,375</b>
Administrative expenses	11	<u>(40,559,191)</u>	<u>(47,643,502)</u>
<b>Surplus/(deficit) for the year</b>		<b>\$ 830,806</b>	<b>\$ (2,029,127)</b>
<b>Other comprehensive income</b>			
Re-measurement of defined benefit pension plans		<u>(2,131,200)</u>	<u>761,600</u>
<b>Total comprehensive deficit for the year</b>		<b><u>\$ (1,300,394)</u></b>	<b><u>\$ (1,267,527)</u></b>

*See accompanying notes to the financial statements.*

# Statement of Changes in Accumulated Fund

For the year ended December 31, 2014

*(Expressed in Trinidad and Tobago Dollars)*

## Accumulated Fund

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### Year Ended December 31, 2014

Balance at January 1, 2014	8,298,864
Total comprehensive deficit for the year	<u>(1,300,394)</u>
<b>Balance at 31 December 2014</b>	<b><u>\$ 6,998,470</u></b>

### Year Ended December 31, 2013

Balance at January 1, 2013	9,566,391
Total comprehensive deficit for the year	<u>(1,267,527)</u>
<b>Balance at 31 December 2013</b>	<b><u>\$ 8,298,864</u></b>

*See accompanying notes to the financial statements.*

# Statement of Cash Flows

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

	2014	2013 (Restated)
<b>Cash Flows from Operating Activities</b>		
Total comprehensive deficit for the year	(1,300,394)	(1,267,527)
Adjustments to reconcile total comprehensive deficit for the year to net cash from operating activities		
Depreciation	1,831,565	3,334,544
Interest income	(8,970)	(39,369)
Deferred income released to the statement of comprehensive income	(8,330)	(76,130)
Gain on sale of property, plant and equipment	(25,010)	(722,600)
Retirement benefit expense	12,405,760	10,353,160
Changes in other receivables	279,190	(130,732)
Changes in due from related parties	(696,515)	(375,215)
Changes in retirement benefit due from Trust Fund	(12,405,760)	(10,353,160)
Changes in deferred income	-	86,209
Changes in due to related party	-	(432,032)
Changes in other payables	815,725	(510,199)
<b>Net cash generated from (used in) operating activities</b>	<b>887,261</b>	<b>(133,051)</b>
<b>Cash Flows from Investing Activities</b>		
Interest received	8,970	39,369
Acquisition of property, plant and equipment	(571,902)	(942,170)
Disposal of property, plant & equipment	-	60,000
Proceeds from disposal of property, plant & equipment	25,010	722,600
<b>Net cash used in investing activities</b>	<b>(537,922)</b>	<b>(120,201)</b>
Decrease in cash and cash equivalents for the year	349,339	(253,252)
Cash and cash equivalents at January 1	3,299,761	3,553,013
<b>Cash and cash equivalents at December 31</b>	<b>\$ 3,649,100</b>	<b>\$ 3,299,761</b>
<b>Analysis of cash and cash equivalents</b>		
Cash in hand and at bank – unrestricted cash	3,649,100	754,269
Money market deposits	-	2,545,492
	<b>\$ 3,649,100</b>	<b>\$ 3,299,761</b>

See accompanying notes to the financial statements.

# Notes to the Financial Statements

For the year ended December 31, 2014

*(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 (“IFRS”), under the historic cost convention and are expressed in Trinidad & Tobago dollars, which is the Court’s functional and presentation currency.

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

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

There were no new IFRSs or IFRIC interpretations that are effective for the first time for the financial year beginning on or after January 1, 2014 that were adopted and had a material impact on the court.



# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 2. Significant accounting policies (continued)

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

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

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

IFRS 9, 'Financial instruments' – This new standard introduces new requirements for the classification, measurement and recognition of financial assets and financial liabilities and replaces parts of IAS 39. The standard is effective for annual periods beginning on after January 1, 2018 with early adoption permitted. IFRS 9 is required to be applied retrospectively. IFRS 9 uses business model and contractual cash flow characteristics to determine whether a financial asset is measured at 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, 2018.

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

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

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

### (c) Use of estimates

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

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 2. Significant accounting policies (continued)

### (c) Use of estimates (continued)

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 (h)	Other payables
Note (i)	Provisions
Note (m)	Employee benefits
Note (o)	Impairment

### (d) Property, plant and equipment

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

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

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

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

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

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 2. Significant accounting policies (continued)

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

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.

### (f) Cash and cash equivalents

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

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

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

### (h) 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.

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 2. Significant accounting policies (continued)

### (j) Revenue recognition

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

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

#### Grants

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

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

All other revenue is recorded on an accruals basis.

### (k) Foreign currency transactions

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

### (l) Taxation

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

### (m) Employee benefits

#### (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.



# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 2. Significant accounting policies (continued)

### (m) *Employee benefits (continued)*

#### (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. The employees of the Court and Judges participate in this plan.

### (n) *Accumulated fund*

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

### (o) *Impairment*

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

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

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

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

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 3. Property, plant and equipment

	Computers & Software	Furniture Fixtures & Equipment	Flags Crests & Seals	Library Books	Security Equipment	Lease- hold Improve- ments	Vehicles	Total
<i>Year ended December 31, 2014</i>								
<b>Cost or valuation</b>								
At January 1, 2014	10,707,869	10,438,725	408,860	14,225,342	835,647	822,518	3,616,234	41,055,195
Additions	170,858	41,392	-	296,132	-	63,520	-	571,902
Disposals	(678,457)	-	-	-	-	-	-	(678,457)
<b>At December 31, 2014</b>	<b>10,200,270</b>	<b>10,480,117</b>	<b>408,860</b>	<b>14,521,474</b>	<b>835,647</b>	<b>886,038</b>	<b>3,616,234</b>	<b>40,948,640</b>
<b>Accumulated depreciation</b>								
At January 1, 2014	10,423,542	9,713,196	400,639	13,550,359	829,251	347,325	2,007,230	37,271,542
Charge for the year	198,752	299,920	4,433	469,277	6,396	66,119	786,668	1,831,565
Disposals	(678,457)	-	-	-	-	-	-	(678,457)
<b>At December 31, 2014</b>	<b>9,943,837</b>	<b>10,013,116</b>	<b>405,072</b>	<b>14,019,636</b>	<b>835,647</b>	<b>413,444</b>	<b>2,793,898</b>	<b>38,424,650</b>
<b>Net book value</b>								
<b>At December 31, 2014</b>	<b>\$ 256,433</b>	<b>\$467,001</b>	<b>\$3,788</b>	<b>\$501,838</b>	<b>\$ -</b>	<b>\$472,594</b>	<b>\$822,336</b>	<b>\$2,523,990</b>
<b>At December 31, 2013</b>	<b>\$ 284,327</b>	<b>\$725,529</b>	<b>\$8,221</b>	<b>\$674,983</b>	<b>\$6,396</b>	<b>\$475,193</b>	<b>\$1,609,004</b>	<b>\$3,783,653</b>
<i>Year ended December 31, 2013</i>								
<b>Cost or valuation</b>								
At January 1, 2013	10,623,651	10,050,679	408,860	13,898,108	835,647	882,518	5,980,449	42,679,912
Additions	84,218	388,046	-	327,234	-	-	142,672	942,170
Adjustments	-	-	-	-	-	(60,000)	-	(60,000)
Disposals	-	-	-	-	-	-	(2,506,887)	(2,506,887)
<b>At December 31, 2013</b>	<b>10,707,869</b>	<b>10,438,725</b>	<b>408,860</b>	<b>14,225,342</b>	<b>835,647</b>	<b>822,518</b>	<b>3,616,234</b>	<b>41,055,195</b>
<b>Accumulated depreciation</b>								
At January 1, 2013	10,060,411	8,595,940	390,002	12,541,670	822,855	305,558	3,727,449	36,443,885
Charge for the year	363,131	1,117,256	10,637	1,008,689	6,396	59,767	786,668	3,352,544
Adjustments	-	-	-	-	-	(18,000)	-	(18,000)
Disposals	-	-	-	-	-	-	(2,506,887)	(2,506,887)
<b>At December 31, 2013</b>	<b>10,423,542</b>	<b>9,713,196</b>	<b>400,639</b>	<b>13,550,359</b>	<b>829,251</b>	<b>347,325</b>	<b>2,007,230</b>	<b>37,271,542</b>
<b>Net book value</b>								
<b>At December 31, 2013</b>	<b>\$284,327</b>	<b>\$725,529</b>	<b>\$8,221</b>	<b>\$674,983</b>	<b>\$6,396</b>	<b>\$475,193</b>	<b>\$1,609,004</b>	<b>\$3,783,653</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>

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 4. Retirement Asset due from Trust Fund

	2014	2013 (Restated)
Defined benefit plan assets	<b>\$ 49,203,200</b>	<b>\$ 36,797,440</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 and non-judicial staff will be paid from the Trust Fund as they fall due. This balance represents the present value of the future cost of the judges' pensions to be provided by the Trust Fund. For non-judicial staff, the balance represents the capital value of the accrued guaranteed pension, calculated using various actuarial assumptions.

## 5. Other receivables

	2014	2013
VAT recoverable	259,686	325,544
Other receivables and prepayments	1,057,712	1,271,044
	<b>\$ 1,317,398</b>	<b>\$ 1,596,588</b>

## 6. Retirement benefit liability

	2014	2013
Judges	38,131,200	28,752,640
Non-Judicial Staff	11,072,000	8,044,800
	<b>\$ 49,203,200</b>	<b>\$ 36,797,440</b>

### Judges Pension Plan

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.

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 6. Retirement benefit liability (continued)

### Judges Pension Plan (continued)

Principal actuarial assumptions at the reporting date are as follows:

	2014	2013
Discount rate	3.5%	5.0%
Expected rate of return on plan assets	N/A	5.0%
Salary growth rate	1.0%	1.5%
Average expected remaining working lives of employees	9 years	9 years
Fair value of plan assets at the beginning of year	4,492,800	4,479,300
Foreign exchange adjustment to plan assets at the beginning of the year	-	71,100
Expected return on plan assets	89,600	179,200
Contributions	(2,937,600)	(57,600)
Benefits paid	(1,555,200)	(1,126,400)
Actuarial (loss)/gain	(89,600)	947,200
<b>Fair value of plan assets at the end of year</b>	<b>-</b>	<b>4,492,800</b>
Present value of obligation at beginning of year	33,245,440	30,155,580
Foreign exchange adjustment to plan assets at the beginning of the year	-	478,660
Interest cost	1,292,800	1,203,200
Total current service cost	3,622,400	2,387,200
Past service cost	(221,440)	-
Benefit payments	(1,555,200)	(1,126,400)
Actuarial loss on obligation	1,747,200	147,200
<b>Present value of obligation at end of year</b>	<b>38,131,200</b>	<b>33,245,440</b>
<b>Profit or loss</b>		
Service cost	3,400,960	2,387,200
Interest cost	1,203,200	1,024,000
<b>Other comprehensive income</b>		
Net actuarial cost recognized	1,836,800	(800,000)
<b>Total expense</b>	<b>6,440,960</b>	<b>2,611,200</b>



# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 6. Retirement benefit liability (continued)

### Judges Pension Plan (continued)

	2014	2013
Opening Liability	(28,752,640)	(25,676,280)
Foreign exchange adjustment to plan liabilities at beginning of the year	-	(407,560)
Total expense	(6,440,960)	(2,611,200)
Contributions paid	(2,937,600)	(57,600)
<b>Closing liability</b>	<b>\$ (38,131,200)</b>	<b>\$ (28,752,640)</b>

The expense and matching revenue due from the Trust Fund is recognised in the statement of comprehensive income as the retirement benefit liability is payable by the Trust Fund when it becomes due. As such, a receivable balance from the Trust Fund is recorded in the statement of financial position to match the retirement benefit liability.

	2014	2013
Present value of the obligation	(38,131,200)	(33,245,440)
Fair value of plan assets	-	4,492,800
<b>Liability recognized in statement of financial position</b>	<b>\$ (38,131,200)</b>	<b>\$ (28,752,640)</b>
Expected return on plan assets	89,600	179,200
Actuarial gain (loss) on plan assets	(89,600)	947,200
Actual return (loss) on plan assets	<b>\$ -</b>	<b>\$ 1,126,400</b>

### Table on Historical Summary

Year ended December 31	2012 TTS'000	2011 TTS'000	2010 TTS'000	2009 TTS'000	2008 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)	(25,677)	(19,288)	(17,911)	(18,648)	(1,859)
Experience adjustment of plan liabilities	(57)	(258)	441	2,797	
Experience adjustment of plan assets	(1,978)	737	(3,371)	(126)	

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 6. Retirement benefit liability

### Non-Judicial Staff Pension Plan

The Court and its employees, with the exception of judges, contribute towards a defined benefit pension plan where the data and benefit administration services are provided by Bacon Woodrow and De Souza Limited and is managed by a Pension Administration Committee made up of representatives from the Commission, Employees, Trust Fund and the Court.

### Movement in Present Value of Defined Benefit Obligation

Defined benefit obligation at start of year	8,044,800	768,000
Current service cost	1,081,600	576,000
Interest cost	371,200	140,800
Contributions paid	467,200	204,800
Past service cost	812,800	6,316,800
Re-measurements		
- Experience adjustment	64,000	38,400
- Actuarial (gains/losses from changes in financial assumptions)	230,400	-
<b>Defined Benefit Obligation at end of year</b>	<b>11,072,000</b>	<b>8,044,800</b>

### Liability Profile

The defined benefit obligations at 31 December 2014 was allocated as follows:

- Active members 86%
- Pensioners 14%

The weighted average duration of the defined obligation at the year-end was 20 years. 9% of the benefits accrued by active members were vested. 1% of the defined benefit obligation for active members was conditional on future salary increases.

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 6. Retirement benefit liability

### Non-Judicial Staff Pension Plan (continued)

#### Liability Profile (continued)

#### Movement in Fair Value of Plan Assets/Asset Allocation

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

	2014	2013
<b>Expense Recognised in Profit and Loss</b>		
Current service cost	1,081,600	576,000
Net interest on net defined benefit liability	371,200	140,800
Past service cost	812,800	6,316,800
<b>Net Pension Costs</b>	<b>2,265,600</b>	<b>7,033,600</b>
Re-measurements recognised in Other Comprehensive Income		
Experience (gains/losses)	294,400	38,400
<b>Total amount recognised in Other Comprehensive Income</b>	<b>294,400</b>	<b>38,400</b>
Opening Defined Benefit Liability (Asset)	8,044,800	768,000
Net pension cost	2,265,600	7,033,600
Re-measurements recognized in Other Comprehensive Income	294,400	38,400
Contributions paid	467,200	204,800
<b>Closing Defined Benefit Liability</b>	<b>11,072,000</b>	<b>8,044,800</b>

#### Summary of Principal Assumptions as at 31 December

Discount Rate	3.5% pa	4.0% pa
Salary Increases	1.0% pa	1.0% pa

Assumptions regarding future mortality are based on published mortality tables. The life expectancies underlying the value of the defined benefit obligation as at 31 December 2014 are as follows:

	2014	2013
Life expectancy at age 65 for current pensioner in years:		
- Male	16.9	16.9
- Female	20.7	20.7

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 7. Deferred income

Capital Grants

	2014	2013
Balance at January 1	17,948	7,869
Interest income	-	86,209
Released to the statement of comprehensive income	(8,330)	(76,130)
Balance at December 31	<b>\$9,618</b>	<b>\$ 17,948</b>

## 8. Related Party Transactions

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

	2014	2013
<b>The Commission:</b>		
a) Due from related parties:		
- The Commission	(802,628)	(375,215)
- JURIST Project	(269,102)	-
	<b>\$(1,071,730)</b>	<b>\$ (375,215)</b>

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

b) Trust Fund income received on behalf of, and transferred to the Commission	\$ 2,478,054	\$2,025,453
c) Expenses charged to the Commission	\$ 267,603	\$ 511,832

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	\$ 4,680,636	\$4,790,804
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# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 9. Other payables

	2014	2013
Accounts payable	140,741	32,041
Other payables and accrued liabilities	1,413,389	706,364
	<b>\$ 1,554,130</b>	<b>\$ 738,405</b>

## 10. Other income

	2014	2013
Deferred income released to the statement of comprehensive income	8,330	76,130
Interest income	8,970	39,369
Miscellaneous income	54,360	22,670
Gain on disposal of property, plant and equipment	25,010	722,600
	<b>\$ 96,670</b>	<b>\$ 860,769</b>

## 11. Administrative expenses

	2014	2013 (Restated)
Salaries and allowances	20,003,539	23,233,976
Pension cost and gratuities	11,478,155	12,670,805
Administrative expenses	4,875,150	5,972,064
Depreciation	1,831,565	3,334,544
Insurance expenses	1,468,751	1,636,607
Public education	249,929	53,065
Foreign exchange loss/(gain)	50,213	(6,446)
Bank charges	28,671	21,148
Professional fees	512,018	667,054
Audit fees	61,200	60,685
	<b>\$ 40,559,191</b>	<b>\$ 47,643,502</b>

Number of employees	77	79
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# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 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.

	2014	2013 (Restated)
<b>Assets</b>		
Retirement benefit due from Trust Fund	\$49,203,200	\$36,797,440
Cash and cash equivalents	\$ 3,156,234	\$ 2,975,451
<b>Liabilities</b>		
Retirement benefit liability	\$49,203,200	\$36,797,440

The table below summarizes the sensitivity of the Court's assets and liabilities to changes in foreign exchange movements at the year end. The analysis is based on the assumptions that the relevant foreign exchange rate increased/decreased by 5% to the Trinidad and Tobago dollars (2013: 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	
	2014	2013
<i>Increased by 5%</i>	\$ 157,812	\$ 148,773
<i>Decreased by 5%</i>	\$ (157,812)	\$ (148,773)

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 12. Financial Risk Management (continued)

### Financial risk factors (continued)

#### 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 \$6,738 and \$3,082,169 (2013: \$770 and \$2,543,290). The maximum amount with one financial institution is \$3,082,169 (2013: \$2,543,290).

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

#### Liquidity risk

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

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

	Less than three (3) months	Less than one (1) year	Total
<b>At December 31, 2014</b>			
<b>Financial liabilities:</b>			
Deferred income	-	9,618	9,618
Other payables	1,554,130	-	1,554,130
<b>Total liabilities</b>	<b>\$1,554,130</b>	<b>\$9,618</b>	<b>\$1,563,748</b>

# Notes to the Financial Statements

For the year ended December 31, 2014

(Expressed in Trinidad and Tobago Dollars)

## 12. Financial Risk Management (continued)

### Financial risk factors (continued)

#### Liquidity risk (continued)

	Less than three (3) months	Less than one (1) year	Total
<b>At December 31, 2013</b>			
<b>Financial liabilities:</b>			
Deferred income	-	17,948	17,948
Other payables	738,405	-	738,405
<b>Total liabilities</b>	<b>\$738,405</b>	<b>\$17,948</b>	<b>\$756,353</b>

## 13. Restatement

As a result of the formalisation of the Non-judicial staff Pension Plan as a defined benefit plan, the Court was required to restate its opening balances to reflect the assets and liabilities which existed as at each year end. The following are the changes made to the comparative information. The changes had a net impact of nil on the statement of comprehensive income for either year.

	As previously reported	Change	Restated balance
<b>December 31, 2012</b>			
Retirement benefit due from Trust Fund	\$25,676,280	\$768,000	\$26,444,280
Retirement benefit liability	\$25,676,280	\$768,000	\$26,444,280
<b>December 31, 2013</b>			
Retirement benefit due from Trust Fund	\$28,752,640	\$8,044,800	\$36,797,440
Retirement benefit liability	\$28,752,640	\$8,044,800	\$36,797,440
Funding provided by the Trust Fund	\$35,070,406	\$9,683,200	\$44,753,606
Administrative expenses	\$37,198,702	\$10,444,800	\$47,643,502
Other comprehensive income	\$ -	\$(761,600)	\$(761,600)

## 14. Subsequent Events

Management evaluated all events that occurred from January 1, 2015 through May 15, 2015, the date the financial statement were available to be issued. During the period, the Court did not have any subsequent events requiring recognition or disclosure in the financial statements.



# **Supplementary Financial Information**

For the year ended 31st December 2014



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Trinidad and Tobago

## **Independent Auditors' Report**

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

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

We have audited the financial statements of the Caribbean Court of Justice for the year ended December 31, 2014, and have issued our report thereon dated May 15, 2015.

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.

May 15, 2015

*Port of Spain,  
Trinidad, West Indies*

# Statement of Financial Position

As at December 31, 2014

(Expressed in United States Dollars)

	2014	2013 (Restated)	2012 (Restated)
<b>ASSETS</b>			
<b>Non-current assets</b>			
Property, plant and equipment	394,373	591,196	989,845
Retirement benefit due from Trust Fund	7,688,000	5,749,600	4,197,505
<b>Total non-current assets</b>	<b>8,082,373</b>	<b>6,340,796</b>	<b>5,187,350</b>
<b>Current assets</b>			
Other receivables	205,843	249,467	232,676
Cash and cash equivalents	570,172	515,588	563,970
Due from related parties	167,458	58,627	-
<b>Total current assets</b>	<b>943,473</b>	<b>823,682</b>	<b>796,646</b>
<b>Total assets</b>	<b>US\$ 9,025,846</b>	<b>US\$ 7,164,478</b>	<b>US\$5,983,996</b>
<b>ACCUMULATED FUND AND LIABILITIES</b>			
Accumulated fund	1,093,510	1,296,698	1,518,475
<b>Non-current liability</b>			
Retirement benefit liability	7,688,000	5,749,600	4,197,505
<b>Current liabilities</b>			
Deferred income	1,503	2,804	1,249
Due to related party	-	-	68,576
Other payables	242,833	115,376	198,191
<b>Total current liabilities</b>	<b>244,336</b>	<b>118,180</b>	<b>268,016</b>
<b>Total reserves and liabilities</b>	<b>US\$ 9,025,846</b>	<b>US\$ 7,164,478</b>	<b>US\$5,983,996</b>

Translation Rate used – 2014 and 2013 US\$1.00: TT\$6.40 (2012: US\$1.00: TT\$6.30)

# Statement of Comprehensive Income

For the year ended December 31, 2014

*(Expressed in United States Dollars)*

	2014	2013 (Restated)
Funding provided by the Trust Fund	6,452,082	6,992,751
Other income	<u>15,105</u>	<u>134,495</u>
	<b>6,467,187</b>	<b>7,127,246</b>
Administrative expenses	<u>(6,337,375)</u>	<u>(7,444,297)</u>
<b>Surplus/(deficit) for the year</b>	<b>129,812</b>	<b>(317,051)</b>
<b>Other comprehensive income/(loss)</b>		
Re-measurement of defined benefit pension plans	<u>(333,000)</u>	<u>119,000</u>
<b>Total comprehensive deficit for the year</b>	<b><u>US\$(203,188)</u></b>	<b><u>US\$(198,051)</u></b>

Translation Rate used - US\$1.00: TT\$6.40



# Statement of Changes in Accumulated Fund

For the year ended December 31, 2014

*(Expressed in United States Dollars)*

## Accumulated Fund

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### Year Ended December 31, 2014

Balance at January 1, 2014	1,296,698
Total comprehensive deficit for the year	<u>(203,188)</u>
<b>Balance at 31 December 2014</b>	<b>US\$ <u>1,093,510</u></b>

### Year Ended December 31, 2013

Balance at January 1, 2013	1,518,475
Foreign exchange loss on opening accumulated fund	(23,726)
Total comprehensive deficit for the year	<u>(198,051)</u>
<b>Balance at 31 December 2013</b>	<b>US\$ <u>1,296,698</u></b>

Translation Rate used - US\$1.00: TT\$6.40

NOTES



The Caribbean Court of Justice  
134 Henry Street  
P.O. Box 1768  
Port of Spain  
Republic of Trinidad and Tobago