

# ANNUAL REPORT 2016

## THE MISSION

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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.

## THE VISION

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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 the trust and confidence of the people of the region.

## THE VALUES

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

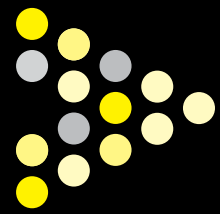
- Integrity
- Excellence
- Professionalism
- Courtesy and Consideration
- Efficiency and Effectiveness
- Industry
- Care for employees

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# REPORT FROM THE PRESIDENT



**Evolution is necessary. If you are not moving forward, sometimes it appears that you are standing still. This year has been one during which we have seen great change and begun to establish a platform for growth which prompted the theme of evolution for this annual report.**

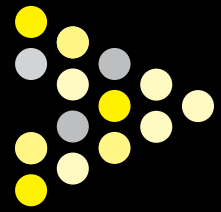
During this year, we have seen the manifestation of initiatives that were begun a few years ago and also begun new ones that will impact the future. Many of the departments in the CCJ are beginning to work on projects that will also provide meaningful change for the Court, its stakeholders and the region as a whole.

For a court, even one that is as technologically advanced as the CCJ, there is always a need to ensure that we are not complacent and that we continue to see how we can provide justice that is more efficient, more effective and that our Judges and employees have the benefit of the latest learnings and tools. We do this so that the countries, organizations, businesses and the citizens we serve receive justice that is timely, fair and accessible.

Accessibility is not only a notion of being physically close but also in ensuring that filing a matter with the Court is straight-forward, is widely available and is less expensive for the users of the Court – both the attorneys and their clients. The Court has used a useful case management system for some time and it has served us well. There is a need, however, for a software system that is more suited for the Caribbean reality. One of the projects that I am personally involved with this year, is the development of a bespoke case management system which will serve the needs of the region and allow courts to report on, and monitor, their efficiency more effectively. As many courts in the region struggle to come to terms with digitizing their records and reducing their backlog, the court management tool being developed by the CCJ, in collaboration with a technology partner, will be a useful tool in tackling these pervasive issues.

A few years ago, social media was not used by the Court in its public education thrust and now it is ubiquitous and acknowledged as an important way to connect with stakeholders and keep them informed and engaged. As the lines of communication grow and develop, the Court must be responsive to these needs. During the period, the Court established a presence on LinkedIn, a social media platform that caters to professionals, and marked a milestone of having 1,000 followers on the micro-messaging service, Twitter. We continue to be mindful of the diverse nature of our public and the need to communicate with them in a manner which is convenient and attractive to them.

# REPORT FROM THE PRESIDENT



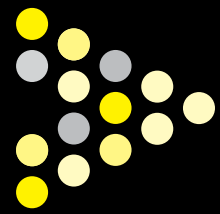
This is an exciting time for the CCJ and there is much more to come. As I reflected in the Preface of *The Caribbean Court of Justice: The First Ten Years*, “the time has come to celebrate how far the CCJ has reached over the past decade”. Even the publication of that book, which occurred during the period under review, has marked a milestone for the Court. We are finding more ways to tell our own story so that we can share the work and worth of the CCJ with stakeholders. The book, which commemorates the CCJ’s tenth anniversary, is now available for purchase.

And while we are proud of some of the milestones that will be reflected throughout this annual report, the evolution is not over. Together with the Judges and the staff of this Court, we are beginning to build a proud legacy for the CCJ’s second decade. We are not building it for the CCJ, or for individuals who serve the organization. Ultimately our work is for this generation, and generations of Caribbean people to come, who deserve a Court of which they can be proud.



*CCJ President, The Rt Hon Sir Dennis Byron signs an Agreement of Cooperation with ACP Legal Association, represented by its President, Judge Catherine Sargenti. Under the Agreement, the CCJ agreed to lend support towards the OHADAC Project’s goal of achieving the implementation of a harmonised business law framework in the Caribbean. During that meeting, there were also discussions towards collaboration with the educational arm of the CCJ, the Caribbean Academy for Law and Court Administration (CALCA), to assist with the hosting of the 4th Biennial Conference on Law to be held in October 2016.*

# MESSAGE FROM THE REGISTRAR AND MARSHAL



**The concept of evolution speaks to adaptation, responsiveness and improvement, making it a fitting theme for this year's report. Since the establishment of the CCJ, we have witnessed numerous changes throughout the region, some societal, some technological and some economic.**

The sum of these changes has led to new expectations of the Court, prompting us to innovate and evolve to ensure that we remain receptive to the needs of our constituents and to cement our position as a leader in the regional justice system.

Over the last year, we continued our institutional strengthening and capacity building efforts as we aimed towards improving our service delivery as well as ensuring that our systems are robust enough to cope with increased caseloads. Such efforts were timely, given the announcement by Antigua and Barbuda and Grenada that both countries would host referenda in 2016 to determine if they would accede to the appellate jurisdiction of the Court. We are ready to welcome them to the appellate jurisdiction if the people of both countries decide to join us.

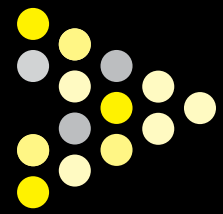
One of the more noteworthy aspects of these institutional strengthening initiatives involved the enhancement of our financial accounting system. In this regard, we introduced several new mechanisms to provide additional checks and balances so as to reinforce accountability and aid quicker reporting. This was of special significance to us as it satisfied a major strategic goal of the Court, this being to realize appropriate mechanisms to support the Court's independence and financial sustainability.

Another key aspect of our institutional strengthening efforts revolved around greater use and application of Information and Communication Technology (ICT). While the CCJ has never shied away from the use of technology in our operations, we have now begun to incorporate it more fully into our daily work as a means of increasing access for stakeholders and fostering greater innovation and efficiency among our staff. During the period, we bolstered our internal Information Technology (IT) infrastructure with new hardware, software and network capabilities. We also began to develop a court management platform, which will support the e-filing of matters, indigenous to the Court and is intended to make filing, service, case management and record management easier and faster.

Apart from developing our processes and the platforms underpinning them as a means of our improving our service, we also focused on building employee engagement. Employees are the backbone of the CCJ and



# MESSAGE FROM THE REGISTRAR AND MARSHAL



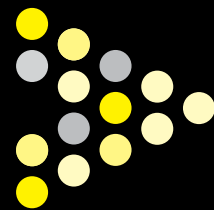
without their support and continued diligence, even the best systems and the most advanced technology would be meaningless. Accordingly, the Court engaged in a Job Evaluation Exercise to improve the process of fairness, transparency and equity in recruitment, retention and remuneration. We see this as a major step towards developing and promoting a strong and engaged workforce, another of the Court's strategic goals.

Towards the end of 2015, the Court hosted an awards function for its staff, recognizing the contributions of long-service employees and several other staff members who exhibited exemplary service during the year. The event also recognized the Honourable Dr Lloyd Barnett OJ, for his long service to the Court through his work as a long-standing Commissioner on the Regional Judicial and Legal Services (RJLSC). Since then, Dr Barnett has concluded his work as a Commissioner of the RJLSC. I wish to take this opportunity to publicly thank him for his 12 years of sterling service to the CCJ and the RJSLC and wish him well in his future endeavors.

In looking back at the history of the Court, there is little doubt that the organization has changed significantly since it was inaugurated. Using our strategic plan as a road map we have steadily seen the Court move from strength to strength, as strategic objectives move from theory into reality. Admittedly, this process of change is not always easy but as an organization we have readily embraced it. We know that evolution is the only way to ensure that we can continue to serve the needs of the region, a mission that has always been and will continue to be our greatest priority.



*The Registrar and Marshal, Ms. Jacqueline Graham (centre), enjoys a pleasant moment with RJLSC Commissioners, Mr Martin Daly SC Daly SC (left) and Mrs. Jennifer Astaphan.*



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

The Right Honourable Sir Charles Michael Dennis Byron was appointed a Judge of the Eastern Caribbean Supreme Court (ECSC) in 1982 and Chief Justice in 1999.

Sir Dennis has been President of the Commonwealth Judicial Education Institute (CJEI) since 2000. He was subsequently appointed judge on the United Nations International Criminal Tribunal for Rwanda (ICTR) from June 2004, then elected President of the Tribunal in May 2007. As President, Sir Dennis was responsible for the overall management of the Court and for liaising with the UN Security Council. In 2004, Sir Dennis was appointed an Honorary Bencher of the Honourable Society of the Inner Temple and holds the first Yogis & Keddy Chair in Human Rights Law at Dalhousie University.

He was knighted in 2000 and appointed a member of the Privy Council in 2004. In September 2011, Sir Dennis Byron was appointed President of the Caribbean Court of Justice.



**The Honourable Mr. Justice Rolston Nelson**

The Honourable Mr. Justice Nelson holds degrees in Modern Languages and Jurisprudence (honours) the Master of Laws from the Universities of Oxford and London respectively. He was called to the Bar at Lincoln's Inn in 1970, admitted to practise at the Jamaican Bar in 1973 and at the Trinidad & Tobago Bar in 1975 and admitted to the Inner Bar as senior counsel in 1993.

Mr. Justice Nelson was sworn in directly from the Bar as Justice of Appeal of the Supreme Court of Judicature of Trinidad & Tobago in 1999 and as Judge of the CCJ in 2005. He has been an Associate Tutor at the Hugh Wooding Law School since 1978 and is an Honorary Distinguished Fellow of the University of the West Indies.

Mr. Justice Nelson was selected as the Inns of Court Fellow at the Institute of Advanced Legal Studies for 2010-2011.

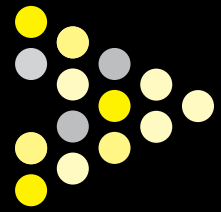


**The Honourable Mr. Justice Adrian D. Saunders**

Having graduated from the University of the West Indies and the Hugh Wooding Law School, Mr. Justice Saunders entered private practice in St Vincent and the Grenadines in 1977. In 1996, he joined the Bench of the Eastern Caribbean Supreme Court. In 2003 he was elevated to the Court of Appeal and in 2004 appointed to act as Chief Justice, remaining in that position until his appointment as a Judge of the CCJ in 2005.

With a strong interest in judicial education, Mr. Justice Saunders has been Course Director of the CJEI's Intensive Summer Programme for Commonwealth Judges since 2012. In 2009 he was elected Chairman of the Caribbean Association of Judicial Officers, being repeatedly re-elected to that post. Mr. Justice Saunders has been since 2005 the Chairman of the West Indies Cricket Board's Disciplinary Committee and a member of the International Cricket Council's Code of Conduct Commission.





## **The Honourable Mr. Justice Jacob Wit**

Mr. Justice Wit obtained a Master of Laws degree with honours at the Vrije Universiteit (Free University) of Amsterdam (1977) and was admitted in 1978 as a Judicial Trainee at the Studiecentrum Rechtspleging in Zutphen, The Netherlands. During 1980-1982, he held the post of Deputy Prosecutor at the Amsterdam District Court

Mr. Justice Wit was appointed as Judge of the Rotterdam District Court in March 1985 and Judge of the Joint Court of Justice of the Netherlands Antilles and Aruba on 1 October 1986. From 2001 to 2005 he served as a Senior Judge and Acting President of the Court.

Mr. Justice Wit took the Oath of Office as a Judge of the Caribbean Court of Justice in 2005. In November 2010, he was sworn in as the President of the Constitutional Court of St. Maarten, a part-time function. He is the lone Civil Law Judge on the CCJ Bench.



## **The Honourable Mr Justice David Hayton**

The Hon Mr. Justice David Hayton graduated with the LLB from the University of Newcastle in 1966. Having been called to the Bar in 1968, he took up pupillage in Lincoln's Inn in 1969, and in 1970 commenced practise there, while teaching at Queen Mary College, London University. In 1973 he became a Law Fellow at Jesus College, Cambridge, and lectured there until becoming Professor of Law at King's College, London, in 1987. In 2004 he became a Bencher of Lincoln's Inn.

Mr. Justice Hayton chaired London University's Board of Studies in Law and its LLM Management Committee 1992-95. He was Deputy Chair of the Trust Law Committee (England & Wales) 1994-2005. He sat as a part-time judge in London from 1984 and in The Bahamas (2000 and 2001), before joining the CCJ in 2005, then becoming Emeritus Professor of Property Law and a Fellow of King's College, London.



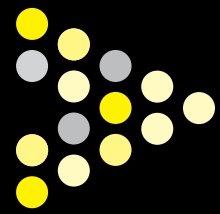
## **The Honourable Mr Justice Winston Charles Anderson**

Jamaican national Mr. Justice Winston Anderson LLB (UWI), PhD (Cantab), is a barrister of the Honourable Society of Lincoln's Inn and has been called to the Bar of Barbados and Jamaica. He was appointed professor of international law at the University of the West Indies in 2006 and elevated to the Bench of the CCJ in 2010.

Mr. Justice Anderson's career at UWI included stints as Deputy Dean in the Faculty of Law. During 2003-2006, he was seconded from the university to serve the Caribbean Community as General Counsel. He was appointed Executive Director (acting) of the Caribbean Law Institute Centre (CLIC) for the academic year 2000-2001.

In 2012, Mr. Justice Anderson was inducted as a founding member of the International Advisory Council of UNEP. In 2013, he was appointed member of the Advisory Commission on Environmental Law to the OAS, and in 2014, a member of ECLAC's Group of Experts on Principle 10.

# JUDGES OF THE CCJ



## **The Honourable Mme Justice Maureen Rajnauth-Lee**

Mme. Justice Rajnauth-Lee, a national of Trinidad and Tobago, took the Oath of Office as a Judge of the CCJ in 2015. Prior to this, she was a Justice of Appeal (2012-2015) and Judge of the High Court (2001-2012) of the Judiciary of Trinidad and Tobago.

From 1985 to 2001, Mme. Justice Rajnauth-Lee worked in private practice in Trinidad and Tobago, having served as State Counsel in the Office of the Solicitor General - Attorney General's Chambers (1981-1985).

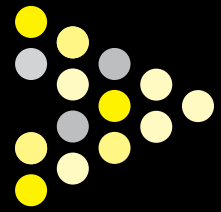
Mme. Justice Rajnauth-Lee attended the Hugh Wooding Law School and the University of the West Indies, whence she graduated in 1976 with the Bachelor of Laws (First Class Honours).

Mme. Justice Rajnauth-Lee is a member of the International Association of Women Judges and Vice-President of both the Caribbean Association of Women Judges and of the Trinidad and Tobago Association of Women Judges. She is a Fellow of the Chartered Institute of Arbitrators.

## Caribbean Court of Justice Judges



# SENIOR MANAGEMENT TEAM



## **Jacqueline Louella Graham - Registrar and Marshal**

Mrs. Graham, a citizen of Guyana, is the CCJ's Registrar and Marshal. She obtained the degree of Bachelor of Science (Hons) in Management Studies from the University of Guyana and a Masters of Business Administration (MBA) with specialization in Finance from the University of Manchester. Her transition to law was initiated in the year 2004 when she began the academic journey for the Bachelor of Laws (LL.B) (Hons) degree from the University of Guyana. Prior to the CCJ, Mrs. Graham worked at the Judiciary of Guyana as Legal Assistant to the Chancellor of the Judiciary and later as the Registrar of the Court of Appeal of Guyana.



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

Ms. Nicholas joined the RJLSC as Human Resources Manager with responsibility for the human resource management services of the CCJ, in March 2014. She has extensive experience having held similar positions in the public, media, health and energy sectors where she led a number of significant projects and initiatives. Ms. Nicholas has a Bachelor's Degree in English and Management (Hons) and Post-Graduate Diploma in Human Resources Management from the UWI Institute of Business and is currently pursuing a Masters degree in HR Management with the Australian Institute of Business.



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

Ms. Callender holds a Bachelor's Degree in Accounting and a Master's Degree in Management with a specialization in Financial Management from the University of the West Indies (UWI) Cave Hill Campus and is a certified General Accounting Professional. She joined the Court after a successful career in the private and public sector in the island of Barbados for over 13 years. Ms. Callender was the Finance Manager at the Student Revolving Loan Fund before joining the Court.



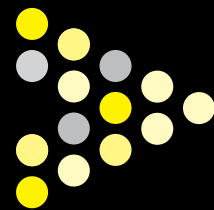
## **Maurice Piggott - Security and Logistics Manager**

Mr. Piggott joined the Caribbean Court of Justice in February 2015. He is a retired Deputy Commissioner of Police with the Trinidad and Tobago Police Service which afforded him exposure to vast training and experience in law enforcement and security both locally and internationally. Mr. Piggott is the holder of a Master's degree in Applied Criminology and Management from the University of Cambridge and is a certified security professional.



## **Charmaine Wright - Communications and Information Manager**

Ms. Wright has an extensive background in the field of marketing and communications. She joined the CCJ as Communications and Information Manager in 2015 after a distinguished stint as the Head of Trade and Investment at the British High Commission in Kingston. She received an MBA from the University of Leicester but is most proud of her BA in Literatures in English from the University of the West Indies.



The CCJ is committed to fostering greater accessibility to the court and increased efficiency in the processing of cases. During the period under review, in addition to its core work, the Registry also embarked upon a significant project to enhance the efficiency and effectiveness of the Court. The Registry is in the final stages of implementing a pilot project for a new electronic case management system which includes an e-Filing Platform. The Court’s objective is to reduce delay, increase efficiency in the judicial process and to improve the measurement of performance standards.

In 2015/6, the CCJ also saw a number of matters in both its Appellate and Original Jurisdictions.

## APPELLATE JURISDICTION

For the period 1 August, 2015 to 31 July 2016, a total of 20 cases were filed under the Appellate Jurisdiction of the Court. Of these, 15 were notices of applications for special leave to appeal and 4 were granted leave to appeal.

Additionally, 4 criminal applications for special leave to appeal filed during the period 2014-2015 were granted leave to appeal. These matters were filed during the current year bringing the total number of appeals filed for this period to 13.

## COURT SITTINGS

During the period under review, the Court sat 48 times. Below is a table showing the number and types of hearings conducted during that period.

Court Terms	Special leave to appeal	Special leave to appeal as poor person	Interlocutory Application	Case Management Conferences	Appeals	Judgments
First		3	3	2	4	3
Second	4			5	3	3
Third	3	3	4		4	4
<b>Total</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>7</b>	<b>11</b>	<b>10</b>

All applications were conducted by video conference through the relevant Supreme Court of the Contracting Parties in Barbados, Belize and Guyana. The appeals were heard at the Seat of the Court in Trinidad and Tobago.

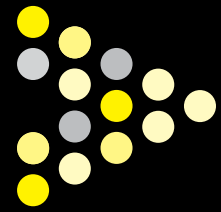
## APPLICATIONS

Of the 15 applications for leave to appeal brought to this Court, 7 were filed from the Court of Appeal of Barbados, 2 from the Court of Appeal Belize and 6 from the Court of Appeal Guyana.

## TIME TO DISPOSITION

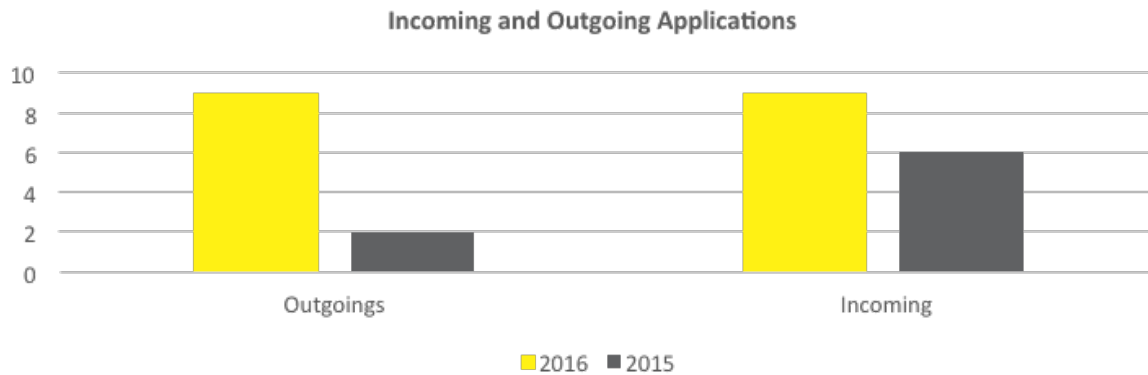
Below is a table and graph depicting the disposition of applications over a 9-month period.

Time to disposition	No of applications	Percentage disposed
0-90	3	27.27%
90-180	7	63.64%
181-270	1	9.09%
<b>Total</b>	<b>11</b>	<b>100.00%</b>



## CLEARANCE RATES

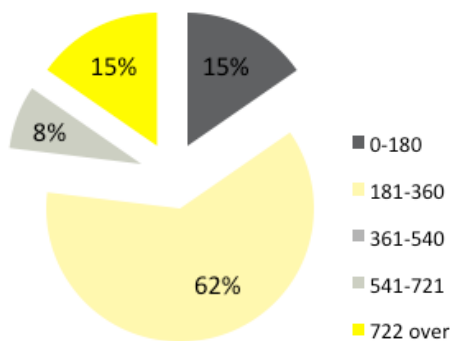
Below is a graphical presentation of the incoming and outgoing applications for special leave to appeal and clearance rates for the period August 2015-July 2016



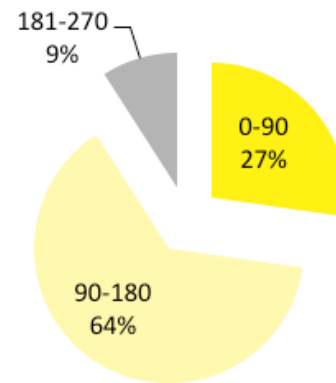
## JUDGMENTS

Twenty-four judgments were delivered in the Appellate Jurisdiction. Of these, there were 13 appeals and 11 applications. The graphs below highlight the time-frame within which judgments were delivered by the Court during the period under review.

### APPEAL DECISIONS



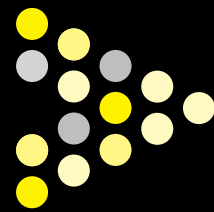
### APPLICATION DECISIONS



## ORIGINAL JURISDICTION

One new application was filed in the Original Jurisdiction for the period under review. The decision in the consolidated matters of Maurice Tomlinson v Belize and Maurice Tomlinson v Trinidad and Tobago was delivered on 10 June, 2016.





Below is a summary of all the judgments delivered by the court during the period 1 August, 2015 to 31 July, 2016:

## **Ward v Walsh & Bjerkham [2015] CCJ 14 (AJ)**

Walsh entered into a lease agreement with Ward, the owner of the disputed land, and made several improvements to the land over a period of time. Walsh expressed interest in purchasing the land and Ward assured Walsh that he would give Walsh the first opportunity to match any purchase offer. Ward subsequently accepted an offer and deposit from Bjerkham. After learning this, Walsh instituted legal proceedings against both men. The CCJ held that Walsh did not establish the required elements of proprietary estoppel as he did not demonstrate that he was reasonably assured by Ward that he would receive ownership of the land and that he acted on this assurance to his detriment. Any monies invested in the land were in furtherance of Walsh's own business interests. Further, the purported contract between himself and Ward was merely a promise to give Walsh information of the situation so that he could make an offer if he so desired.

## **Maya Leaders Alliance v AG of Belize [2015] CCJ 15 (AJ)**

This appeal arose out of an incursion onto farmlands of the Mayan communities in the Golden Stream village in Belize. While this appeal was being heard by the Court, the Appellants and the Belize Government entered into a Consent Order that, inter alia, required the Belize Government to develop a mechanism for protecting Maya land rights. The Consent Order also requested that the CCJ determine whether the Appellants should be granted damages for breach of constitutional rights. The CCJ determined that the Belize Government had breached the Appellants' right to protection of the law in failing to ensure that the existing property regime recognised and protected Maya land rights. The Court also ordered the Government to establish a fund of BZ\$300,000.00 as an initial step towards compliance with the Consent Order.

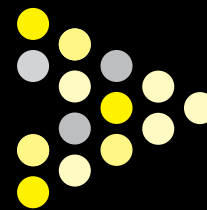
## **Canadian Imperial Bank of Commerce v Gypsy Intl Ltd & Royston Beepat [2015] CCJ 16 (AJ)**

This appeal focused on a decision by CIBC to appoint Mr Granville Phillips to act as a receiver under a demand debenture following a fire at Gypsy's business premises. After the fire, Gypsy's Managing Director, Mr Beepat, was arrested on suspicion of arson but the charge was eventually dropped. Subsequently, Gypsy's insurance policy was cancelled which triggered CIBC's right to appoint a receiver. After his appointment, Mr. Phillips sold all Gypsy's assets to repay part of the debt. CIBC later sued Gypsy and Mr Beepat, as guarantor of Gypsy's debts, for the remaining money owed. In response, Gypsy and Mr Beepat challenged the appointment of Mr Phillips claiming that no receiver could be appointed without CIBC first making a demand for payment. The CCJ determined that under the debenture CIBC could appoint a receiver without making a prior demand since Gypsy had breached its obligation to ensure that its premises had adequate insurance coverage. Further, it would be unconscionable for the Respondents to challenge the appointment when they had actively co-operated with Mr Phillips during the receivership. The Court dismissed the Respondents' claim for damages and lost profits from CIBC and ordered that Mr Beepat pay the outstanding monies owed to CIBC under the debenture.

## **Vincent Edwards & Richard Haynes v The Queen [2015] CCJ 17 (AJ)**

Edwards and Haynes were convicted of murder in June 2013 and sentenced to death. The Applications to the CCJ were premised on the grounds that (i) the Court of Appeal was wrong to uphold the convictions solely on the basis of oral confessions reduced to writing in a police officer's notebook; and (ii) the mandatory death penalty imposed on them was unconstitutional. As the second issue was not raised in the court below, the CCJ only granted permission to appeal the convictions on the first ground and to appeal as poor persons. The CCJ, in granting permission, acknowledged the case as being one of significant public importance that warranted an appeal before the final court and that the men had demonstrated that there was a realistic possibility of a miscarriage of justice. However, the Court viewed that the issue of the unconstitutionality of the mandatory death penalty should be sent back to the Barbados Court of Appeal for a determination of how that issue should be resolved.





## **Clarence Sealy v The Queen [2016] CCJ 1 (AJ)**

The Appellant was convicted of sexual assault and sentenced to six years' imprisonment. The Court of Appeal, by a majority, substituted his rape conviction for indecent assault and reduced his sentence to five years' imprisonment. He appealed to the CCJ on two grounds: (i) the trial judge had wrongly allowed the police officers to read aloud from their notebooks certain admissions they said Sealy had made at the Police Station when he was being interviewed that were unsigned by him; and (ii) the trial judge had not properly warned the jury on how to deal with the admissions. On the first ground, a majority of the CCJ held that while the trial judge had made some errors in the course of allowing the police witnesses to read aloud the unauthenticated admissions, there was sufficient evidence outside of the police testimonies on which Sealy could have been convicted. As to the second ground, the Court unanimously held that the trial judge's summing-up was adequate. The Court gave extensive guidance on how unsigned statements made by suspects should be approached and also on the directions that must be given to the jury when such statements have been admitted into evidence.

## **Rambarran v The Queen; Green v The Queen; Persaud v The Queen; Campbell v The Queen [2016] CCJ 2, 3, 4, 5 (AJ)**

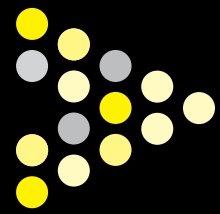
The Appellants were convicted of drug-related offences and sentenced to imprisonment terms that ranged from 15 to 30 years. Their appeals were filed 35 to 215 days after the jury verdict and were subsequently rejected by the Barbados Court of Appeal for being outside the 21-day time limit prescribed by section 19 of the Barbados Criminal Appeal Act. In a majority judgment, the CCJ disagreed with the Court of Appeal's interpretation of the statute and held that, in the context of section 19, the words "21 days after conviction" should be read as "21 days after sentence" as the sentence ultimately entails a judicial determination of guilt. Therefore, the time to appeal against a conviction only expires when 21 days have elapsed from the date of sentence; and, as a result, three of the Appellants' applications for leave to appeal were indeed filed within the prescribed time. With respect to the fourth Appellant, the CCJ held that the Court of Appeal had wrongly refused to extend the time.

## **Andrew Lovell v The Queen [2016] CCJ 6 (AJ)**

The CCJ dismissed three applications made by Andrew Lovell who was charged with murder, convicted of manslaughter and then sentenced to 22 years' imprisonment. Any appeal to the CCJ is to be filed within 42 days of the decision of the Court of Appeal, but Lovell's application for legal aid was not processed within that period for reasons beyond his control. In May 2014, Lovell appealed to the CCJ for special leave to appeal against conviction and sentence and for special leave to appeal as a poor person. However, because they were filed long after the deadline, the applications were dismissed. Lovell now resubmitted these appeals in 2015; this time also making an additional appeal for an extension of the time for applying for special leave to appeal against conviction and sentence. However, the CCJ found that the 2015 application was simply a rehash of the previously rejected application and had failed to show why the issue should be revisited in accordance with the principle of finality of litigation.

## **Errol Campbell v Janette Narine [2016] CCJ 7(AJ)**

This case focused on a purported agreement for the sale of a property in Guyana that was executed in the ICU of a Canadian hospital where the owner of the property, Mrs. Feinmesser, was critically hospitalized. The alleged sale was made to Janette Narine, a long-standing friend of Mrs. Feinmesser. Suspiciously, the property was sold at a price significantly lower than its value. After Mrs. Feinmesser's death, the executor of the estate initiated proceedings to have the agreement be declared null and void. The High Court found that Mrs. Narine exerted undue influence on the deceased to secure a bargain. However, the Court of Appeal determined that sufficient evidence was not provided to demonstrate any undue influence. The CCJ held that there was no basis upon which it could interfere with the findings of the trial judge given the suspicious circumstances surrounding the agreement. The Court ordered that Mrs. Narine give up possession of the property to Mr. Campbell within 6 months of the date of the Court's order.



## **Christopher Salt et al v Kaupthing Singer & Friedlander Ltd [2016] CCJ 8 (AJ)**

The Applicants (borrowers) had ownership interests in a property. The borrowers issued a debenture and mortgaged the property to the Respondents (lenders) as security for the loan. Litigation ensued in which the borrowers contested the validity of the loan agreement. The lenders issued a notice indicating their intention to appoint a receiver over the property. The borrowers sought an injunction restraining the lenders from proceeding which was declined by the trial judge. Proceedings at the Court of Appeal were successively adjourned. The Applicants argued that because of this the Court of Appeal failed to act judicially in the discretion it has to adjourn proceedings. The CCJ dismissed the application for special leave and, by extension, the consequential application to restrain the receiver. The Court determined it would have been superfluous to have granted the injunction since the receiver had already disposed of the entire property; the receivership had come to an end and that there was therefore no longer anything to restrain.

## **Chee Yiu Kwang & Millicent Murray v Tsui Yokkei [2016] CCJ 9 (AJ)**

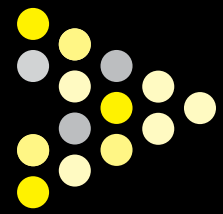
This dispute arose out of successive sales of a property in Bartica, Guyana, which were initially owned by Chee Yiu Kwang (Kwang) and occupied by Tsui Yokkei (Cheekee). Kwang orally agreed to sell the property to Cheekee, who then began making payments. Subsequently, Kwang sold and transferred ownership of the Bartica property to one Millicent Murray. The High Court held that the actions of Kwang and Millicent Murray amounted to fraud under section 22(1) of the Deeds Registry Act and ordered Kwang to transfer ownership of the property to Cheekee upon receipt of the full balance due. The CCJ held that the circumstances of the subsequent sale to Millicent Murray clearly fell within section 22(1). The fact that Kwang sold the property to Millicent Murray and transferred ownership to her when she was fully aware of Kwang's agreement of sale with Cheekee made her a participant in the breach of the agreement and privy to the fraud committed by Kwang. The Court ordered that the ownership of the disputed property be passed to Cheekee.

## **Aaron Truss v Windsor Plaza Ltd [2016] CCJ 10 (AJ)**

Windsor Plaza sued Mr. Truss in trespass seeking, inter alia, damages and injunctive relief alleging that Mr. Truss wrongfully entered upon its property. An interim injunction was granted and Mr. Truss subsequently filed re-amended pleadings asserting a right of way over Windsor's property. The trial judge treated the issue as an application for a summary remedy under CPR 2008 Part 15 and dismissed the application, on the basis that the matter should proceed to trial. The CCJ held that once the judge makes an unconditional order on a Part 15 application to go to trial on an issue, it matters not that the issue arises as part of a claim or a defence to a claim. Section 54(1)(c) bars any appeal against the judge's order. Accordingly, there was no jurisdiction to entertain an appeal against the decision and order of the trial judge.

## **Keshwar Ramlall v AG of Guyana [2016] CCJ 11 (AJ)**

In 1993, Ramlall assumed occupation of State land based on assurances from the Commissioner of Lands and Surveys and the Minister of Agriculture that he would eventually obtain a lease of it. He proceeded to expend sums to clear and prepare the land for rice cultivation. The State subsequently removed Ramlall from the land. A lease was then issued to third parties. The High Court awarded compensatory damages to Ramlall. However, the Court of Appeal ruled that Ramlall, having brought a constitutional motion, could not properly have received damages in public law for the breach of a legitimate expectation. Ramlall applied for leave to appeal to the CCJ and was granted such leave under the condition that he lodge a sum with the Registrar of the Supreme Court within 90 days for security for costs. Unable to lodge this sum, he applied to the CCJ for special leave to appeal and for variation of the conditions accompanying the permission as he desired now to appeal as a poor person. The CCJ ruled that procedurally Ramlall did not comply with the notice requirements. It nonetheless considered the merit of his case and dismissed his appeal.



## **Suraj Singh v Sichan Harrychan [2016] CCJ 12 (AJ)**

Section 8(2) of the Summary Jurisdiction (Appeals) Act of Guyana provides that upon receipt of the Magistrate's Memorandum of Reasons for decision, the Clerk shall forthwith, and at latest within 21 days of the receipt thereof, prepare a copy of the proceedings including the reasons for the decision, and when the copy is ready he shall notify the Appellant in writing and, on payment of the proper fees, deliver the copy to him. Sichan Harrychan had been sentenced to three years' imprisonment and filed an appeal. No grounds of appeal were filed but he applied for an extension of time to submit grounds of appeal arguing that the Clerk's Notice was not sent within the 21 days required by law. The CCJ allowed the appeal and ordered that section 8(2) of the Act should be strictly followed by the Clerk of Court and although there may be non-compliance, that would not invalidate the service of the Notice outside that time period. The substantive appeal by Harrychan was remitted to the Court of Appeal for hearing with directions that the Court of Appeal take into consideration the considerable delay in the matter.

## **Maurice Tomlinson v Belize & Trinidad & Tobago [2016] CCJ 1 (OJ)**

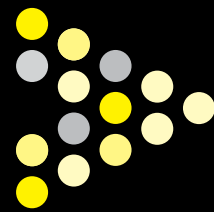
Maurice Tomlinson claimed that the Immigration Acts of Belize and Trinidad and Tobago seek to prohibit homosexuals from entering those countries in breach of the Revised Treaty of Chaguaramas (RTC). While conceding that he had never actually been refused entry into either country, Tomlinson argued that the mere existence of these laws prejudiced the exercise of his right to free movement. The CCJ dismissed Tomlinson's assertions as he was unable to show that he had ever been or would be in danger of being prejudiced by the existence of the challenged provisions of the Immigration Acts of Belize and Trinidad and Tobago. As to Belize, homosexuals – and others – are prohibited from entering the country only where they are seeking financial gain either by offering sexual services themselves or by profiting from those performed by others and, as such, would not be applicable to Tomlinson. In relation to Trinidad, it was demonstrated that Trinidad and Tobago's Immigration Department does not apply this prohibition to homosexual CARICOM nationals. Nevertheless, the Court cautioned that Member States should strive to ensure that national laws and administrative practices are consistent with the right of free movement of all CARICOM nationals.

## **Shawn Pinder v The Queen [2016] CCJ 13 (AJ)**

Shawn Pinder appealed to the CCJ claiming that his sentence of 15 years for a murder conviction was unfair and excessive. He sought special leave to appeal and to appeal as a poor person. Pinder claimed that he had been placed at a disadvantage because of an amendment to his indictment at an advanced stage of the trial and the judge did not discharge the jury after some members were observed conversing with a discharged juror. The CCJ determined that where an Applicant for special leave can point to no genuinely disputable point of law and invites this Court to reject the assessment of facts by the lower courts without pointing to a clear miscarriage of justice, the Court will not treat an application for special leave as arguable. The applications were dismissed.

## **Medical Council of Guyana v Rama Sahadeo [2016] CCJ 14 (AJ)**

Dr Rama Sahadeo was suspended from medical practice in October 1998 until he had satisfactorily answered some allegations of sexual misconduct made by former patients after he had left Guyana to seek medical treatment. The doctor was continually absent from Guyana for over 3 years without earning fees causing his name to be removed from the Medical Register by law. The CCJ held that from 3 June 2000 the doctor could not complain of the lawful absence of his name from the Register. He was informed by the Council that his applications to the Council for renewal of his annual licence could not be dealt with without first having his name restored to the Register by satisfactorily answering the allegations against him. He had not appeared at a hearing before the Council to deal with the allegations. This failure to answer these allegations had led to his inability to practise medicine so that he was not entitled to any damages for loss of earnings.



## **James Hyles v DPP [2016] CCJ 15 (AJ)**

The CCJ clarified that a special leave application exists independently of whether an Applicant has or had an appeal as of right or has sought and been refused leave from the Court of Appeal to appeal to the CCJ. Any litigant who is dissatisfied with a decision of the Court of Appeal is entitled to apply directly to this Court for special leave to appeal that decision, although such leave would only be granted in deserving cases. In this case, the Court viewed that the Applicant was entitled to seek special leave to appeal to the CCJ. Further, since there was no appeal pending before the Court at this time, it declined to consider whether the Applicant should be granted bail.

## **Mark Williams v DPP [2016] CCJ 16 (AJ)**

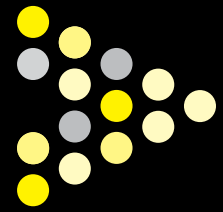
The CCJ, under similar circumstances as James Hyles v DPP, reiterated that an application to the Court for special leave to appeal exists independently of whether the Applicant enjoys an appeal as of right or has sought and been refused leave from the Court of Appeal. Any litigant who is dissatisfied with a decision of the Court of Appeal is entitled to apply directly to this Court for special leave. As such, the Applicant is entitled to seek special leave to appeal to the CCJ.

## **Guyana Sugar Corporation v Tulsieram Dukhi [2016] CCJ 17 (AJ)**

This appeal arose out of a road traffic accident where Dukhi was struck by a truck driven by an employee of the Guyana Sugar Corporation Inc. (Guysuco). In the High Court, he was awarded G\$850,000.00 in damages, but no reasons were given. Dukhi appealed this award to the Court of Appeal, arguing that it was inadequate. The Court of Appeal increased the damages to G\$5,446,000.00. Guysuco appealed to the CCJ, complaining that the Court of Appeal erred in setting aside the trial judge's award without written reasons from the trial judge. The CCJ stressed the importance of the duty of trial judges to provide written reasons for their decisions but held that given the circumstances of the case the Court of Appeal was correct in re-assessing the award of damages. The CCJ merely adjusted the award for calculation errors, increasing the award to G\$5,743,000.00.

## **Glen Lall v Walter Ramsahoye [2016] CCJ 18 (AJ)**

Between 21 January and 10 February 2000, an article and two caricatures with captions, all referring to Dr Ramsahoye in disparaging terms, were published in the Kaieteur News by the Appellants. Dr Ramsahoye successfully sued the Appellants for defamation and was awarded G\$4.5 million in damages. Both parties appealed to the Court of Appeal and the Appellants paid into court the G\$4.5million awarded in the High Court. The Court of Appeal found that the sum awarded was inadequate and substituted an award of G\$15 million for damages. The CCJ concluded that there was no justification for the Court of Appeal to interfere with the trial judge's award as he had not erred in the application of legal principle nor made an award that was inordinately low. The Court declined to award pre-judgment interest at this stage as the matter had not been argued and there was no guidance from the lower courts on the point. It held, however, that judgment debt interest continued to run from the date of the High Court judgment despite the payment into Court which now had to be paid out to Dr. Ramsahoye.



## Caribbean Association of Judicial Officers (CAJO)

The 2015 CAJO Biennial Conference was held in Jamaica from 24<sup>th</sup> - 26<sup>th</sup> September 2015 under the theme “**Setting High Standards for Justice Delivery**”. Approximately 130 judicial officers registered for the Conference. The participants included specially-invited presenters and judicial officers from a range of countries outside the Caribbean including the United States, Canada, England, Australia, Mexico, France and The Netherlands. This year, for the first time, there was also a delegation from Puerto Rico and a representative from the International Association of Judges. The Conference attracted the attendance of six Heads of Judiciary from Caribbean countries and a former Chief Justice of the Canadian province of Ontario.

Two keynote presentations were delivered. The first, by Professor Richard Drayton titled “Longer than rope? Time, History, and the Law in the Caribbean”, examined Caribbean law and its present interpretation from a historical perspective. The presentation provided a refreshing perspective by a non-lawyer that sought to explain and situate present legal concepts in the context of the colonial history of the region. The second keynote was delivered by Professor Kimberly Papillon on “The neuro-science of Judicial decision-making and Impartiality”. Professor Papillon demonstrated vividly, with the aid of neuro-science and empirical data, how unconscious bias affects judicial decision.

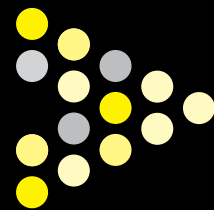


*At the end of the conference, the commemorative photo was taken of presenters, sponsors and delegates who attended the CAJO 4th Biennial Conference held in Jamaica at the Rose Hall Hilton Resort & Spa. The conference included sessions on methods to ensure expeditious resolutions of trials, real time court reporting, separation of powers and restorative justice.*



*Professor Kimberly Papillon, one of the keynote presenters, delivered a highly interactive and thought-provoking presentation entitled “The Neuro-science of judicial decision-making and impartiality”.*





The conference featured a variety of panel discussions and plenaries that covered such diverse issues as judicial methods that could reduce delay and achieve high performance to Gender Responsiveness and the Law.

CAJO placed greater emphasis on the Magistracy at this year's conference. This was reflected not only in the holding of a Magistrates' forum but also in the fact that an effort was made to ensure that there was good representation from the Magistracy on the panels and also as panel chairpersons. At their forum, the Magistrates present agreed to establish themselves as a Magistrates' arm of CAJO.

CAJO's business meeting looked at ways of strengthening the organization. It was agreed that a select number of representatives from law institutions in the region would be invited to biennial meetings and a resolution was adopted at the closing of the conference. CCJ's Justice Saunders was re-elected as Chairman of the Association and the following executive members and country representatives were elected:

## **Executive Committee**

Mr. Justice Adrian Saunders, Chairman - C.C.J.  
Mr. Justice Christopher Blackman - Belize  
Mme. Justice Charmaine Pemberton - Trinidad and Tobago  
Mme. Justice Yonette Cummings-Edwards - Guyana  
Mme. Justice Nicole Simmons - Jamaica  
Mrs. Simone Wolfe-Reece - Jamaica  
Ms. Camille Darville-Gomez - The Bahamas

## **Country Representatives**

Mr. Justice Evert Van der Poel - Curacao  
Mme. Justice Sandra Nanhoe-Gangadin - Suriname  
Mr. Justice Francis Belle - OECS  
Mme. Justice Sonya Young - Belize  
Mme. Justice Charles-Etta Simmons - Bermuda  
Mrs. Barbara Cooke-Alleyne - Barbados

The holding of CAJO 2015 was supported respectively by Thompson Reuters, UN Women, the JURIST project, the Commonwealth Secretariat, the Caribbean Court of Justice and The Equal Rights Trust.

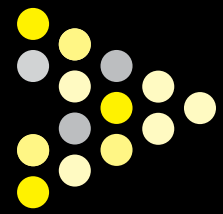
## **Highlights of the CAJO Conference**



*The Hon Mme. Justice Zaila Rowena McCalla (left), Chief Justice of Jamaica, addressed the audience at the opening of the CAJO 4th Biennial Conference. The conference, held in Jamaica in September 2015, was themed "Setting High Standards for Justice Delivery". Representatives from the judiciary in Jamaica were instrumental in the planning and the provision of resources to ensure that the Conference was a success.*



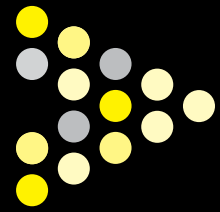
# JUDICIAL REFORM ACTIVITIES



The Caribbean Association of Women Judges (CAWJ) held a forum during the conference. Here, the Hon. Mme. Justice Rajnauth-Lee (2nd left), a Judge of the CCJ and a CAWJ Vice-President, addresses the audience which included a number of their male counterparts.



Ms. Allison Ali, Communications Specialist of the Judicial Reform and Institutional Strengthening (JURIST) Project, gives a brochure with information on the JURIST Project to a CAJO attendee. JURIST was one of the sponsors of the Conference.



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

The educational arm of the Court is the Caribbean Academy for Law and Court Administration (CALCA). The Academy was established in 2012 and is administered by a Management Committee under the ultimate authority of the President of the Court. Using various modes of delivery, the academy develops, co-ordinates and facilitates seminars, workshops, exchanges, and special lectures, as the primary vehicles for achievement of its objectives. The academy is intended to provide interesting, informative and innovative perspectives on the rules and the roles of law, particularly, International Law, and is therefore critical to the work of the Caribbean Court of Justice, especially in the Court's Original Jurisdiction. The academy also provides a platform for examining court administration and encouraging best practices in the judicial administration of justice.

### Activities

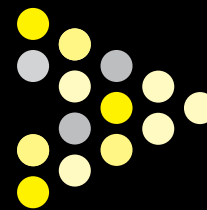
CALCA prepares an annual slate of activities based upon an assessment of need. The roll-out of the programmes contains indications of the target groups to whom each programme is geared. Participants are typically drawn from various professions and fields of endeavour associated not only with courts but also from sectors that have some interaction with courts.

Special seminars, workshops and lectures are delivered in the various jurisdictions of the Caribbean Community under the auspices of CALCA. Programmes vary in length depending on the nature of the legal concepts explored and on other relevant considerations.

The faculty for the academy's programmes consists of international experts in the subject matter and include experts from the CARICOM region and may include Judges and senior officials of the Caribbean Court of Justice. A list of the proposed presenters is usually provided in the advertisement of the relevant programme.

CALCA's flagship event is its biennial Law Conferences/Seminars. The 4th Biennial Conference is to be held in Sint Maarten, in partnership with the General Legal Council of Jamaica, under the theme: 'Law at the Crossroads: Reappraising the Role of Common Law and Civil Law Practitioners in Transnational Development'. The conference takes place from October 27-29, 2016.

CALCA has also taken a leadership role in the establishment the Caribbean Community Administrative Tribunal (CCAT) in order to fill a troubling gap in the community governance arrangements. The approximately twenty-five Community Institutions have a significant number of employees comprising both permanent and contractual staff. However, there exists a worrisome void in the constituent instruments of these Institutions in relation to the settlement of employment disputes.



The establishment of the Caribbean Community Administrative Tribunal is intended to remedy the situation by providing such an avenue for the resolution of employment-related disputes involving staff of eligible CARICOM institutions. Assistance has been received from the International Labour Organization (ILO) and the CARICOM Secretariat, among other organizations. So far, significant progress has been made towards the establishment of the tribunal which is planned to come into effect through the signing of the statute, planned for the fourth quarter of 2016.

CALCA has also contacted the several 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. In preparation for these lectures, a manual and power point presentation are being prepared with the assistance of the Judicial Research Assistants of the CCJ. It is expected that this project will gain traction in 2017.

## Judicial Reform And Institutional Strengthening (Jurist) Project

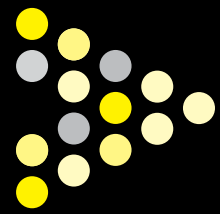
The Judicial Reform and Institutional Strengthening (JURIST) Project has been working with countries in the Caribbean for the past two and a half years. The ultimate goal of the project is to develop a regional judicial system that is more responsive to the needs of women, men, youth and the poor. Its aim is to modernize and strengthen court systems, processes and services, and to equip judicial officers and court staff with the skills and competencies necessary to deliver justice in a fair, predictable, efficient and timely manner.

The JURIST Project, funded by Global Affairs Canada (GAC) and executed by the Caribbean Court of Justice (CCJ) on behalf of the Conference of Heads of Judiciary of CARICOM, has developed a number of activities that will improve the overall functioning of judiciaries in the region.

During 2016, the JURIST Project held a series of collaborative workshops in conjunction with the judiciaries of Barbados, Belize, Grenada, Guyana and Jamaica with a view to identifying priorities, and building consensus for the Project's work plan for the remaining period.



*Mr. John Furlonge, Regional Project Coordinator, JURIST Project summarises the findings of the planning workshop in Barbados.*



*The Honourable Mme. Justice Yonette Cummings-Edwards, Chief Justice (Ag) of Guyana, and the Honourable Mr. Justice Carl Singh, Chancellor of the Judiciary of Guyana, participate in the Project's Collaborative workshop in July 2016.*

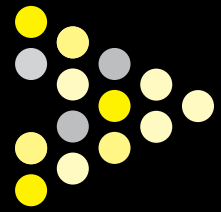
While the justice systems in each country have unique and specific challenges, we can state that a few common priorities for judicial reform emerged. These included training of judicial officers, court staff and attorneys; mediation at magisterial and appeal levels; the use of technology to reduce delays and expedite the disposition of cases; and public education and awareness, with the aim to improve public confidence in the justice system.

In June, the JURIST Project launched its website – [www.juristproject.org](http://www.juristproject.org). The website will be a source of comprehensive and up-to-date information about the JURIST Project in the Caribbean and will be one of the main communication vehicles used to inform a wide and varied audience about the JURIST Project. It will be regularly updated to include project progress information, photos, news stories, activities and achievements from countries and partners across the region.

The team also continued its efforts to provide insight into the work of the project by producing JURIST News. The inaugural issue was published in November 2015.

The project team also made considerable progress during the period under review. We have strengthened the governance structure and introduced policies to guide the operations of the project. Additionally, the project has a new Director, Dr. Penny Reddie, who started in August 2016, and a Gender Coordinator, Ms. Anika Gray, seconded from UN Women.





## The Website Committee

The Website Committee was revived in order to continue to guide and shape the CCJ website in light of an impending redesign. It was also decided that the committee should also provide support to associated bodies, the Regional Judicial and Legal Services Commission (RJLSC) and JURIST, who are developing their own web presence.

The committee is chaired by Mr. Justice Saunders and is comprised of representatives from a wide cross-section of the Court's functions. The committee includes: Mr. Justice Wit, Ms. Charmaine Wright, Ms. Jacinth Smith, Dr. Michael Anthony Lilla, Mr. Ayinde Burgess, Mrs. Ria Mohammed-Davidson, Ms. Seanna Annisette and Ms. Semone Moore. Representatives from both RJLSC and the JURIST Project will also have a place on the committee.

The committee's remit is to develop strategies in relation to the CCJ's web presence in keeping with the mission statement and articulated vision of the Court, to ensure the website adheres to the performance standards of the Court and to uphold and enhance the Court's ability to engage in public education. In this regard, the committee will assume responsibility for devising the means for accomplishing the purpose set out above, establishing appropriate mechanisms for monitoring and maintaining the website, and recommending appropriate content.

During the meeting it was also decided that a sub-committee for website monitoring, which obtained during the tenure of the previous committee, would continue to function. It was also concluded that the committee must seek the views of internal and external users of the website in determining how it must go forward. It was concluded that a survey would be helpful in ascertaining needs, desires and suggestions for improvement from current users. The survey is being planned for the 4th quarter of 2016. The draft survey has been approved and is currently being tested before wider implementation. This will allow for the development of a phased approach to the enhancement of the CCJ website to ensure it meets and exceeds the needs of its users.

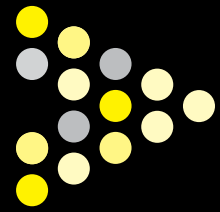
During the period, the committee bade farewell to one of its members, Ria Mohammed-Davidson. We thank her for her service.

## The Library Collection Development Advisory Committee

This committee, comprising Mr. Justice Hayton (Chair), Mr. Justice Wit, Ms. Jacqueline Graham, Ms. Jacinth Smith and Ms. Alicia Dixon, met on 23 November 2015, 14 March 2016 and 15 July 2016. At these meetings, the following subject areas were evaluated and recommendations made in accordance with the Library Development Policy that had been approved on 31 July 2015: Administrative Law, Judicial Review, Constitutional Law, Public and Private International Law, Comparative Law, Criminal Law, Company Law, Partnership, Equity & Trusts, Commercial Law, Competition Law, Contract Law, Sale of Goods, Insurance Law, Agency, Tort Law and European Union Law.

Responding to a letter from the European Commission on Democracy through Law, also known as the Venice Commission, the CCJ is working with that body so as to have CCJ cases involving human rights issues included in the Commission's public data base, CODICES. It was agreed that the CCJ would help Suriname develop a collection of common law titles. Two members of the committee, Ms. Smith and Mr. Justice Wit, are compiling books that can be sent to Suriname. The Suriname Embassy has been informed that a collection of books is now awaiting transportation to Suriname.

Finally, the committee noted that since decisions of the Conference of Heads of Government can create law within CARICOM (as established in the Shanique Myrie case) such decisions ought to be easily accessible to lawyers



and laymen so that they know what law they have to comply with. The CCJ Librarian had received requests for such decisions but did not have them available to her. The President is raising this with the Secretary-General of CARICOM.

Ms. Alicia Dixon's term as a Judicial Research Assistant has ended and Ms. Kerine Dobson will replace her on the Committee.

## Judicial Assistants and Court Interns Committee

At the end of July 2016, Ms. Alicia Dixon and Mrs. Ria Mohammed-Davidson completed the maximum period of three years for their posts, leaving Ms. Kerine Dobson in post as Judicial Assistant from 20 July 2015 and Mr. Richard Layne in post from 1 September 2015.

Ms Latoya McDowald will be joining the CCJ as Judicial Assistant on 1 September 2016 for a period of two years that can be extended to three years at the invitation of the CCJ. She is a Barbadian who is a qualified English barrister with a First Class Honours LLB from the University of Kent and who spent three days a week with the CCJ during the period October 2014 to March 2015 as part of the Hugh Wooding Law School programme for foreign qualified lawyers to obtain local certification. Another candidate will be appointed later in 2016.

As a result of proposals agreed at the Judges' Meeting of 21 July 2016, two unpaid interns are to be taken on for periods of two weeks over five successive fortnightly periods from May 2017 to July 2017. There will be ten interns: four each from the Hugh Wooding Law School and the Norman Manley School and two from the Eugene Dupuch Law School. The Principals of those Law Schools will select the interns. An intern will 'shadow' and assist a Judicial Assistant at times when not involved in learning about, and assisting in, the functions of the various Units of the Court.

## The Rules Committee

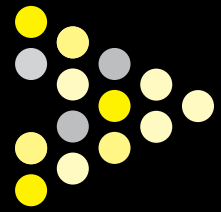
The period covered by this annual report, August 2015 to July 2016, has been largely one of observing the day-to-day operation of the Rules in both the Original and Appellate Jurisdictions since the promulgation of the new Rules in April 2015.

In an effort to streamline the régime for the taxation of costs in the Appellate Jurisdiction, the Court has begun to issue a costs questionnaire to the parties in the appeal. The main aim of the questionnaire is to facilitate the parties arriving at an agreed figure on the reasonable costs to be paid to the winning party. This questionnaire is currently issued by the Registry in advance of the first case management conference (CMC). The intention is that parties should be guided by the Schedule of Fees contained in the Appellate Jurisdiction Rules in completing the questionnaire. The covering page of the questionnaire will be amended accordingly to reflect this intention. The parties are to endeavour to arrive at an agreed quantum of reasonable costs and this agreement will be formally noted by the Court at the CMC. We have identified some Appellate Jurisdiction Rules that may have to be changed but need more time to see how the procedure is affected by the rule that costs are a judicial order, that the Court is not bound by what the parties say are reasonable costs and our positive duty to open up access to justice. Also important is the rule that costs must be adequately substantiated.

Consultations with the Bar Associations of Barbados, Belize, Dominica and Guyana on the quantum of fees specified in Schedule 2 of the Appellate Jurisdiction Rules should take place next year through the office of the Registrar.



# JUDICIAL COMMITTEES



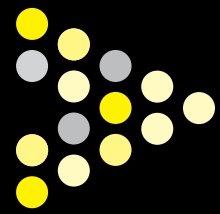
The Rules Committee has also considered whether a rule should be inserted in the Appellate Jurisdiction Rules and the Original Jurisdiction Rules which would impose a duty on the parties to comply with orders and judgments of the Court and to report on the status of compliance with the Court's orders. Again, it was felt we should hold our hands for the time being.

The committee will keep the provisions governing the electronic filing and submission of documents under review to account for any changes in technology in this regard. We expect that the first step would be an updated Practice Direction and Electronic Bundle Guidelines before the Rules are eventually changed.

The committee will ensure that the CCJ remains at the cutting-edge of all recent developments in law and technology and is adequately equipped to make justice accessible to the people of the Caribbean. In this respect, the committee was pleased to welcome two new Judicial Assistants, Ms. Kerine Dobson and Mr. Richard Layne.



*Long-serving RJLSC Commissioner the Hon. Dr. Lloyd Barnett OJ, receives a gift from the Executive Officer in the RJLSC, Ms. Christine Foreshaw. While the framed photo wished Dr. Barnett farewell, the Judges and the Staff of the CCJ wrote their own messages to Dr Barnett in the area around the photograph which gave the gift a personalized touch.*



## CCJ Public Education In Referenda Exercises

In its 11<sup>th</sup> year of operation, the Court welcomed the steps being taken by the Governments of Grenada and Antigua and Barbuda to accede to the Court's Appellate Jurisdiction. As both countries prepared for referendum activities, the CCJ was invited by the respective organizing committees to contribute to the information dissemination exercises being undertaken in the various forms of print and electronic media.

The Prime Minister of Antigua and Barbuda, the Honourable Gaston Browne, along with Leader of the Opposition, the Hon. Baldwin Spencer, agreed, in the presence of the Governor General of Antigua & Barbuda, Sir Rodney Williams, to engage the people of Antigua & Barbuda in a bipartisan consultation on certain areas of constitutional reform. The President of the CCJ, who was in attendance, gave further assurance that the Caribbean Court of Justice, "will ensure that the people of Antigua and Barbuda get all the information they need to ensure that they can make a decision that is in their best interest and we will respect whatever decision is made."



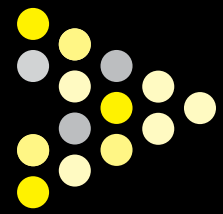
*The Right Honourable Sir Dennis Byron, President of the Court, spoke passionately about the work and the role of the CCJ at the launch of the public education campaign for the planned referendum in that nation. The Prime Minister of Antigua & Barbuda, the Honourable Mr. Gaston Brown (seated), was firm in his support of the CCJ and encouraged his citizens to educate themselves on the issues so that they can make an informed decision.*



*Journalist, Mr. Kem Jones (left), of Fresh FM posed questions from listeners that he received on his mobile device to the CCJ President, Sir Dennis Byron, and RJLSC Commissioner, Mr. Martin Daly SC (not shown). The two were on a sensitization tour of Grenada so that the public and stakeholder groups could discuss their concerns and questions directly with representatives from the CCJ, the RJLSC and the CCJ Trust Fund.*

Upon invitation from the Grenada Constitution Reform Advisory Committee, the Caribbean Court of Justice participated in a series of events which were intended to continue the efforts to increase public education about the CCJ in the region. The events included a televised town-hall meeting, meetings with stakeholder groups and a media workshop. Among the meetings were engagements with students, leaders of the Government and the Opposition party, the Grenada Bar Association and the Conference of Churches among other umbrella organizations and groups. There were also radio interviews that contributed to efforts to reach the people of Grenada. At each presentation, the audience received information about the CCJ but was also encouraged to probe issues that concerned them the most. The presentations covered a variety of topics which included the Court's high quality of work, judicial independence and financial stability.

Not only were these exercises fruitful but necessary, as the Court embraced the opportunity to dialogue with the people of the two countries to help them to make an informed decision. The discussions emanating from these interactions are valued by the Court, as it contributes to the level of access to the Court, its information and its people, all geared towards improved public trust and confidence.



*Students rush to the stage to answer questions at the Youth Forum that marked the first activity of the public education campaign before the upcoming referendum in Antigua & Barbuda. Thousands of students from the twin-island state attended the event.*

## CCJ Signs MOU On Harmonizing Business Law In The Caribbean

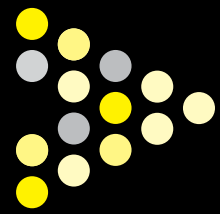
In May 2016, the Caribbean Court of Justice (CCJ) signed an Agreement of Cooperation with Guadeloupe-based ACP Legal Association, which bears the responsibility for executing the Organization for the Harmonization of Business Law in the Caribbean (OHADAC) Project.

The agreement was signed on behalf of the CCJ by Court President, The Rt. Hon. Sir Dennis Byron, and by ACP Legal President, Judge Catherine Sargenti. The brief ceremony was witnessed by French Ambassador to Trinidad and Tobago, His Excellency Hédi Picquart.

Under the Agreement, the CCJ will lend such support as exists within its mandate towards achieving the implementation of a harmonized business law framework in the Caribbean. The OHADAC Project aims to consolidate the economic integration of the entire Caribbean, following similar reforms undertaken in Africa. The project seeks to facilitate increased trade and promote international investment by providing a unified law and alternative dispute resolution methods. The ultimate goal of the harmonization process is to have a unified law that is internationally respected, recognised and utilized.

The signing of the agreement represented the culmination of discussions between the two organisations following a two-day official visit by a delegation from ACP Legal Association/the OHADAC Project to the CCJ Headquarters in Port of Spain. The delegation consisted of Judge Sargenti, President of ACP Legal and leader of the OHADAC Project; Dr. Jean Alain Penda, OHADAC's Project Manager; and Mr. Keats Compton.





## Sensitization Visit To Jamaica

Sir Dennis Byron led a delegation on a visit to Jamaica in May 2016. The visit was intended to give the incoming Interim Project Director from the JURIST Project, Mrs. Nicole Jauvin, some insight into the justice sector and to introduce her to some of the stakeholders in that country. Intensive discussions were had with the Minister of Justice, the Attorney General and the Chief Justice and key members of the Ministry of Justice and the Judiciary of Jamaica. Of interest was a visit to the Resident Magistrate's Court in Kingston. There the team was able to view the digital recording equipment, donated by the JURIST Project, and to speak with some of the court reporters who were participating in the pilot programme.

The President, accompanied by the Hon. Mr. Justice Adrian Saunders of the CCJ, also paid courtesy calls on the Prime Minister of Jamaica and the Leader of the Opposition. In addition, the delegation also visited the offices of the Private Sector Organisation of Jamaica to discuss a possible collaboration on public awareness in the island.



*CCJ Judge, the Hon. Mr. Justice Saunders (right), is amused by the responses of school children who are answering questions about the CCJ posed by the President of the Court (partially hidden). The President and Judge had just concluded a meeting with the Prime Minister of Jamaica. During the trip to Jamaica, the President and Judge met with various stakeholder groups - including the Judiciary, umbrella groups and the Government.*

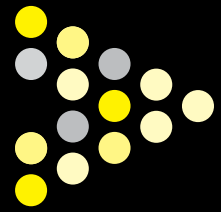


*The President of the CCJ, the Rt. Hon. Sir Dennis Byron (left), the Hon. Mr. Justice Saunders, Judge of the CCJ, and Ms. Nicole Jauvin, Interim Project Manager of the JURIST Project, are updated on the usage of digital recording equipment at the Kingston and St. Andrew Resident Magistrates' Court in Jamaica.*

## Delegation From The Dutch Caribbean Visits The CCJ

The Hon. Mme. Justice Engelbrecht, together with a number of trainee judges from the judiciary of the Dutch Caribbean, visited the Caribbean Court of Justice (CCJ) and a number of other courts in Trinidad as a part of their judicial training programme. The delegation visited the Family Court, Industrial Court, the Port of Spain Magistrate's Court and the Supreme Court of Trinidad and Tobago. The participating trainee judges were: Mr. Reagan Celestijn, Ms. Kimberly Lasten, Ms. Angeline Martijn, Ms. Josina Schelling and Ms. Faye Wannyn.

CCJ Judge, the Hon. Mr. Justice Wit who co-ordinated the trip on behalf of the Court, stated, "one of the strategic imperatives of the CCJ includes enhancing regional judicial system performance and judicial cooperation. This visit is just one of the ways we hope to assist courts in the region, even or especially those with a different legal system, by bringing them together and helping them with developing a broader view on their role in the administration of justice, introducing them to new ideas on how to improve their functioning in a way that is relevant to society as a whole and by creating opportunities to strengthen their ties with other judiciaries."



## Governor-General of Grenada Visits The CCJ

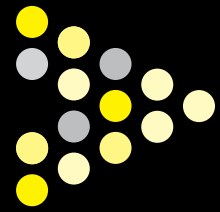
Her Excellency Dame Cecile La Grenade, GCMG, OBE, PhD, Governor-General of Grenada, during a visit to Trinidad and Tobago paid a courtesy call on the President of the Caribbean Court of Justice, the Rt. Honourable Sir Dennis Byron, at the CCJ Headquarters on Friday 01, April 2016. Her Excellency also met with the Judges and Registrar of the Court and participated in a tour of the Court's offices, including a demonstration of the impressive technology being employed in the CCJ's courtrooms.



*Her Excellency Dame Cecile La Grenade (centre) with some of the Judges and the Registrar and Marshal of the CCJ.*



*Multimedia Officer at the Caribbean Court of Justice, Mr. Paul AQUI (right), speaks with Her Excellency Dame Cecile La Grenade as he goes through a demonstration of the courtroom technology.*



## The 8<sup>th</sup> Annual Caribbean Court Of Justice (CCJ) International Law Moot Competition

The Court's Annual Law Moot focuses on the CCJ's Original Jurisdiction and matters related to the Revised Treaty of Chaguaramas. The Caribbean Court of Justice's Annual International Law Moot Court Competition was inaugurated in March 2009, to encourage budding attorneys to become familiar with the Revised Treaty of Chaguaramas, and other areas of Community and International Law.

This year saw the participation of six teams representing law schools and law faculties throughout the Caribbean:

1. Faculty of Law of the University of Technology, Jamaica;
2. Faculty of Law of the University of Guyana;
3. Faculty of Law of the University of the West Indies (St Augustine);
4. Eugene Dupuch Law School (The Bahamas);
5. Hugh Wooding Law School (Trinidad & Tobago); and
6. Norman Manley Law School (Jamaica).

The Norman Manley Law School emerged the winner of the competition. This is the second win for the Jamaican law school, since they competed and won the very first CCJ International Law Moot in 2009.

This year's fictitious case dealt with issues surrounding a Caribbean national, of Muslim denomination, who was denied entry into Jamaica. Arguments were presented before a panel of CCJ Judges: the Honourable Messrs. Justices Wit, Hayton and Anderson. In his opening remarks, the Rt. Honourable Sir Dennis Byron, President of the CCJ, spoke of the benefits of the moot; "To my mind, the annual moot is strong evidence of the Court's confidence in the future of the legal profession in the region, and its contribution to preparing the young attorneys of today to assume the mantle of legal leadership in the region tomorrow."

The submissions made by all teams met and exceeded the expectations of the Court Judges, who not only commended their efforts, but also gave the teams a few pointers on what can be done to improve their oral presentations. All teams were applauded for their use of the various presentation tools available at the multimedia lectern of the CCJ's courtroom.

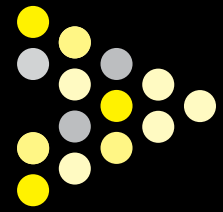
Assisting with the proceedings were first year law students of the University of the West Indies, St Augustine Campus. They functioned as mooting registrar, mooting court support officer and other mooting court officials.



*Mr Travis Anthony Benain delivers his presentation during the 8th Annual Caribbean Court of Justice Law Moot competition. The annual event serves as a training exercise to develop student's knowledge of the CCJ's Original Jurisdiction and to provide a cross section of students from across the Caribbean with valuable experience in a courtroom setting.*



# COMMUNITY ENGAGEMENT



Members of the winning team were: Emily Prentice, Travis Anthony Benain, Jai-Len Annique Williams. Second place was awarded to the team from the Faculty of Law of the University of the West Indies, St. Augustine campus, which also copped the title “Best Academic Institution”.



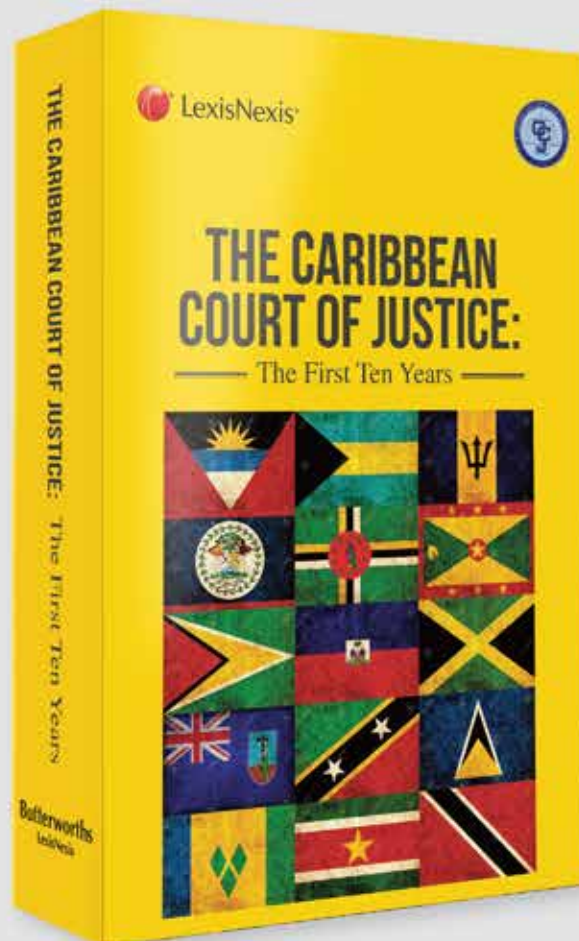
Members of the winning team from the Norman Manley Law School in Jamaica beam as they pose with the Law Moot trophy. Pictured are (from left to right): Mr. Travis Benain, Ms. Emily Prentice, CCJ President, the Rt. Hon. Sir Dennis Byron, Ms. Jai-Len Williams and their tutor, Ms. Keva Chong.



Members of the team from the Faculty of Law at the University of the West Indies' St Augustine campus are pleased to collect their trophy from the Honourable Mr. Justice Rolston Nelson (left). The team included Ms. Adanna Joseph-Wallace (2nd left), Ms Candy Smith and Mr. Vincent Patterson.

# The Caribbean Court of Justice

## The First Ten Years



President of the Caribbean Court of Justice, the Right Honourable Sir Charles Michael Dennis Byron commissioned a distinguished group of jurists and academicians to give their perspective on the first 10 years of the Court. The resulting publication, the *Caribbean Court of Justice: The First Ten Years*, is now available.

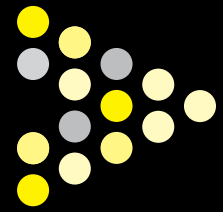
This publication contains essays from noted statesmen including Sir Shridath Ramphal, GCMG

OCC, QC; Dr. the Honourable Lloyd G Barnett; Dr. Patrick Antoine; Dr. David S Berry; Mr Sheldon McDonald and the Honorable Sir Manuel Sosa, CBE.

Summaries of all the cases decided in both the Original and Appellate Jurisdictions over the CCJ's decade of existence and a sampling of the seminal CCJ judgments will also give readers insight into the important work of the Court and its sterling contribution to regional jurisprudence.

**Price: US\$89**

***To order, please contact the CCJ at (868) 623-2225 ext. 2260 or by email to [pecu@ccj.org](mailto:pecu@ccj.org).***



## PRESIDENT'S CHAMBERS

The work of the President's Chambers centres around the judicial work of the President in his role as a Judge of the CCJ and his strategic role as Head of the Court.

In relation to judicial proceedings, strong emphasis was placed on active case management in furtherance of the Court's overriding objective, as prescribed in Part 1.3 of the Rules of the Court, to ensure that the Court remains "accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged". As part of the ethos of active case management, the President encouraged liberal exercise of the Court's general powers of case management as contained in Part 8 of the Rules in circumstances where application was appropriate. This entailed active collaboration among the Judges on the case panels, the registry staff and the judicial support staff.

Effective collaboration among these levels of staff during the case management process resulted in:

- constant communication between the attorneys for the parties and their representatives in connection with issues regarding pending cases, particularly notification of deadlines and addressing issues raised by the pre-trial panels;
- drafting, filing and serving of pre-hearing checklists to establish and resolve key factual, legal and procedural issues that are to be managed by the Court at the pre-trial stage, including agreements as to costs; and
- holding of regular internal panel meetings at the pre-trial stage to facilitate discussion and updates of legal and procedural issues arising from current cases and how they ought to be addressed. These meetings involved representatives from critical units - including the registry and judicial support staff.

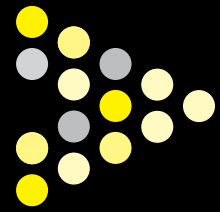


*The President, Judges and Judicial Assistants listen keenly to Professor Frederic Jenny (right) as they receive training in Competition Law. The training was facilitated by CARIFORUM.*

During the period under review, the President facilitated several extensive discussions among court staff, technical personnel and other external stakeholders, in relation to the development of an electronic case management system for filing and actively managing the Court's cases.

Active case management was particularly exercised in the six cases presided over by the President during the period 1 August 2015 to 31 July 2016. This resulted in an average completion timeline of 3 months between the hearing of an appeal and the delivery of judgment by the Court in these cases. Prompt timelines for delivery of judgment were notably observed in cases where prolonged delay had characterised the factual history of these cases prior to their appeal to the CCJ. In *Ward v Walsh & Bjerkham*), a land dispute case which had been in the





Barbados court system since 1988, the Court heard the case on 20th July 2015 and delivered judgment on 15th October, 2015 by video conference.

In *Errol Campbell v Janette Narine*, proceedings had been initiated before the Guyana courts since December, 1996. The CCJ heard the appeal on 23rd February 2016 and delivered its judgment less than a month later on 17th March 2016. In the four Barbadian criminal appeals of *Rambarran v The Queen*; *Green v The Queen*; *Persaud v The Queen* and *Campbell v The Queen*, despite no formal consolidation order being made, the Court in the interests of expediency, opted to hear these actions jointly as they involved common questions of law and fact, in accordance with Part 8 of the Rules of Court.

The work of the President's Chambers during this period also involved strategic meetings with regional stakeholders in preparation for the development of a proprietary court management system. This project should prove transformative for the Court, as it will begin to usher in a new level of accountability, more robust reporting and provide greater access to the Court. Among the initiatives that were undertaken, both for this project and to help regional judiciaries, was a workshop held at the CCJ to share ideas about harmonizing data-gathering methods and metrics. The session was attended, both in person and virtually, by representatives from the judiciaries in Jamaica, Antigua, Guyana, Barbados and Grenada.

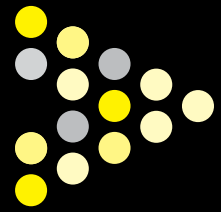
The JURIST Project began to see the results of a number of its programmes in its second year of operation. This has led to more time being required to help the project to achieve its objectives. A comprehensive review of the Project was done and it was decided that it would be best for the substantive head of the Project to be involved on a full-time basis. An Interim Director, Mrs. Nicole Jauvin, was recruited to steer the project and provided much in the way of guidance based on her extensive experience. The President continues to give support and the benefit of his expertise to the project from a strategic level.

A number of judicial training opportunities were facilitated both externally and internally. Most notable of these was a session facilitated by Dr. Frederic Jenny, Professor of Economics at ESSEC Business School in Paris, who came to Trinidad to facilitate a workshop with Judges on anti-trust issues in February 2016.

Linkages were also deepened with the Organization for the Harmonization of Business Law in the Caribbean (OHADAC) Project. There had been ongoing discussions with ACP Legal Association and the OHADAC Project to advance the cause of regional legal integration in the wider Caribbean, and, on 6 May 2016, the CCJ executed an Agreement of Cooperation with ACP Legal Association. The agreement serves as a framework to formalize specific areas of collaboration between the parties to develop and implement initiatives and activities in furtherance of the work of the OHADAC Project.

The President also participated in the celebrations commemorating Bermuda's 400th anniversary of the permanent establishment of courts. During these celebrations, Sir Dennis reflected on the development of judicial attitudes and perspectives over the years, and highlighted how newer perspectives can be employed in addressing the challenges that are faced in upholding the rule of law in the modern era.

A number of courtesy calls were had during the year. Most notably, the Court welcomed the Governor-General of Grenada, Her Excellency Dame Cecile La Grenade, in April of 2016. Her Excellency was treated to a tour of the Court, a demonstration of the Court's technology, and a meeting with the Judges. There were also calls made on the President's Chambers by members of Governments in the Caribbean, the diplomatic corps, academia and international partners.



## COMMUNICATIONS AND INFORMATION DEPARTMENT

The Communications and Information includes four units: Information Systems, Protocol and Information, Public Education and Communications and Library Services.

### Information Systems

Much of what is done at the CCJ is dependent on efficient, reliable and impenetrable technology. An infrastructure upgrade project was started after a review, ordered by the Registrar and Marshal in 2015, found that it would be prudent to replace some of the equipment and upgrade some of the information systems. This was done to ensure that the Court's technology was robust enough to meet the challenges of the organization for the foreseeable future. One of these projects, the bolstering of the CCJ's network infrastructure, was completed in July 2016. The new infrastructure has enabled the Court to monitor and repel threats more efficiently, have greater reporting tools and increased security. The next phase is an improvement of the server architecture which should take place in 2017.

This year also marked the move to the Office 365 email platform for the CCJ as it was more secure, reliable and accessible. In addition, the email addresses of the Judges and employees were changed to the shorter ccj.org domain. The Court's website is also now accessible at ccj.org. Later in the period, a decision was made to begin to pilot the usage of other Office 365 programmes to determine how we should move all users to the full suite of offerings on that platform.

The unit is also supporting the President's Chambers and Registry as the project to develop a customized court management system for the CCJ continues. During the period, the Unit also welcomed a new Manager, Mr. Vishal Dube who comes to us with a wealth of knowledge and project management experience which should prove useful as we bolster the capabilities of the unit.



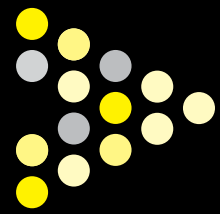
*Teachers and Students of the Belmont Secondary School listen to Systems Administrator, Mr. Ayinde Burgess, as he demonstrates the technology used in the Court. The school is just one of the institutions that visit the Court during the year.*

### Protocol and Information

The Protocol and Information Unit ensures that the privileges and immunities that derive from being an international court are respected, communicates with regional and international interlocutors, and conducts information sessions for the benefit of our stakeholders. Each year the unit co-ordinates the Annual International Law Moot Court Competition. This year the competition was especially fierce with six institutions taking part with the Norman Manley Law School of Jamaica taking home the first prize.

The unit also conducted a number of Court tours with student groups, coordinated visits to the Court for State and other officials and facilitated the President and Judges on official engagements and travel.





## Library Services

The unit ensures that the resources and services to meet the legal information needs of the CCJ, regional libraries and the public are accessible and available. During the period, the Library began to prepare for a more structured records management infrastructure. This included collaboration with the Information Systems Unit, and consultation with the entire organization, to create a file management plan to coincide with the move to Office 365.

## Public Education and Communications Unit

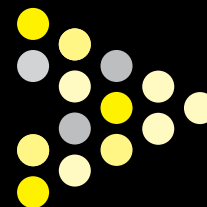
The Public Education and Communications Unit (PECU) is responsible for the development and execution of effective communication strategies and tools to facilitate public education on the role, functions, work and developments of the Caribbean Court of Justice. The unit coordinated a number of visits to Antigua & Barbuda and Grenada in support of their public education efforts. Notably, each of the territories benefitted from a media workshop where the media not only received information but were also able to pose questions to representatives of the CCJ.

The unit also contributed to the coordination of the 10th Anniversary book, which details the first decade of the Court. The unit contributed to the staging of a number of external events including the 4th Biennial CAJO Conference in Jamaica and began preparations for the CALCA Conference to be held in St. Maarten. The unit also staged a number of internal staff events in order to improve staff morale, including a health fair and a number of social events. Most significantly, the unit staged the staff appreciation event for the Court's 10th Anniversary which was held at the Hilton Hotel on 10th December, 2015.

The unit also manages communication via social media for the Court and hit a significant milestone on May 2016 when it attained 1,000 followers on Twitter. That number continues to grow and, in addition, PECU added another social media channel, LinkedIn, during the period.



*The Honourable Mr. Justice Wit (centre) makes a point during discussions with a joint delegation of students from the Law Faculties of the University of Coventry and the University of the West Indies. Two other CCJ Judges, the Hon. Mr. Justice Nelson (left) and the Hon. Mme. Justice Rajnauth-Lee (right), also spoke with the students.*



## SECURITY AND LOGISTICS DEPARTMENT

The Security and Logistics Department is responsible for the physical security of the CCJ and the RJLSC and its employees as well as, visitors to the Court, as well as, being tasked with oversight of the vehicles and managing the safe and efficient movement of Judges, Court personnel and guests of the Court.

During the period, there was increased attention to the security of the Judges at their homes. As such, patrols of their domiciles were undertaken by internal security officers supported by the Trinidad and Tobago Police Service. Several upgrades have also been made to the facilities of the Court to increase the safety and to discourage intrusion. Lighting on the roof and in the car park was upgraded during the period so that there is greater visibility of the perimeter of the building.

In an attempt to gather performance data, mileage logs and weekly inspection for all vehicles were also mandated. Vehicle maintenance schedules were instituted to ensure cost-effective operation of all vehicles. The Security & Logistics Unit also took delivery of a new Toyota Hilux vehicle in November 2015 to replace an older vehicle which is becoming obsolete. This vehicle is already assisting with arrangements for which previously we would have had to hire transportation.

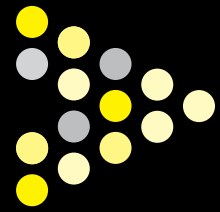
Increased attention was given to training during 2015, with a session on Protocol and one on Report Writing being done to address some urgent needs. In addition, a detailed training plan was submitted for the 2017 period in order to ensure that the skills of the department are current and appropriate for the changing face of the risks being faced by the organization. These training opportunities will be bolstered by new policies and practices which will update the existing standard operating procedures which govern the department.

The head of the Security and Logistics Department was chosen as the Chairman of the Health and Safety Committee and has begun to work with internal stakeholders to review the existing facilities and to find avenues to increase the safety of the Court and its guests. The committee has already held several meetings and is working towards attainment of Fire Certification. Other areas such as signage renewal and fire suppression systems have been addressed and will continue into 2017.

The importance of an effective Business Continuity Plan for an organisation cannot be overstated. Research in this area has already commenced with the acquisition of one internationally accepted model and consideration being given to staff attending relevant training programmes to develop an appropriate model for the CCJ.



*Members of the Security and Logistics Unit and the Information Systems Unit are trained in new trends in cybersecurity by Sgt. Dale Josephs of MH Tactical Response Group.*



## FINANCE AND ADMINISTRATION DEPARTMENT

### Finance & Accounting

The Finance & Accounting Unit operates on four principles: transparency, accountability, prudence and vigilance, all of which are in line with the Court's overall strategic objectives. At the climax of the year, the Finance Unit met the majority of the targets that had been set. In particular, the unit met all key reporting deadlines and requirements and continued to maintain a sound financial management process during 2015-16. An accounting reporting template for reporting on each department's expenditure was designed for use with the unit's accounting software. This enabled easier production of reports showing budgeted vs. actual expenditure, disaggregated by department, on a monthly basis.

The efficiency of the unit was increased as the Court moved to online access of bank accounts. By using internet banking, accounting transactions, historical information and services are readily available in real time.

Staff strength was increased as a new Accountant joined the unit. This allows for adequate separation of duties and for greater internal controls which will result in improved safeguarding of corporate assets and the elimination of errors, duplication or omissions.

Additionally, the Finance & Accounting Unit facilitated the completion of the 2015 Audited Financial Statements in a timely and efficient manner which permitted the Court to receive yet another unqualified audit opinion. This indicates that the external auditors believe that the accounts are accurate and are set out according to generally accepted accounting principles.

During the year, corporate relationships were established with various vendors in an attempt to ensure that the best price and quality of goods and services are secured.

Lastly, several policies and procedures were earmarked for development and revision along with the compilation of desk manuals which will enable the team to clearly understand individual and team responsibilities, thus saving time and resources. It is further expected that policy and procedures development process will continue into the 2016/2017 year.

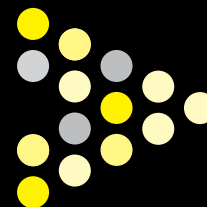
### Facilities Unit

The Facilities, Assets and Office Management Unit continued to improve the infrastructure of the CCJ during the 2015/2016 period. Among the transformative projects were the development of a fully functional workspace to house four new Judicial Assistants and the configuring of an office workspace for the new Facilities & Assets Supervisor. The exterior of the Court was transformed with the addition of a canopy on the Charlotte Street entrance. This is the main entrance for the Judges, staff and the majority of our main stakeholders and the new structure will provide shelter from the elements.

Modifications were made to the office of the Judicial Research Assistants to ensure a collaborative and more comfortable workspace. In addition, accommodations were prepared for the Drivers and the female Court Security Officers.

The unit also developed and implemented a CCJ Asset Register and Labelling Exercise which has established a log of the Court's assets and will therefore assist with both calculation of depreciation and asset tracking. The unit also developed a register to log issues reported to Facilities and to track them until their resolution.

# DEPARTMENT REPORTS



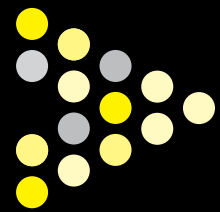
The Facilities, Assets and Office Management Unit also embarked on two asset disposal exercises during this period, including the sale of motor vehicles by an open tender process and the sale of capital equipment which included some obsolete pieces. Other items that were unable to be sold by means of an auction were donated to the “Restore a Sense of I Can”, an information technology club, at the Presentation College in San Fernando as a part of the Court’s efforts to contribute to the community.

The unit conducted an upgrade to the existing back-up power supply with the procurement and installation of two new uninterrupted power supply (UPS) units.

In addition, members of the unit assisted with the establishment of the Health and Safety Committee and have committed to addressing matters that the committee deemed necessary.



*During the period under review, the Facilities & Assets Management Unit undertook a major project to supervise the construction of a new canopy at the rear of the Court’s building and a facelift to modernize the look of the building. The renovation was undertaken by the owner of the building, Hadeed and Hadeed, in collaboration with the Court.*



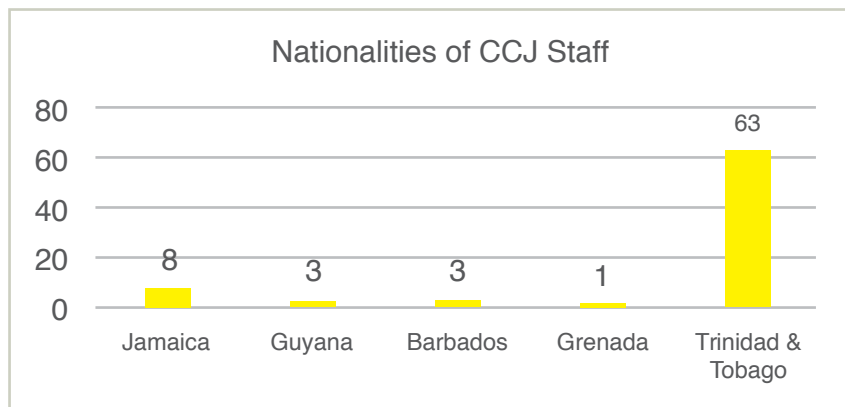
## HUMAN RESOURCES DEPARTMENT

The range of Human Resources (HR) services is provided by a very small in-house team of HR Management professionals and administrative support. HR is responsible for recruitment; leave, salary and benefits, training administration, as well as, grievance handling.

On 1 August, 2015 there were 77 CCJ employees. This figure represented 73 permanent and 6 fixed term contract staff, including 1 Legal Officer and 3 Judicial Assistants. As at 31 July, 2016 the staff complement remained at 77 with 75 permanent employees and 2 fixed-term Judicial Assistants.

Staff members are recruited from throughout the Caribbean region and the wider Commonwealth with the majority of them coming from the Seat of the Court, Trinidad and Tobago, as depicted in the Chart below:

The Court was successful in filling all vacancies despite having to review its business structure and roles to ensure the presence of required competencies in key areas. During the period, approval was granted to increase the complement of Judicial Assistants from 2 to 5; each one on two-year fixed-term contracts with the option of renewal for an additional year. In 2015, two more Judicial Assistants joined the Court to increase the complement.



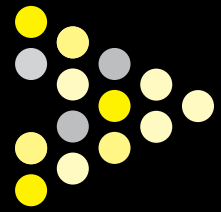
Interviews were also conducted for the posts of Legal Officer and Deputy Registrar. A Customer Services Officer was also successfully recruited for the Protocol & Information Unit in January 2016. In July 2016, an Information Systems Manager and Accountant both joined the Court to fill existing vacancies. In addition, 3 Security Officers were recruited to maintain the full complement of security personnel.

The details of separations (voluntary and compulsory) from the Court were as follows:

Position	Number of Staff
Legal Officer	1
Systems Manager	1
IS Assistant	1
Judicial Research Assistant*	2
Security Officer*	1

\* Contracts ended





A number of significant HR projects were completed by the Court during 2015/6 including a comprehensive revision of its Staff Regulations and an in-depth Job Evaluation Exercise which resulted in staff upgrades and redefined responsibilities for position holders.

In December 2015, the Court celebrated its 10<sup>th</sup> Anniversary for which an employee recognition component was designed by the HR Department. The awards component was the highlight of the staff event that was staged to celebrate the contribution of the Judges and employees.

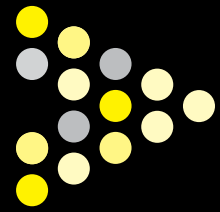
The HR Department also spearheaded the production of the Court’s internal newsletter, called *The Verdict* – a bimonthly communication produced for and by employees. The work of the Employee Assistance Programme (EAP) continued, affording employees and their families an external and confidential system in time of need. The HR Department also continues with its efforts to nurture employee well-being continued with the hosting of a wellness event in 21 October 2016.

The HR Department also undertook an audit of the pension records of all pension plan members of the Court – these being permanent staff. A three-year training and development plan was crafted to build the human capability of the Court, as well as, equip our staff to meet the new requirements of jobs that had been re-designed arising from the Job Evaluation Exercise.



*Ms. Gina Samaroo of the Trinidad and Tobago Insurance Consultants made a presentation explaining the health insurance benefits during a CCJ Staff Meeting.*

# OUR PEOPLE - A PROFESSIONAL TEAM



Engaging our staff and ensuring that the CCJ is a great place to work continues to be one of the Court's top priorities. We recognize that our people are at the heart of the Court and that we must always be 'people-focused', both in our external and internal relations. Keeping this in mind, we increased our staff engagement efforts to ensure that we were able to connect with our employees in an even more meaningful way.

## 10th Anniversary Staff Awards

The Court's 10th Anniversary celebrations culminated with the Court's first ever Staff Awards function. The awards were established as a means of rewarding staff for their contributions to the development of the Court and to further motivate excellent performance. The awards recognized both long service employees and those who distinguished themselves in their performance over the past calendar year.

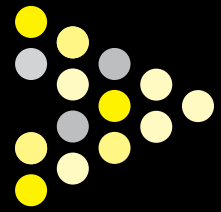
In a ceremony attended by staff and their families, members of the Regional Judicial and Legal Services Commission (RJLSC) and specially invited guests, 27 members of staff received Long Service Awards having been with the Court since its inauguration. There were also three categories of performance based awards, these being: "Best Team," the "Hero Among Us" and the "Employee of the Year," all of which required staff nominations.

The opportunity was also used to acknowledge the special contribution of the Hon. Dr. Lloyd Barnett OJ, Deputy Chairman of the RJLSC, who celebrated 12 years as a member of the Commission.



*The Honourable Dr. Lloyd Barnett OJ (right) was surprised by the reading of a citation and the receipt of an award that expressed gratitude for his services as a Commissioner of the Regional Judicial and Legal Services Commission (RJLSC) during the CCJ's 10th Anniversary Staff Awards and Appreciation Function. Dr. Barnett served as a Commissioner for over a decade and retired in July 2016. The CCJ President (left) also serves as the head of the RJLSC.*

# OUR PEOPLE - A PROFESSIONAL TEAM



*Ms. Jacinth Smith, the CCJ's Chief Librarian, receives her token of appreciation for her decade of service to the Court from CCJ Judge, the Honourable Mr. Justice Anderson, during the 10th Anniversary Staff Awards and Appreciation Function.*



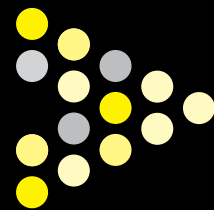
*The Honourable Mr. Justice Hayton presents the award for the 'Hero Among Us' to Mr. Joel Bernard. The 'Hero Among Us' was among the three special awards for CCJ employees who go beyond the call of duty. Mr. Bernard, a Security Supervisor, was chosen for the award by his peers.*



*A beaming Ms. Candis Cayona accepts the prize for 'Employee of the Year' from the President of the Court, the Rt. Hon. Sir Dennis Byron. Ms. Cayona was also among the winners for the 'Team Spirit' award.*



# OUR PEOPLE - A PROFESSIONAL TEAM



One of the highlights of the 10th Anniversary Staff Awards and Appreciation Function was an opportunity to 'break bread' and to 'lime' with colleagues, some of whom have been working with the CCJ for over a decade.



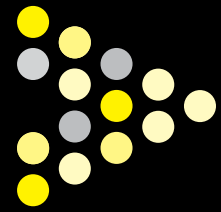
Being in the Christmas season in Trinidad means that there must be some parang! Attendees were treated to a fine performance from the Los Parranderos De UWI. Parang is a popular folk music, sung in Spanish, that is usually performed around Christmas time.



The CCJ's HR Manager, Mrs. Susan Campbell-Nicholas (left), engages in conversation with Lady Norma Byron (right), the wife of the CCJ President, during the CCJ's 10th Anniversary Staff celebrations while the Registrar of the Court, Mrs. Jacqueline Graham (centre), listens in.



Mr Jeffrey Benjamin receives his token of appreciation for his decade of service to the Court from the Honourable Mme. Justice Rajnauth-Lee, a Judge of the CCJ.



## 2015 Health Fair

In October 2015, the Court celebrated Caribbean Wellness Week by hosting its first employee health fair. Facilitated by the North West Regional Health Authority (NWRHA), the health fair provided all employees with an opportunity to participate in several vital tests which screened for a number of diseases. Each employee was given their results and were also given additional information about steps they could take to improve their health. Over 50% of the staff complement availed themselves of the opportunity to participate in this event. All participants were also given a gift of a pedometer to further encourage active and healthy living.



*Judges and employees at the CCJ received a battery of tests during the Annual Health Fair.*

## Carnival Event

The Court also continued in its tradition of hosting a “Carnival Crawl” in 2016. Under the theme “Santimanitay”, the event was used as a platform to introduce new non-local members of staff to a traditional “Trinbagonian” carnival featuring local characters such as the “Midnight Robber” and “Dame Lorraine.” Participants were also treated to visits of several pan yards in the Port of Spain area, including the 2016 Panorama Champions, “Witco Desperadoes” who performed several hits for the delegation.

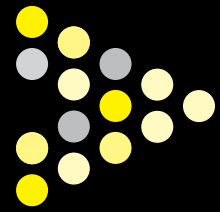


*Calypsonian Lord Relator was a hit with the crowd who danced and sang along as he rendered a number of memorable hits.*



*The Dame Lorraine character beams as she interacts with Mrs. Susan Campbell-Nicholas, the HR Manager.*





## Administrative Professionals Day 2016

Administrative professionals form a significant portion of the Court’s support staff and are integral to the work of the CCJ. This year, as our “thank you”, all Executive Assistants received gift hampers which were delivered to their desks as a special surprise.

## Strategic Planning Sessions

As one of the imperatives towards achieving the goals outlined in its Strategic Plan 2013-2017, the Court embarked on an exercise to support managers and their staff to develop annual plans for each of their units that were more target-driven in order to align with a thrust towards a more defined performance management framework and results-based budgeting. Managers were also encouraged to convene sessions with their teams to get their input and set targets that were more quantifiable. At the end of the sessions, both short- and medium-term plans were developed that were more directly aligned to achieving the strategic goals of the organization. The sessions were facilitated by Dr. Aubrey Armstrong and Ms. Mona Romilly of Aubrey Armstrong Management Associates. The firm has been working with the Court on a number of institutional strengthening projects.



*During one of the Strategic Planning Sessions, employees made suggestions on what they believe should be the focus for the upcoming Court year and a few plans that would be for the medium-term. The wide-ranging discussion included staff members from all areas of the CCJ who collaborated to help define the Court’s work plan for the year.*

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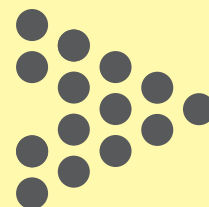
# CARIBBEAN COURT OF JUSTICE

Audited Financial Statements  
For the year ended December 31, 2015



# FINANCIALS

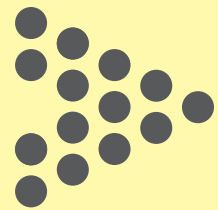
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# FINANCIALS

## INDEPENDENT AUDITOR'S REPORT



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Trinidad and Tobago

### 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, 2015 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, 2015, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.



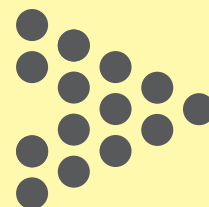
July 8, 2016

*Port of Spain,  
Trinidad, West Indies*



# FINANCIALS

## STATEMENT OF FINANCIAL POSITION



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

	Notes	2015	2014
<b>Assets</b>			
<b>Non-current assets</b>			
Property, plant and equipment	3	2,362,025	2,523,990
Retirement benefits due from Trust Fund	4	53,228,800	49,203,200
<b>Total non-current assets</b>		<b>55,590,825</b>	<b>51,727,190</b>
<b>Current assets</b>			
Cash and cash equivalents		4,506,980	3,649,100
Other receivables	5	1,273,580	1,317,398
Due from related parties	8	1,828,724	1,071,730
<b>Total current assets</b>		<b>7,609,284</b>	<b>6,038,228</b>
<b>Total assets</b>		<b>\$63,200,109</b>	<b>\$57,765,418</b>
<b>Accumulated fund and Liabilities</b>			
Accumulated fund		7,990,244	6,998,470
<b>Non-current liability</b>			
Retirement benefit liability	6	53,228,800	49,203,200
<b>Current liabilities</b>			
Deferred income	7	64,593	9,618
Other payables	9	1,916,472	1,554,130
<b>Total current liabilities</b>		<b>1,981,065</b>	<b>1,563,748</b>
<b>Total accumulated fund and liabilities</b>		<b>\$63,200,109</b>	<b>\$57,765,418</b>

See accompanying notes to the financial statements.

These financial statements were approved for issue by the Court President and an RJLSC Commissioner on July 8, 2016 on behalf of the Caribbean Court of Justice.

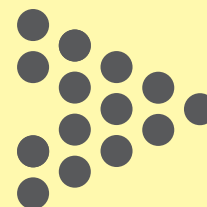
\_\_\_\_\_  
Court President

\_\_\_\_\_  
Commissioner



# FINANCIALS

## STATEMENT OF COMPREHENSIVE INCOME



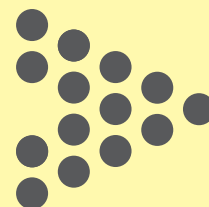
As at December 31, 2015  
 (Expressed in Trinidad and Tobago Dollars)

	Notes	2015	2014
Funding from the Trust Fund	10	41,391,970	41,293,327
Other income	11	167,651	96,670
		<b>41,559,621</b>	<b>41,389,997</b>
Administrative expenses	12	(40,049,447)	(40,559,191)
Surplus for the year		<b>1,510,174</b>	<b>830,806</b>
<b>Other comprehensive loss</b>			
Re-measurement of defined benefit pension plans		(518,400)	(2,131,200)
<b>Total comprehensive surplus/(deficit) for the year</b>		<b>\$991,774</b>	<b>\$ (1,300,394)</b>

See accompanying notes to the financial statements.

# FINANCIALS

## STATEMENT OF CHANGES IN ACCUMULATED FUND



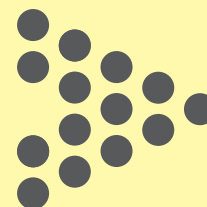
As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

	<b>Accumulated Fund</b>
<hr/>	
<b>Year Ended December 31, 2015</b>	
Balance at January 1, 2015	6,998,470
Total comprehensive surplus for the year	991,774
<hr/>	
<b>Balance at December 31, 2015</b>	<b>\$7,990,244</b>
<hr/>	
<b>Year Ended December 31, 2014</b>	
Balance at January 1, 2014	8,298,864
Total comprehensive deficit for the year	(1,300,394)
<hr/>	
<b>Balance at December 31, 2014</b>	<b>\$6,998,470</b>
<hr/>	

*See accompanying notes to the financial statements.*

# FINANCIALS

## STATEMENT OF CASH FLOWS



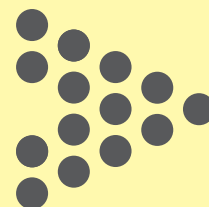
As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

	2015	2014
<b>Cash Flows from Operating Activities</b>		
Total comprehensive surplus/(deficit) for the year	991,774	(1,300,394)
Adjustments to reconcile total comprehensive surplus/(deficit) for the year to net cash from operating activities		
Depreciation	1,857,310	1,831,565
Interest income	(842)	(8,970)
Gain on disposal of property, plant and equipment	(86,760)	(25,010)
Increase in retirement benefit expense	4,025,600	12,405,760
Decrease in other receivables	43,818	279,190
Increase in due from related parties	(756,994)	(696,515)
Increase in retirement benefit due from Trust Fund	(4,025,600)	(12,405,760)
Increase/(decrease) in deferred income	54,975	(8,330)
(Decrease)/increase in other payables	362,342	815,725
<b>Net cash generated from operating activities</b>	<b>2,465,623</b>	<b>887,261</b>
<b>Cash Flows from Investing Activities</b>		
Interest received	842	8,970
Acquisition of property, plant and equipment	(1,695,345)	(571,902)
Proceeds from disposal of property, plant & equipment	86,760	25,010
<b>Net cash used in investing activities</b>	<b>(1,607,743)</b>	<b>(537,922)</b>
Increase in cash and cash equivalents for the year	857,880	349,339
Cash and cash equivalents at January 1	3,649,100	3,299,761
<b>Cash and cash equivalents at December 31</b>	<b>\$4,506,980</b>	<b>\$3,649,100</b>
<b>Analysis of cash and cash equivalents</b>		
Unrestricted cash	3,802,980	3,649,100
Restricted cash	704,000	-
	<b>\$4,506,980</b>	<b>\$3,649,100</b>

See accompanying notes to the financial statements.

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 1. Establishment and principal activity

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

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

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

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

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

### 2. Significant accounting policies

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

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

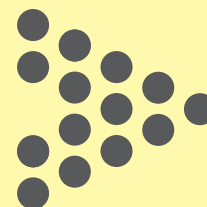
#### (b) *Changes in accounting policy and disclosures*

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

There were no new IFRSs or IFRIC interpretations that are effective for the first time for the financial year beginning on or after January 1, 2015 that were adopted and had a material impact on the Court.

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(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:

**Amendments to IAS 1 Presentation of Financial Statements Disclosure Initiative** - The amendment clarifies a number of aspects of IAS 1 in relation to materiality, line items in primary financial statements, notes to the financial statements and accounting policies. Furthermore, it has been clarified that an entity's share of other comprehensive income would be split between those items that will and will not be reclassified to profit or loss, and presented in aggregate as single line items within those two groups. The amendments to IAS 1 are intended to assist entities in determining the disclosures which are appropriate to be included in their financial statements. This may result in changes in the information disclosed in, and layout of, future financial statements. This amendment is effective for annual reporting periods commencing on or after January 1, 2016.

**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.

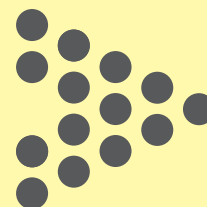
#### (c) Use of estimates

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.



# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(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 (j)	Provisions
Note (n)	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.

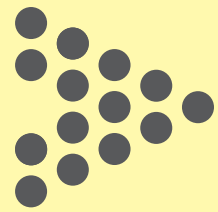
Depreciation is based on the cost of an asset less its residual value. Significant components of individual assets are assessed and if a component has a useful life that is different from the remainder of that asset, that component is depreciated separately. Depreciation is recognized in the statement 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.

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (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) Accumulated fund

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

#### (i) Other payables

Other payables are stated at cost.

#### (j) 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.

#### (k) 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

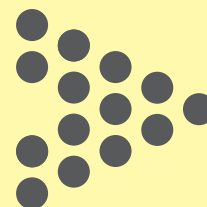
Subventions that compensate the Court for expenses incurred are recognized as income in the statement of comprehensive income on a systematic basis in the same periods in which the expenses are incurred.

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.

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (l) 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.

#### (m) 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.

#### (n) Employee benefits

The Trust Fund had previously proposed that since the retirement arrangements of the Court are already funded from within the Trust Fund with a legislature from the Heads of Government to ensure that the resources are always adequate, the retirement benefits due to the judges and non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court. Refer to Notes 4 and 6.

##### (i) Non-judicial staff pension plan

The Court provides its non-judicial staff with a pension plan. Under this plan, the employees of the Court make contributions which are deducted from their salaries and are matched with employer contributions from the Court.

Balances accumulated under this plan are calculated by an independent third party administrator, in accordance with an agreed formula between the Court and their employees. The administrator advises the Court of the accumulated amounts at the end of each financial year.

When a staff member reaches retirement, the Court's actuary will determine the pension entitlement for that employee based on their accumulated balance using appropriate actuarial assumptions. The Trust Fund will, at the request of the Court, provide to the Court the funds necessary to pay the pension for each employee on this basis.

However, since there is no separate external fund where the contributions are placed (other than the Trust Fund), under IAS 19 these arrangements are treated as a defined benefit obligation of the Court.

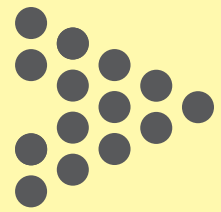
##### (ii) Defined benefit plan

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



# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (o) Impairment

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

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

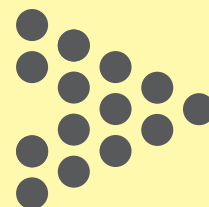
The recoverable amount of other assets is the greater of their net selling price and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a discount rate that reflects current market assessments of the time value of money and the risks specific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

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



# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

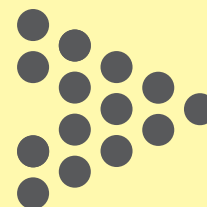
	Computer & Software	Furniture, Fixtures & Equipment	Flags Crest & Seals	Library Books	Security Equipment	Leasehold Improvements	Vehicles	Total
<b>Year ended December 31, 2015</b>								
<b>Cost or valuation</b>								
At January 1, 2015	10,200,270	10,480,117	408,860	14,521,474	835,647	886,038	3,616,234	40,948,640
Additions	299,265	357,013	-	145,007	-	21,060	873,000	1,695,345
Disposals	-	-	-	-	-	-	(395,000)	(395,000)
<b>At December 31, 2015</b>	<b>10,499,535</b>	<b>10,837,130</b>	<b>408,860</b>	<b>14,666,481</b>	<b>835,647</b>	<b>907,098</b>	<b>4,094,234</b>	<b>42,248,985</b>
<b>Accumulated depreciation</b>								
At January 1, 2015	9,943,837	10,013,116	405,072	14,019,636	835,647	413,444	2,793,898	38,424,650
Charge for the year	195,203	278,986	3,788	308,297	-	66,119	1,004,917	1,857,310
Disposals	-	-	-	-	-	-	(395,000)	(395,000)
<b>At December 31, 2015</b>	<b>10,139,040</b>	<b>10,292,102</b>	<b>408,860</b>	<b>14,327,933</b>	<b>835,647</b>	<b>479,563</b>	<b>3,403,815</b>	<b>39,886,960</b>
<b>Net book value</b>								
<b>At December 31, 2015</b>	<b>360,495</b>	<b>545,028</b>	<b>\$-</b>	<b>338,548</b>	<b>\$-</b>	<b>427,535</b>	<b>690,419</b>	<b>2,362,025</b>

### Year ended December 31, 2014

<b>Cost or valuation</b>								
At January 1, 2014	10,707,869	10,438,725	408,860	14,225,343	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	-	299,920	4,433	469,277	6,396	66,119	786,668	1,831,565
Disposals	-	-	-	-	-	-	-	(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>

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

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

	2015	2014
Retirement benefits due from the trust fund	<u>\$53,228,800</u>	<u>\$49,203,200</u>

The Trust Fund had previously proposed that since the retirement arrangements of the Court are already funded from within the Trust Fund with a legislature from the Heads of Government to ensure that the resources are always adequate, the retirement benefits due to the judges and non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court. For the judges, this balance is determined by the present value of the future cost of the judges' pensions, while for non-judicial staff the balance is determined by the total of the non-judicial staff's employee account balances. Refer to Notes 2 (n) and 6.

#### 5. Other receivables

	2015	2014
VAT recoverable	363,366	259,686
Due from CAJO	250,950	44,644
Employee advances	214,705	465,635
Prepayments	247,779	226,191
Miscellaneous receivables	196,780	321,242
	<u>\$1,273,580</u>	<u>\$1,317,398</u>

#### 6. Retirement benefit liability

	2015	2014
Judges	40,832,000	38,131,200
Non-Judicial Staff	12,396,800	11,072,000
	<u>\$53,228,800</u>	<u>\$49,203,200</u>

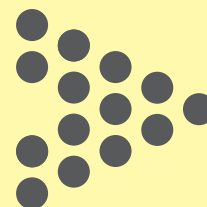
#### Judges Pension Arrangement

The President and Judges of the Court are to be paid pension benefits as per a final salary defined benefit pension plan in respect of continuous service with the Court. The benefits are based on one of the following categories depending on the number of years of continuous service at the time of retirement.

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

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 6. Retirement benefit liability (continued)

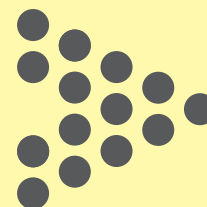
#### Judges Pension Arrangement (continued)

Principal actuarial assumptions at the reporting date are as follows:

	2015	2014
Discount rate	4.50%	3.50%
Expected rate of return on plan assets	N/A	N/A
Salary growth rate	1.00%	1.00%
Average expected remaining working lives of members	9 years	9 years
Fair value of plan assets at the beginning of year	-	4,492,800
Expected return on plan assets	-	89,600
Contributions	1,638,400	(2,937,600)
Benefits paid	(1,638,400)	(1,555,200)
Actuarial (loss)/gain	-	(89,600)
<b>Fair value of plan assets at the end of year</b>	<b>\$ -</b>	<b>\$ -</b>
Present value of obligation at beginning of year	38,131,200	33,245,440
Interest cost	1,305,600	1,292,800
Total current service cost	2,227,200	3,622,400
Past service cost	-	(221,440)
Benefit payments	(1,638,400)	(1,555,200)
Actuarial loss on obligation	806,400	1,747,200
<b>Present value of obligation at end of year</b>	<b>\$40,832,000</b>	<b>\$38,131,200</b>
<b>Profit or loss</b>		
Service cost	2,227,200	3,400,960
Interest cost	1,305,600	1,203,200
	3,532,800	4,604,160
<b>Other comprehensive income</b>		
Net actuarial loss recognized	806,400	1,836,800
<b>Total expense</b>	<b>\$4,339,200</b>	<b>\$6,440,960</b>

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 6. Retirement benefit liability (continued) Judges Pension Arrangement (continued)

	2015	2014
Opening Liability	(38,131,200)	(28,752,640)
Total expense	(4,339,200)	(6,440,960)
Contributions paid	1,638,400	(2,937,600)
<b>Closing liability</b>	<b><u>\$(40,832,000)</u></b>	<b><u>\$(38,131,200)</u></b>

As the retirement benefit liability is payable by the Trust Fund when it becomes due, a receivable balance from the Trust Fund is recorded in the statement of financial position to match the retirement benefit liability.

	2015	2014
Present value of the obligation	(40,832,000)	(38,131,200)
Fair value of plan assets	-	-
<b>Liability recognized in statement of financial position</b>	<b><u>\$(40,832,000)</u></b>	<b><u>\$(38,131,200)</u></b>
Expected return on plan assets	-	89,600
Actuarial gain (loss) on plan assets	-	(89,600)
<b>Actual return (loss) on plan assets</b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>

### Non-Judicial Staff Pension Plan

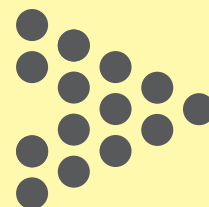
The Court and its employees, with the exception of judges, contribute towards a pension plan which is managed by a Pension Administration Committee made up of representatives of the Commission, employees, the Trust Fund and the Court. The data and benefit administration services are provided by Bacon Woodrow and de Souza Limited. However, since there is no separate external fund where the contributions are placed (other than the Trust Fund), under IAS 19 these arrangements are treated as a defined benefit obligation of the Court. Refer to Notes 2 (n) and 4.

	2015	2014
<b>Movement in Present Value of Defined Benefit Obligation</b>		
Defined benefit obligation at start of year	11,072,000	8,044,800
Current service cost	1,068,800	1,081,600
Interest cost	409,600	371,200
Contributions paid	441,600	467,200
Past service cost	-	812,800
Re-measurements		
- Experience adjustment	(288,000)	64,000
- Actuarial (gains/losses) from changes in financial assumptions	-	230,400
Benefits paid	(307,200)	-
<b>Defined Benefit Obligation at end of year</b>	<b><u>\$12,396,800</u></b>	<b><u>\$11,072,000</u></b>



# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 6. Retirement benefit liability (continued)

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

##### Liability Profile

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

	2015	2014
- Active members	83%	86%
- Pensioners	17%	14%

The weighted average duration of the defined obligation at the year-end was 4.7 years (2014: 20 years). 95% (2014: 9 years) of the benefits accrued by active members were vested. 1% (2014: 1%) of the defined benefit obligation for active members was conditional on future salary increases.

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

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

	2015	2014
<b>Expense Recognised in Profit and Loss</b>		
Current service cost	1,068,800	1,081,600
Net interest on net defined benefit liability	409,600	371,200
Past service cost	-	812,800
<b>Net Pension Costs</b>	<b>\$1,478,400</b>	<b>\$2,265,600</b>
Re-measurements recognised in Other Comprehensive Income		
Experience (gains)/losses	(288,000)	294,400
<b>Total amount recognised in Other Comprehensive Income</b>	<b>\$(288,000)</b>	<b>\$294,400</b>

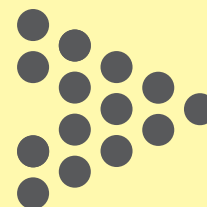
	2015	2014
Opening Defined Benefit Liability	11,072,000	8,044,800
Net pension cost	1,478,400	2,265,600
Re-measurements recognized in Other Comprehensive Income	(288,000)	294,400
Contributions paid	441,600	467,200
Benefits paid	(307,200)	-
<b>Closing Defined Benefit Liability</b>	<b>\$12,396,800</b>	<b>\$11,072,000</b>

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

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

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 6. Retirement benefit liability (continued)

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

#### Liability Profile (continued)

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

	2015	2014
Life expectancy at age 65 for current pensioner in years:		
- Male	16.9	16.9
- Female	20.7	20.7

#### Sensitivity Analysis

The calculation of the defined benefit obligation is sensitive to the assumptions used. The following table summarises how the defined benefit obligation as at 31 December 2015 would have changed as a result of a change in the assumptions used.

	1% pa higher '000	1% pa lower '000
- Discount rate	(80)	97
- Salary increases	20	(19)

An increase of one year in the assumed life expectancies shown above would decrease the defined benefit obligation at December 31, 2015 by \$19,000 (2014: \$16,000).

These sensitivities were calculated by re-calculating the defined benefit obligations using the revised assumptions.

### 7. Deferred income

	2015	2014
Caricom Administrative Tribunal*	64,000	-
Other deferred income	593	9,618
	<b>\$64,593</b>	<b>\$9,618</b>

\* An amount of USD\$10,000 was received from the International Labour Organisation (CLO) as a grant for assistance with the preparatory works for Caribbean Community Admin Tribunal (CCAT). This has not been utilised as at the year end.

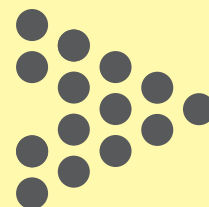
### 8. Related Party Transactions

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

	2015	2014
a) Due from related parties:		
The Commission	1,567,718	802,628
JURIST Project	261,006	269,102
	<b>\$1,828,724</b>	<b>\$1,071,730</b>

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 8. Related Party Transactions (continued)

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

	2015	2014
b) Trust Fund income received on behalf of and transferred to the Commission:	\$3,090,477	\$2,478,054
c) Expenses charged to the Commission:	\$345,357	\$267,603

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

	2015	2014
d) Key management compensation: Salaries and other short term benefits	\$5,230,798	\$4,680,636

### 9. Other payables

	2015	2014
Advance from Government of Belize*	640,000	-
Accounts payable	464,228	140,741
Accruals	448,489	982,793
Pension contributions due to Trust Fund	355,833	418,747
Miscellaneous liabilities	7,922	11,849
	<b>\$1,916,472</b>	<b>\$1,554,130</b>

\* This represents a cash advance of US\$100,000 which was received by the Court from the Government of Belize to implement e-filing facilities. Subsequent to the year-end these funds were transferred to the Chancery Chambers, Barbados.

### 10. Funding from the Trust Fund

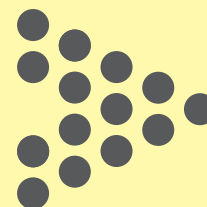
	2015	2014
Funding received from the Trust Fund	35,862,370	32,294,927
Pension income receivable from the Trust Fund	5,529,600	8,998,400
	<b>\$41,391,970</b>	<b>\$41,293,327</b>

### 11. Other income

	2015	2014
Deferred income released to the statement of comprehensive income	9,409	8,330
Interest income	842	8,970
Miscellaneous income	70,640	54,360
Gain on disposal of property, plant and equipment	86,760	25,010
	<b>\$167,651</b>	<b>\$96,670</b>

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 12. Administrative expenses

	2015	2014
Salaries and allowances	21,877,067	20,003,539
Pension cost and gratuities	7,877,160	11,478,155
Other administrative expenses	2,417,323	2,034,046
Depreciation	1,857,310	1,831,565
Insurance expenses	1,526,547	1,468,751
Telephone and internet	1,080,043	1,185,896
Education and training	1,060,489	177,755
Repairs and maintenance	663,907	838,892
Library materials	622,975	638,561
Professional fees	611,850	573,218
Foreign exchange loss	203,297	50,213
Public education	199,817	249,929
Bank charges	51,662	28,671
	<b>\$40,049,447</b>	<b>\$40,559,191</b>

Number of employees	79	77
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### 13. Financial Risk Management

#### Financial risk factors

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

#### Foreign exchange risk

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

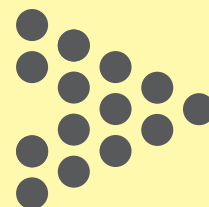
The table below summarizes the Court's assets and liabilities, at the year ended, which are denominated in United States dollars.

	2015	2014
<b>Assets</b>		
Retirement benefit due from Trust Fund	\$53,228,800	\$49,203,200
Cash and cash equivalents	\$2,540,635	\$ 3,156,234
<b>Liabilities</b>		
Retirement benefit liability	\$53,228,800	\$49,203,200



# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

### 13. Financial Risk Management (continued)

#### Financial risk factors (continued)

#### Foreign exchange risk (continued)

The table below summarizes the sensitivity of the Court's assets and liabilities to changes in foreign exchange movements at the 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 (2014: 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	
	2015	2014
<i>Increased by 5%</i>	127,032	\$ 157,812
<i>Decreased by 5%</i>	(127,032)	\$ (157,812)

#### Credit risk

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

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

Cash and deposits are held with reputable financial institutions.

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

#### Liquidity risk

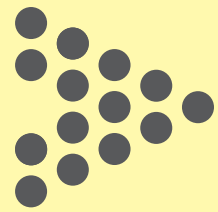
Liquidity risk arises from the Court's management of working capital. It is the risk that the Court will encounter difficulty in meeting its financial obligations as they fall due. Prudent risk management implies maintaining sufficient cash to fund its day to day operations.

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

	Less than three (3) months	Less than one (1) year	No stated maturity	Total
<b>At December 31, 2015</b>				
<b>Financial liabilities:</b>				
Deferred income	-	593	64,000	64,593
Other payables	1,916,472	-	-	1,916,472
<b>Total liabilities</b>	<b>\$1,916,472</b>	<b>\$593</b>	<b>\$64,000</b>	<b>\$1,981,065</b>

# FINANCIALS

## NOTES TO THE FINANCIAL STATEMENTS



As at December 31, 2015  
*(Expressed in Trinidad and Tobago Dollars)*

### 13. Financial Risk Management (continued)

Financial risk factors (continued)

Liquidity risk (continued)

	Less than three months	than (3)	Less than one (1) year	No stated maturity	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>\$ -</b>	<b>\$1,563,748</b>

### 14. Subsequent Events

Management evaluated all events that occurred from January 1, 2016 through July 8, 2016, 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.

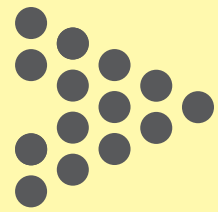
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# **CARIBBEAN COURT OF JUSTICE**

**Supplementary Financial Information**  
*(Expressed in United States Dollars)*  
**For the year ended December 31, 2015**

# FINANCIALS

## INDEPENDENT AUDITOR'S REPORT



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9 Warner Street  
Port-Of-Spain  
Trinidad and Tobago

### Independent Auditors' Report on the Supplementary Financial Information

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

We have audited the financial statements of the Caribbean Court of Justice for the year ended December 31, 2015, and have issued our report thereon dated July 8, 2016.

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

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

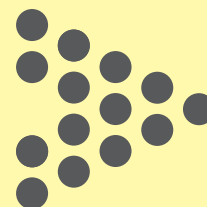
July 8, 2016

*Port of Spain,  
Trinidad, West Indies*



# FINANCIALS

## STATEMENT OF FINANCIAL POSITION



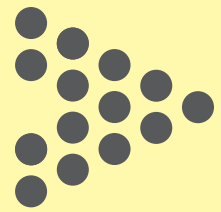
As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

	2015	2014
<b>Assets</b>		
<b>Non-current assets</b>		
Property, plant and equipment	369,066	394,373
Retirement benefit due from Trust Fund	8,317,000	7,688,000
<b>Total non-current assets</b>	<b>8,686,066</b>	<b>8,082,373</b>
<b>Current assets</b>		
Cash and cash equivalents	704,216	570,172
Other receivables	198,997	205,843
Due from related parties	285,738	167,458
<b>Total current assets</b>	<b>1,188,951</b>	<b>943,473</b>
<b>Total assets</b>	<b>US\$9,875,017</b>	<b>US\$9,025,846</b>
<b>Accumulated Fund And Liabilities</b>		
Accumulated fund	1,248,475	1,093,510
<b>Non-current liability</b>		
Retirement benefit liability	8,317,000	7,688,000
<b>Current liabilities</b>		
Deferred income	10,093	1,503
Other payables	299,449	242,833
<b>Total current liabilities</b>	<b>309,542</b>	<b>244,336</b>
<b>Total accumulated fund and liabilities</b>	<b>US\$9,875,017</b>	<b>US\$9,025,846</b>

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

# FINANCIALS

## STATEMENT OF COMPREHENSIVE INCOME



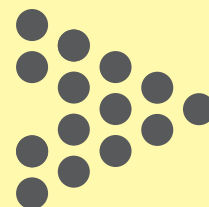
As at December 31, 2015  
*(Expressed in Trinidad and Tobago Dollars)*

	2015	2014
Funding from the Trust Fund	6,467,495	6,452,082
Other income	26,196	15,105
	<b>6,493,691</b>	<b>6,467,187</b>
Administrative expenses	(6,257,726)	(6,337,375)
<b>Surplus for the year</b>	<b>235,965</b>	<b>129,812</b>
<b>Other comprehensive loss</b>		
Re-measurement of defined benefit pension plans	(81,000)	(333,000)
<b>Total comprehensive surplus/(deficit) for the year</b>	<b>US\$154,965</b>	<b>US\$(203,188)</b>

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

# FINANCIALS

## STATEMENT OF CHANGES IN ACCUMULATED FUND



As at December 31, 2015  
(Expressed in Trinidad and Tobago Dollars)

	<b>Accumulated Fund</b>
<hr/>	
<b>Year Ended December 31, 2015</b>	
Balance at January 1, 2015	1,093,510
Total comprehensive surplus for the year	154,965
<hr/>	
<b>Balance at December 31, 2015</b>	<b>US\$1,248,475</b>
<hr/>	
<b>Year Ended December 31, 2014</b>	
Balance at January 1, 2014	1,296,698
Total comprehensive deficit for the year	(203,188)
<hr/>	
<b>Balance at December 31, 2014</b>	<b>US\$1,093,510</b>
<hr/>	

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











CARIBBEAN COURT OF JUSTICE  
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