



Annual Report 2021-2022

In the  
**Persistent  
Pursuit of  
EXCELLENCE**



**CARIBBEAN COURT OF JUSTICE**  
CARIBISCH HOF VAN JUSTITIE  
COUR CARIBÉENNE DE JUSTICE

## About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, the Republic of Trinidad and Tobago on 16 April 2005, and presently has a Bench of seven judges presided over by President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one.

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

In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction; these are Barbados, Belize, Dominica and Guyana. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.



# Annual Report 2021-2022





# Annual Report 2021-2022

This report is a review  
of the Court year that  
spans 1 August 2021  
to 31 July 2022.

The CCJ has an obligation to account for its performance to the people of the Caribbean Community (CARICOM). It is required every year to submit to its stakeholders an Annual Report of its work, financials, and operations during the previous year.

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In the Persistent Pursuit of Excellence



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# MISSION

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

To be a model of judicial excellence.

# VISION

## VALUES

### EXCELLENCE

Demonstrate the highest quality of service and performance.

### INDUSTRY

Be diligent, go above and beyond.

### INTEGRITY

Be honest, do right, stand firm.

### COURTESY AND CONSIDERATION

Demonstrate care and respect for all.

## STRATEGIC ISSUES

- Communication
- Independence and Accountability
- High Performance Environment
- Equality, Fairness and Integrity in Promoting the Rule of Law
- Organisational Capacity for Caseload Growth
- Enhanced Regional System Capacity and Performance



## Message from the President

The Hon. Mr Justice  
Adrian Saunders



### 'In the Persistent Pursuit of Excellence'

For the CCJ, excellence is both a benchmark and an aspirational pursuit. It is embedded within the Court's institutional ethos and operations, being the explicit focus of our vision and the first of our four core values. Beyond this, the six strategic issues and underlying strategies of our 2019 – 2024 Strategic Plan as well as our Organisational Excellence Framework underscore and promote excellence in all we do. In this regard, excellence is not so much a plateau but a methodology, a pathway, a journey.

Through this Annual Report, we offer to you, our valued stakeholders, a snapshot of the past year, highlighting challenges faced, key initiatives undertaken, and notable milestones achieved during this time. It is my hope that as you engage with the Court through this medium, you will gain greater insight into how the pursuit of excellence infuses our customer and stakeholder focus and how we have worked in earnest over the last year to model, achieve, and maintain court excellence.

### Positioning for Continued Excellence

In January 2022, the CCJ was welcomed into the prestigious ranks of the International Consortium for Court Excellence (ICCE), an organisation of judiciaries, judicial institutions, and affiliated bodies across the world with significant expertise in judicial and court administration and which actively promote court excellence. The Court was accepted as an Implementing Member of the Consortium, having demonstrated not only an active interest in the ICCE's International Framework for Court Excellence but also significant use and promotion of the Framework. The CCJ is the first court in the region to be admitted to the ICCE.

During the period under review, the CCJ completed its organisational re-design initiative, a project that was facilitated by the Caribbean Centre for Development Administration. The principal result of the re-structuring exercise was the bifurcation of responsibility for the oversight and management of the Court's administrative



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## Message from the President (continued)

responsibilities. This organisational branching was aimed at creating a more enabling institutional environment better attuned to advance the Court's strategic agenda. Consequently, the Registrar and Chief Marshal assumed responsibility for the Communications and Information, Library Services, Information Systems and Registry functions of the Court. A new office of Senior Manager, Corporate Administration was created to have oversight of the Finance and Administration, Security and Logistics, and Human Resources divisions of the Court.

The Court's Monitoring and Evaluation Committee, established to oversee the CCJ's adherence to its strategic agenda, continued to function well throughout the period under review. The Executive Sub-Committee, which comprises members of the judicial and non-judicial complement of the Court, worked diligently to ensure that we continually enhanced the strategy implementation, progress reporting, and overall monitoring and evaluation functions.

## Institutional Strengthening and Cooperation

After a long period of planning and negotiations, the Court and the Caribbean Community (CARICOM) finally concluded all the preparatory work for the release of funds made available under an Agreement between the European Union and the Caribbean Forum of African, Caribbean and Pacific States. Over the next three years, with these funds, the Project will focus on outreach efforts that will support and strengthen the Court's Original Jurisdiction; upgrading the technological infrastructure in our courtrooms; building regional public awareness of the work of the Court; and fostering collaborations with international courts of a similar nature.

The Judicial Reform and Institutional Strengthening (JURIST) Project is now in its final year of operations and will officially come to an end in March 2023. The Court was honoured to have been tasked by Global Affairs Canada and the Heads of Judiciaries of CARICOM States to be the executing agency for this multi-million dollar Project. Quite apart from the many impactful reform initiatives that JURIST undertook throughout the region, the CCJ has derived tremendous administrative and organisational experience from performing its role as executing agency. The Court and regional judiciaries must now identify the JURIST's successful and long-lasting initiatives which must be nurtured and supported well into the future. To this end, a Transition Committee was established at the Court, with representation from the Project as well as the CCJ, and mandated to conceptualise a framework for identifying and developing recommendations for taking forward the JURIST legacy initiatives. One such critical initiative is the Caribbean Judicial Information System, a knowledge management system developed by JURIST and intended to be a critical resource to access judgments, project information, and other key knowledge assets of regional judiciaries.

## Moving Ahead

Over the coming year, as we emerge from the pandemic, the Court prepares to harvest and consolidate the benefits of our new organisational arrangements. This is in addition to building on the accomplishments and learnings of the past period. The Court also looks forward to seeing greater use of the Appellate Jurisdiction by existing acceding Member States as well as the prospect of welcoming new Member States to this function of the Court. We hope also to see greater engagement of the Original Jurisdiction in all its facets.



## Update from the Registrar and Chief Marshal

Jacqueline Graham

Pat Riley describes excellence as "the gradual result of always striving to do better." As simple as that may appear, this is exactly how I would describe the work of the CCJ over the 2021-2022 period. Notwithstanding the ongoing effects of a pandemic that seemed to have gained new life over the period through the many variants, the Court has been consistent in its thrust to be a model of judicial excellence. Our acknowledgment by the International Consortium for Court Excellence (ICCE) in January 2022 was testimony to this.

To approach the objectives and future plans, the Court needed to revise its organisational structure as the President reported in his message. This activity was guided by the Caribbean Centre for Development Administration (CARICAD) on behalf of the Regional Judicial and Legal Services Commission (RJLSC). This new structure is intended to put the Court on firmer ground and better position it to achieve its goals and strategic objectives. Through this structure, roles and responsibilities are to be more streamlined, and there will be a significant reduction in overlaps, with clarity of purpose and vision.



A professional portrait of Jacqueline Graham, a Black woman with short dark hair, wearing glasses, a white blouse, and a grey blazer. She is smiling and has her arms crossed. To her right is a large speech bubble containing text.

Implementing the Court's new structure was critical and aligned to the completion of a robust Work Programme with clear S.M.A.R.T targets. This year's programme comprised and took into consideration the specific goals of the President and included the involvement of many levels of the organisation whose contribution was valued and well received. The completion of this programme and the successful completion of all Departmental Work Plans are noteworthy. The achievements of specific deliverables contributed in great measure to the success of the Court over the period under review. Some of the most noteworthy achievements include the advancement of the Caribbean Justice Information System (CJIS), review of the Court and the RJLSC's Financial regulations, tightening procurement processes, empowering leadership through teamwork and increased engagement with our court users and external stakeholders. The work of the Monitoring and Evaluation Committee and the Executive Sub Committee over this period were critical to ensuring that we remained on track with our goals and objectives, and I must recognise and applaud this group in particular.

The Court's performance was confirmed when the organisation completed the International Framework for Court Excellence (IFCE)



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## Update from the Registrar and Chief Marshal (continued)

survey, a benchmarking tool of the ICCE. The 2022 Self-Assessment survey targeted 82 staff members including the Bench. The Court achieved an overall score of 466.4, which according to the IFCE scoring, places the CCJ in Band 3 (Good) which indicates that "there are results reported in most key areas". Significantly, the respondents' ranking of CCJ's performance "implies that there are improvement trends observed in most key indicators and that the court has sound effective approaches in place with evidence of some innovation. The approaches are aligned with basic organisational needs and there is evidence of implementation in some key areas." (The International Framework for Court Excellence, 3rd Edition, May 2020, Banding Table)

Following from the enthusiasm and energy from the previous year, the Court continued to place great emphasis on the revision and upgrade of policies and procedures. Of those that were completed during this period, the CCJ/RJLSC Accounting Policy is the most far reaching and critical, as it not only impacts the work of the Finance and Administration Department but all those who are involvement in the procurement and payment of goods and services.

### Engagement with our valued stakeholders

The 2021-2022 period marked a significant increase in the Court's engagement, not only with internal stakeholders but also our external stakeholders. In January 2022, a delegation from the Court visited Saint Lucia for a three-day stakeholder engagement and public education mission where we engaged senior government officials, civil society, and the local bar association about the Court's Original and Appellate Jurisdictions. The Court, through the President, also participated in a several regional and international

virtual and in-person engagements, discussions and training opportunities on the role of the Court and its dual jurisdictions. Through our Communication and Information Department, the Court continued to maximise its use of digital media to reach our varied and diverse stakeholders. This year's virtual Annual CCJ International Law Moot, held in March 2022, was testimony to the innovativeness and determination of the team to continue this tradition which has proven to be an excellent tool to advance the work of the Court and highlight the Original Jurisdiction among the future generation. In the upcoming period, the Court will be implementing its multi-pronged public education and sensitisation sessions in furtherance of its mandate and awareness of the referral process according to Article 214 of the Revised Treaty of Chaguaramas.

### Commendation to CCJ staff

Notwithstanding the continued impact of the pandemic on life, livelihood, and our society, the staff of the Court remained resilient and resolute. They continued pursuing and achieving their tasks and objectives, with excellence at the front of their minds. Their contribution and dedication must be commended and acknowledged as they have proven that they can stay on course, even amid the many external issues and challenges.

### Moving on

By the end of this reporting period, 31 July 2022, the staff and stakeholders would have been aware of my decision to seize a new career opportunity. Effective 31 August 2022, I ceased being the Registrar and Chief Marshal at the Caribbean Court of Justice and in September 2022, I assumed duties as a High Court Judge, Eastern Caribbean Supreme Court. As I reflect on my experience with this prestigious institution, I recall all the amazing



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## Update from the Registrar and Chief Marshal (continued)

learning opportunities and experiences. I am incredibly proud of our work to help improve our service to litigants, our stakeholders in providing access to justice, and advancing the rule of law in the Caribbean.

Specifically, the leadership development of the supervisory level of employees at the Court and working on the Court's Strategic Plan and Performance Management tools were significant achievements resulting in an outstanding commendation from the IFCE during my time at the CCJ. A profound benefit to this exercise, has been how the Court reflects and accounts for its work and accomplishments, including our Judges' work.

I am grateful for the privilege to have been of service to each of you and to have learned as much as I did during my time. It is my sincere wish that the Court continues this aggressive path to excellence.

I hope that as you read through the pages of this Annual Report, the information will help you to further appreciate the work of the Court in its journey of excellence.



*In January 2022, Ms Jacqueline Graham, Registrar and Chief Marshal participated in a stakeholder engagement mission to Saint Lucia with the Hon. Mr Justice Adrian Saunders, President and the Hon. Mr Justice Denys Barrow, Judge. During the three day mission, the delegation met with a number of key officials and stakeholders including the representatives of civil society groups (pictured here) to educate and inform them about the role of the Court and more particularly, the Court's Original Jurisdiction.*

**The pursuit of excellence is about leveraging the 'here and now' to create something sustainable for the people and states of the Caribbean. Moreover, it is about ensuring that what we create is robust enough to withstand the vagaries of an uncertain, yet promising future.**

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**Gizel Thomas-Roberts**  
Registrar and Chief Marshal (Ag)

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## The Bench



**From left to right: (Sitting)**

The Honourable Mr Justice Jacob Wit  
The Honourable Mr Justice Adrian Saunders (CCJ President)  
The Honourable Mr Justice Winston Anderson

**From left to right: (Back row standing)**

The Honourable Mr Justice Peter Jamadar  
The Honourable Mr Justice Andrew Burgess  
The Honourable Mr Justice Denys Barrow  
The Honourable Mme Justice Maureen Rajnauth-Lee



# Court Performance

## Registry

The Registry continued apace in the throes of a pandemic to provide administrative support for the judicial activities of the Court. This department is led by the Registrar and Chief Marshal, who is supported by:

Deputy Registrar and Marshal	Registry Supervisor	Case Management Officers (2)	Court Support Officer	Judicial Counsel (5)	Administrative Officers (Judicial) (5)
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The Administrative Officers (Judicial) and the Judicial Counsel work closely and collaboratively with the President and Judges.



Type of Sitting	Number of Sittings
Case Management Conference	5
Hearing	19
Judgment Delivery	15
Total	39

For the period under review, 1 August 2021 - 31 July 2022, the Court sat 39 times. These sittings comprised five case management conferences (CMCs), 19 hearings, and 15 judgment deliveries.

## Appellate Jurisdiction

New Matters		
Type of Matter	2021/2022	2020/2021
Application for Special Leave	14	21
Notice of Appeal	14	20
<b>Total</b>	<b>28</b>	<b>41</b>

Cases Filed by Jurisdiction		
Country	2021/2022	2020/2021
Barbados	6	15
Belize	6	4
Dominica	0	3
Guyana	16	19
<b>Total</b>	<b>28</b>	<b>41</b>

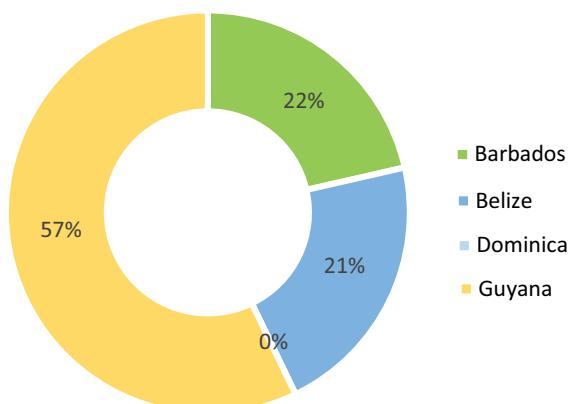
There was a 32% decrease in new matters filed for the reporting period of 1 August 2021 - 31 July 2022 compared to the previous year with six cases from Barbados, six cases from Belize, and 16 cases from Guyana. There were no new cases from Dominica. Fifty-seven percent of the matters were civil, while 43% were criminal.



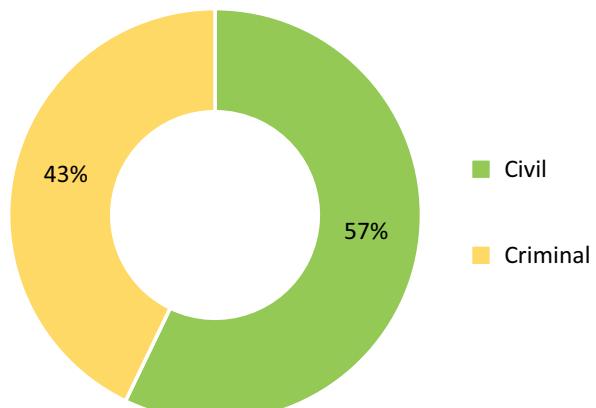
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## Court Performance (continued)

**Cases filed by country**



**Case type**

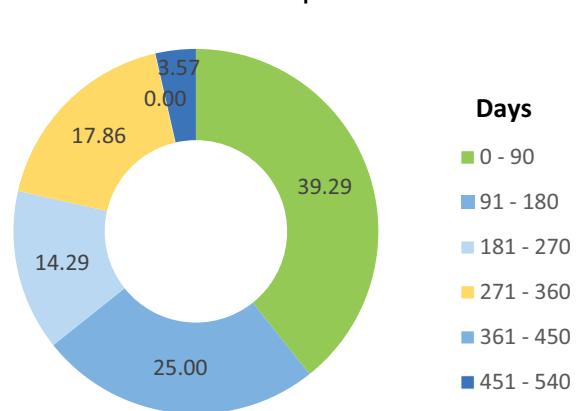


## Time to Disposition

Of all the matters disposed within the reporting period, 64% of these were completed within six months of filing.

**Time to Disposition**

Time to Disposition		
Number of Days	Number of Cases Disposed	Cases Disposed (%)
0 - 90	11	39.29
91 - 180	7	25.00
181 - 270	4	14.29
271 - 360	5	17.86
361 - 450	0	0.00
451 - 540	1	3.57
<b>Total</b>	<b>28</b>	<b>100</b>



## Summary of Disposition

Number of Days	Cumulative Number of Cases Disposed	Cumulative (%)
0 - 180	18	64.29
0 - 360	27	96.43
0 - 540	28	100



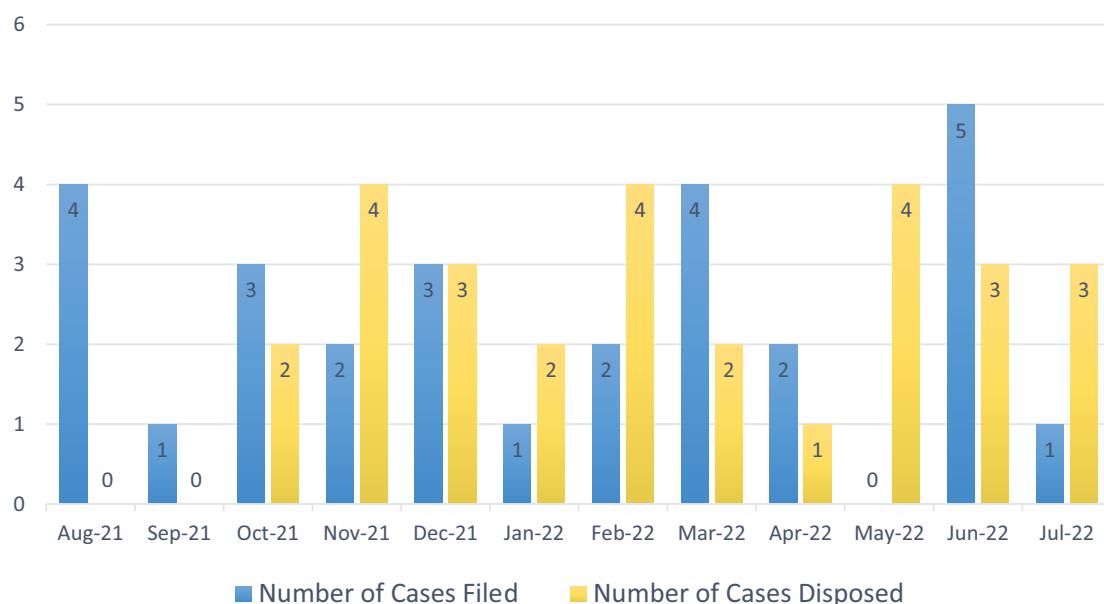
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## Court Performance (continued)

### Clearance Rate

The clearance rate for matters filed is 100% for disposed matters against new matters. Disposals were evenly spread, following the opening of the 2021/2022 Court term.

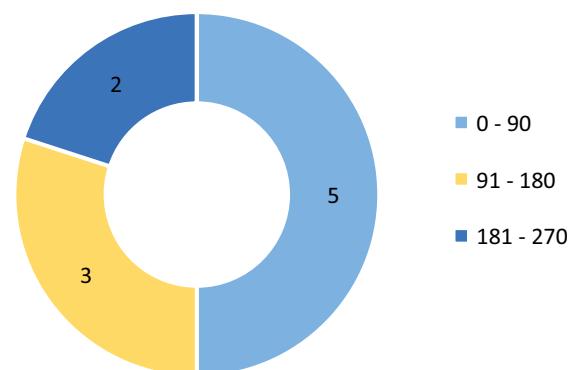
### Clearance Rates



### Age of Active Pending Caseload

Days	Number of Cases
0 - 90	5
91 - 180	3
181 - 270	2
271 - 360	0
361 - 450	0
451 - 540	0
Exceeding 540	0

### Time to Disposition





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## Court Performance (continued)

As with previous years, the Court adjudicated on many novel matters. One such matter was the Barbadian case BBCR2021/002 Commissioner of Police v Stephen Alleyne, where the Court reversed the notion that a man could not legally rape another man. Stephen Alleyne was charged with the offence of rape contrary to the Sexual Offences Act (The Act). Prior to the commencement of the evidence in his trial, he was discharged by the Magistrate after hearing submissions that the charge alleged that he had sexual intercourse with another man without his consent. The Magistrate decided that the crime of rape (section 31) did not extend to anal intercourse between men. On appeal by the Commissioner of Police, the majority in the Court of Appeal agreed with the Magistrate's decision. The Commissioner of Police appealed to the CCJ. The Court found that on a correct interpretation of section 3(1), a man can be charged for the rape of another man. The Act uses gender-neutral language and extends the definition of rape to include anal penetration. The Court found that considering the literal meaning of the words used in the Act, their context, and comparable legislation, any person, male or female, can be the offender or victim of rape.

## Original Jurisdiction

Country of Origin	2021/2022	2020/2021
Antigua and Barbuda	1	1
Belize	0	1
Trinidad and Tobago	0	2
<b>Total</b>	<b>1</b>	<b>4</b>

There was a 75% decrease in new matters filed for the reporting period of 1 August 2021 - 31 July 2022 compared to the previous year.



## Judgment Summaries for Judicial Year 2021/2022

### Appellate Jurisdiction

#### **Skerrit and Others v Defoe and Others [2021] CCJ 4 (AJ)**

*This case is an appeal from Dominica.*

The issue in this appeal was whether a Magistrate has the jurisdiction to hear and determine a charge of 'treating' against a member of the House of Assembly. The matter originated with the respondents filing criminal complaints in the Magistrates' Court. They alleged that the appellants, who were members of the Dominica Labour Party (DLP), were guilty of the election offence of hosting two free public concerts shortly before the 2014 General Elections, intending to influence the electorate to vote for the DLP corruptly.

After the Magistrate issued the summonses, the appellants sought judicial review of the Magistrate's decision to assume jurisdiction over the complaints. The judge decided in the appellants' favour and quashed the summonses. The judge found that outcome challenged the validity of the appellants' election, and any action had to be brought by an election petition.

The Court of Appeal allowed the respondents' appeal. That Court found that s 59 of the House of Assembly (Elections) Act created a summary process and gave the Magistrate power to summarily try and convict a person of treating. That section did not conflict with s 40(1)(a) of the Constitution, which gave the High Court exclusive jurisdiction to determine questions of membership of the House.

The CCJ dismissed the appeal. In a judgment authored by the Hon. Mr Justice Anderson, the Court found that there were two distinct modes of addressing election offences: first, the summary offences procedure, where offences like treating are tried before a Magistrate and second, the election petition procedure which was concerned with the undue election or return of a candidate. These modes did not conflict. The summary offences procedure was concerned with vindicating the criminal law and not the validity of an election.

In a concurring judgment, the Hon. Mr Justice Burgess noted that the constitutional grounds raised in the appeal were improper before the Court. The Constitution established a system for constitutional redress and interpretation reinforced by Parts 56 and 61 of the Eastern Caribbean Supreme Court Procedure Rules. As such, no question relating to constitutional redress and interpretation can be raised by way of a segue, as was done in this case in a claim for judicial review.



## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### Sandy Lane Hotel Co. Limited v Juliana Cato et al. [2021] CCJ 8 (AJ) BB

*This case is an appeal from the Republic of Barbados.*

This case is a matter which involved Juliana Cato, Wayne Johnson, and Charmaine Poyer ('**the employees**'), who in 2011, were all dismissed by Sandy Lane Hotel Co. Ltd ('**the company**') with a week's wages in lieu of notice, having given almost thirty combined years of service to the company. The employees each brought an action against the company in the Magistrates' Court, claiming damages for wrongful dismissal under s 45 of the Severance Payments Act of 1971.

The Magistrates' Court found that the dismissals were unlawful, and the Court of Appeal agreed with this conclusion. The Court of Appeal reasoned that the dismissals were unlawful on the ground that it was not lawful for the employees to be dismissed without the company following disciplinary processes incorporated into the employees' contracts, including the "Champion Rules of the Game" ('**the Rules**').

On appeal to the CCJ the Court unanimously agreed with the conclusion of the Court of Appeal and dismissed the company's appeal. The CCJ acknowledged that the Rules made provision for dismissal with a week's notice or a week's wages in lieu of notice but found no suggestion that this was an overriding principle within the framework of the Rules. Moreover, the Court found that such provision was at variance with detailed requirements for the disciplinary procedure to be followed before an employee was to be dismissed for poor performance. To buttress this point,

the CCJ applied the *contra proferentem* principle, which allows Courts to construe inconsistencies in a contract against the interests of the party who wrote the contract, especially where, as in the instant matter, that party is the dominant one in the relationship. Therefore, the CCJ held that it was only reasonable that the company should have invoked the provisions that addressed sub-standard performance instead of the general requirement for dismissal with one week's wages in lieu of notice.

Further, the CCJ noted that the common law implies a term of "mutual trust and confidence" in every contract of employment to ensure that employees are treated fairly. And that employers do not conduct themselves in a manner that destroys or seriously damages the relationship of confidence and trust between employer and employee. The CCJ held that the company breached express terms in its own rules by sending home the employees, who had given a combined total of almost 30 years of service, with a minimum of one week's notice. It also breached the implied term of mutual trust and confidence.

Having determined that a right to claim unfair dismissal only arose after the termination of the employees, upon the passage of the Employment Rights Act of 2012, the CCJ found that in all the circumstances, the employees had established that there had been a breach of their contracts and that this breach resulted in wrongful dismissal.



## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### G A Roe & Sons Limited v Commissioner of Stamps and Attorney General of Belize [2021] CCJ 12 (AJ) BZ

*This case is an appeal from Belize.*

G A Roe & Sons Limited ('the company') purchased a parcel of land ('the property') from Belize Bank Limited (the Bank) at a public auction. The price paid was BZD \$150,000.00. The company paid BZD \$6,500.00 in stamp duties based on the consideration stated in the deed. The Commissioner of Stamps (the Commissioner) later determined that BZD \$150,000.00 did not represent the property's market value. Under section 28 of the Stamp Duties Act (the Act), the Commissioner, relying on a valuation report from a valuer, assessed the property's value at BZD \$335,000.00 and required the company to pay additional stamp duty based on that higher sum.

The company was dissatisfied with the Commissioner's assessment and the manner in which the Commissioner went about the evaluation. The company initiated proceedings claiming an order to restrain duty collection on the enhanced amount, among other reliefs. The company was unsuccessful in the Supreme Court and before the Court of Appeal. It then appealed to the CCJ. The Commissioner's view was that because the sale occurred by public auction, it was a forced sale. So, while the price paid for the property should be considered, that price is nearly meaningless if it is not based on some valuation. The Commissioner's position was that her office was entitled to request and rely upon a valuation report from a reputable valuer, which she did.

The CCJ, in a judgment authored by the Hon. Mr Justice Adrian Saunders, President, found that the Commissioner's assessment should be set aside because the Commissioner did not follow the process that was required by section 28 of the Act. The Court found further that the Commissioner misled herself by regarding the price in the deed as meaningless on the premise that, because the sale occurred by public auction, it was a forced sale. Where there was an arm's length sale by public auction, the Commissioner should only disregard the price stated in the deed where there is evidence to warrant that course. There was no proper basis here upon which the Commissioner was entitled, without more, to arrive at the conclusion that the sale price expressed in the deed was of little or no meaning. Far from being meaningless, the actual price produced by an arm's length transparent sale between a willing buyer and a willing seller is the best evidence of the value of the land.

In a concurring judgment, the Hon. Mr Justice Burgess found that the Commissioner's assessment was not lawful as the Commissioner's discretion was not exercised following the steps set out in section 28(2) of the Act and as the Commissioner also took into account extraneous considerations.

The appeal was, therefore, allowed.



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Guyana Geology and Mines Commission (GGMC) and Others v BK International Ltd and Others [2021] CCJ 13 (AJ)**

*This case is an appeal from Guyana.*

The GGMC invited bids by public advertisement to rehabilitate the Aremu Road in Region 7. The advertisement stated that the bidding process would be conducted through the National Competitive Bidding procedures specified in the Procurement Act. The GGMC shortlisted four "prequalified" entities as contenders to submit bids. The contract was awarded to Mr Baboolall, the alleged owner of CB&R Mining, even though he did not provide certain documents required by the Procurement Act and despite BK International Ltd (BK) having the lowest bid. BK, discontent with the GGMC's decision, applied for a writ of certiorari to quash it. BK was successful. The lower courts rejected the GGMC's arguments that it was not a procuring entity subject to the Procurement Act and that it had the right to reject any bid without giving reasons according to the Invitation for Bids (cl 33.1).

This Court dismissed the appeal of the GGMC and Baboolall. In a judgment delivered by the Hon. Mr Justice Anderson, the Court found that the GGMC was an agency of the Government due to the nature of its functions, the fact that it was subject to ministerial control, and the source of its funding. As it was a government agency, it fell under the definition of a 'procuring entity' in the Procurement Act, and thus, it was subject to that Act. Even if it could not be so defined,

the GGMC created a legitimate expectation that it would abide by the Procurement Act by the statements made in the public advertisement. The Court took the view that judicial review was available to BK because the GGMC was engaged in exercising a public function funded by the Government. Even though there was an administrative review process under the Procurement Act, the nature of the complaints was complex, relating to the legality of the process. As such, judicial review was the proper remedy. Lastly, the Court found that the GGMC acted contrary to the Procurement Act in several instances. Imperatively, the rejection of BK's bid was not in accordance with that Act, and the insertion of cl 33.1 could not lawfully justify it.

The Hon. Mr Justice Wit in a concurring opinion, noted that judicial review in a constitutional democracy must be broader than in a parliamentary democracy because the Constitution provides the overarching content to the law. Constitutional values and principles permeate the entire legal order. The Hon. Mr Justice Jamadar reached a similar conclusion in his opinion. He emphasized that where there is constitutional supremacy, courts must ensure that administrative decisions conform with fundamental constitutional and human rights values and principles.



## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Belmopan Land Development Corporation Ltd v The Attorney General of Belize [2022] CCJ 1 AJ (BZ)**

*This case is an appeal from Belize.*

In 2002, the Government of Belize ('GOB') embarked on a process of compulsorily acquiring 202 acres owned by Belmopan Land Development Corporation ('BLDC'). GOB failed to carry through with the compulsory acquisition process but retained possession of the lands. Subsequently, GOB dispossessed BLDC of a further 1,192 acres.

After GOB had taken possession of the lands, BLDC was content to let GOB assume ownership of all 1,394 acres in exchange for payment by GOB of the fair market value. Negotiations between the parties aimed at agreeing that value was unsuccessful. BLDC then filed a constitutional action claiming damages. The trial judge accepted the opinion of BLDC's valuer that all the land should be valued as 'city expansion' land at BZD \$11,549.00 per acre, or a total of BZD \$16,099,306.00. GOB appealed the judgment. The Court of Appeal found that the trial judge relied on inadequate valuation evidence and ordered the case be remitted for further evidence to be taken.

BLDC appealed to the CCJ. The CCJ was narrowly divided. The Hon. Mr Justice Saunders, President of the CCJ, the Hon. Messrs Justice Wit and Jamadar (the CCJ majority) agreed that the case should be sent back for further evidence to be taken, while the Hon. Messrs Anderson and Burgess (the CCJ minority) were of the view that the judgment

of the trial judge should be restored.

The CCJ majority considered BLDC valuer's evidence tainted because his value of the lands was premised on his belief that GOB acquired the lands for 'city expansion.' Secondly, he attributed to every square foot of the expropriated land a value consistent with the value of commercial land in the city of Belmopan. This conclusion was irrational because it paid no regard for such land as would be lost due to roads, drainage, utilities, and the like.

The CCJ minority was of the view that land valuation is an art and not a science. Where a trial court has accepted the evidence of land valuers, the CCJ was not entitled to reopen or authorise the reopening of an original investigation into the market value of the land.

Regarding the majority's reasoning, the CCJ remitted the case to the Supreme Court for further hearing. The CCJ also ordered GOB to make an interim payment to BLDC of BZD \$6,000,000.00 (less such sums as GOB had already paid to BLDC on account) with interest on that sum at 6% per annum from 1 January 2014. Also, it needed to take all measures at its own expense and within a reasonable time to survey and delineate the expropriated land to have BLDC transfer the confiscated land to the GOB free from any taxes or duties in connection with the said transfer.



## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Commissioner of Police v Stephen Alleyne [2022] CCJ 2 (AJ) BB**

*This is an appeal from Barbados.*

Stephen Alleyne was charged with the offence of rape contrary to the Sexual Offences Act (the Act). Before starting the evidence in his trial, he was discharged by the Magistrate after hearing submissions that the charge alleged that he had sexual intercourse with another man without his consent. The Magistrate decided that the crime of rape (section 3(1)) did not extend to anal intercourse between men. On appeal by the Commissioner of Police, the majority in the Court of Appeal agreed with the Magistrate's decision. The Commissioner of Police appealed to the CCJ.

The CCJ, in a judgment authored by the Hon. Mr Justice Barrow found that on a correct interpretation of section 3(1), a man can be charged for the rape of another man. The Act uses gender-neutral language and extends the definition of rape to include anal penetration. The Court found that considering the literal meaning of the words used in the Act, their context, and comparable legislation, any person, male or female, can be the offender or victim of rape.

In a separate judgment, the Hon. Mr Justice Jamadar, entirely supported the opinion of the Hon. Mr Justice Barrow, agreeing that the Act permits a man to be charged for the rape of another man. Mr Justice Jamadar found when judges are interpreting legislation, they

must also respect the fundamental rights in the Constitution and consider a State's international treaty commitments. A gender-neutral interpretation of the Act respects the right to protection of the law regardless of sex and the prohibition against discriminatory laws under the Constitution. It also respects Barbados' international law commitments to ensure equality before the law regardless of gender and the enjoyment of fundamental rights and freedoms without restrictions based on sex.

In a dissenting judgment, the Hon. Mr Justice Burgess found that the Act does not create an offence of rape of a man by another man and would have dismissed the appeal. He considered that under the common law, only a man could commit rape against a woman. He noted that section 3 of the Act does not purport to do anything as revolutionary as changing the common law to create an offence of rape by a man of another man. For Parliament to do so, it would have had to express that intention in unambiguous language.

The appeal was therefore allowed, and the case was remitted to the Magistrate's Court to proceed with the preliminary inquiry.



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### Estate of Marjorie Ilma Knox v John Vere Evelyn Deane and Ors [2022] CCJ 3 (AJ) BB

*These are applications made following an appeal from Barbados.*

Upon the determination and dismissal of the substantive appeal ([2021] CCJ 5 (AJ)) the CCJ ordered 'The appellant to pay costs to the respondents to be agreed or assessed by the Registrar' (the Costs Order). The Caribbean Court of Justice (Appellate Jurisdiction) Rules 2019 (2019 Rules) were in force at that time. The parties disagreed on costs, and the matter duly proceeded to taxation with all parties filing their respective documents, including Bills of Costs, Notices of Objections, Notices of Taxation, and written submissions. The taxation hearing was fixed for 13 October 2021. The Caribbean Court of Justice (Appellate Jurisdiction) Rules 2021 (2021 Rules) came into force on 11 October 2021. At the hearing on 13 October 2021, the appellant raised as a preliminary issue the question as to which Rules (2019 Rules or 2021 Rules) were applicable and governed the assessment of costs. The Registrar determined that the 2021 Rules applied. The 2nd and 10th respondents applied to the Panel that heard the substantive appeal concerning the Registrar's decision.

The CCJ in a judgment authored by the Hon. Mr Justice Jamadar agreed that the 2021 Rules applied. The CCJ found that Part 19 of the 2021 Rules is intituled – 'Transitional'. The 2021 Rules 19.1(1) and 19.1(2), state that concerning 'appeals in existence at the commencement date': 'Unless the Court directs otherwise, these Rules shall apply to all

applications, appeals, and other proceedings in existence at the commencement date of these Rules.' The parties have disagreed on costs. The assessment of costs was an application in the proceedings on 11 October 2021, when the 2021 Rules came into force. Thus, on 13 October, the applicable rules were the 2021 Rules, the Court not having directed otherwise.

The Costs Order directed the Registrar to assess the costs in default of agreement. The 2021 Rules 17.11 and 17.12(1) explain that in all cases where the CCJ orders a party to pay the costs of another party, as in this case, those costs are to be assessed either as a summary assessment or as standard costs. In this case, the CCJ did not undertake a summary assessment of the charges by ordering the payment of a sum of money under 2021 Rule 17.14 or otherwise. Therefore, and as 2021 Rule 17.15(1) makes plain: 'Where a Court has made an order for costs in favour of a party and has not summarily assessed those costs, the receiving party shall be entitled to recover standard costs.' The CCJ determined that the costs due and payable are standard costs to be calculated and quantified, 'assessed' by the Registrar.

The applications of the 2nd and 10th respondents were dismissed, and the case was remitted to the Registrar to assess costs based on the 2021 Rules.



## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Calvin Ramcharran v The Director of Public Prosecutions [2022] CCJ 4 (AJ) GY**

*This is an appeal from Guyana.*

Calvin Ramcharran was tried before a jury and convicted of rape and assault causing actual bodily harm. On the day of the verdict, he was sentenced to 23 years imprisonment for the offence of rape and three years' imprisonment for the offence of assault occasioning actual bodily harm, with the sentences to run concurrently. The Court of Appeal affirmed the decision of the trial judge. Ramcharran appealed to the CCJ, arguing that the sentences were manifestly excessive. The appeal was against his sentences alone, the CCJ having refused permission to appeal against his convictions.

The CCJ, in a majority judgment authored by the Hon. Mr Justice Barrow found that the sentence for rape was manifestly excessive. The CCJ considered that the trial judge failed to hold a separate sentencing hearing to take a victim impact statement, obtain mental health or psychological assessments, obtain a social report and give reasons for and indicate the process used to arrive at the sentence. The trial judge did hear a plea in mitigation and did not impose the maximum sentence of life imprisonment. However, the judge gave no reason why the appellate courts could only infer what the trial judge considered in arriving at the sentences imposed. The CCJ found that the Court of Appeal, in reviewing the trial judge's sentence, made an error by failing to follow the comprehensive guidance for trial judges in respect of sentencing in rape cases in its earlier decision in Pompey v DPP. The CCJ was satisfied that because the Court of Appeal

failed to be guided by the precedent of Pompey, as it was bound to do, it failed to apply the proper sentencing principles and objectives to the determination of the issue raised by the appeal: whether the sentences were manifestly excessive or wrong in principle.

The CCJ considered the range of starting sentences for rape and the aggravating and mitigating factors and imposed a sentence of 12 years imprisonment. In respect of the sentence for assault causing actual bodily harm, the CCJ found that because the sentence of imprisonment for three years for assault is to be served concurrently there is no double punishment for this offence, and it may be left to stand for its demonstrative and deterrent effect.

In a separate judgment, the Hon. Mme Justice Rajnauth-Lee and the Hon. Mr Justice Jamadar agreed that the sentence for rape imposed and affirmed by the Court of Appeal was excessive and needed to be reviewed. Mme Justice Rajnauth-Lee and Mr Jamadar disagreed with the sentence imposed by the majority and would have imposed a sentence of 16 years imprisonment for rape. They also guided general approaches to a sentencing hearing, and the majority agreed with this guidance.

The appeal was, therefore, allowed, and Ramcharran was sentenced to 12 years for rape. The sentence for assault causing actual bodily harm was affirmed. The sentences are to run concurrently.



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Prashad v Persaud and Others [2022] CCJ 5 (AJ)**

*This is an appeal from Guyana.*

Sahadeo Prashad brought an action for possession of land and mesne profits against his siblings in their capacities. He claimed that he had been the owner of certain land by transport since 1985. His siblings counterclaimed that he acquired the transport by fraud, which held the land in trust for their (now deceased) father by an oral agreement. Prashad denied that any such agreement existed and challenged his siblings' legal standing. The siblings applied to join their father's estate on the eve of the trial, and the trial judge refused that application (the interlocutory order). In the substantive action as well, Prashad was successful.

The siblings appealed against the substantive decision and the interlocutor order. The Court of Appeal noted that the appeal against the interlocutory order had to be made to the Full Court but still heard it since in their view, the appeal was against 'the whole of the judgment'. That Court allowed the appeal and found that a trust was in place and, interestingly, at the end of the proceedings, decided to add the father's estate to the appeal.

The CCJ allowed the appeal of Prashad. In a judgment authored by the Hon. Mr Justice

Barrow, the Court found that, in the first place, the Court of Appeal had no jurisdiction to hear the appeal against the interlocutory order. The Court took the view that the siblings had no legal standing since they were before the courts in their personal capacities, and there was nothing to show that they had a right to possession of the land. The Court also found that the order for joinder made by the Court of Appeal had no legal effect as it was made after the High Court proceedings ended and after the appeal had been heard.

In a joint concurring judgment, the Hon. Mr Justice Wit, the Hon. Mme Justice Rajnauth-Lee and the Hon. Mr Justice Burgess commented on the Court of Appeal's acceptance of Collymore v George as good law and their concomitant finding that a trust existed. The judges noted that full ownership is the only form of ownership of immovable property recognised in Guyana. As this Court had already established in earlier cases, there is no duality of ownership and no division of legal and equitable interests. As such, a resulting or constructive trust under the English system would be problematic concerning the law of immovable property in Guyana.



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Sersland and Paz Jr v St Matthews University School of Medicine Ltd**

*This is an appeal from Belize.*

The CCJ allowed the appeal of the appellants, Dr Sersland and Mr Paz Jr, against the decision of the Court of Appeal and will give reasons in due course. The Court of Appeal had decided that Dr Sersland and Mr Paz Jr could not bring an action for the appointment of an Inspector to investigate the affairs of the respondent, St Matthews University School of Medicine Ltd, in keeping with s 110(1)(b) of the Companies Act. Their reason was that the appellants did not have one-tenth of that company's issued shares. The CCJ disagreed with the Court of Appeal's interpretation of the law and ordered that an Inspector investigate the respondent's affairs. The Court also ordered that the respondent pay the appellants' costs in the courts below and at the CCJ.

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### **Shekeela Kanhai, Evie Anne Kanhai and Miguel Gurcharan v Basantie Persaud**

**(substituted by Order of Court dated 8th day of April 2013) [2022] CCJ 6 (AJ)**

*This is an appeal from Guyana.*

This matter involved a petition for declaration of title for a portion of land, Sublot X (X), which is the northern portion of the West ½ of Lot 80 Duncan Street, Newtown, Kitty in Georgetown (the property).

In 1965, Carlton Sobers, by agreement of lease (the agreement), leased the South ½ of the property to his sister, Iris Porter. Ms Porter took possession of X, constructed a house, and lived there with her family until her death in 1990. By her will, she devised her house on X and the agreement, which the will stated as being in relation to the North ½ of the property. Her son, Mr Fletchman, continued to live in the house on X until his death in 2013, and Basantie Persaud, his common-law wife, continues to reside on X.

Ram Kanhai obtained the transport to the property in 2007 and brought an action against Mr Fletchman for possession of X. The action

was dismissed in 2010 and Mr Fletchman filed a petition for a declaration of title to X under the Title to Land (Prescription and Limitation) Act (the Act) which was opposed by Mr Kanhai. Mr Kanhai died in 2011, and his wife, Shekeela Kanhai, conveyed the Property to Evie Anne Kanhai and Miguel Gurcharan.

The courts below declared title to X in favour of Basantie Persaud, the substituted petitioner for Mr Fletchman. The CCJ, in a unanimous decision delivered by the Hon. Mr Justice Wit , agreed with the lower courts and dismissed the Kanhais' appeal.

The CCJ held that the agreement created a personal contractual relationship that expired in 1990 upon Ms Porter's death. It was further held that where possession was held by a tenant changes from possession with the consent of the landlord to one without such consent, the



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Shekeela Kanhai, Evie Anne Kanhai and Miguel Gurcharan v Basantie Persaud (substituted by Order of Court dated 8th day of April 2013) [2022] CCJ 6 (AJ)**

*This is an appeal from Guyana. (continued)*

nature of the possession does not change except that, for limitation purposes, it becomes adverse. In that context, there is no requirement to establish factual possession and intention to possess. Though s 9(2) of the Act provides that, for adverse possession, time begins to run after the first year where there is a tenancy from year to year without a written lease, the CCJ in light of s 3 of the Act, did not assume that Ms Porter was in adverse possession as she always had the consent of Mr Sobers to possess. Further, she was never required to pay rent, so there was

nothing to indicate to Mr. Sobers when a right of action would have begun to accrue against him. A strict application of s 9(2) may, in such a case, therefore, lead to arbitrary deprivation of property contrary to art 142(1) of the Guyana Constitution.

As such, time at least began to run in 1990, and, since there was nothing to interrupt the running of time before 2002, Mr. Sobers' title to X expired that year, and Mr Fletchman became entitled to a declaration of title to X.

### **Marcus Bisram v The Director of Public Prosecutions [2022] CCJ 7 AJ (GY)**

*This is an appeal from Guyana.*

In this appeal, Marcus Bisram, a murder accused, challenged the constitutionality of s 72 of the Criminal Law (Procedure) Act.

Bisram was discharged by the Magistrate who heard the evidence at the preliminary inquiry (PI) into his murder charge. After that, the Director of Public Prosecutions (DPP) directed the Magistrate to reopen the PI and later, to commit Bisram for trial, both of which the Magistrate did.

Bisram applied to quash the DPP's directives to the Magistrate and the decision to commit him to stand trial. He contended that the directives by the DPP were unconstitutional because s 72 of the Act, which empowered the DPP to so direct,

was contrary to Articles 122A (the principle of judicial independence) and 144 (the right to the protection of the law) of the Constitution and the separation of powers doctrine. He also claimed that the DPP did not precisely follow the steps required by the section. The trial judge granted the orders claimed and ordered Bisram's release, declining to find that s 72 was unconstitutional. On appeal, the Court of Appeal allowed the DPP's appeal against the judge's orders and dismissed Bisram's cross-appeal that s 72 infringed the Constitution.

The CCJ, in a judgment delivered by the Hon. Mr Justice Saunders, President of the Court, allowed Bisram's appeal and restored the



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction *(continued)*

### **Marcus Bisram v The Director of Public Prosecutions [2022] CCJ 7 AJ (GY)**

*This is an appeal from Guyana. (continued)*

decision to discharge him. The Court considered whether, assuming the constitutionality of the section, there was compliance with s 72. The Court noted that s 72 required the DPP to first receive the depositions and other material and form an opinion from them that a *prima facie* case has been made out before directing the Magistrate to reopen the PI and give the accused an opportunity to make a statement or call witnesses. In this case, the DPP decided to direct a reopening of the case to direct a committal before she had received or reviewed the depositions. She failed to follow the legislative sequence set out in s 72, which embodies substantive principles of fundamental fairness and natural justice. This failure rendered the subsequent acts of the DPP and the Magistrate susceptible to being declared a nullity.

As to whether s 72 was compatible with the Constitution, the Court held that a law that renders the Magistrate's professional decision-making subject to the dictates of another official breaches Article 122A and must be declared void to the extent of its inconsistency with that article. Article 152, the savings

provision, could not apply as it only related to inconsistency with fundamental rights falling between Articles 138 and 149. The Court reaffirmed the 'modification first' approach used in Nervais and McEwan to hold that the savings and modification clauses should be interpreted together so that existing laws should be suitably modified before being applied.

The CCJ agreed with the trial judge that, as a consequence, everything that followed the issuance of the DPP's directive must be quashed. Concerning s 72, the Court noted that striking down the section would leave a substantial gap in the criminal procedure, without any certainty about when that gap will be closed. Thus, until addressed by the National Assembly, s 72 should be modified to provide that a DPP, who is for a good reason disappointed with the decision of a magistrate to discharge an accused person. This may place before a judge of the Supreme Court the depositions and other material that was before the Magistrate on an ex parte application for the discharged accused to be arrested and committed if the judge is of the view that the material justifies such a course of action.



## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Elliston McDonald Greaves v The State [2022] CCJ 9 (AJ)**

*This is an appeal from Barbados.*

The appellant, Elliston McDonald Greaves shared a 13-year intimate relationship with Cally Ann Gill (the deceased), which produced six children. While the appellant was out, a client visited the deceased and conversed with her in a back bedroom to purchase sex. Greaves returned to the residence, and a quarrel between him and the deceased escalated into a scuffle. The owner of the residence attempted to intervene in pulling Greaves away from the deceased. Greaves then went to the kitchen, took up a knife, returned to the bedroom, and stabbed the deceased once in her throat, resulting in her death. He immediately confessed to killing the deceased and pleaded not guilty to murder but guilty to manslaughter on the grounds of provocation. The state accepted this plea.

The sentencing judge imposed a notional sentence of 16 years imprisonment, deducting the 928 days spent on remand. In determining the length of a notional sentence, the sentencing judge considered that the facts of the case did not fit into any of the categories described in the Pierre Lorde Guidelines for sentencing. The sentencing judge arrived at 16 years by (1) using a starting point of 20 years; (2) increasing it by four years because the aggravating factors of the offender outweighed the mitigating factors, and (3) deducting eight years representing the one-third discount for the appellant's early guilty plea. He was, therefore, sentenced to 13 years and 168 days imprisonment. Greaves' appeal of his sentence was dismissed by the Court of Appeal and he appealed his sentence to the CCJ.

The CCJ allowed the appeal on the ground that the sentence imposed was excessive. The judgment of the Court was delivered by the Hon. Mr Justice Anderson. The Court held that the Penal System Reform Act, Cap 139, did permit the uplift of the starting sentence for personal aggravating factors, including Greaves' previous convictions. However, to serve as personal aggravating factors, the prior convictions must be germane to the current sentencing process. In the present case, the previous convictions were for minor, non-violent offences, the last of which was 24 years old, and were not relevant to the sentencing of the appellant. The portion of the uplift due to those convictions could not stand. The Court found that no convincing reason was given for departing from the Pierre Lorde Guidelines and that the appellant's case fell most closely into category three which suggested that in a manslaughter case where no firearm was used, an early guilty plea should result in the range of sentence of 10-14 years. The Court held that the appropriate notional sentence should be 12 years, from which the time spent on remand should be deducted.

The Court considered the Pierre Lorde Guidelines and the revision of these guidelines made by the Court of Appeal. The Court was of the opinion that the Pierre Lorde Guidelines retained seminal importance in identifying aggravating and mitigating factors and noted that the Revised Guidelines need to be considered in the context that life imprisonment and a term of imprisonment were now possible sentences for the offence of murder.



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **James Ramsahoye v Guyana Revenue Authority [2022] CCJ 10 (AJ)**

*This is an appeal from Guyana.*

In separate proceedings, the Court of Appeal had awarded damages to James Ramsahoye ('the appellant') of approximately GY \$78 million together with interest and costs to be paid by his former employer, Linden Mining Enterprise Ltd ('Linmine') for wrongful termination of his employment, loss of salary for 41 months and for pension for the period January 1972 to June 1998, together with interest. In response to this award, the Guyana Revenue Authority (GRA) wrote to Ramsahoye assessing income tax to be paid by him for the years of income 1996-98 and undertook to mail a formal notice of assessment shortly, which the GRA did not do. Instead, the respondent wrote directly to Linmine demanding that Linmine pay the respondent the sum of GY \$45,132,975.00, representing income tax due and owing by the appellant for the years of income 1990-98; and for loss of salary for 41 months under ss 93 and 102 of the Income Tax Act, Cap 81:01 ('the Act'). Linmine paid the GRA the stipulated sum by deducting it from the damages it owed the appellant without informing the appellant.

The appellant initiated prerogative writ proceedings in the High Court of Guyana to challenge the respondent's decision. The proceedings raised three main issues: whether the damages awarded fell within the definition contained in s5(b) of the Act, which specifies that 'gains or profits from any office or employment, including compensation for the termination of any contract of employment or

service' are taxable; whether the Commissioner had the power without proof of fraud, gross or wilful neglect, to assess income tax for a year of income which exceeded the seven-year limitation period imposed by s 72 of the Act; and whether the Commissioner afforded the appellant access to the dispute resolution procedures set out in the Act. (Persaud J) found in favour of Ramsahoye on all issues and quashed the tax assessment but stayed immediate execution of his order.

The Court of Appeal agreed with Persaud J on two of the three issues as it found that the damages awarded constituted 'compensation for the termination of Ramsahoye's contract of service' and fell within s5(b) of the Act. The Court of Appeal allowed the appeal in part upheld the quashing order of the High Court but made no order for payment to the appellant of the money that the respondent had garnished and that was lodged with the Registrar of the Supreme Court by order of the Court. The appellant appealed this decision to the CCJ.

The CCJ allowed Ramsahoye's appeal. The Hon. Mr Justice Barrow in delivering the reasons for the decision of the majority, found that the appeal that was allowed in part was wrong as the Court of Appeal upheld the quashing of the assessment. The decision that the damages were taxable in principle had no effect on the result or outcome of the appeal. The Hon. Messrs Justice Wit and Burgess also gave



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **James Ramsahoye v Guyana Revenue Authority [2022] CCJ 10 (AJ)**

*This is an appeal from Guyana. (continued)*

reasons for the decision. They agreed with the majority's reasons but went on to consider the issue of whether damages for breach of contract of employment were eligible to tax. The Hon. Mr Justice Wit held that the damages paid to Ramsahoye fell squarely under s 5(b) of the Act as they constitute compensation for the termination of a contract of employment. Mr Justice Burgess held that the word 'from employment' entails a search for the reason or causation for the payment and concluded

that the damages were not 'from' employment as the damages were not in respect of any services rendered but were as a result of the appellant's wrongful dismissal. Mr Justice Burgess held that Ramsahoye could enforce the return of the sum unlawfully deducted plus interest by the GRA , as a taxing authority who erroneously taxes a person could be ordered to repay the money taxed plus interest as a matter of common law.

### **The Commissioner of the Guyana Geology and Mines Commission v Diamond Quarry Inc and Baracara Quarries Inc [2022] CCJ 11 (AJ)**

*This is an appeal from Guyana.*

Diamond Quarry Inc ('Diamond') applied to the Guyana Geology and Mines Commission ('the Commission') for a quarry licence pursuant to s 89 of the Mining Act, Cap 65:01 in respect of 848 acres of land known as 'Monkey Jump'. Before the application, Diamond did the necessary research to confirm that the land applied for was not legally held or applied for by anyone. Pursuant to this application, the Commission surveyed Monkey Jump and issued a Cease Work Order against Baracara Quarries Inc ('Baracara') concerning its occupation of a portion of Monkey Jump for which Diamond had applied. The Commission published a Notice of Intention to grant a quarry licence to Diamond in the Official Gazette. The notice required that any person claiming any right or

interest in the area to be granted, lodge with the Commission a petition objecting to the grant of the licence within 21 days after publication. No one lodged an objection within 21 days, or at all. The Commission indicated to Diamond that it had 'favourably considered' Diamond's application, however, just over three months later, at a meeting convened by the Commission, the Commission stated that many years earlier, Baracara had applied for the same land for which Diamond had applied. The report of the meeting, compiled by the Commission's Land Administration Manager, represented that the Commission had accepted two quarry licence applications for the same land and that the land would be subdivided between Diamond and Baracara.



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **The Commissioner of the Guyana Geology and Mines Commission v Diamond Quarry Inc and Baracara Quarries Inc [2022] CCJ 11 (AJ)**

*This is an appeal from Guyana. (continued)*

Diamond applied to the High Court of Guyana, alleging that the Commission's decision to subdivide the land was grossly unfair, discriminatory, and based on mala fides and favouritism. Chang CJ (Ag) granted: (1) An order of certiorari directing the Commissioner of the Guyana Geology and Mines Commission ('the Commissioner') to quash the decision to subdivide the land for which the first respondent had applied; (2) An order of mandamus directing the Commissioner to grant Diamond a quarry licence over the said land; and (3) an order of prohibition preventing the Commission from granting a quarry licence or any other licence to any other person or corporate entity in respect of the said land. The Commission appealed to the Court of Appeal, and Baracara applied for and was granted leave to intervene. The Court of Appeal dismissed the appeal and upheld the decision of the High Court in all respects except the Court of Appeal remitted the application to the Commission for its consideration according to law. The Commissioner appealed to the CCJ against the entirety of the judgment of the Court of Appeal and Diamond cross-appealed only that part of the judgment of the Court of Appeal relating to the decision to set aside the High Court's order of mandamus.

The CCJ dismissed the appeal and upheld the cross-appeal. The Hon. Mr Justice Anderson delivered the judgment of the Court. The Court held that the 848 acres of land for which the first respondent had applied to conduct quarrying operations had not been the subject of an application for a quarry licence by the second respondent. On the issue of subdivision, the Court concluded this was an issue that would have benefitted from cross-examination. However, there was enough in the documents and surrounding circumstances to determine that, on a balance of probability, the Commission had decided to subdivide, and that the first respondent was always displeased with that decision. The Court found that the doctrine of substantive legitimate expectation applied as Diamond had received the unequivocal assurance from the Commission that its application had been favourably considered and that the Notice of Intention to Grant the licence would be published. That notice was published, and there was no objection to anyone granting the license, and no claims of public interest had been proffered to justify frustrating the first respondent's expectation that it would be granted the licence. The Court found that an order of mandamus ordering the Commissioner to issue the license to the first respondent was appropriate in this case as it was the only lawful outcome.



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## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Hillaire Sears v Parole Board, Minister of National Security and The Attorney General [2022] CCJ 13 (AJ)**

*This is an appeal from Belize.*

Hillaire Sears was convicted of murder and sentenced to life imprisonment in December 2001. His conviction was substituted for manslaughter, and he was sentenced to 25 years. He was granted parole and released from prison on 21 December 2012. On 3 April 2014, while working at the prison, Sears was suspected of having cannabis in his possession, thus violating one of the conditions of his parole. He was subjected to a urine test, detained, and subsequently remained in prison for 55 days until, on 28 May 2014, he was informed in writing by the Parole Board that the urine analysis was positive for cannabis and his parole had been revoked. Sears was never afforded an opportunity to be heard by the Parole Board.

Four years later, he brought a constitutional claim challenging the lawfulness of his detention and the revocation of his parole, seeking, *inter alia*, declaratory relief and an order to be released immediately. The trial judge dismissed Sears' claim. The Court of Appeal affirmed that decision. The Court of Appeal, confining itself to the procedural issues, held that Sears had pursued the wrong procedure and should have sought relief through judicial review and/or false imprisonment. His claim was brought four years after the Parole Board's decision, and this delay was excessive.

Shortly after the appeal hearing, the CCJ declared that Sears' reincarceration had

breached his constitutional right to personal liberty and that the parole revocation by the Parole Board had breached his constitutional rights to personal liberty and equal protection of the law. The CCJ also quashed the decision of the Parole Board to revoke Sears' parole and ordered his immediate release from prison.

The Hon. Mr Justice Wit and the Hon. Mme Justice Rajnauth-Lee delivered the reasons for decision. The CCJ disagreed with the lower courts, finding that Sears had not used the wrong procedure in bringing his claim. He had alleged the arbitrary use of state power, incarceration without legal authority, and the revocation of his parole without due process. These were genuine claims of infringements of his fundamental rights. There was also no merit in the argument that the Supreme Court was not empowered to quash the Parole Board's decision under a constitutional claim, given the discretion and wide powers provided under s 20 of the Constitution. Additionally, the Court disagreed that his claim should be shut out because of excessive delay as the alleged constitutional breaches were severe and their effects ongoing.

The CCJ concluded that his reincarceration on 3 April 2014 breached his constitutional right to personal liberty guaranteed by s 5 of the Constitution. Sears was not afforded any constitutional safeguards under the Prison



# Annual Report 2021-2022

## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction *(continued)*

### **Hillaire Sears v Parole Board, Minister of National Security and The Attorney General [2022] CCJ 13 (AJ)**

*This is an appeal from Belize. (continued)*

Rules when he was arrested and detained. Thus, his arrest and detention on 3 April 2014 were arbitrary, without legal authority, and without due process. He was deprived of his right to personal liberty for at least those 55 days from 3 April until 28 May 2014, when the Parole Board revoked his parole.

The CCJ held that the Parole Board's decision to revoke his parole on 28 May 2014 breached his constitutional rights to personal liberty

and equal protection of the law. At the very least, a parolee should be allowed to make written representations or be heard by the Parole Board, if necessary, by an oral hearing. In Sears' case, no hearing was afforded to him. He was simply informed in writing that his parole was revoked 55 days after he was unlawfully detained. As he was denied the procedural fairness required by the Constitution, his right to protection of the law had been infringed.

### **Alexis Loncke, Lawrence Zaman v Olga Konyo Boatemma Addo Substituted For Olga Charles**

*This is an appeal from Guyana.*

Alexis Loncke, and Lawrence Zaman ('the appellants') and Olga Charles ('the respondent') dispute title to Lot 5 and 6, Relief & Supply, East Bank Demerara, Guyana. Charles, as the sole surviving joint tenant, claims that she is entitled to Lots 5 and 6 because of a transport duly executed in 1970. Loncke and Zaman contend that they are entitled to Lot 5 as their predecessors occupied and possessed Lot 5 for over 27 years. Olga Konyo Boatemma Addo gave evidence on behalf of the respondent as the Court of Appeal ordered a retrial, and by the time the Court heard the retrial, the respondent was in her 90s.

The High Court of Guyana (George CJ) found that the evidence of cane farming, the survey commissioned by the respondent's co-owners, and the registered lease was all evidence that the Charles had never abandoned possession of Lot 5. In relation to Loncke and Zaman's claim, George CJ found that their claim to Lot 5 had been rebuffed in 1970 when Loncke's grandfather withdrew a petition that he filed claiming ownership of Lot 5 and paid the respondent's co-owners costs, as the petition was opposed by the respondent's co-owners. George CJ considered the fact that only the house on Lot 5 was devised in the will of Loncke's grandfather and the payment of



# Annual Report 2021-2022

## Judgment Summaries for Judicial Year 2021/2022 • Appellate Jurisdiction (continued)

### **Alexis Loncke, Lawrence Zaman v Olga Konyo Boatemma Addo Substituted For Olga Charles**

*This is an appeal from Guyana (continued).*

rates and taxes for the house and not Lot 5 indicated occupation of the building only and the recognition that the ownership of Lot 5 vested in the respondent and her co-owners.

George CJ found that the appellants abandoned Lot 5 as Rudolph Loncke, Loncke's father, had not lived on or continued farming Lot 5 after the death of the Loncke's grandfather in 1975. Rudolph Loncke only visited Lot 5 in the late 1980s. Even if Rudolph Loncke's visits in the late 1980s amounted to undisturbed possession, enough time would not have elapsed before the commencement of the proceedings in 1996 to satisfy the statutory period of 12 years.

The appellants appealed to the Court of Appeal. The Court of Appeal dismissed the appeal. The Court of Appeal determined that between the years 1970 to 1975, a portion of Lot 5 was in adverse possession. However, a five-year period was insufficient to satisfy the statutory period of 12 years. It was held that the evidence of possession adduced by the appellants after Loncke's grandfather's death fell short of the standard required to prove physical custody and control of Lot 5. The visits to Lot 5 by Rudolph Loncke were not explicit acts of ownership, as the purpose and length of these visits were not disclosed in the evidence. The appellants appealed to the CCJ, their appeal was dismissed, and the findings of the Court of Appeal affirmed.



## Judgment Summaries for Judicial Year 2021/2022 (continued)

### Original Jurisdiction

#### **The State of Belize v The State of Trinidad and Tobago [2022] CCJ 1 (OJ)**

On 30 September 2020, the State of Belize filed an Originating Application against the State of Trinidad and Tobago. Belize Sugar Industries Limited (BSI), a company incorporated in Belize, exports brown sugar to Trinidad and Tobago, which participates in the Caribbean Single Market and Economy (CSME). Belize alleged that between November 2018 to June 2020, brown sugar from Guatemala and Honduras entered Trinidad and Tobago without payment of the 40% Common External Tariff (CET), resulting in reduced prices and sales of BSI-produced brown sugar. Belize alleged that Trinidad and Tobago had breached the obligation imposed by the Revised Treaty of Chaguaramas (RTC), to apply and maintain a CET rate of 40% on all extra-regional imports of brown sugar entering the CSME to strengthen the regional sugar industry and create an assured market. Belize sought declarations and damages against Trinidad and Tobago.

In its defence, Trinidad and Tobago denied that it had permitted the importation of extra-regional brown sugar in a manner that was inconsistent with its obligations under the RTC. Trinidad and Tobago further contended that BSI was not a state-owned entity of Belize, and that Belize could not present a claim for the benefit of BSI nor claim damages on behalf of BSI. At the hearing, Belize indicated its willingness to accept, in substitution of the relief claimed, appropriately worded judicial statements of the importance of implementing and maintaining the CET on extra-regional brown sugar. While

defending the case brought against it, Trinidad and Tobago offered no objection to this way of proceeding.

The CCJ found that in international law litigation, a State alleging a breach of treaty obligations by another State bears the burden of proving that allegation. The CCJ found severe shortcomings in the evidence offered by Belize in respect of the alleged failure of Trinidad and Tobago to apply the CET. However, given the alternative relief for which Belize opted and the absence of objection by Trinidad and Tobago, the Court was not required to make findings or to rely on the evidence to make the statements sought.

In its judgment, the CCJ re-emphasised the importance of maintaining the CET, especially concerning the importation of extra-regional brown sugar, which is of demonstrable importance to a Member State such as Belize that manufactures it. The CCJ found that the CET does not guarantee regional brown sugar producers an assured market but that those producers are entitled to the protection of the market that the CET is intended to provide.

The CCJ also found that there was no doubt that under Article 222 of the RTC Belize was entitled to espouse this claim on behalf of BSI.

The Originating Application was dismissed, and the CCJ ordered each state to bear its costs.



# Annual Report 2021-2022

## Judgment Summaries for Judicial Year 2021/2022 • Original Jurisdiction (continued)

### **Rock Hard Distribution Limited, Rock Hard Distributors Limited, Mootilal Ramhit and Sons Contracting Limited v The State of Trinidad and Tobago and The Caribbean Community [2022] CCJ 2 (OJ)**

On 25 February 2021, Rock Hard Distribution Limited, Rock Hard Distributors Limited, and Mootilal Ramhit and Sons Contracting Limited ('the claimants') filed an Originating Application against the State of Trinidad and Tobago and the Caribbean Community (CARICOM). The claimants were importers and distributors of "other hydraulic cement" known as Rock Hard Cement, which they imported and distributed in Trinidad and Tobago. They challenged the decision of the Council of Trade and Economic Development (COTED) to grant a suspension of the Common External Tariff (CET) and permit the imposition of a tariff of 50% on other hydraulic cement from 1 January to 31 December 2021. They sought various declarations, orders, and damages.

Before addressing the claimant's contentions, the CCJ held that it had the jurisdiction to entertain the question of whether and to what extent WTO law was part of Community law and whether and to what extent the Community would be bound by it. However, a pronouncement about the WTO bound rate and the legality of a tariff duty in violation of that bound rate would go beyond the Court's jurisdiction.

The claimants argued that COTED's decision was not based on accurate, relevant, sufficient, and timely information provided by Trinidad and Tobago. The CCJ found that COTED was

satisfied that it had enough information before it to grant the application. Given the wide margin of discretion afforded to COTED, the Court would not interfere with its decision.

On the claimants' allegation that there was no proper consultation, the CCJ concluded that although communication between the claimants and Trinidad and Tobago could have been more fulsome and transparent, there was no justification on the claimants' part for not participating in the consultation process. The lack of more meaningful consultation was, to a certain extent, the claimants' fault.

In considering the claimants' allegation that the proper procedure was not followed by Trinidad and Tobago and COTED, the CCJ ultimately held that although the prescribed procedure was followed, it was flawed. However, these flaws were not sufficient to vitiate COTED's decision.

The Court rejected the submission that the objective of expansion of trade and economic relations with third States provided by Article 6(d) of the RTC had been prejudiced. The Court also rejected the Claimants' allegation that Trinidad and Tobago's application to suspend the CET and raise the tariff to 50% was made to eliminate legitimate trade with Turkey. Although that may have happened, an allegation of improper purpose was serious,



# Annual Report 2021-2022

## Judgment Summaries for Judicial Year 2021/2022 • Original Jurisdiction *(continued)*

### **Rock Hard Distribution Limited, Rock Hard Distributors Limited, Mootilal Ramhit and Sons Contracting Limited v The State of Trinidad and Tobago and The Caribbean Community [2022] CCJ 2 (OJ) *(continued)***

and the claimants did not produce objective, relevant, consistent evidence to support this complaint.

Finally, in considering whether COTED wrongly allowed Trinidad and Tobago to impose a tariff rate far beyond its WTO bound rate of 5%, the Court concluded that while it was expected that COTED will have regard to the WTO bound rate

of Member States when called to decide on the suspension or alteration of the CET, COTED is not formally or legally bound by the WTO. WTO obligations such as those dealing with bound rates do not limit COTED's powers in terms of Caribbean Community law.

The Originating Application was accordingly dismissed.



## Our Management Team



**Jacqueline Graham**  
Registrar and Chief Marshal



**Gizel Thomas-Roberts**  
Deputy Registrar and Marshal



**Shivanand Ramnanan**  
Senior Manager, Corporate Administration



**Susan Campbell-Nicholas**  
Human Resources Manager



## Our Management Team



**Andrea Callender**  
Finance and Administration Manager



**Ria Mohammed-Pollard**  
Communication and Information Manager



**Ayinde Burgess**  
Information Systems Manager



**Jacinth Smith**  
Chief Librarian

“

To me, the persistent pursuit of excellence acknowledges the fact that there is always room for growth and improvement. Therefore, there is the constant search for innovative ways of doing things, a constant need to challenge yourself and raise the bar and a constant recognition of the fact that you ought not to plateau at excellence but rather continue along the relentless journey of always being the best version of yourself.

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**Patrice Valentine**  
Human Resource Officer

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## Departmental/Unit Updates

### The Finance Unit



Over the last year, the Finance and Administration Department strengthened the method of its operation successfully. The Department undertook major finance-related initiatives and completed its internal audit, highlighting a significant improvement initiative.

Some of these initiatives included the revision of the Accounting Policies and Procedures Manual, which was completed in July 2022. This activity gathered procedures and rewrote, edited and assembled them into hard and soft copy manuals, now available throughout the Court. The revised manual now captures changes in the organisation's structure and changes to the financial processes for each business unit, both manual and automatic. These complement the overall efficiency of achieving the Unit's pursuit of excellence in the delivery of outcomes in the strategic plan.

The Chart of Accounts (COA) was redesigned to align with the Court's revised organisational structure. This activity saw the Court's historical financial data migration in the accounting software from the old COA format to the revised COA format.

During the period, the Fixed Asset Register was placed into the Great Plain (GP) module to account for the Court's assets adequately. Staff was trained in this new module to maximise the use of the GP system to track the entity's fixed assets from acquisition to disposal while managing each stage systematically during the entire process. It also enhanced the staff's ability and knowledge to appreciate the numerous features within the GP accounting system. Additional training was done in the Policies Sensitisation Programme, which saw the Credit Card and FedEx Policy being fully implemented.

Also, in 2021, the Court recruited new external auditors, Moore Business Solutions Trinidad and Tobago Ltd. They have completed audits of the Financial Statements of the Court and the Commission for 2021. Upon completion, Moore issued an unqualified audit opinion that the financials were presented fairly, accurately, and free from fraud, error, or material misstatement.



# Annual Report 2021-2022

## Departmental/Unit Updates *(continued)*

### The Facilities Unit

The Facilities, Assets and Office Management Unit (FAOMU) continued to perform consistently over the 2021-2022 period while navigating through the treacherous, uncertain waters of the COVID-19 pandemic.

While at times, it seemed daunting, the FAOMU team persevered in the pursuit of excellence.

The Unit ensured that the staff continued to work in a safe, sanitised environment and that all amenities concerning health and safety protocols were made available to all staff members. Special focus was also placed on the business continuity of the Unit. Significant time was allocated to developing an SOP that guides the FAOMU operations. The FAOMU also worked on three policies that were presented to the organisation. These included the Procurement Policy, Vendors and Contractors Policy, and Fixed Assets Policy.

Other highlights that were achieved due to our pursuit.



#### Equipment Upgrade



#### Office Modifications

**Refurbishment of the RJLSC offices and conference area and the refurbishment and preparation of office space for the accommodation of new staff.**



#### General Building Health and Safety Measures

In furtherance of the Unit's mandate to create a safe and healthy environment for all, sanitisation stations, infrared contactless thermometers, sneeze guards, and protective screens were installed at the two entrances of the building along with the ongoing procurement of face masks for staff.

The building was audited by the Occupational Safety and Health Agency, which was impressed by the building's quality and standard of maintenance.



## Departmental/Unit Updates *(continued)*

### Security and Logistics



Following the untimely passing of Trevor James, the former Security and Logistics Manager, the Unit bonded and demonstrated its resilience in achieving its stated goals.

During the period under review, the Security and Logistics Unit implemented several changes to the Court's surveillance and security architecture.

For security purposes, these changes will not be listed but one can be assured that the measures are intended to enhance the continued delivery of premium security and logistics services to the Court. The Unit also executed projects and initiatives that were proposed in the annual work plan, namely the strengthening of security countermeasures for the Information Systems Department and the Registry vault. These other countermeasures were proposed in the PricewaterhouseCoopers' audit. The new upgrades were also integrated into the emergency response system, ensuring statutory compliance, and maintaining a more robust security posture in the event of an emergency.

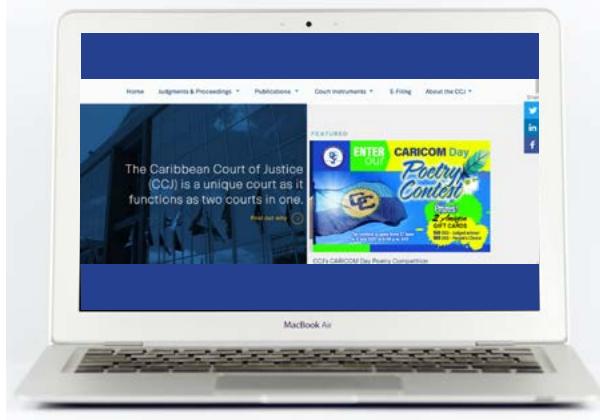
The Unit adopted a more structured management approach, which saw the development of operating procedures to increase the Court's physical security coverage. Adopting the structure, which sees the retention of the Lead Security Officers' roles, has proven to be an effective initiative as it relates to the fight against the COVID-19 pandemic and other infectious diseases. This additional layer of supervision has significantly strengthened the day-to-day operational activities and reduced the span of control for the Security Supervisor, who can now focus on the Unit's operational needs. The Unit also saw two security officers moving to other functional areas in the Court, bringing our complement to 17 officers.

With the addition of Colonel (Ret'd) Darnley Wyke, the new Chief Security and Logistics Officer, the Unit continued its execution of security services for the Court. The Unit has also enhanced its level of engagement throughout the Court and will continue to support the CCJ in its external interaction with key stakeholders while ensuring that it delivers responsive and resilient services in the current time of uncertainty.



## Departmental/Unit Updates *(continued)*

### Communications and Information



During the period under review, it can be said that the Communications and Information Department, comprising the Public Education and Protocol Unit and the Library Services Unit, certainly strove to embody **excellence** in all our initiatives and activities. Notwithstanding the challenges of the pandemic, changing work arrangements, and other restrictions, the Department kept its goals and plans in the forefront. The summary of activities is as follows:

### Public education, internal and external communications, protocol and stakeholder relationship management

The former Protocol and Information Unit and the Public Education and Communication Unit were integrated into the Public Education and Protocol Unit (PEPU) in mid-2021. Since then, significant strides have been made in improving the operationalisation of all functions, thus resulting in greater utilisation of the skills and competencies of the Unit's officers, while allowing for efficient cross-functionalism.

In the last few months, extra effort was placed on creating, revising, and implementing plans, procedures, and processes to guide the Unit's operations. The Social Media Plan, Internal Communication Plan, and External Communication Plan were completed and implemented during this period. Guidelines related to the Court's participation in overseas missions and engagements and revised Guidelines for non-local CCJ staff were completed. These plans and formal instructions have

set the tone and served as a lighthouse for some of the Unit's operational activities.

Notwithstanding the COVID-19 restrictions related to in-person engagement, PEPU was also able to maximise its digital platforms to engage and educate citizens on the work of the Court. A two-part video on the Court and its work was produced and shared on the Court's social media platforms and attracted great interest and feedback from followers. The Court also enhanced its content creation and curation approaches by sharing a series of videos, infographics, and content to inform and educate citizens about the Court's mandate and how it serves the people of the Caribbean. The Court's inaugural commemoration of CARICOM Day in July 2022 was an excellent opportunity to highlight the Revised Treaty of Chaguaramas and the Court's OJ. The production of an Original Jurisdiction Referral



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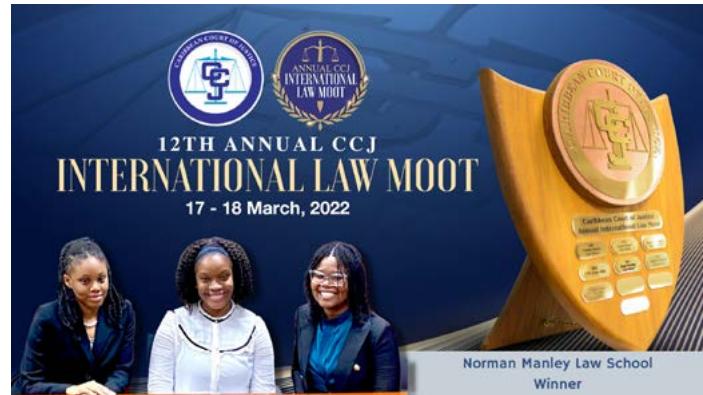
## Departmental/Unit Updates *(continued)*

Process manual and video also began during the period. These two public education tools, critical for facilitating a greater understanding of the OJ, will be formally launched at the 2022 conference of the Caribbean Association of Judicial Officers (CAJO) in October 2022. A public education strategy targeting key stakeholders will be implemented in the Court year 2022-2023.

In the reporting period, discussions across the region focused heavily on accession to the Appellate Jurisdiction of the Court. The PEPU provided significant support for the CCJ President's public education and stakeholder engagement mission to St Lucia through research, data, situational, stakeholder analyses, government relations and protocol facilitation. This support contributed to the overall success of the engagements with Saint Lucia's Governor General, Prime Minister, Cabinet, Parliament, Attorney General, and special interest groups such as the Bar Association and other civil society partners. The Unit's support of St Lucia's efforts continued during the period under review through the provision of data and research to the committee established by that country's government to facilitate public education efforts.

The Court continued building its relationship with various diplomatic missions and external stakeholders over the 2021-2022 period. Four heads of diplomatic missions paid courtesy calls on the President over the last 12 months. These included Their Excellencies, the High Commissioner of the United Kingdom to Trinidad and Tobago, the High Commissioner of Australia to Trinidad and Tobago, the Ambassador of Japan, and the Ambassador of the Kingdom of Spain to Trinidad and Tobago. Members of the regional academic community were also engaged during this period when the Court hosted the 12th Annual CCJ International Law Moot virtually for the first time. As we adjusted to the new normal and the gradual relaxing of measures, the Court's flagship engagement activity adopted a virtual format in

2022 and incorporated new elements such as the Social Media Spirit Prize, Mooters' videos, and special prizes for the winning teams.



The CCJ Academy for Law (CAL), and the Caribbean Association of Judicial Officers (CAJO) also received support from the Unit to execute some of their activities. CAL's Pioneering Caribbean Women Jurist project benefited from strategic communication and protocol direction for the many aspects of the projects, such as the book publication, videos, and virtual awards. The Unit also provided support for the initial planning efforts related to the CAJO 7th Biennial Conference.

The Court's internal stakeholders were not excluded from the engagement approach as they benefited from several activities and initiatives that fostered excellent camaraderie and involvement. Significant efforts were also made to enhance the provision of information to employees. Ten e-bulletins and one issue of the bi-annual newsletter were produced and dispatched to staff during the period. The Unit also supported the Court's efforts regarding implementing the 2022 International Framework for Court Excellence (IFCE) survey.

One of the more significant projects for the entire Communication and Information Department for the period under review was redesigning the Court's website. This project required a cross-functional



# Annual Report 2021-2022

## Departmental/Unit Updates *(continued)*

approach and involvement from many units and departments within the Court. Since the selection of a provider in early 2022, significant time, energy and efforts have been expended toward completing this redesign. The new website will be live and ready for engagement by December 2022.

As the Unit pursues its goals and projects, it remains committed to persistently achieving excellence in all its undertakings.

## Library Services Unit



In alignment with the Court's strategic issue of enhanced regional system capacity and performance, the staff at the Library Service Unit continued to assist with the design and development of the regional Knowledge Management System, popularly called the Caribbean Judicial Information System (CJIS). Several activities related to this project were accomplished. These included uploading identified knowledge assets and developing a data entry conventions guide to provide a consistent and standardised way to enter data into the system. This guide will be updated and expanded as new knowledge assets are identified. Training sessions were also conducted with Court staff responsible for data entry.

The easing of restrictions related to the COVID-19 pandemic enabled staff to work at the office on a rotational system. This adjustment allowed for the resumption of specific activities, such as the processing of new materials and limited in-person service to users. In addition to responding to reference queries (the majority of which were received via email), processing loans and conducting research, the Library's collection was further enhanced with the addition of new and revised editions of titles, law reports, and journals.

As the Court's strategic agenda developed and grew over the years, the Library re-examined its operations to identify new tools and services or re-engineer old ones to enhance its supportive role. One such tool, the internal repository – CCJSpace, is being upgraded and re-organised to streamline its contents and bring it in line with the Library's cataloguing standards. This database was established to archive, preserve, and make available digital collections of the Library and relevant CARICOM material and is powered by the open source software - D-Space.

In terms of the Court's Records Management Programme, the Library reviewed and revised file plans for some Units to reflect the changes in light of the Court's new organisational structure.



## Departmental/Unit Updates *(continued)*

### Information Systems Department



During this period, there were also some personnel changes when Mr Vishal Dube, Information Systems Manager demitted office in the last quarter of 2021 and Mr Ayinde Burgess was appointed as the new manager in May 2022.

Over the 2021-2022 period, the Court was well positioned to respond to the changes that the on-going pandemic necessitated. As a result of the infrastructure and technology-based services already in place such as video conferencing, remote monitoring and management, and the use of cloud-based services, the Court's services continued seamlessly in 2022. However, in keeping with the ISD's departmental strategy to continuously improve and strive for excellence, significant emphasis was placed on ensuring that the necessary infrastructure was in place for the future development of the Court. The infrastructural improvements were divided into phases: the first focused on upgrading the network infrastructure along with a PBX system. Some of the notable benefits derived from this upgrade included increased reliability of the network, faster data transfers, and improved remote

One of the notable changes following the restructure of the organisation is the change in the reporting line of the Information Systems Department (ISD). Effective February 2022, ISD began reporting directly to the Registrar and Chief Marshal and is now a stand alone department. This change was reflective of the revised strategic direction of the Court to place greater focus and reliance on the use of technology and maximise its use among stakeholders.

operations among staff including remote telephone and communication services. This activity laid the foundation for the second phase which will focus on the server infrastructure.

The technological upgrade also coincided with a cyber security and process audit which assisted in fine-tuning the current security to ensure that the necessary measures were in place and there was adherence to best practices, industry standards and compliance. The audit is one of the practices of the Court to remain resilient in the ever-changing technological environment. Additionally, over the period, the ISD continued its commitment to the empowerment of CCJ personnel by hosting awareness sessions on practical ways that they can safeguard themselves and the organisation against the increasing cyber threats. These sessions, aptly titled Tech Thursdays, continued in 2022 and attracted a high staff turnout for each session. ISD, will continue to place excellence at the forefront of all its strategies to ensure that it provides relevant and innovative solutions to internal and external stakeholders.

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**As the Court endeavours to provide accessible, fair and efficient justice for the people of the Caribbean Community as the model of judicial excellence, I will support its collective effort with a “can do” spirit and attitude of integrity, industry, courtesy and consideration, all culminating in a persistent “pursuit of excellence”.**

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**Colonel (Ret'd) Darnley Wyke**  
Chief Security and Logistics Officer

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## Revised Organisational Structure

### Spotlight on Manpower and Staffing

During the reporting period, the CCJ implemented its revised organisational structure. This provided opportunities for the recruitment of the newly created positions, the continuation of the judicial counsel programme and internal staff movements and assignments. These are as follows:

#### Judicial Counsel Programme

Names	Position Title	Effective Date
Mr Kurt Da Silva	Judicial Counsel*	12 August 2021
Ms Krystal Sukra	Judicial Counsel*	12 August 2021
Ms Hilary Wyke	Judicial Counsel	01 February 2022
Ms Chelsea Dookie	Judicial Counsel	16 May 2022
Mr John Coombs	Judicial Counsel	01 July 2022

\* Contract renewal

#### Internal Staff Appointments and Reassignments

Name	Position Title	Effective Date
Mr Adrian Pascal	Acting Lead Security Officer	01 August 2021
Ms Dianne Silverton	Acting Lead Security Officer	01 August 2021
Ms Danielle M <sup>c</sup> Conney	Public Education & Communications Officer I	15 November 2021
Ms Alana Tasher	Communication & Information Officer	15 February 2022
Mr Anil Ramsahai	Case Management Officer	01 April 2022
Mr Aaron Alexander	Acting Court Support Officer	25 April 2022
Mr Ayinde Burgess	Information Systems Manager	01 May 2022
Mrs Andrea Sohun-Cooper	Administrative Coordinator (Judicial)	01 May 2022
Ms Veronica Brooks	Temporarily reassigned as Customer Services Officer	01 May 2022



# Annual Report 2021-2022

## Spotlight on Manpower and Staffing (continued)

### New Employees

Mr Shivanand Ramnanan	Senior Manager, Corporate Administration	01 March 2022
Ms Lynn Williams	Graphic Design Artist	01 April 2022
Mr Leon Richardson	Chief Human Resources Officer	01 July 2022
Colonel (Ret.) Darnley Wyke	Chief Security & Logistics Officer	25 July 2022

Additionally, the following employees demitted office during the reporting period:	Name	Position Title	Reason	Effective Date
	Ms Alaina Reid	Judicial Counsel	Resignation	05 November 2021
	Mr Kurt Da Silva	Judicial Counsel	Resignation	31 March 2022
	Mr Antonio Emmanuel	Judicial Counsel	End of Contract	31 May 2022



## Stakeholder Engagement

### President's Activities

The President and Judges of the CCJ are committed to increasing public awareness and understanding of the Court's work and role in the region. As such, they engage in various extra-judicial activities which include presentations and lectures as outlined in the following pages.



#### 18 August 2021

JURIST Project discussion on the role of media and the importance of crisis communication (Being Media Ready Project)



#### 21 September 2021

Virtual attendance at a special meeting of the Bermuda Judicial and Legal Services Committee.

#### 30 September 2021

Virtually attended CAJO Event - Judge Alone Trials - Views from the Bench: Identifying Strengths, Facing Challenges.



**The Hon. Mr. Justice Adrian Saunders**  
President of the Caribbean Court of Justice

#### 6 September 2021

Attended and presented a paper titled "Judicial Education: From Bar to Bench and Beyond" at the Commonwealth Law Association conference held in the Bahamas from 5 - 9 September 2021.

Participated in the panel discussion on "Judicial appointments: Developments in process and transparency".

#### 27 September 2021

Virtually attended and participated in a lecture hosted by IMPACT Justice entitled "Trial by Judge Alone" with presenter, The Hon Mr Justice Dennis Morrison.



# Annual Report 2021-2022

## President's Activities (continued)

### 5 October 2021

Virtually attended the Launch of Guyana's Revised Code of Ethics for Judicial Officers where he was invited to address the judicial officers.

### 21 October 2021

Virtual attendance at the International Bar Association's Showcase: lessons learned from COVID-19. With global deaths exceeding 4,000,000 and untold social and economic devastation, COVID-19 has been the greatest global catastrophe since World War II. It exposed numerous tragic failures in key legal policy areas and the limits of current multilateralism and pertinent legal regimes. The IBA is ideally situated to lead and inspire a constructive and vital assessment of COVID-19's impact in key legal policy areas and propose approaches to potential reforms, which were reported on and discussed during this session.

### 1 November 2021

At the invitation of the Ambassador of the British High Commission, Her Excellency Harriet Cross, attended a special screening of Sir David Attenborough's Breaking Boundaries at Estate101. The film supports the COP26 mitigation goal and reiterates the importance of setting science-based emissions targets to address climate change and protect the planet. It featured the recently announced COP26 People's Advocate, Sir David Attenborough.

### 20 October 2021

Virtually attended and delivered an address at a one-day forum hosted by the Caribbean Agency for Justice Solutions, APEX, in collaboration with the American Registry for Internet Numbers, ARIN. The forum looked at the legislative, political, societal, and technological trends impacting the judiciary and the conduct of courts across the region. It explored the actors, threats and opportunities, and initiatives that can serve as catalysts for court excellence.

### 29 October 2021

Attended the CAJO webinar entitled "The Future is Now: Innovation, Technology, and Ethics for Advancing the Administration of Justice in the Caribbean", and presented a topic titled "The Future of Caribbean Courts: Is the Court a Service or a Place?" that looked at the challenges faced in the Caribbean region to devise and implement a holistic and robust court modernisation programme with the objective of yielding greater efficiencies in the delivery of justice services, compounded by the fact that judiciaries are consistently challenged to do more with less human and material resources.

### 5 November 2021

Virtual Engagement with Mona Law school's first year class.



# Annual Report 2021-2022

## President's Activities (continued)

### 12 November 2021

Delivered address virtually at The Inaugural J. Barrie Farrington International Symposium hosted by The Bahamas Industrial Court. The Symposium's intent was to shine the spotlight on leadership considerations, digital transformation and the evolving industrial and labour relations landscape. The audience included some persons responsible for labour relations and employment policy, human resource professionals, employee relations specialists, jurists and legal professionals.



### 15 November

Hosted the Australian Ambassador - H.E. Bruce Lendon accompanied by Senior Policy Officer, Ms Gina Granado.

### 19 November 2021

Virtually attended the meeting of the Conference of the CARICOM Chief Justices and Heads of Judiciary.

### 8 December 2021

Virtually attended the Book Launch of "Within the Law, Memoirs of A Caribbean Jurist", the Right Honourable Mr Justice Michael de La Bastide, Chief Justice (Retired) of the Republic of Trinidad and Tobago and President (Retired) of the Caribbean Court of Justice.

### 25 November 2021

Virtually participated as a faculty member at the on-going training of the Judiciary of Jamaica's Civil Procedure Rules.



### 10 – 14 January 2022

Virtually delivered opening remarks and participated in the SRC/UWI Short course on the CCJ and Community Law.

### 13 December 2021

Hosted H.E. Tatsuo Hirayama, Ambassador of Japan, and his wife, Mrs. Sachiko Hirayama at the Court.



# Annual Report 2021-2022

## President's Activities (continued)

### 11 January – 4 February 2022

Virtually participated in the Regional Cybercrime Investigations and Cybersecurity Training Workshop for Judicial Professionals. This workshop formed part of the consultancy for the Design and Delivery of Cybercrime and Cyber Security Training for Law Enforcement and Judicial Professionals in CARIFORUM Member States. It was hosted by CARICOM Implementation Agency for Crime and Security (IMPACS).

### 21 February 2022

Virtually delivered a guest lecture to the International Trade Law class, at UWI, Faculty of Law entitled "The role of the CCJ in settling trade disputes arising from the interpretation and application of the Revised Treaty".

### 7 April 2022

Paid a courtesy call on the President of Guyana, His Excellency Dr Mohamed Irfaan Ali at the Office of the President, Georgetown, Guyana.

### 8 April 2022

Paid a courtesy call on the new CARICOM Secretary General, Dr Carla Barnett at the CARICOM Headquarters in Turkeyen, Guyana.



### 20 January 2022

Official visit to St Lucia relating to the accession of that country to the appellate jurisdiction of the CCJ. This trip included several engagements including a courtesy call to the Prime Minister, official visits to the Governor General, Speaker of the House and President, and a meeting with parliamentarians.

Click on image to view the President's visit to St. Lucia



Caribbean Court of Justice

### 16 March 2022

Facilitated virtual training with the Bahamas Judiciary on the CPR.

### 8 April 2022

Participated in the Guyana Bar Association and University of Guyana Law Department's student symposium "Paths in the Legal Profession".



### 9 April 2022

Delivered Keynote Address on "Advancing Caribbean Jurisprudence for sustainable growth and development" at the Guyana Bar Association's Gala Dinner.



# Annual Report 2021-2022

## President's Activities (continued)





## Annual Report 2021-2022

### Courtesy Calls

During the reporting period, the Hon. Mr Justice Adrian Saunders received members of the diplomatic community and also paid courtesy calls on heads of state, heads of government, heads of regional and international organisations, government ministers and heads of diplomatic missions. These engagements provide great opportunities for information exchange and possible areas of cooperation.



“

**The persistent pursuit of excellence means keeping our promise to the people of the Caribbean by fulfilling our mission and vision and consistently working toward embodying that quality of excellence.**

”

---

**Candis Cayona**

Senior Administrative Officer

---



## Judge's Activities (continued)

During the period under review, **the Honourable Mr Justice Winston Anderson** undertook and participated in the following activities and engagements related to the work of the Court and the CCJ Academy for Law:



### September 2021

Delivered a speech on "Common Law and Public Health: Tobacco Control Rules" (at Pan American Health Organization (PAHO) Seminar Virtual Technical Training on Tobacco Control: Accelerating the MPOWER Package Implementation during COVID-19 in the Americas).

### October 2021

- Delivered remarks at the book launch, Pioneering Caribbean Women Jurists, on 12 October.
- Continued participation in the Transition Committee (The JURIST Project), 11 October.
- Presented on "*The Future of Jurisprudence in Trademarks and Geographical Indications*" on 21 October at the EUIPO/CARIPI and CCJ Academy New Series of IP Webinars.

### December 2021

Participated in a panel discussion on acceptance of the 2005 Choice of Court Convention, exploring why the Convention had not been more widely accepted in the region. Seminar organised by the HCCH and the CCJ Academy.

### January 2022

Published the **Law of the Sea in the Caribbean** (BRILL)

### May 2022

Addressed a Global symposium to mark the 40th Anniversary of the Montevideo Programme and 50 years of International Law.

### June 2022

Published an article, "Friendly Judicial Challenges from the North: The decision of the Canadian Supreme Court in Nevsun Resources Ltd v Araya," Common Law World Review Vol 51, Issue 1-2. First Published 18 May 2022.

### July 2022

Participated in the EUIPO/CARIPI Biennial Case Law Conference in Alicante (Spain): 7-8 July 2022; and WIPO IP Assembly, Geneva (Switzerland): 11-12 July 2022.



# Annual Report 2021-2022

## Judge's Activities (continued)



**The Hon. Mme Justice Maureen Rajnauth-Lee** participated in several virtual, hybrid and in-person activities during the reporting year. Here are some of the highlights:

The CCJ Academy for Law undertook the critical task of selecting, memorialising, honouring, and celebrating 34 pioneering Caribbean women jurists from across the Caribbean region, including Haiti and Suriname. Justice Rajnauth-Lee joined the Hon. Mr Justice Winston Anderson in co-chairing this project.

### October 2021

The Academy hosted a Virtual Book Launch of the publication "Pioneering Caribbean Women Jurists" (PCWJ), which was edited by Justices Anderson and Rajnauth-Lee. Mme Justice Rajnauth-Lee also collaborated with Mr Justice Anderson to produce ten videos which highlighted the colourful lives and stories of these outstanding Caribbean women. As the culmination of the honours bestowed on these pioneering Caribbean women jurists, the CCJ Academy for Law hosted a Virtual Awards Ceremony, which Justices Anderson and Rajnauth-Lee produced. This special event was televised regionally on 8 March 2022, International Women's Day 2022. During the project, Mme Justice Rajnauth-Lee gave three interviews on national television networks, TTT, CNC3, and WESN, drawing attention to the invaluable work of the PCWJ project.

### January 2022

The University of the West Indies' Cave Hill Campus, in partnership with the Shridath Ramphal Centre for International Trade Law, Policy and Services, conducted a week-long virtual course on *Caribbean Community Law and the Caribbean Court of Justice*. Mme Justice Rajnauth-Lee functioned as an expert panellist, presenting on the topic "Litigating in the Originating Jurisdiction of the Caribbean Court of Justice".

### March 2022

Mme Justice Rajnauth-Lee attended The JURIST Project's virtual Knowledge Exchange Programme, where the Sexual Offences Model Court in Antigua and Barbuda and the Sexual Offence Court in Guyana shared information and best practices. Justice Rajnauth-Lee presented a historical review of the publication of the Sexual Offences Model Guidelines in the Caribbean region and the Sexual Offences Courts in the Caribbean. She is actively and enthusiastically working in an advisory capacity with The JURIST Project toward the amendment of the current Model Guidelines.

### June 2022

Mme Justice Rajnauth-Lee attended the significant "Conference on Access to Justice for Persons with Disabilities," a collaboration between IMPACT Justice and The JURIST Project in Port of Spain, Trinidad. The CCJ Judge presented the welcome and opening remarks on behalf of President Saunders and underscored the Court's commitment to access to justice for all, including persons with disabilities. Subsequently, Justice Rajnauth-Lee was appointed Chair of a working CCJ Committee tasked with improving access to justice for persons with disabilities.





## Judge's Activities (continued)

**The Honourable Mr Justice Andrew Burgess** performed the following additional duties during the reporting period:

### **1. Chairman of the CCJ Annual International Law Moot Competition:**

Provided leadership and oversight for the annual convening of the two-day virtual law moot with participating regional law schools and faculties.



### **2. Member of the UWI-CCJ-CAJO Joint Caribbean Centric Jurisprudence Research Project:**

The committee conducted course reviews, surveys, interviews, and research to produce a final report that will be shared with the Heads of Judiciary and the Vice Chancellor of The University of the West Indies.

### **3. Provided oversight of the Co-operation Programme between the CCJ and the Council of Europe's Venice Commission:**

Reviewed summaries and decisions of selected constitutional and human rights cases of the CCJ before submission to the Venice Commission for inclusion in their Codices Database.

### **4. Pioneering Caribbean Women Jurists (PCWJ):**

Attended and participated in meetings of the PCWJ Committee when necessary.

### **5. The UWI/SRC Short Course on CARICOM Law and the CCJ:**

Participated in the short course from 10-14 January 2022.

### **6. The Faculty of Law, The University of the West Indies, Mona 50th Anniversary Initiative (September 2022):**

- Reviewed the faculty's Corporate Governance Publication.
- Prepared and submitted a presentation entitled "The Appellate Advocate and the Appellate Function in our Court System."

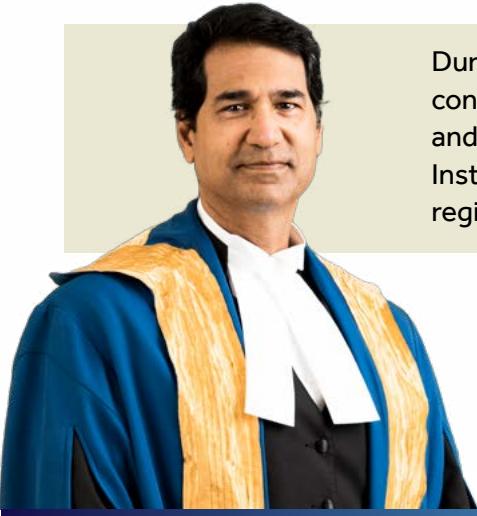
### **7. Council of Legal Education (CLE) 53rd Annual Meeting, 16-17 September 2021 (Barbados):**

- Represented the CCJ at the CLE 53rd Annual Meeting.



# Annual Report 2021-2022

## Judge's Activities (continued)



During the period under review, **the Hon. Mr Justice Peter Jamadar** continued to serve as Chair of the Caribbean Association of Judicial Officers (CAJO) and Vice President of Programming of the Commonwealth Judicial Education Institute (CJEI). In these roles, he successfully engaged in a series of national, regional, and international judicial education interventions.

### CCJ

Within the Court, Mr Justice Jamadar served on the Monitoring and Evaluation Committee and Sub-Committee, the Harassment Policy Sub-Committee, the Creation of Judges MAPs Committee, and the Development of Case Flow Process Mapping Committee.

## Regional

Mr Justice Jamadar has been widely engaged as a judicial educator. He presented at a series of webinars to the Jamaican and The Bahamian judiciaries on their Civil Procedure Rules.

In addition, he also worked with a team of regional judges to create draft forms for the Civil Procedure Rules, Bahamas, and to submit a proposal for the Jamaica Backlog Reduction Project.

Mr Justice Jamadar delivered presentations at the Annual Law Conference of the Belize Bar Association on the 'Basic Structure Doctrine and its implications concerning the Belize Constitution', and at the Guyana Annual Judges' Conference on 'Judicial Ethics: Ethical Explorations What, Why, How'; 'Judicial Arrogance: An Anathema'; and 'Improving Judicial Performance: Explorations in Judicial Mindfulness and Procedural Fairness'.

He also delivered a lecture on 'Human Trafficking, Forced Labor, Modern Forms of Slavery' for the Turks and Caicos Judicial Education Institute.

Mr Justice Jamadar led the team that organised and hosted the following regional webinars: 'Judge Alone Trials: Views from the Bench'; 'The Future of Caribbean Courts: A Service or a Place?'; 'APEX Justice and Technology Series'; and 'Social Media and Caribbean Courts: Risk or Opportunity.'

He and the CAJO team designed and implemented a regional needs analysis survey for magistrates to determine areas for training. The survey results led to the hosting of two webinars: 'Setting and Sustaining Performance Standards' and 'Preparing Decisions for Timely Delivery'.

In this twelve-month review period, Mr Justice Jamadar collaborated with the CARICOM Implementation Agency for Crime and Security (IMPACS) to plan a webinar on Financial Crime, Asset Recovery, and Cybercrime and with the JURIST Project delivered a series of webinars on Being Media Ready, leading individual sessions and assisting in developing the training manual.



# Annual Report 2021-2022

## Judge's Activities *(continued)*

### The Honourable Mr Justice Jamadar *(continued)*

Mr Justice Jamadar is also leading the research and writing of a Criminal Bench Book manuscript for Barbados, Belize, and Guyana that will be published by the JURIST Project. This work is far advanced, and the manuscript will be submitted by October-December 2022.

Mr Justice Jamadar also chaired the 'UWI-CCJ-CAJO Joint Caribbean Centric Jurisprudence Research Project' which consisted of lecturers and staff from The University of the West Indies, the President, selected CCJ judges, and staff of the CCJ and CAJO.

### International

At the international level, Mr Justice Jamadar collaborated with United Nations Office on Drugs and Crime and Global Judicial Integrity Network to conduct a 'Virtual Judicial Wellness Webinar' which focused on mindfulness as an aid to judicial function.

Mr Justice Jamadar participated in the 27th CJEI Annual Intensive Study Programme for Judicial Educators in Halifax, Canada and conducted a presentation on 'Human Trafficking, Forced Labor, Modern Forms of Slavery' at the CJEI Patron Chief Justices Meeting. A video lecture on the topic was produced for circulation to CJEI international Fellows. Justice Jamadar's mindfulness research was also presented at CJEI sessions.



# Annual Report 2021-2022

## Stakeholder Engagement

It is critical for the Court to deepen the relationship with its stakeholders. As such, significant effort was made by the Court during the period under review.





## CCJ hosts first Virtual Moot

After a two-year dormancy, the Annual CCJ International Law Moot came back on stream in a fully virtual format on 17-18 March 2022. Notwithstanding the feeling of digital meeting fatigue often experienced by most since the dawn of the COVID-19 pandemic, six institutions competed in this year's competition: The University of the West Indies - St Augustine, The University of the West Indies - Cave Hill, Anton de Kom University - Suriname, University of Guyana, Hugh Wooding Law School, and Norman Manley Law School. The Norman Manley Law School was announced the overall winner of this year's competition. It is the fourth win for the Jamaica-based law school, which bested five other teams comprising regional law schools and law faculties to take home the Moot Challenge Shield. The second-place prize was awarded to the 2019 winners, Hugh Wooding Law School, while Anton de Kom University - Suriname received the prize for "Best Team from an Academic Institution," a first for that university. The University of the West Indies - Cave Hill won the "Social Media Spirit Prize", a new aspect of the competition that engendered camaraderie and increased digital support for the participating teams. To view the Law Moot YouTube playlist to see the opening and closing ceremonies and the mooting sessions, you may click:

<https://www.youtube.com/playlist?list=PL59HK-m8mF4XewFLuvPZbvALybQ7WARvZf>





## The Recognition and Appreciation Committee (RAC)

In 2021, the CCJ President convened the Recognition and Appreciation Committee to develop an Employee Recognition and Appreciation Awards Programme. This programme was launched on 5 November 2021, hitting a '6' with all attendees. The cricket-themed virtual event presented new categories of awards and rolled out Long Service Awards for 2020 and 2021 to all qualifying staff members.

The RAC is ably-led by HR Manager, Ms Susan Campbell-Nicholas, who is supported by a cross-functional team from the Court. The other members include:

Mr Anil Ramsahai, Case Management Officer, Deputy Chair  
Ms Andrea Callender, Finance & Administration Manager  
Ms Genevieve Gray, Administrative Officer (Judicial),  
Ms Wendy Mitchell, Administrative Officer,  
Mrs Sheryl Washington-Vialva, Deputy Librarian and  
Mr Garth Jerry, Judges' Aide.

The other awards included:



At the programme launch, President Saunders indicated that "this Recognition and Appreciation Programme is a positive move and a step in the right direction for the Court. It is my vision that one day, appreciation and recognition will be as characteristic of the CCJ's culture as hard work and diligence are now." He also encouraged everyone to "begin to recognise and appreciate each other and highlight the individual contributions which make the CCJ such a highly regarded institution."

The launch of these awards, which are in the competitive category, will cover the calendar year 2022, and nominations will commence in January 2023. Successful nominees will receive their awards and be celebrated at the Court's anniversary event.



## Annual Report 2021-2022

# Staff Engagements



In the Persistent Pursuit of Excellence



# Annual Report 2021-2022

## CCJ Academy for Law

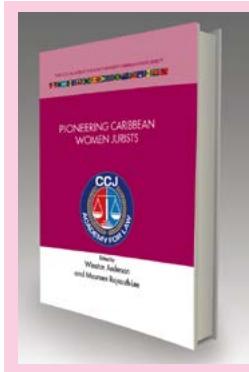


The pandemic and ensuing restrictions impacted the execution of the Academy's in-person activities during the reporting period. Notwithstanding this, efforts were made to coordinate equally meaningful initiatives over the twelve-month period.

### PCWJ Project

The second instalment of the Eminent Caribbean Jurist Series: Pioneering Caribbean Women Jurists (PCWJ) was the Academy's flagship project for the period under review. This highly successful event recognised and celebrated the contributions of 34 outstanding women to the growth and development of Caribbean jurisprudence and legal systems. The Project consisted of three components, namely

- (1) the publication of the PCWJ book, co-edited by the Hon. Mr Justice Winston Anderson and the Hon. Mme Justice Maureen Rajnauth-Lee, which presented biographical sketches of the honourees;
- (2) production of 10 short educational videos featuring the biography of each honouree; and
- (3) a virtual Awards gala held on 8 March 2022, International Women's Day. The feature address was delivered by Her Excellency Paula-Mae Weekes, President of the Republic of Trinidad and Tobago, with remarks by CCJ President, the Hon. Mr Justice Adrian Saunders, CARICOM Secretary-General, Dr Carla Barnett, The UWI's Vice Chancellor Sir Hilary Beckles, and Caribbean Development Bank's Isaac Solomon.



Hon. Mme Justice Maureen Rajnauth-Lee, presents PCWJ book to Her Excellency Paula-Mae Weekes, President of the Republic of TT.



Click on image to view the Awards Ceremony.

### EUIPO/CARIPI and Academy New Series of IP Webinars

The European Union's CARIPI Project and the Academy jointly convened a new series of Intellectual Property webinars under the theme "Trademarks and Geographical Indications: Synergies, Conflicts and Case Law Analysis". The first in the series took the form of a two-day virtual session from 20-21 October 2021 and considered issues related to the contribution of trademarks and geographical indications to regional economic development and the



# Annual Report 2021-2022

## CCJ Academy for Law *(continued)*

relationship between trademarks and geographical indications. Experts in the field presented an analysis of cases where conflicts between these two intellectual property rights occur during the trade of goods and services. Mr Justice Anderson, Chair of the Academy, presented "The Future of Jurisprudence in Trademarks and Geographical Indications" on day 2 of the webinar.

## HCCH a/Bridged Series

The Hague Conference on Private International Law (HCCH), invited the Academy to participate in a panel of the a/Bridged Series Meeting on 1 December 2021, focusing on the 2005 Convention. Mr Justice Anderson's panel expanded policy discussions on why States should join the 2005 Choice of Court Convention. The panel consisted of judges from civil and common law jurisdictions who shared their experiences on the role that the 2005 Choice of Court Convention plays in the emerging and innovative litigation market of international commercial courts and how it enables and enhances the court's operation.

## IMPACS

The CARICOM Implementation Agency for Crime and Security (IMPACS) was established on 6 July 2006 to administer a collective response to the crime and security priorities of CARICOM.

The Academy, represented by Hon. Mr Justice Jacob Wit, provided comments and consultations on the IMPACS-proposed Model Law which would enable the entity to provide Member States with the necessary tools and capabilities to combat transnational organised crime and address the region's security concerns. Mr Justice Wit also participated in the Regional Workshop on the Implementation of the Agreement on Return or Sharing of Recovered Assets.

## First Anniversary of the Caribbean Public Health Law Forum

On 30 June 2022, the Academy joined the Pan American Health Organization/World Health Organization (PAHO/WHO), CARICOM, and The UWI, to mark the first anniversary of the "Caribbean Public Health Law Forum" ('the Forum'). Mr Justice Winston Anderson, Chair of the Academy, delivered a presentation at the event. During its first year, the virtual network of government officials, attorneys-at-law, public health personnel, and other distinguished professionals focused mainly on internal management arrangements, including Rules of Procedure and Terms of Reference.

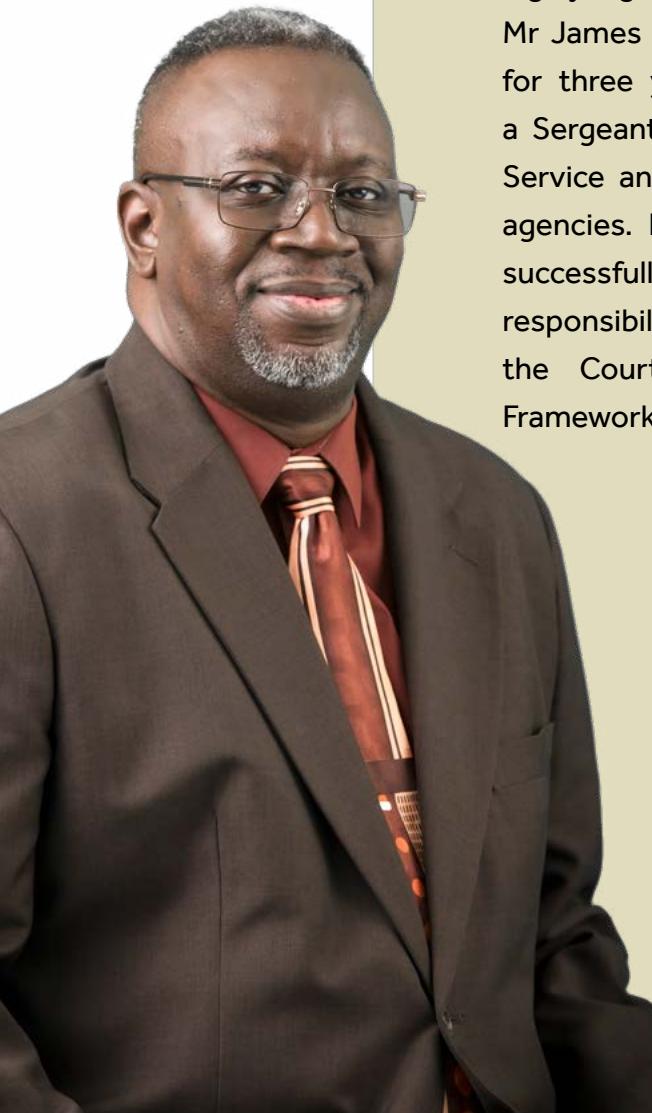
\*Toward the end of the reporting period, the Academy said goodbye to Susan Medina, its long-serving Secretary. Nneka Onuoha was identified as a temporary replacement to serve the organisation. The Academy records its appreciation for the service performed by Ms. Medina and looks forward to continuing with its mandate excellently in the upcoming year.



# Tribute to the Late Trevor James

During this reporting period, the Court lost Mr Trevor James, our very dependable, faithful and highly regarded Security and Logistics Manager. Mr James had been employed with the Court for three years, having previously served as a Sergeant in the Trinidad and Tobago Police Service and in managerial roles at two state agencies. In his time at the CCJ, Mr James successfully pursued legal studies and assumed responsibility for developing and implementing the Court's Enterprise Risk Management Framework, among his other duties.

News of his passing rocked us all. Nonetheless, we are grateful for his dedication to his role and the moments he shared with us.





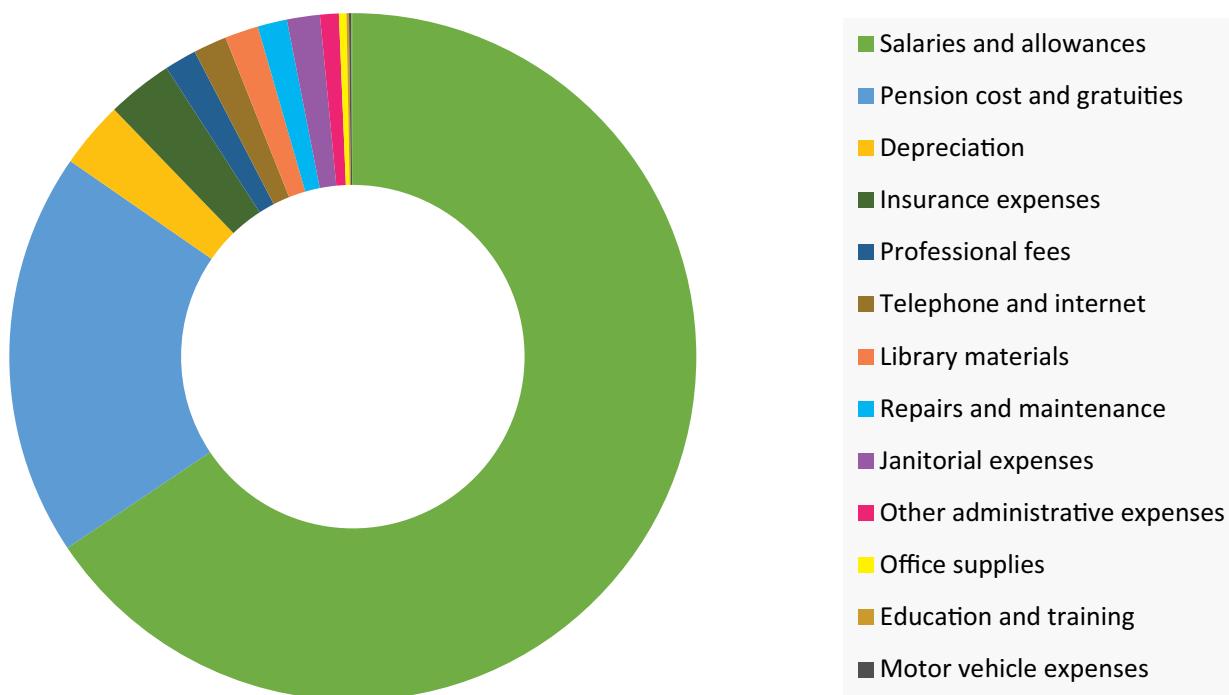
## CCJ Financial Summary of the Financial Year 2021 (TTD)

The Caribbean Court of Justice (CCJ) received from the CCJ Trust Fund the sum of **TT \$47,363,877** for both recurrent and capital expenditure for the financial year 2021.

### Recurrent Expenditure:

Approximately 98% of the annual allocation, which amounts to **TT \$46,465,383**, was for recurrent expenditure. This represents a decrease of 2% or **TT \$1,022,036** over the 2020 comparative figure of TT \$47,487,419. This decline in operational cost was largely related to COVID-19 lockdowns in 2021, where there were reductions in specific expenses such as professional fees, utilities and janitorial costs.

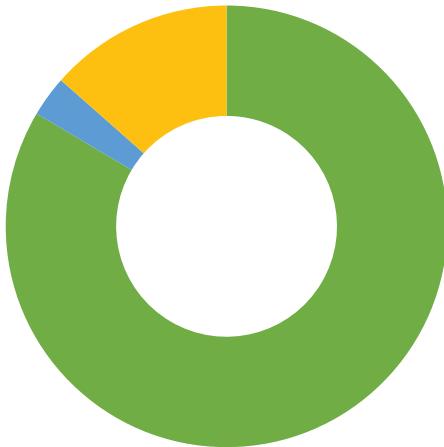
**CCJ Re-Current Expenditure \_2021**





## Capital Expenditure:

The capital expenditure for the year was 2% or **TT\$ 898,494** of the yearly allocation for the Court. The funds were used on renovations and upgrades to internal spaces, office equipment, and Library books.



**CCJ Capital  
Expenditure TTD**

- Furniture, fixtures and equipment
- Library books
- Leasehold improvements

## CCJ Cash Flow:

As at the end of 2021, CCJ remained in a liquid position, having been able to meet its obligations as they became due. The closing cash balance for 2021 was **TT \$4,628,273**, which indicates an increase of 50.1% over the **TT \$3,070,823** (2020) comparative figure. This relative increase was mainly due to direct reductions in recurrent expenditure during 2022. Net cash flow generated from operating activities was **TT\$ 2,387,755**, while net cash flow outflow from investing activities balanced **TT \$830,305**.



Annual Report 2021-2022

**Audited Financial  
Statements  
for the year ended  
31 December 2021**

**(Expressed In Trinidad and Tobago Dollars)**

In the Persistent Pursuit of Excellence



# Annual Report 2021-2022

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# Annual Report 2021-2022

## Statement of Management Responsibilities

Management is responsible for the following:

• Preparing and fairly presenting the accompanying financial statements of The Caribbean Court of Justice which comprise the statement of financial position as at 31 December 2021, the statements of comprehensive income and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information;

- Ensuring that the Court keeps proper accounting records;
- Selecting appropriate accounting policies and applying them in a consistent manner;
- Implementing, monitoring and evaluating the system of internal control that assures security of the Court's assets, detection/prevention of fraud, and the achievement of the Court's operational efficiencies;
- Ensuring that the system of internal control operated effectively during the reporting period;
- Producing reliable financial reporting that complies with laws and regulations; and
- Using reasonable and prudent judgement in the determination of estimates.

In preparing these audited financial statements, management utilised the International Financial Reporting Standards (IFRS), as issued by the International Accounting Standards Board and adopted by the Institute of Chartered Accountants of Trinidad and Tobago. Where International Financial Reporting Standards presented alternative accounting treatments, management chose those considered most appropriate in the circumstances.

Nothing has come to the attention of management to indicate that the Court will not remain a going concern for the next twelve months from the reporting date; or up to the date the accompanying financial statements have been authorised for issue, if later.

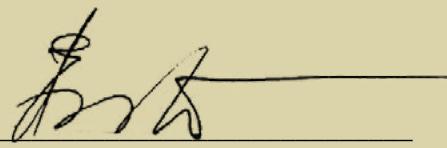
Management affirms that it has carried out its responsibilities as outlined above.



Signed

Title: Court President

Date: 4 May 2022



Signed

Title: Commissioner

Date: 4 May 2022



# Annual Report 2021-2022

## Independent Auditor's Report



**The Court President**  
**The Caribbean Court of Justice**

### Opinion

We have audited the financial statements of **The Caribbean Court of Justice ("the Court")**, which comprise the statement of financial position as at 31 December 2021, the statements of comprehensive income, changes in accumulated fund and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statement present fairly, in all material respects, the financial position of the Court as at 31 December 2021, and financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards (IFRS).

### Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Court in accordance with the international Ethics Standards Board for Accountants' Code of Ethics for Professional Accountants (IESBA Code), and we have fulfilled our other ethical responsibilities in accordance with the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of Management and Those Charged with Governance for the Financial Statements

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

In preparing the financial statements, management is responsible for assessing the Court's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Court or to cease operations, or have no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Court's financial reporting process.



# Annual Report 2021-2022



Independent Auditor's Report (Continued)

## Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Court's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Court's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Court to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.



# Annual Report 2021-2022



Independent Auditor's Report (Continued)

## Auditor's Responsibilities for the Audit of the Financial Statements (continued)

We are responsible for the direction, supervision and performance of the audit. We remain solely responsible for our audit opinion.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

San Juan  
4 May 2022

Moore

Chartered Accountants



# Annual Report 2021-2022

**Statement of Financial Position**  
**As at 31 December 2021**  
**(Expressed in Trinidad and Tobago Dollars)**

	Note	2021	2020
<b>Assets</b>			
<b>Non-current assets</b>			
Property, plant and equipment	3	2,833,942	3,459,224
Retirement benefits due from Trust Fund	4	<u>121,175,969</u>	<u>116,646,839</u>
<b>Total non-current assets</b>		<b><u>124,009,911</u></b>	<b><u>120,106,063</u></b>
<b>Current assets</b>			
Other receivables	5	427,931	626,859
Due from related parties	6	961,246	973,646
Cash and cash equivalents		4,628,273	3,070,823
<b>Total current assets</b>		<b><u>6,017,450</u></b>	<b><u>4,671,328</u></b>
<b>Total assets</b>		<b><u>130,027,361</u></b>	<b><u>124,777,391</u></b>
<b>Accumulated fund and liabilities</b>			
<b>Accumulated fund</b>			
Accumulated fund		7,921,451	7,013,110
<b>Total accumulated fund</b>		<b><u>7,921,451</u></b>	<b><u>7,013,110</u></b>
<b>Non-current liability</b>			
Retirement benefit liability	7	121,175,969	116,646,839
<b>Total non-current liability</b>		<b><u>121,175,969</u></b>	<b><u>116,646,839</u></b>
<b>Current liability</b>			
Other payables	8	929,941	1,117,442
<b>Total current liability</b>		<b><u>929,941</u></b>	<b><u>1,117,442</u></b>
<b>Total accumulated fund and liabilities</b>		<b><u>130,027,361</u></b>	<b><u>124,777,391</u></b>

The accompanying notes on pages 11 to 28 and Supplementary Financial information on page 29 to 33 form an integral part of these financial statements.

These financial statements were approved for issue by the Court President and an RJLSC Commissioner on 4 May 2022, on behalf of the Caribbean Court of Justice.

Court President: H. Hunter

Commissioner: B. S. B.



# Annual Report 2021-2022

## Statement of Comprehensive Income For the Year Ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

	Note	2021	2020
Funding from the Trust Fund	9	47,363,877	53,532,479
Other income	10	<u>510,350</u>	<u>500,438</u>
		<b>47,874,227</b>	<b>54,032,917</b>
Administrative expenses	11	(46,465,383)	(47,487,419)
<b>Surplus for the year</b>		<b><u>1,408,844</u></b>	<b><u>6,545,498</u></b>
<b>Other comprehensive loss</b>			
Re-measurement of defined benefit pension plans		(501,750)	(12,055,380)
<b>Total comprehensive surplus / (deficit)</b>		<b><u>907,094</u></b>	<b><u>(5,509,882)</u></b>

The accompanying notes on pages 11 to 28 and Supplementary Financial information on page 29 to 33 form an integral part of these financial statements.



# Annual Report 2021-2022

## Statement of Changes in Accumulated Fund For the Year Ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

	Accumulated Fund
<b>Year ended 31 December 2021</b>	
Balance as at 1 January 2021	7,013,110
Prior year adjustment	1,247
Total comprehensive surplus for the year	<u>907,094</u>
<b>Year ended 31 December 2021</b>	<b><u>7,921,451</u></b>
<b>Year ended 31 December 2020</b>	
Balance as at 1 January 2020	12,522,992
Total comprehensive deficit for the year	<u>(5,509,882)</u>
<b>Year ended 31 December 2020</b>	<b><u>7,013,110</u></b>

The accompanying notes on pages 11 to 28 and Supplementary Financial information on page 29 to 33 form an integral part of these financial statements.



# Annual Report 2021-2022

## Statement of Cash Flows For the Year Ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

	2021	2020
<b>Cash flows from operating activities</b>		
Total comprehensive surplus / (deficit) for the year	907,094	(5,509,882)
Adjustments to reconcile total comprehensive surplus / (deficit) for the year to net cash from operating activities:		
Depreciation	1,458,130	1,761,418
Interest income	(2,543)	(32,743)
Adjustment	<u>1,247</u>	<u>-</u>
	<u>2,363,928</u>	<u>(3,781,207)</u>
Increase in retirement benefit due from Trust Fund	(4,529,130)	(15,393,690)
Decrease in other receivables	198,928	243,434
(Increase) / decrease in due from related parties	12400	(9,019)
Increase in retirement benefit liability	4,529,130	15,393,690
Decrease in other payables	<u>(187,501)</u>	<u>(549,199)</u>
<b>Net cash generated / (used in) from operating activities</b>	<b><u>2,387,755</u></b>	<b><u>(4,095,991)</u></b>
<b>Cash flows from investing activities</b>		
Interest received	2,543	32,743
Acquisition of property, plant and equipment	<u>(832,848)</u>	<u>(485,678)</u>
<b>Net cash used in investing activities</b>	<b><u>(830,305)</u></b>	<b><u>(452,935)</u></b>
<b>Increase / (Decrease) in cash and cash equivalents</b>	<b>1,557,450</b>	<b>(4,548,926)</b>
Cash and cash equivalents as at January 1	3,070,823	7,619,749
<b>Cash and cash equivalents as at December 31</b>	<b><u>4,628,273</u></b>	<b><u>3,070,823</u></b>

The accompanying notes on pages 11 to 28 and Supplementary Financial information on page 29 to 33 form an integral part of these financial statements.



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 1. Establishment and principal activity

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

The Court was inaugurated on April 16, 2005, in Port of Spain, Trinidad and Tobago. The first Commission came into force on August 21, 2003 and works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.

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

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

### 2. Significant accounting policies

#### (a) Basis of preparation

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

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

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

There were no new standards, amendments and interpretations which are effective from January 1, 2021 and have been adopted by the Court.



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (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

There are no new standards, interpretations and amendments, which have not been applied in these financial statements which will or may have an effect on the Court's future financial statements.

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

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

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

#### (c) Use of estimates

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

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

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

#### (d) Foreign currency transactions

Foreign currency transactions are translated into the functional currency using the exchange rates prevailing at the date of the transactions. Gains and losses resulting from the settlement of such



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### ***(d) Foreign currency transactions (continued)***

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.

#### ***(e) Property, plant and equipment***

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

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

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

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

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

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



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (e) *Property, plant and equipment (continued)*

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.

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

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

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

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

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

#### (g) *Other receivables*

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

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

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



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

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

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

#### ***(j) Financial assets***

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

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

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



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### *(j) Financial assets (continued)*

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

#### *(k) Financial liabilities*

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

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

#### *(l) Accumulated fund*

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

#### *(m) Provisions*

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

#### *(n) Employee benefits*

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

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

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



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

#### (n) Employee benefits (continued)

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

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

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

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

##### (ii) Defined benefit plan

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

#### (o) Taxation

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

#### (p) Revenue recognition

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

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

##### 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.



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 2. Significant accounting policies (continued)

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

##### *Grants (continued)*

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

All other revenue is recorded on an accruals basis.

#### *(q) Administrative expenses*

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



# Annual Report 2021-2022

**Notes to the Financial Statements  
For the year ended 31 December 2021  
(Expressed in Trinidad and Tobago Dollars)**

## **2. Property, plant and equipment**

	Computer & Software	Furniture, Fixtures & Equipment	Flags, Crest & Seals	Library Books	Security Equipment	Leasehold Improvements	Vehicles	Total
<b>Year ended 31 Dec 2021</b>								
As at 1 Jan 2021	11,582,623	11,821,811	439,120	15,181,849	1,597,709	1,587,433	4,450,701	46,661,246
Additions	-	695,648	-	24,854	-	112,346	-	832,848
<b>As at 31 Dec 2021</b>	<b>11,582,623</b>	<b>12,517,459</b>	<b>439,120</b>	<b>15,206,703</b>	<b>1,597,709</b>	<b>1,699,779</b>	<b>4,450,701</b>	<b>47,494,094</b>
<b>Accumulated depreciation</b>								
As at 1 Jan 2021	(11,272,693)	(11,351,154)	(431,139)	(15,062,886)	(1,382,647)	(807,229)	(2,894,274)	(43,202,022)
Charge for the year	(144,506)	(232,193)	(2,669)	(73,294)	(144,561)	(83,906)	(777,000)	(1,458,130)
<b>As at 31 Dec 2021</b>	<b>(11,417,199)</b>	<b>(11,583,347)</b>	<b>(433,808)</b>	<b>(15,136,180)</b>	<b>(1,527,208)</b>	<b>(891,135)</b>	<b>(3,671,274)</b>	<b>(44,660,152)</b>
<b>Net Book Value</b>								
<b>As at 31 December 2021</b>	<b>165,424</b>	<b>934,112</b>	<b>5,312</b>	<b>70,523</b>	<b>70,501</b>	<b>808,644</b>	<b>779,427</b>	<b>2,833,942</b>



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 3. Property, plant and equipment

	Computer & Software	Furniture, Fixtures & Equipment	Flags, Crest & Seals	Library Books	Security Equipment	Leasehold Improvements	Vehicles	Total
<b>Year ended 31 Dec 2020</b>								
As at 1 Jan 2020	11,857,341	12,385,740	428,470	15,117,618	1,749,459	1,309,473	4,450,701	47,298,802
Additions	76,224	56,613	10,650	64,231	-	277,960	-	485,678
Disposals	(350,942)	(620,542)	-	-	(151,750)	-	-	(1,123,234)
<b>As at 31 Dec 2020</b>	<b>11,582,623</b>	<b>11,821,811</b>	<b>439,120</b>	<b>15,181,849</b>	<b>1,597,709</b>	<b>1,587,433</b>	<b>4,450,701</b>	<b>46,661,246</b>
<b>Accumulated depreciation</b>								
As at 1 Jan 2020	(11,358,708)	(11,631,918)	(428,470)	(14,971,297)	(1,315,026)	(741,145)	(2,117,274)	(42,563,838)
Charge for the year	(264,927)	(339,778)	(2,669)	(91,589)	(219,371)	(66,084)	(777,000)	(1,761,418)
Disposal	350,942	620,542	-	-	151,750	-	-	1,123,234
<b>As at 31 Dec 2020</b>	<b>(11,272,693)</b>	<b>(11,351,154)</b>	<b>(431,139)</b>	<b>(15,062,886)</b>	<b>(1,382,647)</b>	<b>(807,229)</b>	<b>2,894,274</b>	<b>(43,202,022)</b>
<b>Net Book Value</b>								
<b>As at 31 December 2020</b>	<b>309,930</b>	<b>470,657</b>	<b>7,981</b>	<b>118,963</b>	<b>215,062</b>	<b>780,204</b>	<b>1,556,427</b>	<b>3,459,224</b>



# Annual Report 2021-2022

**Notes to the Financial Statements  
For the year ended 31 December 2021  
(Expressed in Trinidad and Tobago Dollars)**

	2021	2020
<b>4. Retirement benefit due from Trust Fund</b>		
Retirement benefits due from Trust Fund	<u>121,175,969</u>	<u>116,646,839</u>
The Trust Fund had previously proposed that since the retirement arrangements of the Court are already funded from within the Trust Fund with a legislature from the Heads of Government to ensure that the resources are always adequate, the retirement benefits due to the judges and non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court. For the judges, this balance is determined by the present value of the future cost of the judges' pensions, while for non-judicial staff the balance is determined by the total of the non-judicial staff's employee account balances. Refer to Notes 2 (n) and 7.		
<b>5. Other receivables</b>		
VAT recoverable	148,915	395,167
Employee advances	173,150	134,155
Due from the Caribbean Association of Judicial Officers	52,315	54,036
Due from Caribbean Community Administrative Tribunal	27,092	27,092
Other assets	<u>26,459</u>	<u>16,409</u>
	<b><u>427,931</u></b>	<b><u>626,859</u></b>

## **6. Related party transactions**

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

### a) Due from related parties:

- The commission	924,595	970,679
- JURIST project	<u>36,651</u>	<u>2,967</u>
	<b><u>961,246</u></b>	<b><u>973,646</u></b>

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

b) Trust fund income received on behalf of and transferred to the Commission	2,035,556	3,667,980
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c) Expenses charged to the Commission	41,138	54,576
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The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.

### **Key management compensation**

d) Salaries and other short-term benefits	5,975,481	6,058,435
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# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

	2021	2020
<b>7. Retirement benefit liability</b>		
Judges	85,859,460	86,515,080
Non-Judicial staff	<u>35,316,509</u>	<u>30,131,759</u>
	<b><u>121,175,969</u></b>	<b><u>116,646,839</u></b>

### Judges pension arrangement

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

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



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 7. Retirement benefit liability (continued)

#### Judges pension arrangement (continued)

Principal actuarial assumptions at the reporting date are as follows:

	<b>2021</b>	<b>2020</b>
Discount rate	2.6%	2.2%
Expected rate of return on plan assets	N/A	N/A
Salary growth rate	1%	1%
Average expected remaining working lives of members	10.2 years	9 years
Fair value of plan assets as at the beginning of year		
Contributions by the Court	4,161,180	4,161,180
Benefits paid	<u>(4,161,180)</u>	<u>(4,161,180)</u>
<b>Fair value of plan assets as at the end of year</b>	<u>-</u>	<u>-</u>
Present value of obligation as at beginning of year	86,515,080	76,199,100
Interest cost	1,920,030	2,301,360
Current service cost - Employer's portion	2,983,740	2,481,990
Benefit payments	<u>(4,161,180)</u>	<u>(4,161,180)</u>
Actuarial loss on obligation	<u>(1,398,210)</u>	<u>9,693,810</u>
<b>Present value of obligation as at end of year</b>	<b><u>85,859,460</u></b>	<b><u>86,515,080</u></b>
<b>Profit or loss</b>		
Service cost	1,920,030	2,481,990
Interest cost	<u>2,983,740</u>	<u>2,301,260</u>
	<b><u>4,903,770</u></b>	<b><u>4,783,350</u></b>
<b>Other comprehensive income</b>		
Net actuarial loss recognized	<b><u>1,398,210</u></b>	<b><u>9,693,810</u></b>
<b>Total expense</b>	<b><u>1,398,210</u></b>	<b><u>9,693,810</u></b>



# Annual Report 2021-2022

**Notes to the Financial Statements  
For the year ended 31 December 2021  
(Expressed in Trinidad and Tobago Dollars)**

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

**Judges pension arrangement (continued)**

	2021	2020
Opening liability	(86,515,080)	(76,199,100)
Total expense	(3,505,560)	(14,477,160)
Contributions paid	<u>4,161,180</u>	<u>4,161,180</u>
<b>Closing liability</b>	<b><u>(85,859,460)</u></b>	<b><u>86,515,080</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.

Present value of the obligation	<b><u>(85,859,460)</u></b>	<b><u>86,515,080</u></b>
<b>Liability recognised in statement of financial position</b>	<b><u>(85,859,460)</u></b>	<b><u>86,515,080</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.

**Movement in the present value of defined benefit obligation**

Defined benefit obligation as at start of year	30,131,759	25,054,049
Current service cost	1,605,600	1,532,010
Interest cost	755,970	776,040
Contributions paid	822,870	809,490
Past service cost – transfer from R JLSC to CCJ	408,090	-
Remeasurements:		
- Experience adjustment	2,160,870	1,859,820
- Actuarial gains from changes in financial assumptions	(260,910)	501,750
- Benefits paid	<u>(307,740)</u>	<u>(401,400)</u>
<b>Defined benefit obligation as at end of year</b>	<b><u>33,156,509</u></b>	<b><u>30,131,759</u></b>

**Liability profile**

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

- Active members	87%	86%
- Pensioners	13%	14%



# Annual Report 2021-2022

**Notes to the Financial Statements  
For the year ended 31 December 2021  
(Expressed in Trinidad and Tobago Dollars)**

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

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

#### **Liability profile (continued)**

The weighted average duration of the defined obligation at the year-end was 16.5 years (2019: 3.2 years). 87% (2019: 92%) of the benefits accrued by active members were vested. Less than 1% (2019: 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.

	<b>2021</b>	<b>2020</b>
<b>Expense recognised in profit and loss</b>		
Current service cost	1,605,600	1,532,010
Net interest on net defined benefit liability	755,970	776,040
Past service cost	<u>408,090</u>	-
<b>Net pension costs</b>	<b><u>2,769,660</u></b>	<b><u>2,308,050</u></b>

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

Re-measurements recognised in other comprehensive income		
Experience losses	1,899,960	2,361,570
<b>Total amount recognised in other comprehensive income</b>	<b><u>1,899,960</u></b>	<b><u>2,361,570</u></b>
The Plan's assets are held by the Trust Fund in an amount equal to the Plan's liabilities		

Opening defined benefit liability	30,131,759	25,054,049
Net pension cost	2,769,660	2,308,050
Re-measurements recognized in other comprehensive income	1,899,960	2,361,570
Employee's salary deductions	822,870	809,490
Benefits paid by the Court	<u>(307,740)</u>	<u>(401,400)</u>
<b>Closing defined benefit liability</b>	<b><u>35,316,509</u></b>	<b><u>30,131,759</u></b>

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

Discount rate	2.7% pa	2.4% pa
Salary increases	1.0 % pa	1.0% pa

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

Life expectancy at age 65 for current pensioner in years:

- Male	17.5	17.5
- Female	21.5	21.4



# Annual Report 2021-2022

**Notes to the Financial Statements  
For the year ended 31 December 2021  
(Expressed in Trinidad and Tobago Dollars)**

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

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

#### **Sensitivity Analysis**

The calculation of the defined benefit obligation is sensitive to the assumptions used. The following table summarizes how the defined benefit obligation as at the year ends would have changed as a result of a change in the assumptions used.

<b>As at 31 December 2021</b>	<b>1% pa higher</b>	<b>1% pa lower</b>
Discount rate	923,220	(769,350)
Salary increases	60,210	60,210
<b>As at December 31, 2020</b>	<b>1% pa higher</b>	<b>1% pa lower</b>
Discount rate	802,800	970,050
Salary increases	(86,970)	(100,350)

An increase of one year in the assumed life expectancies shown above would decrease the defined benefit obligation as at 31 December 2021 by \$31,000 (2020: \$200,700).

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

#### **Funding**

The Court provides benefits under the Plan on a pay as you go basis and thus pays benefits as and when they fall due. The Court expects to pay contributions totalling \$267,600 in 2021.

	<b>2021</b>	<b>2020</b>
<b>8. Other payables</b>		
Pension contributions due to Trust Fund	593,602	612,521
Accounts payable	286,847	437,223
Accruals	59,942	67,005
Deferred income	593	593
Due to Caribbean Academy for Law & Court Administration	100	100
Miscellaneous liabilities	<u>(11,143)</u>	<u>-</u>
	<b><u>929,941</u></b>	<b><u>1,117,442</u></b>
<b>9. Funding from the Trust Fund</b>		
Funding received from the Trust Fund	34,829,867	39,169,049
Pension income receivable from the Trust Fund	<u>12,534,010</u>	<u>14,363,430</u>
	<b><u>47,363,877</u></b>	<b><u>53,532,479</u></b>



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

	2021	2020
<b>10. Other income</b>		
Foreign exchange gain	469,010	434,551
Miscellaneous income	38,739	33,144
Interest income	2,543	32,743
Memorabilia sales	58	-
	<b><u>510,350</u></b>	<b><u>500,438</u></b>
<b>11. Administrative expenses</b>		
Salaries and allowances	30,483,304	30,602,543
Pension cost and gratuities	8,843,960	8,326,909
Depreciation	1,458,130	1,761,418
Insurance expenses	1,441,490	1,746,503
Professional fees	700,930	1,222,986
Telephone and internet	729,982	759,272
Library materials	733,379	742,127
Repairs and maintenance	643,331	733,005
Janitorial expenses	720,772	698,295
Other administrative expenses	269,152	363,850
Entertainment expenses	168,520	122,867
Office supplies	163,592	111,405
Education and training	54,190	95,385
Uniforms	(28,301)	85,752
Motor vehicle expenses	49,567	65,229
Bank charges	33,385	33,174
Public education	-	16,699
	<b><u>46,465,383</u></b>	<b><u>47,487,419</u></b>
Number of employees	89	84

## 12. Financial risk management

### Financial risk factors

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



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 12. Financial risk management (continued)

#### 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 Court's functional currency.

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

	2021	2020
<b>Assets</b>		
Retirement benefits due from Trust Fund	121,175,969	116,646,839
Cash and cash equivalents	<u>3,506,216</u>	<u>2,014,647</u>
<b>Total assets</b>	<b><u>124,682,185</u></b>	<b><u>118,661,486</u></b>
 <b>Net exposure</b>	 <b><u>124,682,185</u></b>	 <b><u>118,661,486</u></b>

The table below summarizes the sensitivity of the Court's assets and liabilities to changes in foreign exchange movements at the year-end. The analysis is based on the assumptions that the relevant foreign exchange rate increased / decreased by 5% to the Trinidad and Tobago dollars (2020: 5%), with all other variables held constant. This represents management's best estimate of a reasonable possible shift in the foreign exchange rates, having regard to the historical volatility of those rates.

#### Foreign exchange risk

Impact on accumulated fund:

Increased by 5%	6,290,212	5,933,074
Decreased by 5%	(6,290,212)	(5,933,074)

#### Credit risk

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

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

Cash and deposits are held with reputable financial institutions.

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



# Annual Report 2021-2022

## Notes to the Financial Statements For the year ended 31 December 2021 (Expressed in Trinidad and Tobago Dollars)

### 12. Financial risk management (continued)

#### 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 (3) months	Less than (1) year	No stated maturity	Total
<b>At 31 December 2021</b>				
<b>Financial liabilities:</b>				
Other payables	929,941	—	—	929,941
<b>Total liabilities</b>	<b>929,941</b>	<b>—</b>	<b>—</b>	<b>929,941</b>
<b>At December 31, 2020</b>				
<b>Financial liabilities:</b>				
Other payables	1,117,442	—	—	1,117,442
<b>Total liabilities</b>	<b>1,117,442</b>	<b>—</b>	<b>—</b>	<b>1,117,442</b>

### 13. Impact of COVID-19

On March 11, 2020, the World Health Organization (WHO) declared the coronavirus (COVID-19) a pandemic. The Republic of Trinidad and Tobago recorded its first case of the disease on March 12, 2020. Effective March 23, 2020, a partial remote work policy was implemented at the Court. That policy was later intensified with all judges and staff working remotely, with the exception of personnel in the Security & Logistics Unit. From time to time, personnel from the Finance, Facilities and Assets Management, Information Systems, Protocol and Registry Units have had to report to the premises to undertake essential activities. The Government of the Republic of Trinidad and Tobago has embarked on a phased relaxation of the measures instituted to contain the spread of COVID-19. These measures took effect from 10 May 2020 and continued well into 2021.

In light of this, the Court embarked upon a scaled down remote work policy with staff working from the office on a rotated basis from 27 May 2020 in the first instance.

### 14. Subsequent events

Management evaluated all events that occurred from 1 January 2022, through 4 May 2022, the date the financial statements were available to be issued. During the period, the Court did not have any subsequent events requiring recognition or disclosure in the financial statements.



Annual Report 2021-2022

**Supplementary  
Financial  
Information  
for the year ended  
31 December 2021**

**(Expressed In United States Dollars)**



# Annual Report 2021-2022



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

To the Court President  
The Caribbean Court of Justice

We have audited the financial statements of the Caribbean Court of Justice for the year ended 31 December 2021 and have issued our report thereon dated 4 May 2022.

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.

4 May 2022  
San Juan  
Trinidad, West Indies



# Annual Report 2021-2022

## Statement of Financial Position As at 31 December 2021 (Expressed in United States Dollars)

	2021	2020
<b>Assets</b>		
<b>Non-current assets</b>		
Property, plant and equipment	423,609	517,074
Retirement benefits due from trust fund	<u>18,113,000</u>	<u>17,436,000</u>
<b>Total non-current assets</b>	<b><u>18,536,609</u></b>	<b><u>17,953,074</u></b>
<b>Current assets</b>		
Other Receivables	63,966	93,701
Due from related parties	143,684	145,538
Cash and cash equivalents	<u>691,820</u>	<u>459,017</u>
<b>Total current assets</b>	<b><u>899,469</u></b>	<b><u>698,256</u></b>
<b>Total assets</b>	<b><u>19,436,078</u></b>	<b><u>18,651,330</u></b>
<b>Accumulated fund and liabilities</b>		
Accumulated fund	<u>1,184,073</u>	<u>1,048,298</u>
<b>Total accumulated fund</b>	<b><u>1,184,073</u></b>	<b><u>1,048,298</u></b>
<b>Non-current liability</b>		
Retirement benefit liability	<u>18,113,000</u>	<u>17,436,000</u>
<b>Total non-current liability</b>	<b><u>18,113,000</u></b>	<b><u>17,436,000</u></b>
<b>Current liability</b>		
Other payables	<u>139,005</u>	<u>167,032</u>
<b>Total current liability</b>	<b><u>139,005</u></b>	<b><u>167,032</u></b>
<b>Total accumulated fund and liabilities</b>	<b><u>19,436,078</u></b>	<b><u>18,651,330</u></b>

Translation rate used – USD 1.00 : TTD 6.69 (2020: USD 1.00 : TTD 6.69)



# Annual Report 2021-2022

## Statement of Comprehensive Income For the year ended 31 December 2021 (Expressed in United States Dollars)

	2021	2020
Funding from the Trust Fund	7,079,802	8,001,865
Other income	<u>76,286</u>	<u>74,804</u>
	<b><u>7,156,088</u></b>	<b><u>8,076,669</u></b>
Administrative expenses	<u>(6,945,498)</u>	<u>(7,098,269)</u>
<b>Surplus for the year</b>	<b><u>210,590</u></b>	<b><u>978,400</u></b>
<b>Other comprehensive loss</b>		
Re-measurement of defined benefit pension plans	<u>(75,000)</u>	<u>(1,802,000)</u>
<b>Total comprehensive surplus / (deficit)</b>	<b><u>135,590</u></b>	<b><u>(823,600)</u></b>

Translation rate used – USD 1.00 : TTD 6.69 (2020: USD 1.00 : TTD 6.69)



# Annual Report 2021-2022

## Statement of Accumulated Fund For the year ended 31 December 2021 (Expressed in United States Dollars)

	Accumulated fund
<b>Year ended 31 December 2021</b>	
Balance as at 1 January 2021	1,048,298
Prior year adjustment	185
Total comprehensive surplus for the year	<u>135,590</u>
<b>Year ended 31 December 2021</b>	<b><u>1,184,073</u></b>

### Year ended 31 December 2020

Balance as at 1 January 2020	1,871,898
Total comprehensive deficit for the year	<u>(823,600)</u>
<b>Year ended 31 December 2020</b>	<b><u>1,048,298</u></b>

Translation rate used – USD 1.00 : TTD 6.69 (2020: USD 1.00 : TTD 6.69)



Annual Report 2021-2022

# In the Persistent Pursuit of EXCELLENCE

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