



ADVANCING ACCESS to JUSTICE

Refining and Innovating for IMPACT



ANNUAL REPORT

2023-2024

“

**The CCJ will not be
deterred from advancing
access to justice in the
region. Never will our
determination to
continually
refine our
processes and
to embrace
cutting-edge
innovations ever
be blunted.**

”

*The Hon. Mr Justice Adrian Saunders
President, Caribbean Court of 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 the President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Appellate Jurisdiction and an Original Jurisdiction and is effectively, therefore, two courts in one.

In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean Community that have so acceded. Currently, five states access the Court in its Appellate Jurisdiction: Barbados, Belize, Dominica, Guyana, and Saint Lucia. 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 Caribbean region's coming of age.

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 the Original Jurisdiction, the CCJ is critical to the functioning of the CSME. All twelve Member States that belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC.





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**This report is
a review of the
Court year that
spans**

1 August 2023



31 July 2024

The CCJ has an obligation to account for its performance to the people of the Caribbean Community (CARICOM). Every year the CCJ is committed to submit to its stakeholders, a report of its operations and financials.



List of Abbreviations

AJ	Appellate Jurisdiction
CAL	CCJ Academy for Law
CAJO	Caribbean Association of Judicial Officers
CARICOM	Caribbean Community
CCAT	Caribbean Community Administrative Tribunal
CCJ/ The Court	Caribbean Court of Justice
CSME	Caribbean Single Market and Economy
EDF	European Development Fund
JURIST	Judicial Reform and Institutional Strengthening Project
MAP	Management Action Plans
OJ	Original Jurisdiction
RJLSC/ The Commission	Regional Judicial and Legal Services Commission
RTC	Revised Treaty of Chaguaramas
SPC	Strategic Planning Committee
Trust Fund	Caribbean Court of Justice Trust Fund



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MISSION



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

VISION



To be a model of judicial excellence

VALUES



EXCELLENCE

Demonstrate the highest quality of service and performance

INDUSTRY

Be diligent, go above and beyond

INTEGRITY

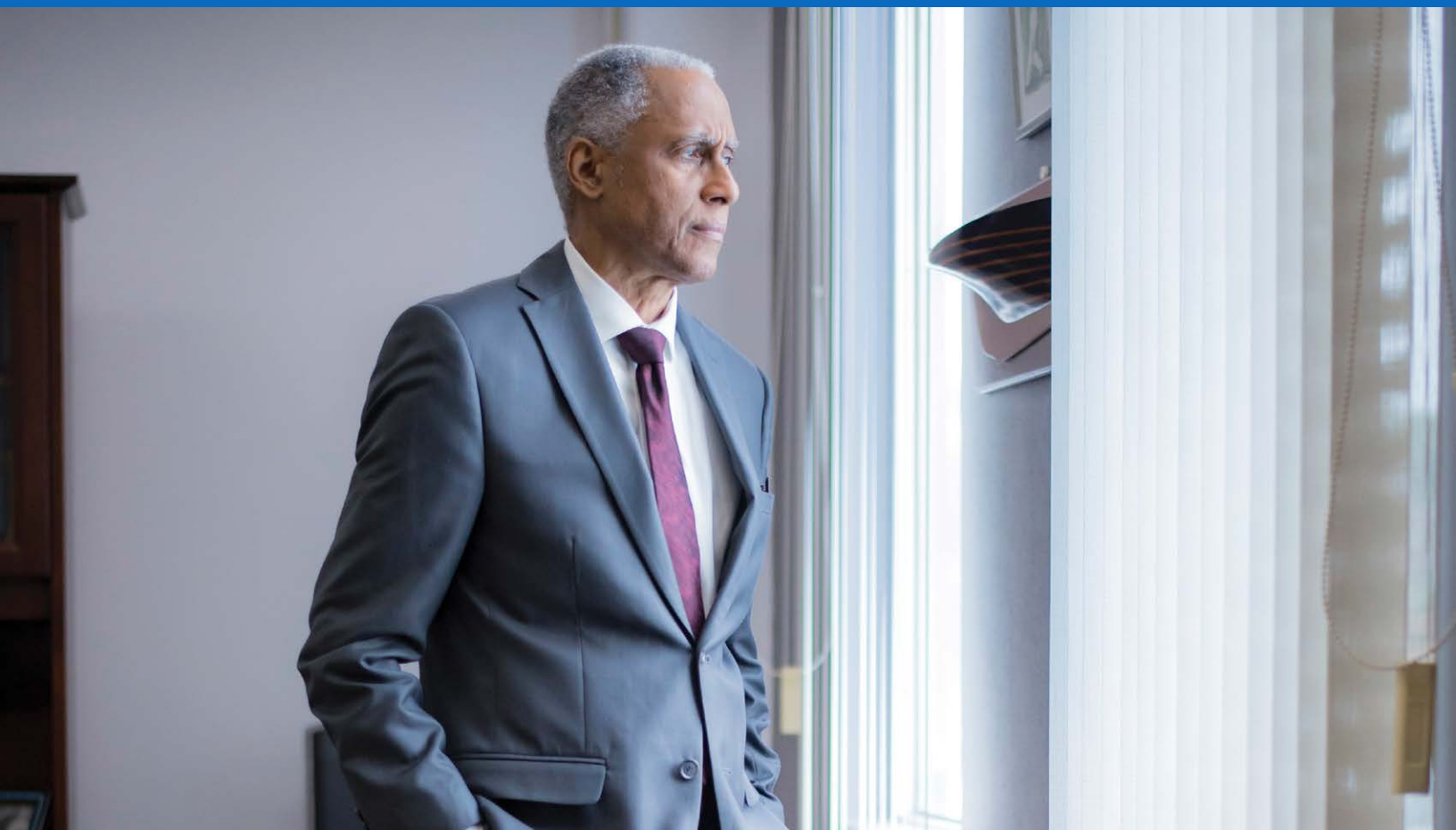
Be honest, do right, stand firm

COURTESY AND CONSIDERATION

Demonstrate care and respect for all



ANNUAL REPORT 2023-2024



The Honourable Mr Justice Adrian Saunders
President of the Caribbean Court of Justice



Message from the President

As we reflect on the past year, this Annual Report highlights the Court's major accomplishments, losses, and challenges, as well as how we continue to demonstrate our ongoing commitment to our mission. The year 2023-2024 has been marked by significant grief. Nonetheless, the Court has continued its path to excellence, strengthening our adjudicative and non-adjudicative processes and improving efficiencies while seeking new and innovative ways to do so. Our mandate to advance the development of Caribbean jurisprudence continues to guide us as we strive to create a positive and beneficial impact on the people and States of the region we serve.

In this report, we aim to share key milestones and insights into the Court's work that demonstrate our progress as we enter the Court's third decade of operation.

CCJ Bereaved

Amid our forward journey, we were halted in our tracks, stricken with untold grief as we mourned the loss of five Caribbean titans of the law during the first three months of 2024. Each had a unique relationship with the Court. With each passing, I lost a very dear colleague. In January, we bid our final farewells to Mr Justice Jefferson Cumberbatch, Judge of the Barbados Court of Appeal, and former Commissioner of the Regional Judicial and Legal Services Commission (RJLSC). Similarly, the entire region was deeply moved by the passing of our esteemed and irreplaceable Mr Justice Jacob Wit. Mr Justice Wit served as our bridge to the civil law, Suriname, and so much more. I have gone on record as describing him as the most widely read judge I have ever met.



Message from the President *(continued)*

The loss of Mr Justice Dennis Morrison in February was particularly profound for me. I had known, admired, and enjoyed a close personal and professional relationship with him since we studied at Cave Hill in the 1970s. At the time of his passing, he had only recently retired as the President of the Court of Appeal of Jamaica and a Commissioner of the RJLSC. In March, we lost the first President of the CCJ, the Right Honourable Michael de la Bastide TC, whose mentorship and friendship meant so much to me, and Mme Justice Désirée Bernard, the first female judge on the CCJ Bench, and who was, undoubtedly the most celebrated female judge this region has known.

Elsewhere, we have recorded tributes to some of these fine exemplars of Caribbean excellence in the law. With heavy hearts and the awareness that present and future generations of Caribbean judges and attorneys stand on the shoulders of these luminaries, benefitting from the rich legacy they have bequeathed to us, we soldiered on, as they would have wanted us to do.

Internal Administration

The Court's 2019 – 2024 Strategic Plan has continued to guide the Court's operations over the past year. Our various units have boldly pursued the formulation and achievement of their strategic objectives. As this strategic planning period ended, a Strategic Planning Committee was convened under the astute leadership of the Honourable Mr Justice Winston Anderson. This Committee has been working assiduously to engage with external and internal stakeholders to draft a new strategic plan that will chart our course and guide our activities for the period 2025-2030. Our induction into the prestigious International Consortium of Court Excellence (ICCE) and the rigour with which we have in the past approached the implementation of our strategic objectives bode well for the task of refining our approach to the new plan.

In May 2024, the Court promulgated its updated Rules of Court procedure for both the Appellate and Original Jurisdictions. The Honourable Mr Justice Denys Barrow took over the mantle of Mr Justice Jacob Wit in leading the Rules Committee that oversees the biennial revision. Under his leadership, the Court revised and refined the Rules, ensuring, among other things, revision of the Practice Direction on Online Hearings to reflect the current practice of the Court, that Saint Lucia's accession is now properly accommodated, and that the language of the Rules is now gender neutral.

The Honourable Mme Justice Maureen Rajnauth-Lee has led the charge in advancing access to justice for persons with disabilities. Over the reporting period, her committee consulted with internal and external stakeholders and finalised a policy that will improve access to justice and provide special accommodation for persons with disabilities. As part of our efforts to attain the goals of this policy, we adopted a protocol that mandates at all our judgment deliveries, the presence of a sign language interpreter, whose role is to convey a summary of the judgment being delivered. We have also revised our case management checklist to include a request to parties to indicate whether they require any special assistance or accommodation to facilitate their participation in the proceedings. It is our



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Message from the President *(continued)*

hope that the Court will become even more aware of the unique needs of persons with disabilities so that every employee and court user living with a disability may be treated with the dignity and respect that they deserve.

The CCJ has also been refining the format, delivery, and accessibility of its judgments. We have adopted a new style for recording concurrences and dissents. The authorship heading of a judgment now provides readers with greater clarity regarding which judges authored Opinions in a given case, and their respective concurrences or dissents. We have also made searching for materials in our Library easier. Researchers now have online access to the Library's Catalogue, where they can find, among other things both primary and secondary materials from the English-speaking Caribbean and all the Court's judgments. The judgments and materials available are now searchable via such methods as keywords, author, subject matter, or case name.

Judicial Work

Of the several cases we decided on during the period under review, four appellate jurisdiction matters deserve mention. Each, in its own way, advances our Caribbean jurisprudence. *Fields v The State* [2023] CCJ 13 (AJ) BB was an appeal from Barbados in which the CCJ found it necessary to end what appeared to be a longstanding practice in Barbados regarding the directions that should be given to juries on how to treat the testimony of witnesses who were found to be deliberately untruthful. In *Gaskin v Minister of Natural Resources* [2024] CCJ 14 (AJ) GY the Court was faced, for the first time, with litigation arising out of the oil and gas sector of Guyana and the risks that are associated with the impact of that sector on the environment. In *The Barbados Defence Force v Harewood* [2024] CCJ 15 (AJ) BB the Court considered, also for the first time, the Barbados Defence Force Act, the uniqueness of court-martials and the resulting specialised procedures and rules that exist for the prosecution of service members for derelictions committed in the course of service. Finally, the case of *McDowall Broadcasting Corporation v Joseph* [2023] CCJ 15 (AJ) LC gained the distinction of being the Court's first appellate judgment from Saint Lucia, which now sends its final appeals to the CCJ.

In the Original Jurisdiction, the Court heard evidence in the case of *Ellis Richards & Ors v The State of Trinidad and Tobago* [2024] CCJ 2 (OJ), concerning the latter's bailout of the conglomerate CL Financial. The case involved over 500 litigants from various Eastern Caribbean States who sought compensation from Trinidad and Tobago for the losses suffered in the 2009 CL Financial collapse. We also delivered judgment in the liability phase in the case of *DCP Successors Limited v The State of Jamaica* [2024] CCJ 1 (OJ), which concerned a Dominican soap manufacturer that was seeking to sell its soap products to Jamaica. These two cases clarified important aspects of the CARICOM Single Market and Economy (CSME).



Message from the President *(continued)*

Outreach

The Court maintained a busy round of outreach activities during the reporting period. In October 2023, we held an itinerant sitting in Bridgetown, Barbados. The Court had not sat in Barbados since 2013. The warm and generous hospitality we experienced was humbling. While there, the CCJ Academy for Law convened its 7th Biennial Conference focused on Criminal Justice Reform in the Caribbean. This conference was attended by representatives from all the major regional participants in the criminal justice system including police and prisons; prosecutors, attorneys and judges; courts and legislatures; probation and welfare departments; and Attorneys General and key members of the Executive Branch. The assembly produced the **Needham's Point Declaration on Criminal Justice Reform**, which has become a defining roadmap for criminal justice reform in the region.

The Court also took the opportunity to continue its round of sensitisation sessions with the Judiciary, the Bar, and members of civil society on the Referral Obligation contained in Article 214 of the Revised Treaty of Chaguaramas (RTC). If during the hearing of a dispute in the local courts, an issue arises as to interpretation of the RTC, the presiding judicial officer is required to refer the issue to the CCJ for an authoritative interpretation of the provision in question. Referral sensitisation sessions were also conducted in Saint Lucia and Suriname in 2024 with similar stakeholders.

Relations with Fraternal Bodies

The Court has been re-doubling its efforts to ensure that the CCJ architecture envelops Suriname more comprehensively, notwithstanding the challenges posed by our divergent mother tongues and legal systems. The Court has embarked upon an authoritative translation of our Original Jurisdiction Rules into Dutch. We have also commenced a dialogue with the CARICOM Secretariat to have Article V(1)(c) of the Agreement Establishing the CCJ amended to allow for the President of the High Court of Justice of Suriname to enjoy the same entitlement to hold office as a Commissioner of the Regional Judicial and Legal Services Commission, similar to his regional counterparts who are Chairpersons of their respective Judicial Service Commission. That latter Commission has no counterpart in Suriname. In May 2024, the Honourable Mr Justice Peter Jamadar and I were extremely pleased to have been invited to Paramaribo to take part in the activities marking the 155th anniversary of the Court of Justice of Suriname. During that time we held very fruitful discussions with the Court's President, the Honourable Mr Justice Iwan Rasoelbaks, some of which included the idea that arrangements could be devised to possibly have Suriname send its final appeals to a special division of the CCJ in the future.

During 27-28 May 2024, Mr Justice Winston Anderson and I participated in the Second Hemispheric Meeting of Regional Courts, hosted by the Court of Justice of the Andean Community in Quito, Ecuador. At the Meeting, we delivered a presentation on the CCJ and the value of a funding mechanism, similar to our CCJ Trust Fund, to international courts. We were also pleased to have attended the Andean Court's 45th anniversary celebrations which coincided with the Meeting.



Message from the President *(continued)*

Towards the end of the court year, I was honoured to have been invited, as President of the CCJ, to sit on an international panel of jurists to assist in drafting the Nauru Declaration on Judicial Well-being. The Declaration has already gained wide international appeal. It underscores the essentiality of judicial well-being to judicial integrity and outlines the responsibility of individual judges, judicial institutions, and society to promote judicial well-being.

Entering my final year as President of the CCJ

This is the last occasion I will have the tremendous privilege of addressing our stakeholders through this medium. My successor will oversee next year's Annual Report. Two decades with the premier court in the region have profoundly shaped my enormous appreciation for this institution and for the people of the Caribbean Community. I am humbled to have had the opportunity to play a modest role in the development of our Caribbean jurisprudence. My deepest gratitude goes out to past and present judicial colleagues and court staff for the camaraderie we have shared and in particular for their unstinting support throughout my tenure as President of the Court. I especially wish to thank Ms Debra Gibbs and Mr Sheldon Cambridge with whom I have worked closest, and who fully supported me for 20 unbroken years.

The CCJ is one of CARICOM's greatest achievements. Notwithstanding the fractious politics that inhibit accession to the Appellate Jurisdiction by some States of the Community, I remain confident that the CCJ will not be deterred from advancing access to justice in the region. Our determination to continuously refine our processes, to embrace cutting-edge innovations and to further our Caribbean jurisprudence will never be blunted.



The Bench



From left to right: (Sitting)

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



Stakeholder Engagements

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

**Extra-Judicial Activities:
1 August 2023 – 31 July 2024**

September 2023

- **Commonwealth Magistrates and Judges Association Conference (Cardiff, Wales) (12 September 2023)** - Attended Conference, participated in panel session, and delivered remarks on the topic 'Are International Human Rights Courts Fulfilling their Job?'.

October 2023

- **Mission (Barbados) (16 October 2023)** – Attended and participated at the Court's Itinerant Sitting and Referral Process Sensitisation Session with the Barbados Bar Association, attended the launch of the UNDP PACE Programme.
- **7th Biennial CCJ Academy for Law Conference (Barbados) (18-20 October 2023)** – Led delegation of judges, managers, and officers for the three-day Conference, which comprised sessions and a Regional Town Hall meeting. The Conference led to the adoption of the Needham's Point Declaration.
- **Courtesy visit by members of the Inner Temple (25 October 2023)** – Recognised his election as an Honorary Bencher of the Inner Temple.
- **Fifth Caribbean Judges' Forum on HIV, Human Rights and the Law 2023 (26-27 October 2023)** – Delivered presentation 'The Savings Law Clause in the Constitutions of the Caribbean Countries and Its Impact on the Protection of Human Rights'.

November 2023

- **Conference of Chief Justices and Heads of Judiciaries of the Caribbean (15-18 November 2023)** – Attended and participated in the Conference.
- **Caribbean Development Bank's (CDB) Leadership Engagement Series #4 'Exploring Pathways to Social Justice' (Barbados) (24 November 2023)** – Participated in session with CDB to give insight on issues including development, criminal justice reform, social justice, and the work of the Court.

December 2023

- **Professional Development Seminar for Judges and Judicial Officers, Judicial Education Institute of Trinidad and Tobago (JEITT) (2 December 2023)** – Delivered presentation on Judicial Leadership.
- **Opening Ceremony of the Connected Caribbean Summit 2023, 'Strengthening Caribbean Resilience, Accelerating Caribbean Development' (5 December 2023)** – Delivered welcome remarks (virtual).



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Stakeholder Engagements - The Hon. Mr Justice Adrian Saunders, President of the Caribbean Court of Justice - Extra-Judicial Activities *(continued)*

- **Radio Interview with Jamaicans for Justice (JFJ) on the Let's Talk Justice Radio Broadcast on Bridge 99FM (5 December 2023)** - JFJ's public education activity was interviewed on the economic and jurisprudential benefits of the CCJ and its judicial work.
- **UNODC High-Level Special Event "The Power of Gender Equality & Inclusion to Combat Corruption"; Tenth session of the Conference of the States Parties to the United Nations Convention against Corruption (12 December 2023)** – Participated virtually in a roundtable session on gender equality and anti-corruption and the development of the Gender Equality Protocols for Judicial Officers in the Caribbean.

January 2024

- **Launch of Strategic Plan of Judiciary of Guyana (9 January 2024)** – Delivered virtual remarks.
- **Special Sitting for Mr Justice Wit (31 January 2024)** – Presided over sitting and delivered remarks in tribute to the Honourable Mr Justice Jacob Wit.

February 2024

- **Workshop with Inter-American Commission on Human Rights (IACHR) "Follow-up of IACHR recommendations and Inter-American SIMORE" (6 February 2024)** – Attended and delivered introductory and closing remarks.
- **Tribute by CCJ President, the Honourable Mr Justice Adrian Saunders on the passing of Mr Justice C. Dennis Morrison OJ CD KC (14 February 2024)**
- **Thanksgiving Service for the late Mr Justice Morrison (22 February 2024)**
- **Guest Lecture at Norman Manley Law School (Jamaica) (23 February 2024)** – Delivered lecture to law students 'The Role of the CCJ in Advancing Caribbean Jurisprudence'.

March 2024

- **Lecture at The University of the West Indies, St Augustine (6 March 2024)** – Delivered lecture on 'Constitutional Supremacy, Separation of Powers and Statutory Interpretation in CCJ Jurisprudence'.
- **IACHR-CCJ High-level Dialogue (6 March 2024)** – Delivered presentation on 'Main obstacles in the investigation of cases of violence against vulnerable groups and/or structural obstacles'.
- **Launch of EU Programme, EL PACcTO 2.0 (Panama) (11 March 2024)** – Attended Conference and participated in High level Institutional and Political Dialogue "Insights on Organized Crime, Rule of Law and Democracy".
- **Lecture at The University of the West Indies, Cave Hill LLM Legislative Drafting Course (26 March 2024)** – Delivered lecture on 'Decolonising the Law: The Role of a Caribbean Legislative Drafter'.

April 2024

- **Joint Special Sitting in Tribute of the late Mr Justice Michael de la Bastide, TC (12 April 2024)** - Official Funeral was on 11 April 2024.
- **The Caribbean Civil Court Practice Text (3rd edition) (published 25 April 2024)** – Editor in Chief of this practitioners' text which is the essential guide to the various Civil Procedure Rules, which apply in the Caribbean.



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Stakeholder Engagements - The Hon. Mr Justice Adrian Saunders, President of the Caribbean Court of Justice - Extra-Judicial Activities *(continued)*

- **Article for the Andean Court (30 April 2024)** – Wrote an article “The Court of Justice of the Andean Community through the lens of the Caribbean Court of Justice”, which presents a perspective of the TJCA through the lens of the President of another sub-regional court, the Caribbean Court of Justice (CCJ).

May 2024

- **155th anniversary of the administration of justice in Suriname (6 May 2024)** – Delivered remarks “The Value of the Judiciary within Society and the Conditions for Building a Constitutional State”.
- **Referral training for the Suriname Judiciary & Suriname Chamber of Commerce (7 May 2024)** – Participated in referral training for judicial officers & members of business community.
- **Lecture at Anton de Kom University in Suriname (10 May 2024)** – Delivered lecture on an Introduction to the CCJ
- **Special sitting in honour of the late Mme Justice Désirée Bernard (21 May 2024)**
- **Hemispheric Meeting of Regional Courts (Quito, Ecuador) (27-28 May 2024)** – Delivered presentation on the CCJ and the CCJ Trust Fund.

June 2024

- **IACHR Training on Access to Justice & Non-Discrimination (5 June 2024)** – Delivered Opening and Closing remarks.
- **Commonwealth Judicial Education Institute ISP session on “Great Judgments – Great Judges” (5 June 2024)** - Delivered lecture ‘The Approach to the Savings Law Clauses in Caribbean Commonwealth Constitutions’.

July 2024

- **EL PACCTO Focal Point Meeting and Cybercrime Workshop (8-12 July 2024)** – CCJ was identified to participate in Cybercrime Workshop and Focal Point Meeting to discuss transnational response to organised crimes.
- **25th International AIDS Conference (Munich, Germany) (21-23 July 2024)** – Attended Conference and participated in satellite session “Punish or Protect? Law in the Lives of Key Populations” and in roundtable discussion “Countdown to change: Can we achieve the 10-10-10 HIV targets by 2025?”
- **Nauru Declaration on Judicial Wellbeing (came into force on 25 July 2024)** – Sat on the Draft Committee for the Nauru Declaration, which outlines commitments and principles for promoting integrity and wellbeing within the judiciary.

Stakeholder Engagements (continued)

Judges' Extra-Judicial Activities



The Hon. Mr Justice Winston Anderson

Period: 1 August 2022 – 31 July 2023

1. Interviews for Judicial Counsel

From the 18-20 August 2023, Mr Justice Anderson chaired the interviewing panel for the recruitment of new Judicial Counsel to the Court.

2. Mission to Barbados

On 16 October 2023, Mr Justice Anderson and other members of the bench sat in person for the hearing of matters in Barbados as part of the Court's itinerant sitting.

3. Referral Exercise with the Barbados Chambers of Commerce

On 17 October 2023, Mr Justice Anderson together with the Communication and Information Manager, and the Project Coordinator of the 11th European Development Fund (EDF) facilitated the Referral Training Exercise and Sensitisation Session on the Original Jurisdiction of the Court with the Barbados business sector and Bar Association. These groups are critical components of the Court's public education efforts which are being supported by the EDF.

4. CCJ Academy for Law 7th Biennial Conference

From 18–20 October 2023, Mr Justice Anderson, together with the late Mr Justice Jacob Wit, hosted the CCJ Academy for Law 7th Biennial Conference under the theme *“Criminal Justice Reform in the Caribbean: Achieving A Modern Criminal Justice System.”* This 7th Biennial Conference comprised a Regional Townhall, specifically geared towards discussing solutions to crime. The Conference was a major success and the Needham's Point was adopted. The Declaration was adopted on 20 October during the final day of the Conference and contains 39 key declarations providing a roadmap for policymakers, members of the bar, judicial officers, the legislature, and other justice stakeholders on how the criminal justice systems of our Caribbean region could be further modernised.

5. Public Reasoning about the Caribbean Court of Justice

On 19 October 2023, Mr Justice Anderson provided the virtual keynote address to the public forum hosted by The University of the West Indies, Mona Campus under the theme *“Public Reasoning about the Caribbean Court of Justice: In Search of Deeper Regional Integration, as the Circle of Independence Continues to Close.”*



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Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

6. Visit to the Court by Postgraduate Students from The UWI, St Augustine

On 26 October 2023, Mr Justice Anderson engaged the students from The University of West Indies, St Augustine Campus, postgraduate programme in International Relations on issues relating to international law and other international relations issues that impact society and the Caribbean region.

7. WIPO Judges Forum

In October 2023, Mr Justice Anderson attended and participated in the WIPO forum for Judges.

8. The Caribbean Forum (CARIFORUM) Regional Caselaw Conference Meeting

In November 2023, Mr Justice Anderson attended and participated in the CARIFORUM Regional Caselaw Conference Meeting.

9. Online Public Access Catalogue (OPAC)

Proposed sensitisation session for Bench – In November 2023, Mr Justice Anderson attended and participated in the OPAC Sensitisation Session for the Judges of the CCJ organised by President Saunders.

10. (Re)appointment to Chair Policies and Procedures Approval Committee (PPAC)

Mr Justice Anderson was (re)appointed as Chairman of the PPAC on 18 May 2023, to review existing and new policies of the Court. The life of the committee was extended to 9 December 2023. Over this duration, the Committee reviewed 18 existing policies of the Court and 6 new policies of the Court: a total of 24 policies.

11. The Third Instalment of the Eminent Caribbean Jurist Series: Legendary Caribbean Legal Practitioners

In January 2024, Mr Justice Anderson in his capacity as Chairman of the CCJ Academy for Law, spearheaded the publication of the Legendary Caribbean Legal Practitioners Book, honouring the legacy and contribution of 48 legal practitioners from the Caribbean region.

12. Regional Caselaw Conference

From 8 January – 15 February 2024, Mr Justice Anderson attended the Regional Caselaw Conference Meeting hosted by Dr Dennis Schiers.

13. Collaboration with the Inter-American Commission on Human Rights (IACHR)

On 6 February 2024, Mr Justice Anderson attended the workshop session hosted by the CCJ in collaboration with the IACHR.

14. Consultation Dialogue on Persons with Disabilities

On 22 February 2024, Mr Justice Anderson attended the internal consultation dialogue session for the CCJ on improving access for persons with disabilities.

15. Strategic Planning Committee

On 29 February 2024, Mr Justice Anderson was appointed Chairman of the Strategic Planning Committee to update the Court's strategic agenda over the next five to seven years.



Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

16. EUIPO CARIFORUM Intellectual Property Rights and Innovation (CARIPI) WIPO Conference on IP Case-Law

From 3-6 March 2024, Mr Justice Anderson in his capacity as Chairman of the CCJ Academy for Law, attended the EUIPO CARIPI WIPO Conference on IP Case-Law in the Caribbean and provided brief remarks on behalf of the CCJ and CCJ Academy for Law. In his remarks, Justice Anderson indicated that the Academy and CCJ were looking forward to the continued partnership between the two organisations.

17. Intellectual Property Case Law Conference

From 5-6 March 2024, in Kingston, Jamaica, Mr Justice Anderson attended the CARIPI Case Law Conference. The conference covered intellectual property case law for judges and legal practitioners.

18. Presentation of Legendary Caribbean Legal Practitioners Book to Dr Claude Denbow

On 6 March 2024, Mr Justice Anderson as Chairman of the CCJ Academy for Law together with President Saunders presented a copy of the Caribbean Legal Practitioners Book to Dr Claude Denbow in which he was honoured for his stellar legal contribution in Caribbean region.

19. HWLS Clinic

On 9 March 2024, Mr Justice Anderson together with Mme Justice Rajnauth-Lee met with students from the Hugh Wooding Law School General Clinic.

20. Dialogue Session on CCJ Grievances Policy and Procedure

On 11 March 2024, Mr Justice Anderson attended the internal dialogue session on the CCJ grievances policy and procedure.

21. Discussion with the European Judicial Network Secretariat

On 13 May 2024, Mr Justice Anderson met with the European Judicial Network Secretariat to discuss the facilitation of judicial cooperation, and to nominate and identify contact points to follow up the initiative.

22. UWI Symposium on Crime and Criminality

On 21 March 2024, Mr Justice Anderson attended The University of the West Indies, St Augustine Campus Symposium on "Stimulating Solutions: Combating Crime and Criminality in Trinidad and Tobago" in the Daaga Auditorium. In his address to the symposium, Justice Anderson spoke to the recommendations in the Needham's Point Declaration adopted at the end of the CCJ Academy for Law's 7th Biennial Conference held in Barbados in October 2023.

23. XIV Annual CCJ International Law Moot

From 21-22 March 2024, Mr Justice Anderson attended the 14th Annual CCJ International Law Moot where he provided remarks on behalf of the President of the Court President Saunders, and facilitating the distributing of prizes and tokens to the winning team of the event, the Eugene Dupuch Law School, and other participants of the mooting competition.

24. CCJ Academy for Law Board of Directors' Meeting

On 28 March 2024, Mr Justice Anderson in his capacity as Chairman of the CCJ Academy for Law convened the Academy's Annual Board of Directors' Meeting where past and future projects of the Academy were tabled for discussion.



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Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

25. Presentation to Mr Simon de la Bastide

On 19 April 2024, Mr Justice Anderson presented a copy of the Legendary Caribbean Legal Practitioners Book to Mr Simon de la Bastide which honoured his father, The Right Honourable Mr. Justice de la Bastide TC, PC, KC at the Court.

26. Caribbean Law Review

In April 2024, Mr Justice Anderson contributed the article "Use of Law to Advance the Caribbean's NCD Prevention Agenda: What Role for the Caribbean Court of Justice?" to the Caribbean Law Review.

27. Joint Special Sitting for First CCJ President

On 12 April 2024, Mr Justice Anderson alongside other judges of the court attended the special sitting held in collaboration with the Judiciary of Trinidad and Tobago in honour of the Right Hon. Mr Justice Michael de la Bastide TC, PC, KC, at the Convocation Hall of the Hall of Justice in Port of Spain, where his life, legacy and impact were celebrated and honoured.

28. Virtual Special Sitting in Tribute to Mme Justice Bernard

On 18 April 2024, Mr Justice Anderson attended the virtual special sitting for the late Mme Justice Désirée Bernard whose life, legacy, and impact on the judicial system of our region were honoured.

29. Visit by CAWJ and TTAWJ

On 26 April 2024, in celebration of their 10th anniversary, Mr Justice Anderson, in company of President Saunders and Mme Justice Rajnauth-Lee, facilitated a visit by the Caribbean Association of Women Judges (CAWJ) and the Trinidad and Tobago Association of Women Judges (TTAWJ). Several topics of discussion were had including the number and ratio of women judges in the judiciaries across the Caribbean, artificial intelligence and the future of the legal profession.

30. CCJ Academy for Law Website Development

In May 2024, Mr Justice Anderson spearheaded the comprehensive redevelopment of the Academy's website with web developer Mr Kevin Headley. This redevelopment encompassed the structural and security enhancements, as well as the contents and design updates of the Academy's website.

31. Presentation to the Norman Manley Law School

On 21 May 2024, Mr Justice Anderson in collaboration with the Norman Manley Law School, hosted the Legendary Caribbean Practitioners event in conjunction with the Annual Norman Manley Law Lecture in Kingston, Jamaica.

32. Promulgation of the Appellate Jurisdiction and Original Jurisdiction Rules 2024

On 24 May 2024, Mr Justice Anderson attended the ceremony held by the CCJ Rules Committee to adopt and promulgate the Appellate and Original Jurisdiction Rules 2024 of the Court.

33. Second Hemisphere Meeting of Regional Courts of the Americas

From 27- 28 May 2024, Mr Justice Anderson and President Saunders attended the Second Hemisphere Meeting of Regional Courts of the Americas in Quito, Ecuador.



Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

34. Presentation to the Minister of Saint Vincent and Grenadines and the Saint Vincent and the Grenadines Community College

On 14 June 2024, Mr Justice Anderson and the then corporate secretary of the Academy, Mr John Coombs, presented copies of the Legendary Caribbean Legal Practitioners Book to the Prime Minister of St Vincent and the Grenadines, Dr the Honourable Ralph Gonsalves and Law Lecturer of the Saint Vincent and the Grenadines Community College Mr Adrian Odle along with Librarian Ms. Marcia John.

35. Meeting with the Judiciary of The Bahamas

On 17 June 2024, Mr Justice Anderson in his capacity as Chairman of the Monitoring, Evaluating, and Facilitating Committee met virtually with the Judges of the Criminal Courts of Bahamas to further the implementation of the policies espoused in the Needham's Point Declaration.

36. Meeting with the Judiciary of Barbados

On 24 June 2024, Mr Justice Anderson in his capacity as Chairman of the Monitoring, Evaluating, and Facilitating Committee met virtually with the Judges of the Criminal Courts of Barbados to further the implementation of the policies espoused in the Needham's Point Declaration.

37. Presentation to CANARI

On 25 June 2024, Mr Justice Anderson delivered virtual remarks on the "Climate Litigation, Access Rights and Environmental Justice" to the Caribbean Natural Resources Institute (CANARI).

38. Caribbean Public Health Law Forum

On 28 June 2024, Mr Justice Anderson attended the dialogue session with the Caribbean Public Health Law Forum as the Academy continues its collaboration with the organisation.

39. Guyana Criminal Law Conference

On 10-11 July 2024, Mr Justice Anderson spearheaded and led a delegation from the CCJ and CCJ Academy for Law to the Cooperative Republic of Guyana for the first "Legal Conference on Criminal Justice Reform – Advancing the Needham's Point Declaration." The Conference saw the President of the Cooperative Republic of Guyana provide opening remarks and declared the conference activities opened and was attended by the Chancellor (Ag), Mme Justice Yonette Cummings-Edwards, OR, CCH, The Chief Justice of Belize, the Hon. Mme Justice Louise Esther Blenman, the Hon. Attorney General and Minister of Legal Affairs of Guyana, Mohabir Anil Nandlall SC MP, the Director of Public Prosecutions, Ms Shalimar Ali-Hack SC, other members of the legal fraternity, law enforcement officers, law students, and members of the civil society of Guyana.

40. Monitoring and Evaluation Subcommittee.

Mr Justice Anderson continues to be a member of the Monitoring and Evaluation Subcommittee of the Court.

41. Judgment Reporting

Mr Justice Anderson reviewed, finalised, and submitted judgment summaries per judicial year for the CCJ Annual Report.



The Hon. Mme Justice Maureen Rajnauth-Lee

Period: 1 August 2022 – 31 July 2023

Regional Engagements:

28 September 2023

Attended CAJO's Judicial Education Forum on the theme, 'Educating for Behavioural Change.'

22 – 24 November 2023

Functioned as Co-Chair of the United Nations Development Programme (UNDP) Latin America and Caribbean Spotlight Initiative along with the Honourable Mr Justice Winston Anderson. This was a collaboration of the CCJ Academy for Law and the UNDP Latin America with the aim of developing a Situational Analysis and Training Manual to combat family and domestic violence and violence against women and girls. Delivered Opening Remarks on behalf of the CCJ Academy for Law at various workshops.

24 November 2023

Delivered the Keynote Address at the Caribbean Association of Women Judges (CAWJ) Biennial General Meeting on the theme, 'The Independence of the Judiciary.'

4 December 2023

Hosted visitors to the Court from the Ministry of Foreign and CARICOM Affairs (Trinidad and Tobago) and various CSME Focal Point representatives from CARICOM member states, along with the Honourable Mr Justice Adrian Saunders, CCJ President and the Registrar and Chief Marshal, Mrs Gabrielle Figaro-Jones.

31 January 2024

Paid tribute to the late Mr Justice Jacob Wit at a Special Sitting of the CCJ in honour of Mr Justice Wit.

6 March 2024

Participated in a high-level dialogue between the CCJ and the Inter-American Commission on Human Rights (IACHR) on the role of the CCJ and the IACHR on the theme, 'Access to justice, justice for vulnerable persons, the Inter-American system, and international human rights standards.'

18 April 2024

Paid tribute to the late Mme Justice Désirée Bernard at a Special Sitting of the CCJ in honour of Mme. Justice Bernard.



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Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

27 April 2024

Delivered the Featured Address at the Opening Ceremony of the Caribbean Association of Women Judges (CAWJ) and the Trinidad and Tobago Association of Women Judges (TTAWJ) 10th Anniversary Celebrations, Waterfront Building, Port of Spain, Trinidad on 26 April 2024 on the theme, 'Honouring our Journey, Strengthening our Sisterhood! Let's Look Again!' On 27 April 2024, chaired a roundtable session entitled, 'Conversations with Outstanding Women Judges of the Law: Their Remarkable Journeys.'

16 May 2024

Attended the US-UK Criminal Justice Zoom Webinar on the publication 'Antigua Justice: A Father's Fight. How a Sexual Assault led to an Historic Extradition for Antigua'.

5 June 2024

Along with President Saunders, attended the IACHR online Seminar on Access to Justice, Equality and Non-discrimination with emphasis on Vulnerable Groups.

8 July 2024

Delivered a presentation via Zoom to the CARICOM Youth Ambassadors participating in the CSME Attachment Programme on the 'Structure and Work of the Caribbean Court of Justice'. Ms Crystal Charles, Judicial Counsel, was a co-presenter.

10-11 July 2024 Georgetown, Guyana

Attended the First Legal Conference on Criminal Justice Reform in Guyana on the theme, 'Advancing the Needham's Point Declaration.' Presented on the topic, 'Delaying Justice is Denying Justice – Causes and Solutions.'

Represented the Court:

3 September 2023

Attended Hugh Wooding Law School's 50th Anniversary Thanksgiving Service.

5 September 2023

Attended the CARICOM Implementation Agency for Crime and Security Meeting held at the Hyatt Regency Hotel, Port of Spain, Trinidad on Human Impacts of Autonomous Weapons.

1 March 2024

Hosted with Mr Justice Anderson and Mrs Ria Mohammed-Pollard, students of the Hugh Wooding Law School Criminal Law Clinic. Discussed various topics, including the acceptance and challenges of the Needham's Point Declaration on Criminal Justice Reform.

9 May 2024

Represented the Court at Europe Day Celebrations hosted by the Delegation of the European Union.



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Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

22 May 2024

Represented the Court at the Webinar hosted by the Law Association of Trinidad and Tobago, at the 'Orientation Series: Pre-Call Webinar – Part 3.' Presented on the theme, 'An Introduction to the Processes of the CCJ.'

Committee Memberships:

February 2022 – Present

Member of CAJO's Conference Programme Design and Delivery Committee. This Committee met for many months, tasked with developing CAJO's 8th Biennial Conference Programme.

July 2022 – Present

Chaired the Committee to Improve Access to Justice and Provide Accommodations for Persons with Disabilities. The Committee met on several occasions over many months, tasked with developing a CCJ and RJLSC Policy to Improve Access to Justice and to Provide Accommodations for Persons with Disabilities. Prepared short remarks to commemorate the International Day for Persons with Disabilities, 2023. On 22 February 2024, the Committee hosted internal consultations with Commissioners, Judges, and staff of the CCJ on the Draft Policy to Improve Access to Justice and to provide accommodations for Persons with Disabilities. Consultations held in person and virtually. Delivered welcome remarks.

February 2023 – May 2024

The Rules Committee thoroughly examined the Original and Appellate Jurisdiction Rules 2021 and subsequently finalised a draft of the revised Original and Appellate Jurisdiction Rules which were promulgated in May 2024.

December 2023 – Present

Member of the Pension Administration Committee (PAC) and Chair of the PAC Working Sub-Committee. The Sub-Committee was tasked with rendering advice, proposing, and drafting amendments to the Pension Administration Rules and other relevant documents.

March 2024

Chaired the International Law Moot Panel of Judges and met with Moot Registry student volunteers online on Thursday, 14 March.

March 2024

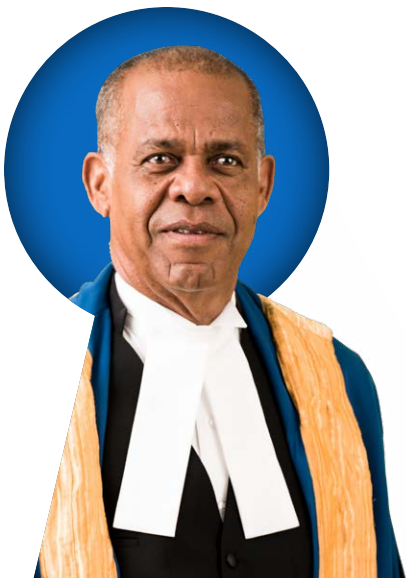
Member of the Scientific Committee of the International Society of Family Law 4th Regional Conference hosted in Port of Spain, Trinidad and Tobago, tasked with reviewing and assessing various abstracts submitted over many months.

April – June 2024

Participated in a Working Committee tasked with developing Anonymising Guidelines for the CCJ; along with President Saunders, Committee Chair, Mrs Gabrielle Figaro-Jones, Registrar, and Mrs Sheryl Washington-Vialva, Chief Librarian.



Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*



The Hon. Mr Justice Denys Barrow

Period: 1 August 2022 – 31 July 2023

Committees:

Rules Committee – Chairman

- During the period under review, the Rules Committee continued its review of the Original and Appellate Jurisdiction Rules 2021 and produced a final draft of the new Original and Appellate Jurisdiction Rules 2023 to the Hon. Mr Justice Adrian Saunders, CCJ President on 31 January 2024. The Court launched the Original and Appellate Jurisdiction Rules 2024 at a ceremony on 24 May 2024, where the new Rules were promulgated and signed by all the Judges of the Court.

Eminent Caribbean Jurists (ECJ) Selection and Advisory Committee – Co-Chairman

- Co-chaired the Committee with the Hon. Mr Justice Winston Anderson.
- Attended meetings, participated and saw the final publication of the Legendary Caribbean Legal Practitioners Book for the third instalment of the Eminent Caribbean Jurists Series.

CAJO's Conference Programme Design and Delivery (CPDD) Committee

- Attended and participated in meetings to prepare for CAJO's 8th Biennial Conference in Bermuda on 21-23 November 2024.

Conferences/Projects/Extra-Judicial Activities:

CCJ Academy for Law 7th Biennial Law Conference

"Criminal Justice Reform in the Caribbean: Achieving a Modern Criminal Justice System."
Barbados - 18-20 October 2023

This Conference, which comprised a Regional Townhall, was geared towards discussing solutions to crime. The end of the conference saw the adoption of the Needham's Point Declaration. This Declaration was adopted on 20 October 2023, on the final day of the conference and contained 39 key declarations providing a roadmap for policymakers, members of the bar, judicial officers, the legislature, and other justice stakeholders on how the criminal justice systems of our Caribbean region could be further modernised.

- Facilitated the role of Day Chair on 19 October 2024: ensuring the seamless execution of the day's programmes and maintaining the proceedings on course.



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Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

Bonaverro Institute of Human Rights and the United Nations Educational, Scientific and Cultural Organization (UNESCO) International Judicial Symposium on Freedom of Expression.

Oxford - 29 September 2023

- Attended and participated at the Conference
- Reviewed and approved the draft communique for the website

XIV Annual CCJ International Law Moot 21-22 March 2024

- Served as Panel Judge

Promulgation and Formal Signing of the 2024 OJ & AJ Rules Training and Conference Room - 24 May 2024

- Delivered remarks and a tribute to the Hon. Mr Justice Jacob Wit

IACHR (Virtual) Seminar: Access to Justice and Equality and Non-Discrimination *To introduce participants to the standards of the Inter-American system regarding access to justice, equality and non-discrimination.*

5 June 2024

- Attended and participated in the Seminar

First Legal Conference on Criminal Justice Reform – Advancing the Needham's Point Declaration

Marriott Hotel - Guyana 10-12 July

- Delivered PPT presentation entitled "Quality of Evidence for Conviction"



The Hon. Mr Justice Andrew Burgess

Period: 1 August 2022 – 31 July 2023

World Bank Administrative Tribunal (WBAT)

The Hon. Mr Justice Andrew Burgess served as a Judge on the 7-member panel of the World Bank Administrative Tribunal. His role included:

- Taking part in the adjudication of cases brought before the Tribunal as the final step in the Bank Group's grievance procedures.
- Reviewing applications and pleadings submitted by the parties.
- Preparing for the session, drafting judgment and sessions of the Tribunal.

Justice Burgess sat on one (1) session during the period of review – November 2023 in Washington DC.



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Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

Caribbean Court of Justice (Committees/ Projects/ Extra-Judicial Activities):

1. **Chairman of the CCJ Annual International Law Moot:**
 - Two-day in-person law moot with participating law faculties.
 - Moot 2024 was held on 21-22 March 2024.
2. **Chairman of the Library Collection Development & Advisory Committee:**
 - Evaluated the legal information needs of the Court, regional bar and public.
 - Assessed current effectiveness of the library in meeting these needs.
 - Recommended and approved selection of materials to fill any gaps identified in the collection or to address any new areas of law.
 - Reviewed any written policies to govern the growth and overall development of the library's collection.
3. **Chairman of the Judicial Counsel and Internship Committee:**
 - Chaired meetings, developed research opportunities, and offered hands-on experience year-round at the Court for regional law students who were being trained for admission to the Bar of their respective Member States.
4. **Member of the Financial Oversight Committee:**
 - Assisted the Court in the strategic and financial oversight of its protocols, policies, agreements, financial reporting responsibility, etc. and made recommendations to the Commission as necessary.
5. **Provided oversight of co-operation programme between the CCJ and the Council of Europe's Venice Commission:**
 - Reviewed and approved summaries and decisions of important/ selected constitutional and human rights cases of the CCJ prior to submission to the Venice Commission for inclusion in their Codices Database.
6. **Member of the Eminent Caribbean Jurists (ECJ) Selection and Advisory Committee:**
 - Attended and participated in meetings of the ECJ Committee when necessary.
7. **Member of the Rules Committee:**
 - Attended and participated in meetings of the Rules Committee when necessary.
8. **Judgment Reporting:**
 - Reviewed, finalised and submitted judgment summaries per judicial year for the CCJ's Annual Report.

Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*



The Hon. Mr Justice Peter Jamadar

Period: 1 August 2022 – 31 July 2023

During the period under review, the Hon. Mr Justice Peter Jamadar served as Chair of the Caribbean Association of Judicial Officers (CAJO), Vice President (Programming) of the Commonwealth Education Institute (CJEL), and on Caribbean Court of Justice (CCJ) initiatives and committees. In these capacities, he successfully engaged in several territorial, regional, and international judicial education and other interventions.

1. The Caribbean Association of Judicial Officers (CAJO) These include:

Regional Initiatives

Judicial Education Forum - 28 September 2023

Mr Justice Jamadar, via this online event, led participants in exploring behavioural change theory toward enhancing judicial education across the Caribbean.

Disability and Inclusion Awareness Workshop - 12 October 2023

This workshop was facilitated by Mr Justice Peter Jamadar (Chair, CAJO); Elron Elahie (Research and Programme Coordinator, CAJO) and disability advocates, Ms Kerryann Ifill (Barbados) and Mr Ian Roach (Trinidad and Tobago). With the use of the CAJO/ JURIST Disability and Inclusion Awareness Guidelines, participants at the session explored the underlying ethical imperatives for access to justice, and engaged a hypothetical to discuss challenges, solutions, and best practice.

Negotiating Judicial Conflict member-only forum - 8 December 2023

Judicial officers at this forum, were provided the opportunity to discuss how conflict is experienced and how it can be negotiated. Various tools, techniques, insights, and challenges were shared.

CAJO-UWI (Cave Hill) 'Comparative Law I' Course with Professor Asya Ostroukh - January - April 2024

This virtual postgraduate course equipped participating Caribbean judicial officers and other legal professionals with the knowledge of the major characteristics and fundamental principles underlying the Civil Law tradition, as well as Common/Civil Law systems.

Preparing Oral Judgments/Decisions virtual member-only session - 18 April 2024

This session exposed judicial officers to a project approach to the judgment writing/delivery process and the use of a note-taking template.



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Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

10th Anniversary Celebrations of the CAWJ and TTAWJ - 26 April 2024

Mr Justice Jamadar delivered a presentation on "Women in Justice, for Justice".

Territorial Initiatives

Civil Procedure Rules Training in The Bahamas - 3 August 2023

The CAJO delivered training, on request, for two law firms in The Bahamas on the Civil Procedure Rules.

50th Anniversary Celebrations of the Hugh Wooding Law School, Trinidad - 3 September 2023

Mr Justice Jamadar delivered a presentation on '*The Hugh Wooding Law School and the Exchange Abundance Principle*'.

Turks and Caicos Islands, Judicial Education Institute Week - 21 September 2023

The CAJO delivered a presentation on Constitutional Interpretation.

Forms of Legal Argumentation Workshop - 16 November 2023

Mr Justice Jamadar presented to the students of the Law Faculty, University of Guyana on various types and forms of legal argumentation.

Judicial Education Training, The Bahamas - 15-18 January 2024

The CAJO delivered training to judicial officers addressing topics such as: Effective Case Flow Management; Legal Research Tools; Principles of and Tools for Judgment Writing; Constitutional Interpretation and Legal Argumentation; Ethics and Professional Excellence in the Administration of Justice.

The National Advisory Committee on Constitutional Reform (NACCR), Trinidad and Tobago - 4 April 2024

Mr Justice Jamadar delivered a presentation on "*Recommendations on Issues and Considerations for Constitution Reform in Trinidad and Tobago.*"

Latimer House Principles Symposium, Barbados - 8-10 April 2024

Mr Justice Jamadar led several aspects of the symposium in collaboration with members of the Commonwealth Secretariat Rule of Law Section. Participants learned about the Latimer House Principles and how to apply and implement them contextually to best meet the needs and realities in Barbados.

155th Anniversary of the High Court of Justice, Suriname - 6 May 2024

Mr Justice Jamadar delivered a presentation on "*Judiciary in Motion – Judiciary Here, Now And In The Future.*"

Criminal Justice Unit, Office of the Attorney General and Ministry of Legal Affairs (AGLA), Trinidad and Tobago - 16 May 2024

Mr Justice Jamadar delivered a presentation on "*Gender Neutral Drafting and other related matters.*"

International Initiatives

Evolving Justice: ASEAN Judges Conference, Bangkok, Thailand - 5-6 October 2023

Mr Justice Jamadar delivered a presentation on Judicial Wellness and Mindfulness for Judicial Officers.

UN Women, ParlAmericas, UN-EU Spotlight Initiative, Saint Lucia - 30 October 2023

Mr Justice Jamadar delivered a presentation on '*Innovative initiatives to end Violence Against Women and Girls, a Judiciary Perspective.*'



Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

United Nations Office on Drugs and Crime's Global celebration of International Day of Women Judges -11 March 2024

Mr Justice Jamadar delivered a presentation on *'Supporting and Inspiring Women in Justice through Education, across the Justice Sector'*.

Judicial Wellness Programme for Judicial Officers, Papua New Guinea - 15 July 2024

Mr Justice Jamadar delivered a presentation on *"Judicial Wellness for Judicial Officers: Achieving Work-Life Balance: Challenges, Impacts, Solutions."*

CAJO News:

Under Mr Justice Jamadar's leadership, CAJO published two issues of CAJO News: Issue 18 in January 2024 entitled *'Continuing Legal Education in the Caribbean'*; and Issue 19 in July 2024 entitled *'A Dive into Bermuda'*. He also contributed articles and content to these publications.

CAJO Policies:

Under Mr Justice Jamadar's leadership, the CAJO also adopted and implemented several new policies and frameworks into its governance structure. These policies include:

1. Anti-Fraud Policy
2. Harassment, Sexual Exploitation and Abuse Policy
3. Internal Control Policy

CAJO Conference 2024:

In preparation for the CAJO's upcoming Bermuda Conference in 2024, and as Chair of the CAJO, Mr Justice Jamadar served on several planning committees namely, the CAJO/LOC Committee; the CAJO Internal Planning Committee, and the CAJO's Conference Programme Design and Delivery (CPDD) Committee. The CAJO Bermuda Conference takes place on 21-23 November 2024.

2. Commonwealth Judicial Education Institute (CJEI)

Mr Justice Jamadar served as the Vice President of Programming of the Commonwealth Judicial Education Institute (CJEI). Mr Justice Jamadar led and taught at the CJEI Annual Intensive Study Programme for Commonwealth Judicial Educators at Halifax, Canada during the period 2-21 June 2024. At the CJEI sessions, Mr Justice Jamadar presented on several topics, such as: *'Fostering and Maintaining Public Trust and Confidence in the Judiciary through the Practice of Procedural Fairness'*; *'Judicial Education and Art'*; *'Human Trafficking and Judicial Education'*; and *'Judicial Arrogance an Anathema to Justice'*.

3. Caribbean Court of Justice (CCJ)

Mr Justice Jamadar served on several CCJ court-appointed committees namely, the Monitoring and Evaluation Committee and Executive Sub-Committee, the Harassment Policy Sensitisation Committee, and the Education and Training Committee.



Stakeholder Engagements - Judges' Extra-Judicial Activities *(continued)*

In March 2024, Mr Justice Jamadar served as a Panel Judge in the 14th Annual CCJ International Law Moot.

CCJ Referral Training Series

Mr Justice Jamadar delivered training in Saint Lucia and Suriname on the referral procedures, Original Jurisdiction of the CCJ as an international court adjudicating rights and maintaining the rule of law under the Revised Treaty of Chaguaramas (RTC).

Referral Training in Saint Lucia – 20 February 2024

Facilitators: The Hon. Mr Justice Peter Jamadar, Dr Jan Yves Remy, Mrs Ria Mohammed-Pollard, Mr John Furlonge and Mr Suraj Sakal. This intervention was co-funded by the European Union.

Referral Training in Suriname – 7 May 2024

Facilitators: President Adrian Saunders, Mr Justice Peter Jamadar, Dr Jacintha Asarfi, Dr Chantal Ononaiwu with the assistance of Mrs Ria Mohammed-Pollard, Mr John Furlonge and Mr Suraj Sakal.

Mr Justice Jamadar also prepared and delivered several speeches, addresses, and papers. Some of these have been posted on the CCJ's website.

Papers presented and posted on the CCJ's website:

“Supporting and Inspiring Women in Justice Through Education, Mentoring and Across the Justice Sector – 2024 and Beyond, A Caribbean Perspective” (UNODC: Celebrating International Day of Women Judges)

“The Hugh Wooding Law School and the Exchange Abundance Principle” (HWLS 50th Anniversary Thanksgiving Function)

“Recommendations on Issues and Considerations for Constitution Reform in Trinidad and Tobago” (National Advisory Committee on Constitutional Reform in Trinidad and Tobago).

Greetings from the Caribbean Association of Judicial Officers (CAWJ & TTAWJ 10th Anniversary Celebrations)

“Judiciary In Motion – Judiciary Here, Now And In The Future” (Suriname's 155th Anniversary of the Administration of Justice)

“Gender-Neutral Drafting and Other Related Matters” (CJU, AGLA)

“Judicial Wellness for Judicial Officers: Achieving Work-Life Balance: Challenges, Impacts, Solutions” (Papua New Guinea Judicial Wellness Programme)

4. Other Law Related Initiatives

University of Toronto, Faculty of Law, Comparative Administrative Law Workshop – 20-21 October 2023

Mr Justice Jamadar facilitated a session on “The hybridization of administrative law in the Caribbean: An inclusive, values-centric approach.”



Message from the Registrar and Chief Marshal

Mrs Gabrielle Figaro-Jones

The Caribbean Court of Justice's Annual Report for 2023-2024 is anchored in the theme, “**Advancing Access to Justice: Refining and Innovating for Impact.**” This theme underscores the Court’s unwavering commitment to leveraging technology, strengthening governance frameworks, and deepening stakeholder engagement to enhance judicial efficiency and accessibility across the region. The journey of refinement and innovation knows no destination. True to this ethos, The Court has continued to make significant progress in pursuit of its strategic objectives while maintaining operational efficiency over the reporting period. This Annual Report seeks to distil and present the main areas in which noteworthy progress has been achieved.



Harnessing Technology for an Innovative Court

Harnessing technology for an innovative Court remained a primary objective during the subject period. Goal 5.2 of the Court’s Strategic Plan asserts that the Caribbean Court of Justice will utilise such resources as necessary and appropriate for the efficient and effective functioning of the Court. This reporting year marked a significant transformation in the Court’s digital landscape, driven by technological advancements that have redefined judicial efficiency and security.

The development of the “Ask CCJ” the artificial intelligence (AI) research tool, was initiated in March 2024, which marked a significant innovative move by the Court. The Court collaborated with the Caribbean Agency for Justice Solutions to develop a tool to enhance efficiency in legal research and information retrieval. This AI-powered tool is intended to allow for precise and comprehensive customised searches across the Court’s databases and utilise natural language processing to generate accurate responses to legal queries. It proposes to minimise the risk of fabricated content and ensure transparency by displaying the sources of its information. This tool is hoped to be a useful resource for the Court’s Judges, Registrars, Librarians, and Judicial Counsel. The next phase is for the commencement of the pilot project to ensure suitability of the tool with a view to its eventual deployment within the Court. Further updates on this project will be provided in the next Annual Report.



Message from the Registrar and Chief Marshal *(continued)*

Electronic signatures were introduced on 30 April 2024, following the approval of the E-Signature Usage Policy, allowing e-signatures to be adopted as an official means of authentication. Court operations were streamlined, document security enhanced, and decision-making expedited while aligning with global best practices. The automated procurement workflow introduced alongside the use of e-signatures drastically reduced the time spent in procurement by managers, showcasing the Court's commitment to operational efficiency through technological integration.

With an evolving digital infrastructure, the Court fortified its cybersecurity to safeguard sensitive judicial data and uphold confidentiality, integrity, and trust in judicial processes. These improvements ensure that the Court remains at the forefront of secure digital governance, protecting the integrity of its operations and the privacy of its stakeholders.

Strengthening Governance for Greater Efficiency

A robust governance framework remains essential to our mission of ensuring an accessible, fair, and efficient justice system. During the period under review, the Court completed its review and revision of 24 policies under the Policies and Procedures Approval Committee (PPAC), ensuring that its regulatory frameworks remained aligned with evolving strategic and operational needs. Sensitisation sessions for new policies were also conducted.

The CCJ updated its Rules of Court and issued the Caribbean Court of Justice (Appellate Jurisdiction) Rules, 2024, and the Caribbean Court of Justice (Original Jurisdiction) Rules, 2024 on 24 May 2024. These Rules introduced new practice directions, including the issuance of advance copies of judgments, filing and service of authorities, filing of speaking notes and written submissions, and revised the practice direction on online hearings. These updates reflect post-pandemic judicial practices, ensuring accessibility and procedural consistency, and incorporate gender-neutral language, and refined case management powers. In accordance with Goal 5.1.1 of the Strategic Plan, the Court continued to monitor and assess the environment in which the Court operates, so as to make appropriate adjustments to its human, financial and material resources, facilities, and capacity.

Expanding Regional Legal Education and Engagement

The CCJ remained committed to deepening regional engagement through sensitisation and capacity-building initiatives. Notably, the Court's Registry partnered with the Saint Lucia Bar Association to conduct a sensitisation session for the Saint Lucia Bar Association on 3 November 2023. This session focused on understanding the difference between the Original and Appellate Jurisdictions, Court Registry Operations and Procedures, and the Court's Case Management System, CURIA.

Additionally, the CCJ continued its Referral Process Sensitisation Series, supported by the 11th European Development Fund. Workshops were conducted in Suriname and Saint Lucia to enhance stakeholder understanding



Message from the Registrar and Chief Marshal *(continued)*

of the Court's Original Jurisdiction (OJ). These sessions featured interactive exercises on the interpretation of the Revised Treaty of Chaguaramas, referral procedures, and practical applications of OJ rulings, fostering a greater appreciation of regional legal integration.

During the period under review, the Court was also immersed in the planning and execution of the Itinerant Sitting, Referral Training Series, and the 7th Biennial Conference of the Caribbean Academy for Law (CAL), all held in Barbados during 16-20 October 2023. These events included judgment delivery, hearings, training sessions, and a regional town hall on criminal justice reform, with significant participation from key stakeholders, including the President of Barbados.

Advancing Access to Justice through Inclusion and Protection

The CCJ is always deeply engaged in advancing access to justice and in this vein, introduced key accessibility measures to ensure justice is accessible to persons with disabilities. On 19 March 2024, the CCJ delivered its first judgment with sign language interpretation, representing a landmark step in ensuring inclusivity. All judgments have since been accompanied by this aid.

Additionally, the Court's website was upgraded to ensure that Court users with disabilities could better navigate its online platform. The Court continues to affirm Strategic Issue 4 of its Strategic Plan to ensure equality, fairness, and integrity in promoting the rule of law.

Fostering Community and Regional Solidarity

Beyond the courtroom, the CCJ remained actively engaged with the Caribbean Community, fostering deeper appreciation for regional identity and demonstrating a commitment to strengthening community ties and regional solidarity through judicial reform, education, active participation in regional discussions, public engagement, and the promotion of a unified legal identity. One notable activity is the introduction of "Signatory Days", which are celebrations of Member States that have signed the Agreement Establishing the CCJ on its online platforms. These monthly commemorations have highlighted the rich history and legal heritage of the region, reinforcing the need for a shared commitment to justice and integration.

Honouring the Legacy of Judicial Pioneers

During the subject period, the CCJ also paused to honour the distinguished jurists who shaped the foundations of the CCJ. We mourned the loss of The Right Honourable Mr Justice Michael de la Bastide, the Court's first President; The Honourable Mr Justice Jacob Wit, esteemed inaugural Bench member; and The Honourable Mme. Justice



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Message from the Registrar and Chief Marshal *(continued)*

Désirée Bernard, the CCJ's first female Judge. Their contributions to Caribbean jurisprudence remain an indelible part of our history, inspiring the Court to carry forward their legacy of excellence.

Staff Recognition

With each step forward, we are building a justice system rooted in transparency, accountability, and regional unity, serving as a model of trust and equity for every Caribbean citizen. I wish to extend my gratitude to all members of Staff, present and past, who have made sterling contributions to this mission. I also recognise, with sincere gratitude, the steadfast support of the President and Judges, whose leadership continues to guide and strengthen our collective efforts.

Looking Ahead

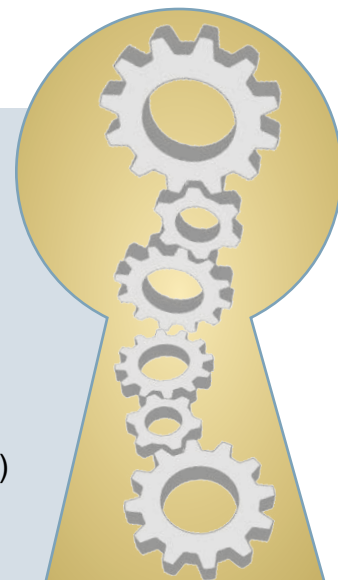
As we reflect on the reporting period, the CCJ remains dedicated to refining and innovating the advancement of access to justice. Through technological enhancements, procedural reforms, and deeper regional engagement, we continued to modernise court administration and enhance legal accessibility across the Caribbean, while maintaining our accountability to the people and states of the region in this rapidly changing environment. We embrace the opportunities and challenges that lie ahead and look forward to building upon these achievements, ensuring a future where justice is accessible to all.

Court Performance

Registry

The Registry of the Court functions, inter alia, to accept, transmit and take custody of all documents in Court matters. The staffing complement of the Registry is as follows:

- Registrar and Chief Marshal
- Deputy Registrar and Marshal
- Registry Supervisor
- Case Management Officers
- Court Support Officer
- Judicial Counsel
- Administrative Co-ordinator (Judicial)
- Administrative Officers (Judicial)



Over the period under review the Court held the following:

Court Sittings

Type of Sitting	Number of Sittings
Case Management Conference	6
Hearing	25
Judgment Delivery	14
Total	45

80% of the sittings were held virtually. Hybrid and in-person sittings accounted for 7% and 13% respectively.

Over the period under review the Court received the following filings:

Appellate Jurisdiction

New Matters

Type of Matter	2023/2024	2022/2023
Application for Special Leave	11	13
Appeal	15	12
Total	26	25

Cases Filed by Jurisdiction

Country	2023/2024	2022/2023
Barbados	9	8
Belize	6	8
Dominica	1	0
Guyana	6	8
Saint Lucia	4	1
Total	26	25



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Court Performance • Registry (continued)

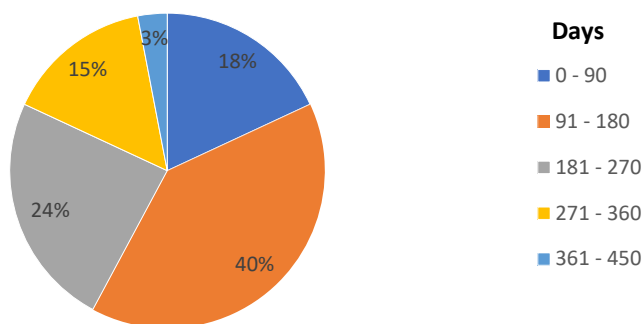
During the reporting period from 1 August 2023 to 31 July 2024, there was a 4% increase in new matters filed compared to the previous year. These included nine cases from Barbados, six from Belize, one from Dominica, six from Guyana, and four from Saint Lucia. The cases were evenly split between criminal and civil matters.

Time to Disposition

Time to Disposition		
Number of Days	Number of Cases Disposed	Cases Disposed (%) ¹
0 - 90	6	18
91 - 180	13	40
181 - 270	8	24
271 - 360	5	15
361 - 450	1	3
Total	33	100

Summary of Disposition		
Number of Days	Cumulative Number of Cases Disposed	Cumulative (%) ²
0 - 180	19	58
0 - 360	32	97
0 - 450	33	100

Time to Disposition



Approximately 58% of the matters were disposed of within six months of filing. The vast majority of matters (approximately 97%) were disposed of within one year of filing. Only one case fell outside of this period.

¹ Percentages are rounded to the nearest whole number.

² Percentages are rounded to the nearest whole number.



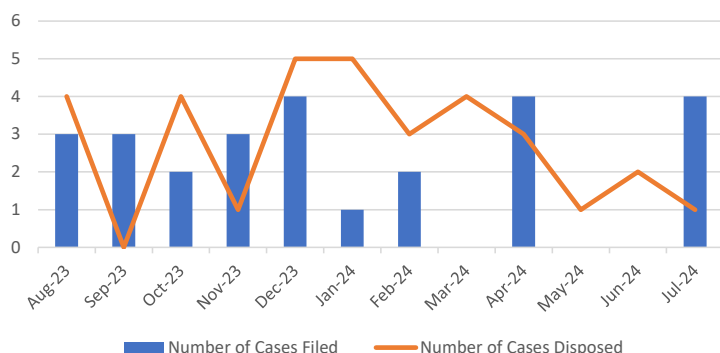
ANNUAL REPORT 2023-2024

Court Performance • Registry (continued)

Clearance Rate

The clearance rate reflects a rate of 127% for disposed matters against new matters. The first half of the Court year, August 2023 to January 2024, was the busiest with the highest numbers of new filings and disposals.

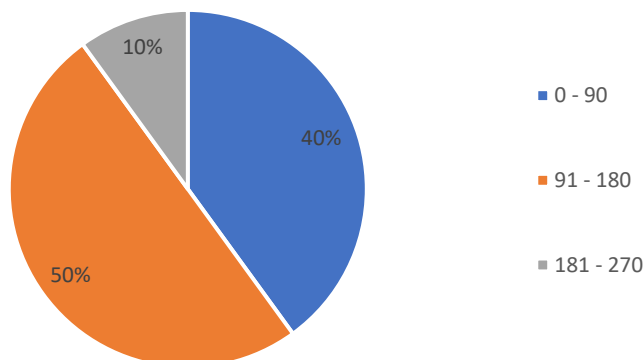
Clearance Rates



Age of Active Pending Caseload

Days	Number of Cases
0 - 90	4
91 - 180	5
181 - 270	1
271 - 360	0
361 - 450	0
Exceeding 450	0

Number of Cases



The clearance rate for disposed matters compared to new filings was 127%. The majority of new filings and case disposals occurred in the first half of the Court year (August 2023 to January 2024). By the end of the Court year, only 10 cases remained pending, all of which had been filed less than one year earlier.

Ramon Gaskin v Minister of Natural Resources and Others [2024] CCJ 14 (AJ) GY

The period under review saw the Court hearing novel matters in the Appellate Jurisdiction. One such matter was GYCV2023/005 *Ramon Gaskin v Minister of Natural Resources and Others*, an appeal from the Court of Appeal of Guyana. This matter was the Court's first foray into the Petroleum Act as it relates to the environment and the oil and gas industry. Mr Ramon Gaskin challenged the issuance of a Petroleum Production Licence (PPL) granted to ExxonMobil Guyana Ltd, CNOOC Petroleum Guyana Ltd and Hess Guyana Exploration Ltd, arguing that the



Court Performance • Registry *(continued)*

companies should have acquired separate environmental permits before the PPL was granted. The joint venture aimed to exploit petroleum from the Stabroek Block offshore Guyana. While ExxonMobil obtained an environmental permit as the sole operator, Gaskin sought to quash the PPL until the other companies also secured environmental permits. The High Court dismissed Gaskin's application but took 366 days to deliver judgment. The Court of Appeal upheld the decision of the High Court, stating that the environmental permit was tied to the Liza 1 Project and that Exxon, as the operator, could comply with the environmental obligations.

The Hon. Mr Justice Anderson delivered the judgment of the Court and held that the granting of environmental authorisation was a condition precedent to the granting of a PPL. Environmental authorisation must be given for the undertaking of a project and the Environmental Protection Agency must be convinced that a developer can fulfil their role and responsibilities and comply with the terms and conditions of the environmental permit. As sole operator, Exxon alone was able to comply with the obligations of the developer and was subject to extensive environmental obligations which were extended to Hess and CNOOC through joint and several liability. The grant of the PPL to CNOOC and Hess did not render the Licence invalid for four reasons (i) the Act's requirements were satisfied with Exxon being granted the environmental permit; (ii) the grant was consistent with oil and gas industry practice as Exxon the sole operator operated as representative of the joint venture; (iii) there was joint and several liability between the Companies for environmental harm; and (iv) there was no increased risk of harm to the environment under either the precautionary principle or the avoidance principle by the inclusion of Hess and CNOOC in the PPL. Anderson J concluded that there was no basis for finding that the Minister acted unlawfully.

Original Jurisdiction

New Matters

Country of Origin	2023/2024	2022/2023
Dominica	0	2
Trinidad and Tobago	1	0
Total	1	2

The Court's Original Jurisdiction function remains underutilised when compared to its Appellate Jurisdiction with only one new case being filed within the current reporting period.

CCJ's Itinerant Sitting in Barbados

The Caribbean Court of Justice is an itinerant court which means it has a unique capacity to travel to, operate in, or hold sittings in any contracting party. This provides an opportunity for vital interface between the Court's Judges and a wide cross-section of the legal community, including attorneys, litigants, and other key stakeholders. By convening in different member states, the citizens outside of the Seat of the Court are able to closely see the Court at work as it engages in the adjudication process. Itinerant sittings also provide opportunities for mutual exchange of insights for the officials of the Court's registry and domestic registries, to enable better understanding of each other's processes. Through its itinerant nature, the Court strengthens regional access to justice and deepens public connection to the Caribbean's highest court.

From 16–20 October 2023, the Caribbean Court of Justice (CCJ), led by its President, the Honourable Mr Justice Adrian Saunders, conducted an itinerant sitting and a series of outreach initiatives in Barbados, culminating in the 7th Biennial CCJ Academy for Law Conference.

This was the CCJ's second itinerant sitting in Barbados; the first was a hearing in the matter of *Shanique Myrie v the State of Barbados*, in the Court's Original Jurisdiction, which took place in 2013. The hearings, which were open for public viewing, included the Barbadian matter of *Alex Tasker v the United States of America* and *Che Jain Ping and Xiao Guang Zhao v Guyana Power & Light Inc from Guyana*. The Court also delivered a judgment in *James Ricardo Alexander Fields v The State*, a criminal law case from Barbados.



View the matters here:

[Alex Tasker
v The United States of America](#)

[Che Jain Ping and Xiao Guang Zhao
v Guyana Power & Light Inc](#)

[James Ricardo Alexander Fields
v The State](#)

New Appellate Jurisdiction Rules and Original Jurisdiction Rules

On Friday, 24 May 2024, the Caribbean Court of Justice (CCJ) promulgated the Caribbean Court of Justice (Appellate Jurisdiction) Rules, 2024 and the Caribbean Court of Justice (Original Jurisdiction) Rules, 2024. The Rules were formally adopted by the Honourable President, Mr Justice Adrian Saunders, in consultation with the Judges of the Court after an extensive review by the Court's Rules Committee, which was chaired by the Hon. Mr Justice Denys Barrow.

As part of its remit, the Rules Committee considered submissions and queries raised by the Bench, the Court's Registry Department, and the Court's stakeholders since the last iteration of the Rules issued in 2021.

The amendments include the clarification of the 'clear day' rule and further specification of the case management powers of the Court and powers of a Single Judge. The Rules were also updated to reflect gender

neutral language. Additionally, a revision of the Practice Direction on the Conduct of Online Hearings to reflect the current practice of the Court in the post COVID-19 context was completed. New Practice Directions were also issued concerning the Issuance of Advance Copies of Judgments, Filing and Service of Authorities, Filing of Speaking Notes, and Written Submissions. Specifically, in the Appellate Jurisdiction Rules, Saint Lucia's accession has now been accommodated in the relevant tables concerning the Net Worth Qualification for Waiver of Fees/Security for Costs and the Limit on Security for Costs.

The revised Rules will continue to serve their purpose of ensuring that all matters and proceedings before the CCJ are conducted fairly, efficiently, and consistently and that justice is served to the people of the Caribbean region.



The Appellate and Original Jurisdiction Rules 2024 were signed by the CCJ Judges



The CCJ Bench with the revised Appellate and Original Jurisdiction Rules 2024



Judgment Summaries

Sasedai Persaud v Mongroo et al [2023] CCJ 16 (AJ) GY

This an appeal from the Co-operative Republic of Guyana:

The matter involved the validity of the Guyana will of Yusuf Mongroo (the deceased), who died in 2010. The appellant, Sasedai Persaud, was the business manager and executor of the will, which left significant assets to her and Indranie Mulchand, Mongroo's common-law wife. Mongroo's daughters, Sherene and Zenobia, who were excluded from the Guyana will, challenged its validity. At trial, the Hon. Mme Justice Roxane George-Wiltshire found the will valid and granted probate in solemn form. However, the Court of Appeal reversed this decision, declaring the will invalid. Sasedai then appealed to the Caribbean Court of Justice (CCJ).

Key issues on appeal included whether the conflicting opinions of the Court of Appeal resulted in a defective judgment on those issues which should be set aside, whether the deceased had testamentary capacity and whether the will complied with the requirements of s 4 of the Wills Act, particularly regarding the acknowledgment of the deceased's signature.

The CCJ by a judgment delivered by Mme Justice Rajnauth-Lee was of the view that the Court was empowered in an appeal from Guyana to ensure the determination on the merits of the real question in controversy between the parties and it was able to hear the case on its merits.

The CCJ ruled that the trial judge had correctly assessed the credibility of the witnesses, including the attorney who prepared the will and the medical doctor who witnessed it. The evidence accepted by the trial judge provided a sufficient basis on which she could have found that the deceased had the requisite testamentary capacity. The CCJ upheld the trial judge's findings on the validity of the will. It was undisputed that the Guyana will was not signed in the presence of the witnesses, as stated in the attestation clause, thus the presumption of due execution could not be applied. However, having regard to the evidence accepted by the trial judge, the finding of the trial judge that the deceased acknowledged his signature on the Guyana will in the presence of both witnesses, who signed in the presence of the deceased, and of each other, could not be faulted, and ought not to have been reversed. The CCJ thus held that due execution of the Guyana will was established.

Having regard to the contested expert evidence examined in the light of the totality of the evidence accepted by the trial judge, the trial judge was correct to find that the signature on the Guyana will was that of the deceased and the exercise of the discretion by the trial judge to admit to probate in solemn form a copy of the Guyana will, could not be faulted, as the Court was of the view that the trial judge was seeking to do justice in the circumstances of the case. The decision of the Court of Appeal was set aside, and the judgment of High Court was restored. The consent order was discharged.



Judgment Summaries *(continued)*

Graham Bethell v Royal Bank of Canada (Barbados) Limited [2023] CCJ 12 (AJ) BB

This is an application from Barbados:

This application was for leave to appeal the decision by the Court of Appeal refusing to grant Graham Bethell an extension of time for appealing the underlying High Court decision, after the time for appealing had expired.

The CCJ, in a judgment delivered by Mr Justice Barrow (Justice Anderson and Burgess concurring) held that for the reasons given by the Hon. Mr Justice Cumberbatch delivering the judgment of the Court of Appeal, which was a model of clarity that disposed of all the arguments which were repeated in the CCJ. The CCJ dismissed the application for special leave to appeal. Nothing more useful could be said because in the face of the full exposition by the Court of Appeal that it was dismissing the application because it failed to satisfy the requirements stated in the Supreme Court (Civil Procedure) Rules 2008 (CPR), Bethell persisted in his failure.

As the Court stated, the application needed to show why it would be in the interests of justice to extend time for appealing the dismissal of the counterclaim, as required by r 62.1(2) of the CPR and to present special reasons for extending time for appealing the order for summary judgment, as required by r 62.6 (3) of the CPR. Instead of addressing the requirements, as adumbrated in a number of decisions examined by the Court of Appeal, that stated what were the factors that needed to be shown, the application argued that special reasons consisted of the same grounds and a proposed (new) ground of appeal on the merits, which had been roundly rejected by the Court of Appeal as incapable of succeeding.

In consequence of failing to address the required factors needed to satisfy the CPR, the application for special leave failed to identify what factors the Court of Appeal failed to consider. The application simply argued that the Court of Appeal erred in concluding that special reasons had not been shown. The CCJ concluded that there was no substance to that argument.

James Ricardo Alexander Fields v The State [2023] CCJ 13 (AJ) BB

This is an appeal from Barbados:

The issue was whether the trial judge misdirected the jury on how to treat with a witness whom they considered may be deliberately untruthful in one or more particulars. James Fields argued that the direction to the jury must follow the Court of Appeal-approved direction in *Scantlebury v R* that if the jury finds that a witness was deliberately lying on oath, then they must reject the whole of that witness' evidence because, if the witness lied on one matter, they would be quite capable of lying on another matter.

The State disagreed that this direction was proper and contended that issues of credibility and reliability are within the exclusive competence of the jury, relying on the Eastern Caribbean Supreme Court, Court of Appeal decision of *Nelson v R* and on model directions from various jurisdictions.



Judgment Summaries *(continued)*

During Fields' trial for murder, an eyewitness for the State, during cross-examination, was demonstrated to be untruthful in at least one aspect of his testimony. In his summing up, the trial judge directed the jury along the lines that if the jury found a prosecution witness to be 'lying', 'you are entitled to reject that particular detail...The fact that you do not accept a portion of the evidence of a witness does not mean that you must necessarily reject the whole of the witness' evidence... if you think it is worthy of acceptance.'

Fields was convicted and appealed to the Court of Appeal which did not find it necessary to cast doubt on the validity of the Scantlebury direction. The Court of Appeal dismissed the appeal against conviction, but his sentence was varied. Fields appealed his conviction to the CCJ and was granted special leave to argue that the Court of Appeal erred in law in holding that the trial judge correctly directed the jury on how to treat the evidence of a witness they believed to be deliberately lying on oath.

The CCJ by a majority judgment delivered by President Saunders and Mr Justice Anderson (Justices Wit and Barrow concurring), held that the Scantlebury direction blurs the role and function of the judge and jury to an unacceptable degree. Regarding the principle of *stare decisis*, the majority noted that the CCJ was not bound by previous rulings of the Court of Appeal and neither the CCJ nor the Judicial Committee of the Privy Council, ever had to examine and pronounce on this direction. The appeal was dismissed on the basis that the trial judge did not misdirect the jury.

Mr Justice Burgess in a dissenting judgment, opined that the issues in the appeal could be decided based on *stare decisis* as the trial judge was bound to follow the standard direction laid down in the Court of Appeal precedents and High Court decisions. It was suggested that the CCJ should not overrule the *Scantlebury* direction because to do so could compromise the advantages of the *stare decisis* doctrine.

Alex Tasker v The United States of America [2023] CCJ 14 (AJ) BB

This is an application from Barbados:

Alex Tasker was committed by a Magistrate to surrender to authorities of the United States of America. Immediately after the committal, Tasker's Counsel indicated orally his client's intention to appeal and the Magistrate informed Counsel of the need to seek leave to appeal from the Court of Appeal, or alternatively, seek a writ of habeas corpus within 15 days of committal as required by statute.

Tasker's Counsel incorrectly purported to appeal by Notice of Appeal to the Court of Appeal and by the time they recognised their error, the 15-day time limit for seeking leave to appeal to the Court of Appeal had expired. A few days after the expiry of the time limit, they filed an application for leave to appeal in the proper form. The Court of Appeal dismissed Tasker's application on the ground that it was filed late and held that it had no power to embark on a consideration as to whether time should be extended, or alternatively whether the purported appeal filed within time should carry any weight.



Judgment Summaries *(continued)*

Tasker applied for special leave in the CCJ to appeal the Court of Appeal decision and his application was refused on written submissions as there was no arguable case. Tasker then applied to the CCJ for a review of its decision to deny special leave. In a judgment delivered by President Saunders (Justices Anderson, Rajnauth-Lee, Barrow, and Burgess concurring), the CCJ re-examined r 10.14 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules, 2021 and accepted that litigants are justifiably entitled to believe that although they must state in their application for special leave all such facts in support of their application, the law grounding the application which they propose to argue will be elaborated upon either in another written document or orally before the Court, or both in writing and orally. The CCJ agreed that its decision denying special leave should be quashed and the application for special leave be reopened.

On the application for special leave, the CCJ held that the Court of Appeal was in error in taking the view that it had no power to decide for itself whether to hear the application for leave to appeal. The CCJ did not accede to the view that it should itself exercise the discretion vested in the Court of Appeal to treat the Notice of Appeal filed on 8 September 2021 as an application for leave brought within the statutory 15-day time limit. Instead, the case was remitted to the Court of Appeal to exercise its own discretion on these matters and to determine afresh how best to treat with Tasker's clearly expressed desire to challenge the Magistrate's Order of committal.

McDowall Broadcasting Corporation (MBC) Limited v Guy Eardley Joseph [2023] CCJ 15 (AJ) LC

This is an application from Saint Lucia:

Guy Joseph filed a suit against McDowall Broadcasting Corporation (MBC) for damages for alleged defamatory statements made about him during a news broadcast. Joseph's claim form and supporting documents were purportedly served on MBC by handing same to a company receptionist at MBC's place of business. The receptionist was not a director, officer, or manager of MBC and MBC's place of business was not MBC's registered office. MBC, however, admitted receiving the documents, formally entered an Acknowledgment of Service and participated fully in the proceedings.

After the expiry of the prescription period, MBC contended that the claim had been improperly served, that service was therefore never effected and that the court should hold that the claim had been prescribed. The High Court found that the claim was not properly served and that this impropriety could not be remedied by an order that procedural matters be put right. There being no proper judicial demand, time did not stop running for the purpose of prescription under the Saint Lucia Civil Code. Joseph's claim was struck out and dismissed as there was no jurisdiction to hear the claim, time being prescribed. The High Court ruled that Joseph's right and remedy were extinguished.

Joseph appealed to the Court of Appeal which held that service on the receptionist did not render service of the claim a nullity. The Court of Appeal held that the improper service could be treated as an irregularity capable of being corrected under the Civil Procedure Rules. The decision of the High Court was reversed.



Judgment Summaries *(continued)*

MBC applied to the CCJ for special leave to appeal the decision of the Court of Appeal. MBC required an extension of time to file the appeal which was readily granted given the hiatus that was caused in the transition period when Saint Lucia acceded to the CCJ. On the merits of the application, the CCJ Court looked to the Civil Codes of Quebec and Louisiana from which Saint Lucia's Civil Code is patterned. It was held that three fundamental consequences flowed from MBC's voluntary entry, before expiry of the prescription period, of an Acknowledgment of Service and a Defence neither of which challenged or even alluded to the impropriety of the service or the jurisdiction of the court. Firstly, the improper service was waived. MBC had unequivocally demonstrated that it had surrendered itself to the jurisdiction of the court. Secondly, the running of time for prescription purposes was validly interrupted. Thirdly, the issue of whether there was a need for the court retrospectively to validate the improper service became entirely moot. As such, the application for special leave had no prospects of success, was dismissed with costs to Joseph and the case was remitted to the trial court for further hearing.

Nicholson v Nicholson [2024] CCJ 1 (AJ) BZ

This an appeal from Belize:

Nicholson ('the deceased') left a will appointing his wife, Anna, as the executrix of his estate. The deceased devised to their daughter, Franziska, inter alia, 500 of the overall 1,000 acres comprising land identified as 'Parcel 303' which was in the name of Anna and the deceased through a vesting Deed as owners in fee simple.

Anna removed the deceased's name from the title of Parcel 303 and vested the entire 1,000 acres in herself and her son, Merickston ('Merickston Jr') by way of Land Certificate and then later transferred the entire 1,000 acres to Merickston Jr. Franziska did not receive the 500 acres under Parcel 303 devised to her under the deceased's will.

Franziska commenced proceedings before the High Court to recover the devise made to her under the will. A defence was filed purporting to be made jointly by Merickston Jr and Anna. Anna later filed an Affidavit distancing herself from the alleged joint defence and supported Franziska's case by asserting that it was the intention of herself and her husband that Franziska receive 500 acres of Parcel 303. She further explained that the transfer to Merickston Jr was by mistake.

The High Court held that the parties did not provide evidence to determine whether the land was subject to the provisions of the Law of Property Act ('LPA') or whether it was subject to the Registered Land Act ('RLA'). Accordingly, the claim was dismissed.

The Court of Appeal allowed the appeal finding that on the available evidence there had been severance of the joint tenancy and the gift by the deceased to Franziska of 500 acres comprising part of Parcel 303 was valid.



Judgment Summaries *(continued)*

Mr Justice Jamadar in the majority judgment (with which Justices Rajnauth-Lee and Burgess agreed) held that the assessment and judgment of the majority in the Court of Appeal was sustainable. He reasoned that it was highly improbable that Anna and her deceased husband intended, or agreed, that Anna was to release her interests and title in their joint property, and Anna was to be left to the vagaries of circumstance. He expressed that a court would have to be extremely careful before arriving at any such conclusion.

In a separate opinion, Mr Justice Anderson expressed that the evidence of the agreement between Anna and her husband and subsequent events indicated that it was entirely plausible that the equitable joint interest held by Anna had been released by her in favour of the deceased prior to the execution of the deceased's will in accordance with s 38(2) of the LPA.

Mr Justice Barrow agreed with the holding of the Court but reasoned that the court below failed to appreciate that the denouncing by Anna of the defence by virtue of her affidavit and her testimony at trial, was a clear statement that the defence was a forgery and a fraud, and therefore a nullity.

Dr Bharrat Jagdeo v Annette Ferguson [2024] CCJ 2 (AJ) GY

This is an application from the Co-operative Republic of Guyana:

Default judgment was entered against Dr Bharrat Jagdeo in the High Court, and he applied unsuccessfully to set it aside. He appealed to the Full Court and the appeal was heard by two Full Court Judges. They were evenly divided resulting in the High Court decision being left standing. Dr Jagdeo then applied to the Full Court for a recall of the divided judgment and for the matter to be reassigned to an odd-numbered Full Court bench. The application was refused, leaving Dr Jagdeo without further recourse in the Full Court.

Dr Jagdeo sought permission from the Court of Appeal to appeal the effect of the divided Full Court judgment. The Court of Appeal held that it had no jurisdiction to grant leave since there was no appealable decision from the Full Court. Dr Jagdeo then sought special leave to appeal in the CCJ.

The CCJ examined whether the Court of Appeal has jurisdiction under the Court of Appeal Act to grant leave to appeal a split decision of the Full Court. Mr Justice Anderson delivered the majority decision (Justice Burgess concurring) that s 75(2) of the High Court Act should be interpreted to mean that where there is an evenly divided Full Court, the appeal to the Full Court is dismissed and that the High Court decision stands as the decision of the Full Court. Accordingly, that decision is subject to the regime of appeals as set out in the Court of Appeal Act. This case was distinguished from the CCJ's previous decision in *Guyana Sugar Corp Inc v Seegobin* where it was held that divided decisions are not directly appealable to the Court of Appeal.



Judgment Summaries *(continued)*

Mr Justice Barrow dissented, following the CCJ's decision in *Guyana Sugar Corp Inc v Seegobin*. He reasoned that where the decision of a single High Court judge is affirmed because there was an evenly divided Full Court on an appeal, there is no adjudication and so, there is no decision of the Full Court which can be subject to further appeal. Further, there is no common principle in common law courts that determines whether the failure of a divided court to agree should result in a rehearing or not. The dissenting opinion concluded that based on the legislation, an applicant should know in advance that if their application resulted in an even division of the Full Court, they could go no further.

The CCJ granted the application for special leave and treated it as the substantive appeal, that the appeal was upheld, that the decision of the Court of Appeal that it has no jurisdiction to grant leave be reversed, that the case be remitted to the Court of Appeal for consideration whether to grant leave to appeal in all the circumstances of the case, and that the hearing for assessment of damages against Dr Jagdeo be stayed pending the final determination of this matter or until further order.

Apsara Restaurants (Barbados) Limited v Guardian General Insurance Limited [2024] CCJ 3 (AJ) BB

This is an appeal from Barbados:

This appeal involves Apsara Restaurants (Barbados) Ltd ('Apsara'), directed by Mohammed and Kavanagh, against Guardian General Insurance Ltd ('Guardian').

In 2007, a fire destroyed Apsara's restaurant, leading them to file a claim with Guardian under their fire insurance policy. Guardian resisted, alleging Mohammed's involvement in the fire, non-disclosure of material facts by Apsara, and breach of 'Condition 11' of the policy. The trial judge ruled in favor of Guardian on all points, a decision upheld by the Court of Appeal. Apsara then appealed to the CCJ.

The issues were as follows:

1. What is the legal consequence of the trial judge's concurrent findings?
2. Whether to uphold the finding that Mohammed was involved in the fire?
3. Was Guardian entitled to avoid the policy on any of the various grounds of non-disclosure? What is the right test for assessing the materiality of non-disclosed facts?
4. The legal effect of specific non-disclosures by Apsara:
 - i. Did Apsara's failure to disclose that Gulf Insurance Company had previously cancelled a policy for O'Meara Food Products Ltd, a company of which Mohammed and Kavanagh were the sole shareholders and directors, entitle Guardian to avoid the fire insurance policy on the premises in Barbados?
 - ii. Did Apsara's failure to disclose that Maritime General Insurance Co Ltd had previously denied an insurance claim made by O'Meara entitle Guardian to avoid the policy on the premises in Barbados?



Judgment Summaries *(continued)*

- iii. Did Apsara's failure to disclose an unpaid judgment debt registered against O'Meara entitle Guardian to avoid the policy?
- iv. Did Apsara fail to comply with 'Condition 11' of the policy and if so, did that breach entitle Guardian to avoid the fire insurance policy on the premises in Barbados?

The Court, by majority, decided it could review the concurrent findings of fact. They found insufficient evidence to support the trial judge's conclusion that Mohammed was involved in the fire.

Regarding the test for materiality of non-disclosure, Justices Rajnauth-Lee, Burgess, and Jamadar agreed with the test as laid down by the House of Lords majority in *Pan Atlantic Insurance Co Ltd v Pine Top Insurance Co Ltd*. On the other hand, President Saunders, Justices Anderson, and Barrow agreed with the position of the minority in *Pan Atlantic*. The practical effect of the even division of the Court was that the law in Barbados remained unchanged.

As for the specific non-disclosures, the majority held that Apsara's failure to disclose the previous policy cancellation was not grounds for Guardian to avoid the policy. However, the failure to disclose the denied claim and the outstanding judgment debt were considered material non-disclosures, justifying Guardian's avoidance of the policy.

Finally, all judges agreed that Apsara's failure to provide loss particulars within the stipulated time did not entitle Guardian to avoid the policy, as Guardian's conduct amounted to a waiver of strict compliance with Condition 11.

Wilfred P Elrington v Progresso Heights Limited (PHL) [2024] CCJ 4 (AJ) BZ

This is an appeal from Belize:

Wilfred Elrington, a 20% shareholder in Progresso Heights Limited (PHL), lodged several cautions against lands owned by PHL, which was incorporated in Belize, and which was primarily engaged in land development. PHL sought to remove these cautions through legal action in the Supreme Court of Belize, claiming that they were unlawfully lodged.

The trial court ruled in favor of PHL, ordering the removal of the cautions and awarding damages against Elrington. On appeal to the Court of Appeal, this decision was upheld dismissing Elrington's arguments on procedural and substantive grounds, including the claim that he did not have an unregistrable interest in PHL's lands that would allow him to lodge the cautions. The Court of Appeal also ruled that Elrington's challenge regarding the authority of the company's directors to initiate the proceedings was irrelevant, as it was not raised in his defense.

Elrington appealed to the CCJ. His arguments centered on whether the proceedings had been properly authorised by PHL, and whether the directors had the authority to testify and act on its behalf. On the date of hearing of the appeal, he sought to amend his Notice of Appeal, which the CCJ in a judgment authored by Mme Justice Rajnauth-



Judgment Summaries *(continued)*

Lee (President Saunders, Justices Burgess, and Jamadar concurring) refused, citing the untimely nature of the request. Despite this, the CCJ addressed the merits of the appeal. The CCJ also found that the issues raised by Elrington had not been properly pleaded at the trial stage and need not be addressed.

Mr Justice Anderson authored a concurring opinion which reaffirmed the importance of pleadings in litigation as they provide fair notice of the case that must be met. He also addressed that some grounds of appeal were against interlocutory orders of the trial judge and there is no right of appeal of interlocutory decisions. The appeal to the CCJ was not properly before the Court.

The appeal was dismissed, the orders of the Court of Appeal were affirmed, and costs were awarded to PHL.

Insurance Corporation of Belize Ltd v Kahtal Resorts [2024] CCJ 5 (AJ) BZ

This is an appeal from Belize:

Kahtal Resorts International Ltd, sought to bring a claim under an insurance policy against the Insurance Corporation of Belize Ltd (ICB), for damage sustained to Khatal's parasailing boat during a thunderstorm. The marine vessel sunk while 'in dock' afloat at Tom's Boatyard. The vessel was insured by ICB under a written insurance policy. The definition section of the Policy does not define 'in dock' nor does it define 'moored'. The Policy contained a section entitled 'Section 1 Coverage: Your Property, Property Insured' and read: '...We will pay for Direct Physical Loss or Damage to the property from any external cause, subject to the exclusions and conditions of this policy. The vessel is covered subject to the provisions of this Insurance: 1) While in commission at sea or inland water or in port, docks, marinas, on way, pontoons, or at a place of storage ashore...' The Policy contained an Exclusion Clause (Exclusion Clause 15) which read 'No claim shall be allowed in respect of:... 15. Loss and or damage while vessel is moored unless such loss or damage results from collision with another vessel...'

ICB denied liability based on Exclusion Clause 15. The trial judge found based on the interpretation of the word 'moored' Exclusion Clause 15 applied and Kahtal was not allowed to claim. Kahtal appealed and the Court of Appeal examined the strict meaning of 'moored' and held that Exclusion Clause 15 was inapplicable because when 'in dock', the vessel could not be considered 'moored' within the strict meaning of that word and thus, that the trial judge erred. ICB appealed to the CCJ.

Mr Justice Burgess delivered the majority judgment of the Court and applied the objective and contextual approach to interpretation of commercial contracts and considered three background contexts: the factual matrix, the contractual context, and the textual context. Mr Justice Burgess held that the term 'moored' in Exclusion Clause 15 should be given a technical meaning. He opined that the ordinary meaning would lead to the absurdity of removing the very indemnity the insurance policy seeks to provide. The reasonable businessman would not find such a result to make commercial sense. Mr Justice Burgess therefore concluded that 'moored' did not include being 'in dock' and found



Judgment Summaries *(continued)*

in favour of Kahtal. Mr Justice Jamadar in a concurring judgment discussed the contra proferentem rule, suggesting its potential application in the event of any ambiguity in the exclusion clause. Mr Justice Jamadar emphasised that the contra proferentem rule, rooted in fairness and equality, applies to ambiguous contract terms and deduced that the good faith principle was an underlying concept implied into certain contracts. That the principle of good faith coupled with the contra proferentem rule necessitates fairness, precision, and clarity in drafting, especially in standard form contracts with unequal bargaining power. Mr Justice Barrow in his dissenting judgment opined that the exclusion clause was intended to cover stationary vessels, irrespective of the terms 'moored' or 'in dock' and the CA misinterpreted the policy's intention, and the exclusion clause clearly applied to stationary vessels 'in dock'. The Court upheld the decision of the CA and dismissed the claim.

Nevis Betancourt v The King [2024] CCJ 6 (AJ) BZ

This is a criminal appeal from Belize:

On 27 July 2017, Jose Castellanos was shot inside a restaurant in Santa Elena Town, Cayo District. Nevis Betancourt ('the appellant') was subsequently indicted and tried for murder. He was convicted and sentenced to 20 years' imprisonment. The Court of Appeal of Belize dismissed the appellant's appeal and affirmed his conviction for the offence of murder. He then appealed to the CCJ that the Court of Appeal erred in upholding the trial judge's rejection of the defence of self-defence.

The trial judge accepted the case for the prosecution, which was that the appellant entered a restaurant, shot the deceased twice before the deceased chopped him with a machete. The appellant continued shooting at the deceased who exited the restaurant and thereafter died. At trial, the appellant gave evidence that the deceased chopped him, unprovoked. He thereafter pulled his licensed firearm and shot the deceased in self-defence. The trial judge rejected this evidence as it was inconsistent with the rest of the evidence of eyewitnesses which was corroborated by forensic evidence.

At the CCJ, the case turned mainly on the submission by the appellant that after rejecting the defendant's evidence, the trial judge had a duty to apply the principles of self-defence to a third version of the incident which arose due to a response in cross-examination by one of the main prosecution witnesses. The appellant submitted that the third version of events arose out of one of the main witnesses' reply to Counsel's question in cross-examination. The appellant posited that the conviction was unsafe as the trial judge did not expressly extract this third version of the incident to determine whether self-defence arose.

This Court dismissed the appeal. Mr Justice Barrow found that prior to the witness' single inconsistent response during cross-examination, there were five other times during examination in chief and cross-examination when the same witness would have given a consistent account of the sequence of events. In those five instances, the witness said that the deceased was shot first before he chopped the accused. Justice Barrow also found that the witness'



Judgment Summaries *(continued)*

misstatement was corrected in re-examination thus there was no third version of events. Mr Justice Barrow also reinforced that a judge sitting alone is not under an obligation to expressly spell out every step of the reasoning.

Mr Justice Anderson in his concurring judgment, emphasising a discrete reason for the dismissal of this appeal, pointed out that the trial judge was not under an obligation to extract a third version of the incident and subject it to a discrete recount and analysis. A judge sitting alone has some leeway regarding directions and as such it is not necessary for a judge to direct himself or herself on every possible variation of the facts contrary to those found to be true.

Che Jain Ping and Xiao Guang Zhao (Trading Under the Name and Style Of New Thriving Restaurant And New Thriving Fast Food) v Guyana Power & Light Inc [2024] CCJ 8 (AJ) GY

This is an appeal from the Co-operative Republic of Guyana:

The appellants are individuals doing business in Guyana trading under the names, 'New Thriving Restaurant' and 'New Thriving Fast Food'. The respondent, Guyana Power and Light Inc ('GPL') is a public utility company holding a licence under the Electricity Sector Reform Act, Cap 56:01 ('ESRA') to supply electricity to the public. The appeal concerned a dispute between the parties in respect of arrears accrued by virtue of consumption by the appellants of electricity supplied by GPL.

The electricity was supplied by GPL to the appellants via Account No 13-003-346-11 registered in the name of New Thriving Restaurant between January 2002 and July 2009. During this period the appellants were billed monthly based on their meter reading, together with statutory monthly charges. At the end of the period, arrears on the appellants' account exceeded payments credited to the account by the sum of GYD 13,768,937 ('the sum of arrears').

On 29 October 2010, GPL commenced an action in the High Court against the appellants to recover the sum of arrears of payments for electricity supplied by GPL. In the High Court, the main defence relied upon by the appellants was that the computer-generated printout for Account No 13-003-346-11 showed a 'current balance' of zero. The court accepted evidence that GPL had transferred the sum of arrears to another account held by the same individuals, as is allowed under reg 23 of the Public Electricity Supply Regulations ('PESR'), hence the zero balance on the computer-generated printout.

The High Court held that the appellants were liable to pay to GPL the sum of arrears for electricity supplied. On appeal to the Court of Appeal, the decision of the first instance court was upheld. On 12 May 2023, the decision of the Court of Appeal was appealed to this Court.



Judgment Summaries *(continued)*

Firstly, the Court clarified that s 23 of the ESRA establishes a statutory contract for electricity supply between the consumer and the public supplier, GPL. It also explained that reg 31(2) of the PESR allows GPL to recover debt through civil action without limiting its ability to use other legal methods, including actions for breach of the electrical supply contract.

Next, the Court turned to the question of GPL's ability to back bill the appellants beyond a 12-month period. The Court was of the view that there are provisions in GPL's Standard Terms and Conditions for Electric Services which set out billing periods, as is required by PESR reg 31(2) to empower GPL to back bill beyond 12 months. The evidence demonstrated that GPL billed the appellants in line with such billing periods under its Standard Terms and Conditions, and the appellants were now liable for these sums pursuant to clause 7.5(a). The Court thus concluded that GPL was entitled to back bill the appellants for a period beyond 12 months.

In all the circumstances the appeal was dismissed, and the orders of the Court of Appeal were affirmed.

Roy Jacobs v The State [2024] CCJ 9 (AJ) GY

This is an appeal from the Co-operative Republic of Guyana:

The appellant and his co-accused were found guilty by a jury of murdering for pay a 72-year-old woman, Clementine Fiedtkou-Parris, contrary to s 100(1)(d) of the Criminal Law (Offences) Act, Cap 8:01, ('the Act').

The Act requires that a person convicted of such an offence be sanctioned either by the imposition of a sentence of death or life imprisonment. It is required by the Act that when imposing a life sentence, the Court must specify the period to be served before becoming eligible for parole, with the minimum period of such service being 20 years.

The appellant and his co-accused were sentenced by the High Court to 81 years' imprisonment, with eligibility for parole after 45 years. Their appeal against sentence was allowed by the Court of Appeal which imposed a sentence of 50 years' imprisonment without specifying any particular period for eligibility for parole.

On 5 October 2023, this Court granted the appellant special leave to appeal the Court of Appeal's sentence. In the appellant's grounds of appeal before this Court, he placed strong reliance on the decision of this Court in *Hinds v The State* and argued that the sentence imposed by the Court of Appeal was: (i) excessive, (ii) wrong in law as it failed to specify when he would be eligible for parole, and (iii) that a fit and proper sentence would be life imprisonment with eligibility for parole after 20 years given that this was the sentence this Court had imposed on his co-accused in *Hinds*. The Director of Public Prosecutions ('DPP') agreed with these arguments and conceded the appeal. Accordingly, this Court allowed the appeal with reasons to follow.



Judgment Summaries *(continued)*

Authoring the majority judgment, President Saunders expressed the view that the DPP was entitled and right to concede the appeal for three principal reasons. Firstly, the legislative regime required that the appellant be sentenced to death or to life imprisonment. Secondly, having committed similar offences as the appellants in Hinds, under similar circumstances, it was right that the appellant should receive similar punishment. Lastly, President Saunders pointed out that since the Office of the DPP is established under the Guyanese Constitution as a public office, it followed that barring formal challenge to the exercise of discretion on the part of the DPP by way of judicial review, the DPP's decision to concede an appeal was not to be questioned.

In a separate opinion, Mr Justice Anderson, agreed that the sentences imposed in the lower courts did not conform with the Act. He also accepted the concession of the appeal by the Office of the DPP. However, Mr Justice Anderson made the point that it is the duty of the Office of the DPP, where the DPP genuinely and for good cause considers a sentence to be too lenient, to make this known and to advocate for the type or range of sentence that it considers just in the circumstances of the case.

Apsara Restaurants (Barbados) Limited v Guardian General Insurance Limited [2024] CCJ 10 (AJ) BB

This is an appeal from Barbados:

Judgment was delivered in this case on 22 January 2024. Prior to delivering judgment, this Court, in keeping with its practice, sent to Counsel for the parties an advance and confidential copy of the judgment it would deliver in the matter. In the advance copy of the judgment shared with Counsel, an award of 60 per cent costs in all three courts was reserved to the respondent, who was the successful party in the matter.

Upon having sight of the cost order in the advance copy of the judgment, Counsel for the appellant indicated via email that they wished to be heard on costs. Counsel pursued the matter during the judgment delivery with an oral application seeking permission to file written submissions on the percentage of costs that the Court had decided to award to the respondent. Written submissions on costs were subsequently filed by the parties, and the same were considered by this Court.

It was held by the Court, that the principle of finality of judicial decisions requires that there be certainty that a court's pronouncement marks, apart from an appeal, the definite end of litigation. The Court expressed the view that this was important in the interest of public and professional confidence in judicial decision-making. The Court found that the principle of finality applies equally to judgments already delivered as to a judgment which is about to be delivered. The point is that the judges have adjudged the case and litigation has thus ended.

The Court accepted that in a proper case, and while closely patrolling the jurisdiction to do so, it may deem it appropriate to reopen a decision. The Court made it clear that there was no such case before it. Accordingly, the application for a modification of the Court's proposed award was dismissed.



Judgment Summaries *(continued)*

Nonetheless, the Court went on to explain the reasoning which underpinned its apportionment of costs as indicated in the advance copy of the judgment. The Court explained that this apportionment was determined by success on the broad issues of damages for breach of indemnity, and the allegation that the principal of the appellant committed arson and fraudulently made a claim to the respondent for loss. According to the Court, the appellant's success in rescuing its own and its principal's reputation by succeeding on the arson point, merited significant recognition in apportioning the award of costs, ranking not much lower than the respondent's success on damages.

In view of the foregoing, the Court concluded that the respective successes were justly reflected in the award issued in the advance judgment copy, being 60 per cent costs to the respondent.

Graham Bethell v Royal Bank of Canada (Barbados) Limited (RBC) [2024] CCJ 11 (AJ) BB

This is an appeal from Barbados:

On 29 March 2023, Graham Bethell applied to the CCJ for special leave to appeal the decision of the Court of Appeal dated 16 February 2023. He also filed a subsequent application to amend the application for special leave. On 18 August 2023, the CCJ after reading the application issued a decision on the papers, dismissing both applications and ordering costs to Royal Bank of Canada (Barbados) Limited (RBC). On 29 January 2024, Bethell filed in the CCJ an application for the Court to review its decision of 18 August 2023. Relying on *Tasker v USA*, Bethell sought to have that decision quashed and be permitted to present legal arguments in support of his earlier application for special leave to appeal to the CCJ.

In his submissions on the application for review, Counsel for Bethell relied heavily on the merits of his substantive claim and its prospects of success. On the contrary, there was no material that addressed the question as to whether and how the Court of Appeal erred in its reasoning when it declined to hear the appeal on the merits, or what special circumstance existed warranting the CCJ's review of its order.

In reasons authored by President Saunders (Justices Anderson and Rajnauth-Lee concurring), the issues before the Court of Appeal occasioning that court's dismissal of the action had nothing to do with the substantive merits of Bethell's case but concerned the considerations the Court of Appeal would take into account in determining applications for extensions of time to file an appeal under rr 62.1(2) and 62.6(3) of the Supreme Court (Civil Procedure) Rules 2008. Neither in his application for special leave nor in his application to this Court to review its earlier Order did Bethell indicate how the Court of Appeal erred in arriving at its conclusion that the case should be dismissed.

There was an essential difference between this case and *Tasker's* as in the latter, Counsel argued and was able to establish that the Court of Appeal was in error to consider that it was not entitled or authorised to hear *Tasker's* appeal on its merits. This was a procedural failing on the part of the Court of Appeal. In this case, the CCJ held that Counsel did not advance any reasons to suggest that the Court of Appeal was in error in failing to hear his appeal



Judgment Summaries *(continued)*

on its merits. There was no exceptional circumstance warranting a review or reversal of the CCJ's previous decision. In circumstances of this nature, where nothing is proffered that could establish some procedural lapse on the part of the Court of Appeal, the CCJ will not be minded to review or reverse a decision to decline to grant special leave to impugn the decision of that court.

***Levi Maximea v The Chief of Police, The Police Service Commission and
The Attorney General [2024] CCJ 12 (AJ) DM***

This is an application from the Commonwealth of Dominica:

Levi Maximea applied to the CCJ for special leave to appeal the decision of the Court of Appeal to dismiss his appeal against the decision of the High Court to strike out two claims in which he claimed damages for wrongful dismissal. Maximea was a member of the police service from February 1982 up to the time of his dismissal in April 2012. He filed before the court several different suits against the Chief of Police, the Police Service Commission and the Attorney General in relation to his eligibility and entitlement for promotion in the service; for damages for misfeasance; for damages generally for dismissal and/or constructive dismissal; and for constitutional relief. In one of those suits, he was awarded damages of XCD 20,000. Despite this, he has persisted in filing additional suits each essentially relating to his dismissal from the police service.

On 19 July 2021, the CCJ denied Maximea special leave to appeal the old proceedings and made it clear that he was not entitled continually to attempt to re-litigate his dismissal. The warning went un-heeded. The CCJ in reasons authored by President Saunders (Justices Rajnauth-Lee and Jamadar concurring) held that these proceedings deal with the same issues of wrongful dismissal and constructive dismissal as were previously litigated before the courts by Maximea.

Maximea's proceedings were struck out because they were an attempt by him to re-litigate issues that had already been heard by the CCJ. The Court of Appeal rightly indicated that his claims were an abuse of the court's process. The CCJ denied the application for special leave and did not order costs against Maximea.

Attorney General of Belize and Ministry of Natural Resources v Primrose Gabourel [2024] CCJ 13 (AJ) BZ

This is an appeal from Belize:

This appeal involved a dispute between the Attorney General of Belize and Primrose Gabourel over the compulsory acquisition of Gabourel's land by the Government of Belize (GOB) in 2007. Ms Gabourel sought damages for breach of her right under the Belize Constitution, claiming fair compensation for the acquired land, loss of potential development, and landfill costs. Initially, she was unaware of the land acquisition until 2019 and faced additional legal constraints due to an injunction by the Department of the Environment (DOE), which prevented her from developing the property for several years.



Judgment Summaries *(continued)*

The litigation addressed whether Gabourel was entitled to fair compensation. Gabourel's expert valued the land at BZD 4,545,325, factoring in its development potential. The GOB's valuation was significantly lower, at BZD 1,085,000, excluding development potential. The High Court favoured the GOB's valuation and awarded only nominal damages of BZD 150,000 for lost development value, along with BZD 300,000 for lost landfill.

Gabourel appealed to the Court of Appeal, which overturned the High Court's ruling, criticising the rejection of her expert's land valuation and the failure to properly account for lost development potential. The Court of Appeal remitted the case to the High Court for a fresh assessment of both the land value and development losses.

The Attorney General then appealed to the CCJ arguing that the Court of Appeal was wrong to accept Gabourel's valuation and to remit the case. The CCJ, however, in a judgment authored by Mr Justice Barrow (President Saunders, Justices Anderson, Rajnauth-Lee, and Jamadar concurring) rejected the GOB's appeal. The CCJ held that Gabourel's land had significant development potential and that her expert's valuation, which included the price of comparable waterfront parcels, was credible. The GOB's valuation was deemed unreliable for omitting key factors like the development potential.

Mr Justice Anderson in a concurring opinion (President Saunders, Justices Rajnauth-Lee, Barrow, and Jamadar concurring) highlighted that the establishment of a Board of Assessment in conjunction with the work of the authorised officer is integral to the process of the compulsory acquisition of land. As a rule, the appropriate remedy for a constitutional action for damages for compulsorily acquired land should be mandamus to the Minister to appoint a Board of Assessment.

Ultimately, the CCJ awarded Gabourel compensation of BZD 4,545,325 for the land, with interest dating back to the acquisition in 2007, as well as an additional BZD 300,000 for landfill reimbursement. The GOB was ordered to pay costs at all court levels.

Ramon Gaskin v Minister of Natural Resources [2024] CCJ 14 (AJ) GY

This is an appeal from the Co-operative Republic of Guyana:

Ramon Gaskin challenged the issuance of a Petroleum Production Licence (PPL) granted to ExxonMobil Guyana Ltd, CNOOC Petroleum Guyana Ltd, and Hess Guyana Exploration Ltd, arguing that the companies should have acquired separate environmental permits before the licence was granted. The joint venture aimed to exploit petroleum from the Stabroek Block offshore Guyana. While ExxonMobil obtained an environmental permit as the sole operator, Gaskin sought to quash the PPL until the other companies also secured environmental permits.

The High Court dismissed Gaskin's application but took 366 days to deliver judgment, and the Court of Appeal upheld the decision, stating that the environmental permit was tied to the Liza 1 Project and that Exxon, as the operator, could comply with the environmental obligations.



Judgment Summaries *(continued)*

In delivering the judgment of the Court, Mr Justice Anderson held that the granting of environmental authorisation was a condition precedent to the granting of a PPL. Environmental authorisation must be given for the undertaking of a project and the Environmental Protection Agency must be convinced that a developer can fulfil their role and responsibilities and comply with the terms and conditions of the environmental permit. As sole operator, Exxon alone was able to comply with the obligations of the developer and was subject to extensive environmental obligations which were extended to Hess and CNOOC through joint and several liability. The grant of the Licence to CNOOC and Hess did not render the Licence invalid for four (4) reasons (i) the Acts requirements were satisfied with Exxon being granted the environmental permit (ii) the grant was consistent with oil and gas industry practice as Exxon the sole operator operated as representative of the joint venture (iii) there was joint and several liability between the Companies for environmental harm (iv) there was no increased risk of harm to the environment under either the precautionary principle or avoidance principle by the inclusion of Hess and CNOOC in the Licence. Mr Justice Anderson concluded that there was no basis for finding that the Minister acted unlawfully.

President Saunders concurred with Mr Justice Anderson that the appeal must fail, holding that the environmental permit was obtained in contemplation of works that placed the environment at risk to be undertaken solely by Exxon. President Saunders took the view that the time limits set out in the Time Limit for Judicial Decisions Act, Cap 3:13 must be construed as being of a discretionary and not mandatory nature. While a one-year delay should not be condoned, the Court had no way of knowing what objective difficulties, if any, faced the courts below. Finally, the Court on principle should avoid imposing a costs order on a citizen who in good faith files proceedings in a genuine effort to comply with their constitutional duty to participate in activities designed to improve the environment and protect the health of the nation.

Mme Justice Rajnauth-Lee concurred holding that there was nothing in the Act requiring CNOOC and Hess to make separate applications for an environmental permit, that the Acts requirements were satisfied and there was also no increased risk of harm to the environment by the inclusion of CNOOC and Hess in the Licence. The Appeal was dismissed, each party should bear its costs in this Court.

Barbados Defence Force v David Harewood [2024] CCJ 15 (AJ) BB

This is an appeal from Barbados:

David Harewood was a commissioned officer of the Barbados Defence Force ('BDF'). An investigation into suspected criminal activity was commenced and in furtherance of this Harewood was interviewed. Arising out of disclosures which were made during his interview, he was charged on four charges under s 75 of the Defence Act, Cap 159 ('the Act').

At the court-martial, two charges were dismissed on no case submission and Harewood was found guilty in respect of Charges Three and Four. He appealed. On appeal, the dismissal of Charge Three was conceded during the



Judgment Summaries *(continued)*

hearing by the BDF, and the Court of Appeal found no legal or evidential bases for Charge Four and quashed the decision of the court-martial. The BDF then appealed to the Caribbean Court of Justice (CCJ).

The Court dismissed the appeal. Mr Justice Jamadar, in delivering the reasons of the Court, found that the approach of the Court of Appeal to interpreting s 75 was too strict and restrictive. Mr Justice Jamadar explained that a law expressed in broad terms does not necessarily mean that its breadth offends the rule of law requirements for clarity and legality. What is essential is that the offence is defined and described with sufficient clarity to enable a person to assess whether their conduct is implicated and can render them liable to be prosecuted. The purpose of s 75 of the Act was to maintain a disciplined armed force. The language of s 75 is expressed with sufficient clarity to be capable of objective assessment and self-regulation. Mr Justice Jamadar found that the language of s 75 of the Act did not offend due process, the protection of the law or the rule of law. It meets the constitutional standard of foreseeability, allowing members of the BDF to understand the consequences of and appropriately regulate their conduct. In the current case, the particulars of Charge Four lacked sufficient particularity. In a s 75 charge, the constitutional requirements of due process, the protection of the law, and fundamental fairness must be satisfied in the statement of the particulars of the offence, given the broad and general wording of the statutory offence. The BDF was required to expressly allege every element and material detail of a charge with precise particularity.

President Saunders in his concurring opinion commented that appeal could not succeed as the charge, as laid, lacked the specificity, the particulars, necessary to allow the accused to properly defend himself. Section 75 of the Act is an essential catch-all provision targeting conduct that undermines the maintenance of strict discipline. The prosecution must satisfy the court-martial that the accused person must have known or had reasonable cause to believe that the impugned conduct was prejudicial to good order when it was engaged in. The court-martial must ultimately decide whether the conduct was objectively prejudicial and whether it was engaged in intentionally or recklessly. Section 75 is neither vague nor unconstitutional. Provided they are adequately particularised, charges laid under s 75 may be brought and are often conducive to maintaining discipline, unit cohesion and overall operational effectiveness. The Court upheld the dismissal of the appeal albeit on different grounds and made no order as to costs.

The Attorney General of Guyana v Environmental Protection Agency, Frederick Collins, Godfrey Whyte, Esso Exploration and Production Guyana Limited [2024] CCJ 16 (AJ) GY

This is an appeal from the Co-operative Republic of Guyana:

On 13 September 2022, Frederick Collins and Godfrey White filed a legal action against the Environmental Protection Agency (EPA), alleging it failed to enforce environmental obligations on Esso Exploration and Production Guyana Ltd. On 22 November 2022, Esso was added as a respondent. On 3 May 2023, the High Court ordered the EPA to issue an Enforcement Notice to Esso. Both the EPA and Esso appealed this decision.



Judgment Summaries *(continued)*

The Attorney General, who had not been involved in the initial proceedings, sought to intervene in the case based on a Petroleum Agreement with Esso and an interpretation of the Environmental Protection Act, Cap 20:05. The Court of Appeal dismissed the application. The Attorney General then sought permission from the Caribbean Court of Justice ('CCJ') to appeal the decision of the Court of Appeal. It was ordered that the parties file written submissions on the application for special leave and, in the event the application for special leave was successful, the submissions rendered would be considered as being made for the purpose of the hearing of the substantive appeal.

Having considered the parties' written submissions, on 13 May 2024 the Attorney General was granted special leave to appeal and also allowed the appeal and ordered that the Attorney General be added as a party to the matter before the Court of Appeal, there be no order as to costs. Subsequently, the CCJ issued reasons for its decision.

Firstly, the CCJ found that Special Leave be granted as the matter was of particular public importance and the appeal had a realistic prospect of success.

Secondly, the CCJ determined that the Court of Appeal had the judicial discretion to allow a party's intervention to address potential adverse impacts on those with a genuine interest. The Attorney General, as the legal advisor to the State and the guardian of the public interest, was found to be in a unique position to address aspects of the case that the EPA could not, particularly concerning the Petroleum Agreement between Esso and the Government of Guyana. Additionally, the Attorney General, as the guardian of public interest, proposed to make submissions on the interpretation of the Environmental Protection Act, Cap 20:05 for the benefit of the Court.

Although, Collins and Whyte submitted that the Attorney General's interests are linked to a separate contractual agreement and that an intervening party must have some legal interest distinct from mere commercial interest. It was held that the interests of the Attorney General in this appeal are distinct from those of a person holding a mere commercial interest.

Accordingly, it was held that in keeping with the natural justice principle of *audi alteram partem*, that the Attorney General should be afforded the right to be heard as the interest of justice requires his intervention.

Marius Wilson v The King [2024] CCJ 17 (AJ) LC

This is a criminal appeal from Saint Lucia:

Marius Wilson shot Winsbert Alexander at Spinners Nightclub while in the company of several relatives including Lloni Alexander, Wilson's cohabitant and Alexander's niece. Wilson testified Winsbert had threatened to kill him before. Wilson said that he saw Alexander charging towards him holding an object that appeared to be a firearm. Wilson shot Winsbert with his licensed firearm. Wilson was charged with the offences of intentionally causing dangerous harm and using a deadly instrument with intent to cause grievous harm to Winsbert Alexander, contrary to ss 99(1) and 101(1)(b) of the Criminal Code of Saint Lucia, respectively.



Judgment Summaries *(continued)*

The lone eyewitness who gave evidence that supported the prosecution, Rita Demar, said that Winsbert was not doing anything before he was shot and that it was Wilson who shot Winsbert. All other eyewitnesses, including Winsbert, who previously had given full statements to the police, stated they could not recall the contents of their previous statements. The trial judge granted the application to treat these other eyewitnesses as hostile, allowing them to be cross-examined by the prosecution.

Wilson was convicted of both offences after a jury trial and was sentenced to five years on the first count and four years on the second count, both sentences to run concurrently. The Court of Appeal dismissed his appeal against conviction and allowed the appeal against sentence, varying the sentences of five years and four years to three years and two years respectively, to run concurrently. Wilson appealed to the Caribbean Court of Justice ('the CCJ') citing six grounds of appeal.

The CCJ dismissed the appeal holding that the judge's direction could not have misled the jury as Counsel's submission itself recognised that nothing said by Winsbert could be taken as 'evidence' and none of the hostile witnesses said anything, which if taken as evidence, prejudiced Wilson.

The CCJ further held that the submission that the good character direction opened the floodgate to irrelevant, inadmissible and prejudicial matters to be considered did not withstand scrutiny given the tenor of the directions from which the targeted phrase was extracted together with the earlier limitations given to the jury when they were impanelled, which cautioned them to confine their considerations to what took place in court.

The CCJ also held that there was sufficient evidence to negate the claim of self-defence and it made no difference whether that claim had been negated specifically by Rita Demar's evidence. Additionally, as regards the no case submission, the CCJ held that Wilson failed to show that the Court of Appeal should have held that the stated evidence, including the absence of the alleged firearm wielded by Winsbert, together with the uncontroversial fact that Wilson shot Winsbert, was not sufficient to establish a case of unlawful shooting for the jury's consideration.

DCP Successors Limited (DCPS) v The State of Jamaica [2024] CCJ 1 (OJ)

This is a claim from the Commonwealth of Dominica:

DCPS, a soap manufacturing company incorporated in Dominica, brought a claim against the Caribbean Community (CARICOM) Member State of Jamaica. DCPS manufactures generic soap noodles and molds them into soap products. DCPS' goods are eligible for and receive preferential treatment relative to similar goods from third States. Regional importers of DCPS' products do not pay the Common External Tariff (CET) established by CARICOM. Jamaican soap producing enterprises import already manufactured soap noodles from third States and add fragrances, extracts of oil, moisturisers, and colour to the imported noodles, reshape them into various forms and repackage them. They then distribute the final product both in Jamaica and export it throughout CARICOM and beyond.



Judgment Summaries *(continued)*

Initially, the imported soap noodles were classified under a different tariff heading than the tariff heading properly applicable. The World Customs Organisation (WCO) advised that the correct tariff heading was 34.01 attracting a 40 per cent CET. Jamaica initially exempted soap products from Jamaica which were exported to other CARICOM Member States from payment of the CET as the relevant authorities in that State considered the goods to be of community origin eligible for preferential treatment. The authorities later applied to the CARICOM Secretary-General for a Safeguard Certificate for these goods and were denied on the basis that the Jamaican soap products were not of community origin.

Jamaican soap producers continued to import soap noodles from third States without paying any CET and justified the non-imposition of the CET based on a domestic law, the Productive Inputs Relief Programme. Jamaica argued that this law was consistent with and permissible under the List of Conditional Duty Exemptions of the Revised CET. It was also alleged that there was an inadequacy of regional supply because DCPS' soap noodles were substandard. DCPS claimed that Jamaica had breached Articles 82 and 84 of the Revised Treaty of Chaguaramas. CARICOM appeared as an *Amicus Curiae* in this matter.

The CCJ found that the Jamaica failed to consider that the General Note of the CET made it clear that items produced in CARICOM in adequate quantities to justify the application of tariff protection were ineligible for duty exemption. Further, the text of the Jamaican law which provides for the Jamaica's Productive Inputs Relief Programme was found to be consistent with the principle that, regarding oils and fats, Member States should first source from within CARICOM. However, the CCJ was not convinced by the evidence that suggested that the DCPS' soap noodles were substandard. The CCJ also found that the DCPS was capable of supplying soap noodles to CARICOM.

The CCJ also discussed good faith as undergirding much of international law in general and treaty law in particular. It is expected that States will act in good faith when entering into and performing treaties. States are, however, bound by their treaty obligations and are expected to fulfil them.

The CCJ found that Jamaica breached Article 82 and paragraph 18 of Schedule III of the RTC by not imposing the CET on the imported soap noodles from extra-regional sources, Jamaica conceded that there was a breach of Article 84 of the RTC and the CCJ accepted this and declared that a case management conference would be held to consider the modalities for determining whether, and if so what, other possible remedies or relief were due to DCPS.



Our Management Team

Gabrielle Figaro-Jones
Registrar and Chief Marshal



Shivanand Ramnanan
Senior Manager,
Corporate Administration



Gizel Thomas-Roberts
Deputy Registrar and
Marshal



Andrea Callender
Finance and
Administration Manager



Ria Mohammed-Pollard
Communication and
Information Manager



Ayinde Burgess
Information Systems
Manager



Department/Unit Updates

The Communication and Information Department



The Communication and Information Department consists of the Public Education and Protocol Unit and the Library Services Unit. During the period under review, the Communication and Information Manager continued to lead the department, supported by the Chief Public Education and Protocol Officer and the Chief Librarian. Together, they contributed to advancing the department's mandate under the overarching theme of the 2023/2024 Judicial Year Annual Report: ***Advancing Access to Justice – Refining and Innovating for Impact.***

This theme underscores the advancement in our court-wide pursuits to ensure that we embody a judicial organisation that is tangibly and continually assessing and improving. Throughout the court year, the CCJ demonstrated its commitment to enhancing accessibility in the Court through the promotion of diversity and inclusion.

Moreover, the Court actively engaged with internal and external stakeholders through various informational sessions. Through the continued support from the 11th European Development Fund (EDF), the Court continued with its thrust to inform judiciaries, bar associations, and private sectors across the region on the Original Jurisdiction and referral process under Article 214 of the Revised Treaty of Chaguaramas via its educational arm, the CCJ Academy for Law. The territories that benefitted for the period under review included Barbados, Saint Lucia, and Suriname. Almost 99% of workshop attendees indicated that they would recommend the training and sensitisation sessions to their peers.

Public Education and Protocol Unit

The mission of the Public Education and Protocol Unit (PEPU) is to communicate and engage effectively and efficiently with our internal and external stakeholders. The PEPU is dedicated to ensuring precise, timely, and accurate dissemination of information. We serve as the bridge between the Court and its various stakeholders within and outside the organisation.



Advancing Access

As we continued to improve access to information via digital media, we concentrated our efforts on honing audience-specific information by platform. The Court expanded its presence on its newest addition to its digital suite, Instagram. As we pursue boosting pertinent information that is relevant to all our stakeholders, we envision that more persons will be exposed to and attracted to our news portals.

The surge in the appeal of newer platforms was evidenced by the increase in followers and subscribers, particularly for our YouTube, LinkedIn, and Instagram profiles:



The Court published a total of 29 media releases during the reporting period: 11 of which were corporate news and 18 were judgment deliveries. In addition to this, the CCJ launched its Signatory Day initiative for its internal and external stakeholders, showcasing fun facts about a CARICOM Member State monthly in an effort to foster togetherness and increase knowledge of our Caribbean brothers and sisters.

Court Tours

During the period under review, a number of individuals and groups visited the Court. They were warmly welcomed to the Seat of the Court. Each visit was unique and allowed the Court to further its strategic goals, particularly 1.2 which underscores the need for the Court to “continue to inform and engage the regional and global community about its role and its work to facilitate greater access to the Court and promote public trust and confidence.”



Students of the Blanchisseuse Secondary School were engaged with the Chief Librarian during their Court tour in October 2023



St Rose's High School Guyana came to visit the CCJ in February 2024



The Caribbean Association of Women Judges and the Trinidad and Tobago Association of Women Judges visited the CCJ in April 2024



Refinement and Innovation

The Court successfully hosted the 14th Annual CCJ International Law Moot where the Eugene Dupuch Law School of The Bahamas emerged as the overall winners of the competition. Support was also provided for the initial planning of the Caribbean Association of Judicial Officers 8th Biennial Conference.

Future Initiatives

The Court has embarked on utilising artificial intelligence (AI) in collaboration with the Caribbean Agency for Justice Solutions (CAJS) to develop an AI tool that will revolutionise internal legal research by enhancing searching capabilities within the CCJ's knowledge assets.

Looking ahead, the Court is committed to continuously soliciting feedback and addressing the needs and expectations of CCJ stakeholders. Plans include the implementation of a regional survey on the knowledge, awareness, and perceptions of the CCJ in 2024-2025, funded by the EDF grant. Furthermore, stakeholder engagement will remain a priority in 2024 through continued initiatives funded by the EDF grant, aimed at empowering the Caribbean Community on its fundamental rights and freedoms.

Library Services Unit

Our core responsibilities include acquiring, preserving, and providing a comprehensive collection of information resources—both legal and non-legal—in multiple formats for the Court's stakeholders. This empowers them with the critical knowledge and resources they need to produce exceptional, high-quality outcomes.

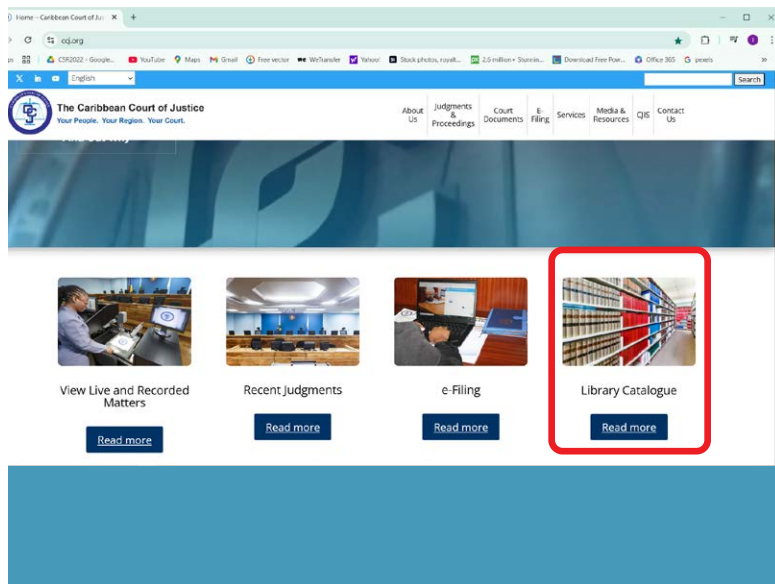
Over the past judicial year, from August 2023 - July 2024, the library's collection was expanded and updated with new resources – books (new titles and editions of existing titles), articles, papers, and speeches. The collection was also enriched with 68 titles acquired from the late Hon. Mr Justice Jacob Wit's collection. To improve the visibility of these titles and to honour his memory, colour-coded dots have been affixed above the spine labels, and a dedication note has been placed on the title pages of the books. Along with these additions, the library team provided 1,360 information items (articles, cases, book chapters, web links, etc.) in response to 482 queries.





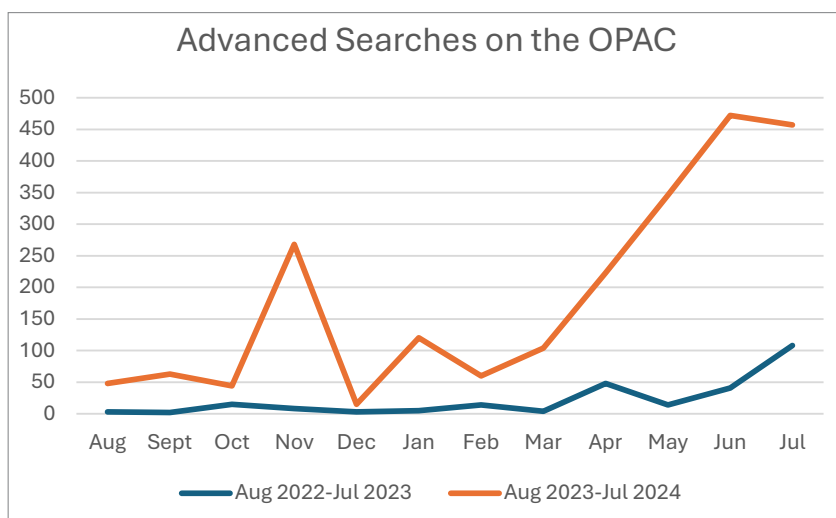
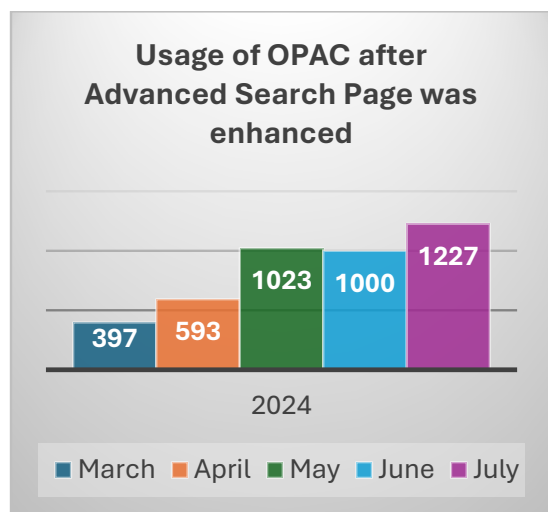
ANNUAL REPORT 2023-2024

Department/Unit Updates • Communication and information Department • Library Services Unit *(continued)*

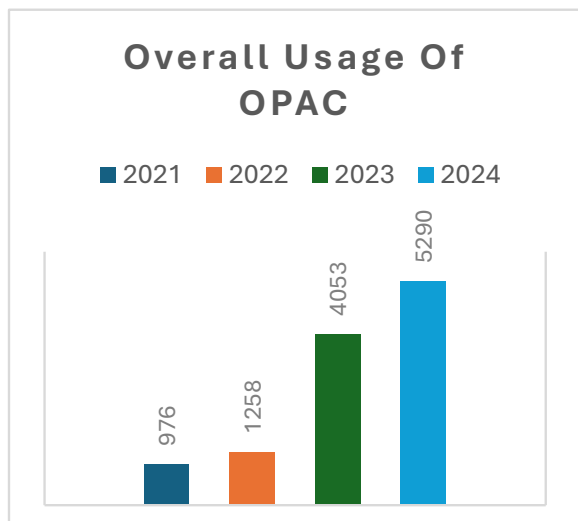


Further, to support the Court's thrust of advancing access to justice, the library refined our Online Public Access Catalogue (OPAC) to improve its accessibility. This included the addition of a shortcut on the Court's homepage and links on the judgment pages to the Advanced Search Page of the OPAC. These changes were made with the user in mind, to make their experience more efficient and effective. Additionally, in March 2024, the library enhanced the Advanced Search Page to provide additional search instructions specifically for the Court's judgments, which increased OPAC usage, including searches, downloads, printing, and the number of links accessed.

These efforts resulted in a notable increase in Advanced Searches on OPAC, specifically for the Court's judgments.



Notably when compared to the previous judicial year (August 2022 - July 2023), there was a significant increase in Advanced Searches on the OPAC, specifically for the Court's judgments. In the year under review, 1,955 Advanced Searches were conducted with the highest number of 431 recorded in June 2024. In comparison, only 265 were conducted in the previous period (August 2022 - July 2023), and the highest number of 108 was recorded in July 2023.



Overall, an increase in usage of the OPAC (that is, searches, downloads, printing, etc.) has been observed since its internal launch in 2021 and the provision of wider access from 2022. In 2021, the OPAC was accessed 976 times, and in 2024 (from January to July), it was accessed 5,290 times, reflecting an increase of over 400 per cent.

To expand our impact beyond the OPAC, we have introduced new and engaging information resources during orientation tours, specifically designed to captivate younger audiences. This initiative has garnered favourable feedback. Furthermore, we continue to cultivate valuable resource partnerships, exemplified by our first interlibrary loan with the Ministry of Energy and Energy Industries

library. This collaboration was initiated by the need to access resources related to the Court's inaugural oil and gas judgment delivered in June 2024.

The Unit's leadership and staff composition changed following the retirement of the first Chief Librarian, Ms Jacinth Smith. Mrs Sheryl Washington-Vialva was appointed as Chief Librarian, and the Unit welcomed a new member to its team: in November 2023, Mrs Helena Ali-Victor assumed duty as Deputy Librarian. Once again, the Unit has its full complement of three persons, including the very valuable Library Assistant, Ms LéShaun Salandy.

The library's guidance to the various Units and Departments regarding the management of their records continued, and preparations are currently underway to conduct a review of the Records Management Programme in the near future.

Department/Unit Updates *(continued)*



Information Systems Department

During the past reporting period, the Information Systems (IS) Department has been dedicated to enhancing the technological infrastructure and services that underpin the Court's mission of advancing access to justice. Our efforts have focused on improving system reliability, security, and efficiency, ensuring that our stakeholders can rely on robust and secure IS services.

Below is a summary of the key projects and initiatives undertaken by the IS Department:

1

Server Infrastructure Upgrade and Disaster Recovery Improvements:

We successfully upgraded our server infrastructure, significantly enhancing the performance and reliability of our systems. This upgrade included the implementation of advanced disaster recovery systems, ensuring that our critical data and applications are protected and can be quickly restored in the event of an outage. These improvements have minimised downtime and increased the overall resilience of our IS environment.

3

Policy Updates:

To align with the evolving processes, procedures, and services within our organisation, we conducted a comprehensive review and update of our IS policies. These updated policies reflect the latest best practices and regulatory requirements, ensuring that our IS operations are compliant and efficient. The revised policies provide clear guidelines for the use and management of IS resources, promoting consistency and accountability across the Department.

2

Firewall Upgrade for Enhanced Cybersecurity:

In response to the growing threat of cybersecurity attacks, we upgraded our firewall systems to provide a stronger defence against potential breaches. The new firewall technology offers advanced threat detection and prevention capabilities, leveraging artificial intelligence tools to safeguard our network and sensitive data from unauthorised access and cyber threats. This upgrade is a crucial step in maintaining the integrity and security of our IS infrastructure.

4

Extension of the E-Signature Platform:

We extended our e-signature platform to streamline the procurement process, introducing a more efficient and secure method for handling requisitions. This enhancement has reduced the time and effort required for procurement approvals, while ensuring the authenticity and integrity of electronic signatures. The refined process supports our commitment to operational excellence and enhances the overall efficiency of our procurement activities.



5

Support for Itinerant Sitzings:

Our team provided critical IS support for itinerant sittings in the region, ensuring that the Court had access to the same high-quality services abroad as it does at the Seat of the Court. This included setting up and maintaining IS infrastructure, providing technical support, and ensuring seamless connectivity. Our efforts have enabled the Court to conduct its proceedings efficiently and effectively, regardless of location, thereby advancing access to justice for all.

In conclusion, the IS Department has made significant strides in advancing access to justice through strategic upgrades, enhanced security measures, policy updates, and support for critical operations. We remain committed to leveraging technology to support our organisation's mission and to continuously improving our services to meet the needs of our stakeholders.



Human Resources Department

The Human Resources Unit (HRU) has played a critical role in supporting the Caribbean Court of Justice's (CCJ) mission by refining processes, strengthening workforce capabilities, and improving administrative efficiency. In alignment with the theme "Advancing Access to Justice - Refining and Innovating for Impact", the HRU focused on performance management, employee well-being, governance, and automation to support employees in their bid to enhance the delivery of justice.

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A major priority for the HRU was performance management. The team worked with managers and supervisors to finalise performance assessments, implement work plans aligned with the Court's strategic objectives, and provided feedback to Unit heads to improve appraisal accuracy. To support professional development, the HRU conducted training needs analyses and facilitated learning opportunities to enhance staff competency and institutional growth.



Department/Unit Updates • Human Resources Department *(continued)*

Employee benefits administration namely, leave management, health insurance processing, and pension administration remained a key focus. The HRU worked to streamline these processes by addressing claims, liaising with insurers, and ensuring compliance with required documentation. Additionally, support was provided to retirees through the administration of life certificates and pension-related matters.

Recognising the need for innovation, the HRU worked with the Information Systems Department to advance efforts toward automating the Performance Management System (PMS). This initiative is expected to improve efficiency, enhance reporting accuracy, and provide data-driven insights into employee performance. The two Units are also working together to implement a new Leave Management System (LMS), which will replace the leave administration portion of the outdated and unsupported Employee Self-Service platform. The Unit also engaged with stakeholders to explore other broader HR digitalisation strategies that will create a more seamless and transparent administrative process.

Governance and compliance initiatives were another area of focus. The HRU contributed to policy development and strategic monitoring. Work continued on updating guidelines related to performance management, training, and development. Additionally, the team played a key role in the Monitoring & Evaluation (M&E) Executive Sub-Committee, assessing the progress of the Court's strategic plan. Efforts to enhance records management, including updating the HR File Management System, were ongoing to ensure compliance with best practices.

Administrative support was provided for key Court activities, including special sittings and executive meetings, ensuring smooth coordination and execution. The Unit also managed work-from-home and in-office scheduling, balancing operational needs with employee flexibility. Additionally, the HRU played a vital role in liaising with external entities, responding to employee queries, and providing advisory support to senior management. Engagements with stakeholders ensured that HR initiatives remained aligned with the broader objectives of the Court.

Looking ahead, the HRU remains committed to refining and innovating its processes to support judicial excellence. By enhancing performance management, streamlining administrative functions, and advancing digital transformation, the Unit is ensuring that the CCJ continues to operate with efficiency, transparency, and accountability. As the Court continues to champion access to justice, the HRU will maintain its focus on fostering a high-performing work environment that supports the delivery of justice across the region.

Department/Unit Updates *(continued)*



Security and Logistics Unit

During the reporting period 1 August 2023 to 31 July 2024, the Security and Logistics Team (SALT) increased training for all members and maintained the usual operational and strategic engagements that incorporated SALT in each aspect of the organisation. The review of the Transport Management Policy and Security and Logistics Management Policies was completed and staff sensitisations of each respective policy were conducted.

The Unit engaged the Court's internal and external stakeholders as it conducted a series of strategic engagements with notable organisations/institutions in the local security arena. One engagement included meetings with the United Nations Department of Safety and Security's Regional Security Advisor, Mr Paulo Rodrigues, and his staff. The Trinidad and Tobago Police Service, the Airports Authority of Trinidad and Tobago, the Trinidad and Tobago Fire Service, the Family Planning Association of Trinidad and Tobago, and officials from First Citizens Bank were also engaged.

SALT's main activities comprised general monitoring of security of personnel, property, motor vehicles, plant, and equipment, and logistics management of the CCJ, the CCJ Trust Fund, and the Regional Judicial and Legal Services Commission. The Unit also conducted daily courier services, daily screenings of visitors and contractors to the Court and safety briefings for new members of staff. The final emergency evacuation drill for 2023 was conducted on 21 December 2023.

SALT assisted with the repatriation of the late Mr Justice Jacob Wit and his family to Curaçao, and his eventual burial. This activity engaged the Unit to provide assistance

for the President of the Court and other Judges of the CCJ who attended the funeral in January 2024.

Training of the Unit for this period culminated with the continuation of the Combat Readiness Control Tactics for Officer Survival Training of the second cohort of SALT personnel, successfully completing the necessary training in Personal Safety, Self Defence Awareness and Assault Prevention; Combat Readiness 21 Tactical Conditioning; Use of Force Options and Legal Considerations; Introduction to Defensive Tactics; O3 Knife Defence; Handcuffing/Searching and Baton Skills. This course ran from 21 - 25 August 2023, and all participating officers received certificates of completion in a graduation ceremony on the final day of the course.

The responsibilities to secure the Court, its publics, the residences of the President of the Court and other CCJ Judges, and provide logistic support to facilitate the smooth functioning of the Court remain the cornerstone of the SALT's activities. As we strive toward the fulfilment of our mission, vision, and values, the team stands ready to serve with loyalty and dedication as a critical element of the organisation.

Department/Unit Updates *(continued)*



Finance and Administration Department

The Finance and Administration Department provides financial and accounting services to meet the Court's needs. These services include accounts payable, receipts, preparation and monitoring of the Court and Commission budget, and producing court financial reports. Over the last year, the Finance Unit has ensured the proper and timely recording of accounting transactions to prepare accurate financial statements.

The highlights for 2023/2024 were as follows:

Concluded the financial year 2024 without any discoveries or adverse comments and received an unqualified audit opinion on its financial records. Collaborated with various departments throughout the Court to enhance the efficiency of spending procedures. Furthermore, we exercise oversight over expenses to ensure conformity with budgetary constraints.

The 2025/2026 Biennium Budget preparation began and was managed by the Finance Unit; each department made submissions to include the final budget for presentation to the CCJ Trust Fund. Particular attention focused on the financial resources that are essential for the fulfilment and execution of its mandate and strategic objectives, placing particular emphasis and weight on maintaining and developing its information, communication, and technology infrastructure.

During the year, we instituted an automated purchase order generation module, which has proven to be highly effective in ensuring the prompt and accurate release of court purchase orders and financial reports. Monthly financial information was prepared to provide accurate and credible financial data to facilitate effective planning and decision-making.

During 2023, one staff member was reassigned to the internal audit function, which led to the start and development of the internal audit function in the Court. The Department provides technical guidance through the introduction of this assignment. The Court recognises that the internal audit recommendations would be essential to improving and increasing the Court's efficiency.

Department/Unit Updates *(continued)*



Facilities Assets and Office Management Unit

The Facilities Assets and Office Management Unit (FAOMU) of the Caribbean Court of Justice played a pivotal role in advancing the Court during the 2023-2024 Court year. The FAOMU introduced several new initiatives to the rest of the organisation, which were welcomed by staff. The organisation also benefited from the improved level and quality of procurement now offered and managed by the FAOMU.

Procurement



The procurement section of the FAOMU managed several high-profile procurement projects during the fiscal year 2023-2024. Some of the major projects included procuring a new Employee Self-Service system for the Court to replace the old system that was no longer supported by the vendor. New laptops for the Information Systems Department and a new official vehicle for the office of the CCJ President were also procured. As the fiscal year progressed, further requests for procurement were generated and a high level of procurement activity was maintained within the department.

Disposal event

In 2024, the FAOMU completed a vehicle disposal exercise, resulting in the sale of two vehicles from the fleet that were earmarked for disposal. The exercise was conducted with the utmost transparency via public tender. All bids were opened in full view of all who attended the public opening.



Go Green Initiative



The CCJ was determined to play its part in adopting sustainable practices, so in 2024, the Court launched the Go Green Initiative, which was overseen and managed by the FAOMU. This project incorporated several aspects and activities that all played a role in reducing the



Department/Unit Updates • Facilities Assets and Office Management Unit *(continued)*

organisation's overall carbon footprint. Main activities included the procurement and branding of recycle bins for the collection of single-use plastics, procurement of larger reusable water bottles and dispensers, reduction in the use of printing paper by promoting the use of electronic memos and requisitions, and the recycling of old paper-based files that were due for disposal. The metrics for this initiative included the determination of a carbon footprint. Subsequent to this determination, the Unit was able to track a reduction in this footprint based on data collected after employees adopted more sustainable practices. Some of the data that was captured during this exercise is displayed below.

The table shows data representing printing paper usage and bottled water purchased by CCJ over six years.

Product	2021	2022	2023	2024
Printing Paper Usage by Reams	151	99	175	94
Water purchased by case 410ml	265	Data Unavailable	229	125

Table showing expenditure on printing paper and bottled water along with plastic waste generated over six years.

Product	2018	2019	2021	2022	2023	2024
Printing Paper Usage by Cost	No Data Available	No Data Available	\$3,926.00	\$2,574.00	\$4,550.00	\$2,444.00
Cost of 410ml Water purchased	\$8,008.00	\$9,074.00	\$6,890.00	Data Unavailable	\$5,954.00	\$3,550.00
Plastic waste generated per 410ml bottle	7,392	8,376	6,360	Data Unavailable	5,496	3,000



Upholding Excellence: CCJ and RJLSC Launch Code of Conduct for Non-Judicial Employees

In keeping with its commitment to ethical leadership and institutional excellence, the Caribbean Court of Justice (CCJ) and the Regional Judicial and Legal Services Commission (RJLSC) have developed and formally adopted a comprehensive Code of Conduct for Non-Judicial Employees.

Launched in 2023, this important initiative underscores the shared values of integrity, impartiality, and professionalism that guide both institutions. While judicial officers operate under long-established codes of judicial conduct, it became clear that non-judicial staff, who play a vital role in the functioning of the Court and Commission, also require a robust ethical framework to support principled decision-making and day-to-day operations.

Unlike top-down directives, the development of this Code was a staff-led initiative. Employees from across the organisation actively contributed to the process, providing insight and feedback that shaped the final product. The initiative was spearheaded by the Executive Officer of the RJLSC, Mrs Sherry-Ann Ramhit, and was informed by extensive consultation, benchmarking against international best practices, and alignment with existing legal and institutional policies.

The Code applies to all non-judicial staff, including permanent and contract staff, temporary employees, and interns. It sets out clear expectations in areas fundamental to professional conduct, such as protecting confidentiality, avoiding real or perceived conflicts of interest, ensuring responsible use of court resources,

and maintaining appropriate boundaries both in and outside of work. It also addresses staff participation in public communications and social media, emphasising discretion and professionalism to preserve the Court's integrity.

Equally, the Code reinforces the importance of a respectful, discrimination-free, and collaborative work environment, where accountability and ethical awareness are collective responsibilities. It reflects the Court's broader strategic goal of fostering a strong, transparent, and values-driven organisational culture.

The Honourable Mr Justice Adrian Saunders, President of the CCJ, has commended the Code as a "model of good governance" and a reflection of the institution's commitment to leading by example. He applauded the staff members involved, noting that the initiative exemplifies the Court's long-term vision of integrity-centred service to the region.

Now in effect, the Code of Conduct stands as both a guide and a symbol – affirming that the CCJ and RJLSC hold themselves to lofty ethical standards expected of the region's highest judicial body.



European Development Fund Grant

The European Development Fund (EDF) Project commenced in September 2022 and will end in the year 2026. This project grants Caribbean access and delivery of justice initiative, funded under a EUR 932,940 grant agreement of which the European Union is expected to contribute up to EUR 690,000 (74%) and the Caribbean Court of Justice (CCJ) EUR 241,940 or 26% and a EUR 1.26 million procurement component fully funded by the European Union through CARIFORUM/CARICOM as the implementing agency. The purpose of the Referral aspect of the project is to contribute to the advancement of knowledge and training in the practical application of the law in the Court's Original Jurisdiction under the provisions of the Revised Treaty of Chaguaramas (RTC) and to simultaneously strengthen the administration of justice in the Caribbean¹.

Some of the main objectives include:

- | | | |
|---|---|--|
| a) Strengthening the functions and outreach of the CCJ, | b) Supporting the establishment and operationalisation of the Caribbean Community Administrative Tribunal (CCAT); | c) The advancement of legal education in the Caribbean. The project is being executed by the CCJ for the grant component of the agreement in collaboration with the CARICOM Secretariat for the Procurement Component. |
|---|---|--|

“The Project’s impact objective is to improve access and delivery of justice in the Caribbean region”

The Project office includes:

- Project Coordinator – Mr John Furlonge; and
- Administrative Officer – Mrs Jennifer Scipio-Gittens (retired Nov 2023)
- Administrative Officer – Ms Wendy Mitchell (commenced June 2024)

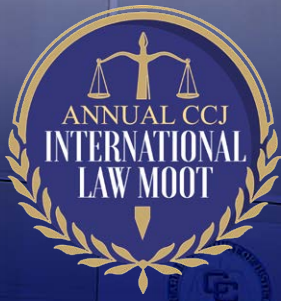
The project's internal environment was designed to have the team collaborate and have access to the CCJ's full resources and this arrangement has been deemed sufficient for successful implementation.

The project office has responsibility to manage the project including oversight/management with the strategic plan sustainability goals. The period from **August 2023 to July 2024**, demonstrated continued activities for the implementation of the 11th EDF Support to the Caribbean Court of Justice.

Some of the major achievements and highlights over the past year included:

- 1) Strengthening the functions and outreach of the CCJ
 - a. Referral Training conducted:
 - i. Barbados (Judicial Officers, Bar Association and Civil Society)
 - ii. Saint Lucia (Judicial Officers, Bar Association and Chamber and Business Community)
 - iii. Suriname (Judicial Officers and Chamber of Commerce).

¹ Judicial Education and Training on the Referral Jurisdiction: Referral Manual



The Eugene Dupuch Law School Sweeps the 14th Annual CCJ International Law Moot



On Friday, 22 March 2024, the Eugene Dupuch Law School won the Moot Challenge Shield at the XIV Annual Caribbean Court of Justice (CCJ) International Law Moot. This represents the sixth win for the Bahamian law school, which also won the prizes for the best oralist and best written submission. The second-place prize was awarded to the Faculty of Law, The University of the West Indies, St Augustine who also copped the prize for the Best Academic Institution. The Norman Manley Law School edged out the Department of Law, University of Guyana to win the Social Media Spirit Prize.

A mere two weeks after the world celebrated International Women's Day, the impact of women was duly reflected in the all-female winners of this year's competition. The victorious team comprising Chastity Butler (winner of the Best Oralist Award), Tracy-Ann Martell, and Sashae Duncan, credited hard work, cooperation, and flexibility before the judges for their incredible win. Their achievement included receiving the first-ever prize for the Best Written Submission Award in tribute to the late Mr Justice Jacob Wit, who before his retirement from the CCJ, was a stalwart in this annual competition.



The 14th Annual CCJ International Law Moot *(continued)*

The Moot was established in 2009 to orient law students in the processes and procedures of the Court while helping them become more familiar with the Court's Original Jurisdiction (OJ). It focuses on the interpretation and application of the Revised Treaty of Chaguaramas (RTC). In its OJ, the CCJ is an international court and is the only court that has the authority to interpret the Treaty when there are disagreements concerning freedom of movement, trade, services, and capital within the Caribbean Community. Countries, businesses, and individuals can ask the Court to interpret the Treaty.

According to the Hon. Mr Justice Winston Anderson during the opening ceremony, "this Moot presents an invaluable opportunity to delve into the nuances of the Revised Treaty, understand the procedures for pursuing the rights it bestows, and familiarise yourselves with the Court that interprets and applies the Treaty. We hope this experience will ignite your passion for the advancement of Community law, inspiring you as practitioners and scholars to contribute significantly to the development of Caribbean jurisprudence."

Under the chairmanship of the Hon. Mr Justice Burgess, this year's Moot question was argued before a panel of three judges, comprising the Hon. Mme Justice Rajnauth-Lee, the Hon. Mr Justice Denys Barrow, and the Hon. Mr Justice Peter Jamadar. The students participating in the Moot were given a fact pattern that presented issues regarding the breach of provisions in the RTC. The teams applying to the CCJ for special leave were to argue that there had been imposition of new restrictions on the CARICOM right of establishment under the RTC, that there had been a breach of the provisions governing the establishment and imposition of the common external tariff, and that there had been the imposition of measurable restrictions contrary to the provisions of the RTC. The teams on the defence were to argue that there had been no breach on any of those points.

The public can view the recordings of this year's competition and the award ceremony on the Caribbean Court of Justice's YouTube channel [here](#).





Committees

Health, Safety, Security, and Environment (HSSE)

Committee Revitalisation

The HSSE Committee was revitalised on 20 April 2023, with bi-monthly meetings to finalise policies and address related matters. This restructuring aimed to enhance the efficiency and effectiveness of the Committee in ensuring workplace safety, security, and environmental responsibility. Through these meetings, members were able to contribute valuable insights and develop comprehensive action plans to improve HSSE standards across the organisation. The work of the Committee continued throughout 2024 with the development and implementation of the HSSE Policy, which was approved by the Policy and Procedures Approval Committee (PPAC).

Policies and Procedures

The following policies and procedures were completed during the period, contributing to the organisation's commitment to maintaining a safe and secure work environment:

HSSE Policy Completed: outlining the fundamental principles and guidelines for safety, security, and environmental measures.	HSSE Policy Statement Completed: serving as a formal declaration of the organisation's commitment to HSSE initiatives.	Terms of Reference Completed: defining the roles, responsibilities, and objectives of the HSSE Committee.	Safety Emergency Preparedness Procedure Booklet Completed: providing a detailed guide on emergency protocols and preparedness strategies.	Safety Warden Booklets Work is ongoing to ensure comprehensive and practical guidelines for safety wardens.
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Sensitisation on the HSSE Policy was conducted on 15 May 2024, where employees were briefed on their roles in upholding safety standards. The Honourable Mr Justice Adrian Saunders, CCJ President, officially approved the HSSE Policy Statement.

Safety Initiatives

Equipment Acquired

To enhance safety measures within the organisation, the following equipment was procured:

- Safety Vests – To improve visibility and identification of safety personnel.
- Whistles – To enable quick alert mechanisms in case of emergencies.
- Two-way “GO” signs – To efficiently direct movement across busy streets during evacuations and drills.
- Two-way “STOP” signs – To regulate movement and ensure orderly procedures during emergencies.



Committees • Health, Safety, Security, and Environment (HSSE) *(continued)*

Muster Points

Designated muster points were re-established to ensure a systematic and efficient emergency evacuation process.

Health Measures

The organisation has made concerted efforts to ensure proper medical facilities and health protocols are in place. These measures include the establishment of emergency medical response procedures, staff wellness programmes, and initiatives aimed at promoting a healthy work environment. Additionally, health awareness campaigns and regular medical check-ups have been encouraged to foster a culture of well-being among employees.

Training & Capacity Building

As part of continuous development and capacity building, training programmes were implemented to equip staff with critical skills in emergency response and safety management:

- **Standard First Aid, Cardiopulmonary Resuscitation CPR/ Automated External Defibrillator AED Training** – Conducted on 20 September 2024, with 17 HSSE committee members participating. This training enhanced their ability to respond effectively to medical emergencies and provide immediate assistance when necessary. All personnel were certified.

Incident/Accident Reports

The organisation remains committed to maintaining a safe work environment, and as a testament to these efforts, no incidents or accidents were reported during the period. Continuous monitoring and risk assessments have been conducted to uphold safety standards and prevent future occurrences.

The HSSE Committee is vital in fostering a secure, healthy, and environmentally responsible workplace for all employees and stakeholders through ongoing vigilance and proactive safety measures.



Committees (continued)

CCJ Committee for Improving Access to Justice for Persons with Disabilities

CCJ/RJLSC Policy to Improve Access to Justice and to Provide Accommodations to Persons with Disabilities

In the CCJ's Annual Report for 2022-2023, it was reported that a Committee was established by President Saunders with the task of developing a CCJ/RJLSC Policy to improve access to justice and to provide accommodations for persons with disabilities (PWDs). The policy would address issues and challenges faced by PWDs and ensure enhanced accessibility both in the workplace and in the courtroom. It was also intended that such a policy would enhance the protection of the rights of PWDs and would accord with the Mission of the CCJ "to provide accessible, fair and efficient justice for the people and states of the Caribbean Community".

Following a survey of all Judges and staff of the CCJ, a draft policy that considered the views of those surveyed was developed by the Committee. In November 2023, the draft policy was circulated internally to Commissioners, Judges, and Staff for their comments. The draft policy was also circulated to the Court's external stakeholders: Heads of Judiciaries, Bar Associations, civil society organisations, academics, and individuals from across the Caribbean, who represented PWDs, or who were themselves PWDs, or had special expertise in the field. The Committee was extremely grateful to receive many responses from both internal and external stakeholders. The Committee continued to bear in mind that its work and decisions must be guided at all times by the principle "*Nothing about us, without us*".

On 22 February 2024, an internal consultation session was hosted in hybrid format with Commissioners, Judges, managers, supervisors, and staff of the CCJ and RJLSC. The session was facilitated by the Committee's two external Members - Ms Ria Mohammed-Davidson, Attorney at Law, and Co-Chair of the Human Rights Committee of the Law Association of Trinidad and Tobago, and Ms Shamla Maharaj, Product Delivery Analyst (Scotiabank, Eastern Caribbean Region), Disability Advocate, Host of the TV programme "Unique Not Different", and representative of the Consortium of Disability Organizations (CODO).

The session was well received, and the Committee was delighted with the enthusiastic participation of the attendees. The session proved to be extremely useful, as it provided important comments and views from staff. This feedback was further considered by the Committee and formed the basis of a revised draft policy produced by an Editorial Sub-Committee. On 3 June 2024, the Committee was pleased to submit the final **Draft Policy to Improve Access to Justice and Provide Accommodations to Persons with Disabilities** to the RJLSC for its review and approval.

The Committee expressed sincere appreciation for the dedication of all its members to making its achievements successful.



Committees *(continued)*

The Monitoring and Evaluation Committee

The Monitoring and Evaluation (M&E) Committee of the Caribbean Court of Justice ensures that the Court operates efficiently, effectively, and transparently. The Committee oversees the implementation of the Court's Strategic Plan and is responsible for crafting an annual Work Programme for the Court. This Work Programme sets out the strategic initiatives to be achieved by the various Units/Departments of the Court in alignment with the Court's strategic objectives and the President's overarching themes for the year.

The Committee systematically assesses the Court's performance in achieving its strategic initiatives through Progress Reports, which are presented to the Committee by Unit leads at two M&E Committee Meetings annually. The mid-year report allows the Committee to gauge the progress of strategic initiatives and assess how resources are being utilised to facilitate the completion of initiatives by year end. The end of year report gives Unit leaders an opportunity to indicate what they have completed, what will be carried over into the next year's Work Programme and what is yet to be started. The reports also indicate the lessons learned by the Unit and the risks to the completion of strategic initiatives. This allows for accountability and identification of issues, which may lead to the resolution of issues. The reports at the end of year meeting are utilised to design a Work Programme, which includes strategic initiatives that can realistically be completed considering the Court's resources.

There is also an Executive Sub-Committee of the broader M&E Committee, which meets every two weeks to ensure that there is proper management of the work to be done by the broader M&E Committee. These regular check-ins ensure that achievement of strategic objectives remains a top priority for the Court's high-level management who can then lead their Units/Departments with that goal in mind.



Committees (continued)

Policies and Procedures Approval Committee (PPAC)

“Out of 35 policies reviewed, 24 were recommended for approval - demonstrating CCJ’s proactive governance.” (Final Report – PPAC, 2024).

In 2023, the Caribbean Court of Justice (CCJ) undertook a significant initiative to enhance institutional governance through a comprehensive review of its policies and procedures. The Policies and Procedures Approval Committee (PPAC), re-appointed by the President, Mr Justice Adrian Saunders on 27 April 2023, led this pivotal exercise. The PPAC’s mandate focused on ensuring that all policies remained current, relevant, and aligned with the Court’s evolving structure, technological advancements, compliance obligations, and strategic direction.

During the period May to December 2023, the PPAC, chaired by the Honourable Mr Justice Winston Anderson, convened regularly to review both existing and new policies. The committee included cross-functional members drawn from the Registry, Corporate Administration, Finance, Information Systems (IS), Human Resources, Communications, and Library Services. Their collaborative efforts ensured a multidisciplinary lens was applied to every policy under review.

Out of 35 policies reviewed, the PPAC recommended 24 for approval – 18 existing policies and 6 new ones. This review was guided by several criteria, including clarity, legal compliance, structural consistency, stakeholder feedback, and alignment with the CCJ’s Strategic Plan 2019–2024. Notable policy areas reviewed included media relations, information security, employee assistance, vendor management, and IS governance.

POLICIES REVIEWED BY THE PPAC

18

EXISTING POLICIES

- Annual Report Policy
- Asset Disposal Policy
- Credit Card Policy
- Email Policy
- Employee Assistance Programme (EAP) Policy
- Fedex Policy
- Information Security Policy
- Library Cataloging
- Library Use Policy
- Media Relations Policy
- Orientation and Onboarding Policy
- Password Policy
- Parking Policy
- Portable Device Assignment Policy
- Security Administration and Management Policy
- Transportation Management
- Travel Policy
- Vendors and Contractors Policy

6

NEW POLICIES

- Back-up and Recovery Policy
- Protocol for Death in Office – President/Judge/Manager/Staff
- E-Signature Policy
- Health, Safety, Security and Environment Policy
- Patch Management Policy
- User Access Rights Policy



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Committees • Policies and Procedures Approval Committee (PPAC) *(continued)*

Several common themes emerged during the review. The Court's structural bifurcation into Divisions required updates to policy language and reporting frameworks. The Committee also standardised grammatical conventions across all documents, aligning with British spelling and formal formatting protocols. In response to internal audits and compliance demands, new IS policies were developed, such as E-Signature, Patch Management, and User Access Rights, reflecting the Court's readiness to manage digital operations with resilience and foresight.

One of the Committee's notable strengths was its proactive approach to operational needs, exemplified by the timely introduction of a new policy mid-cycle to address an emerging situation. This responsiveness reflects the Court's robust strategic direction and its commitment to ensuring policies remain dynamic and fit-for-purpose. The PPAC's work also reinforced the importance of enhancing mechanisms for policy responsiveness and broadening engagement with external stakeholders. These reflections will guide future refinements, ensuring the Court continues to strengthen its governance framework and deepen its connection with all stakeholders.

Through its detailed assessment and forward-thinking approach, the PPAC has reinforced the CCJ's commitment to accountability, consistency, and best practice in organisational governance. These efforts contribute to building a stronger foundation for the Court's administrative integrity, stakeholder confidence, and overall mission of delivering accessible and efficient justice across the Caribbean region.



CCJ Academy for Law 7th Biennial Conference

From 18 – 20 October 2023, the Hon. Mr Justice Anderson together with the late Mr Justice Wit, hosted the CCJ Academy for Law 7th Biennial Conference under the theme ***“Criminal Justice Reform in the Caribbean: Achieving a Modern Criminal Justice System.”*** This 7th Biennial Conference comprised a Regional Townhall, specifically geared towards discussing solutions to crime. The Conference was a major success and at the end of it saw the adoption of the Needham’s Point Declaration. The Declaration was adopted on 20 October during the final day of the conference and contains 39 key declarations providing a roadmap for policymakers, members of the bar, judicial officers, the legislature, and other justice stakeholders on how the criminal justice systems of our Caribbean region could be further modernised.



The Hon. Mr Justice Jacob Wit (as he then was) and in his capacity as Deputy Chairman of the CCJ Academy for Law, aided with the planning and execution of the 7th Biennial Conference since January 2023.



President Saunders presents at the CCJ Academy for Law 7th Biennial Conference



During the Regional Townhall Meeting

Regional Townhall (Getting a Grip on Crime)

On Wednesday, 18 October 2023, the CCJ Academy for Law hosted a Regional Townhall as part of the 7th Biennial Conference events hosted by moderator David Ellis. The event was held at the Hilton Hotel Resort and provided a space for attendees to discuss matters concerning the region’s criminal justice system.

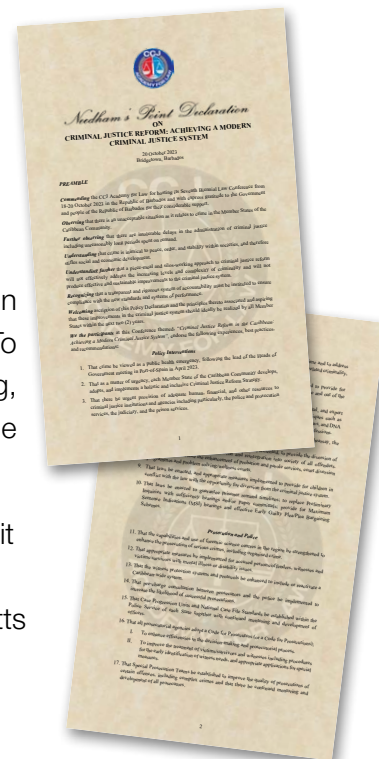


CCJ Academy for Law (continued)

The Needham's Point Declaration

The CCJ Academy for Law considers the Adoption of the Needham's Point Declaration on Criminal Justice Reform to be a seminal moment in Caribbean jurisprudence. To ensure that momentum was not lost, the Academy established a Monitoring, Evaluating, and Facilitating Committee (MEFC). The objective of the Committee is to encourage the timely implementation of the Declaration. The members of the Committee are:

- Mr Justice Winston Anderson (Chair) (CCJ);
- Mme Justice Alice Yorke Soo Hon (Co-chair) (Trinidad and Tobago);
- Mr. Justice Mark Mohammed (Trinidad and Tobago);
- Mme Justice Maria Wilson (Trinidad and Tobago);
- Ms Paula Llewellyn KC (Jamaica);
- Mrs Cheryl-Lynn Vidal SC (Belize);
- Mr Anil Nandlal SC & his representative Ms Deborah Kumar/Ms Indira Anandjit (Guyana);
- Mr Garth Wilkin (Saint Kitts and Nevis);
- Mr Fitz Bailey (Jamaica);
- Mr John Coombs (CCJ);
- Ms Sirah Abraham (British High Commission); and
- Ms Christalle Gemon (UNDP PACE Justice).



Within a time frame of two years, the following deliverables are expected to be completed:

Deliverable 1:

A clear outline of the rationale underpinning establishment of the MEFC and its purview.

Deliverable 2:

Development of a data collection and reporting mechanism, for ongoing monitoring and evaluation of Needham's Point Declaration implementation landscape in the region.

Deliverable 3:

Periodic visits by delegations from the MEFC to countries that are in the process of implementation. The said visits will be for monitoring and advisory purposes, and it is expected that delegations will consist of three members of the MEFC per visit.

Deliverable 4:

Generate and publish a report detailing the work of the MEFC at the conclusion of its lifespan. The MEFC has met on several occasions since its formation and has discussed plans for receiving information from the various jurisdictions on the implementation measures adopted. The Committee, through its members, supports various implementation initiatives in the various jurisdictions. In particular, the MEFC is playing a critical role in the planning of the Guyana Conference.

The MEFC has discussed ways in which its legitimacy could be strengthened through, for example, endorsement by the Conference of Heads of Judiciaries, and/or by the Legal Affairs Committee. The point has also been raised that there could be merit in the endorsement of the NDP by the Heads of Government.



CCJ Academy for Law *(continued)*

The Third Instalment of the Eminent Caribbean Jurist Series: Legendary Caribbean Legal Practitioners

In January 2024, the CCJ Academy for Law hosted a Regional Townhall as part of the 7th Biennial Conference events hosted by moderator David Ellis. The event was held at the Hilton Hotel Resort and provided a space for attendees to discuss matters concerning the region's criminal justice system.

Referral Training Exercise

In February 2024, The CCJ Academy for Law in collaboration with the CCJ continued to implement 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. A Referral Workshop Sensitisation Session on the CCJ's Original Jurisdiction was held on 20 February 2024 with the Judiciary of Saint Lucia, its Bar Association, and the Chambers of Commerce, Industry and Agriculture. Saint Lucia's judges, registrars, magistrates, attorneys, and its business community gathered at Palmville Conference Center, Coco Palm Hotel and the Bay Gardens Beach Resort in multiple sessions to deepen their understanding of the referral obligations of local courts and the Court's original jurisdiction. This initiative was co-funded by the European Union. Participants were involved in simulation exercises, step-by-step guides, and group exercises that enabled them to identify when a question concerning the interpretation and application of the Revised Treaty of Chaguaramas arises in domestic proceedings, assess whether proceedings should be made to the CCJ and apply the ruling of the CCJ to resolve the dispute among other critical topics.



During the Referral Training Exercise

EUIPO CARIPi WIPO Conference on IP Case-Law in the Caribbean



Attendees of the EUIPO CARIPi WIPO Conference

In March 2024, the CCJ Academy for Law (CAL) was invited to collaborate with EUIPO, the CARIPi Project, WIPO in putting on the Caribbean Intellectual Property Case-Law 3-6 March 2024. The Conference was the very first of its kind ever to be held in the English-speaking Caribbean. Participants were drawn from most of the English-speaking Caribbean, Suriname, the Dominican Republic, and Cuba. There were also guest speakers from Latin America and Europe. The Academy was represented by the Chairman, the Hon. Mr Justice

Anderson, and Judicial Counsel, Ms Crystal Charles. The Hon. Mr Justice Anderson made remarks at the event and Ms Charles chaired one of its sessions. In his remarks, the Chairman indicated that CAL looks "forward to further collaborative activities with both our national, regional, and international partners and hopes that this week's Caribbean IP case law conference will mark a significant step in this direction of future partnership and collaboration."



CCJ Academy for Law (continued)

Presentation of Legendary Caribbean Legal Practitioners Book to Dr Claude Denbow

On 6 March 2024, the CCJ Academy for Law together with President Saunders presented a copy of the Caribbean Legal Practitioners Book to Dr Claude Denbow in which he was honoured for his stellar legal contribution to the Caribbean region.



President Saunders presents a copy of the Caribbean Legal Practitioners Book to Dr Claude Denbow

CCJ Academy for Law Board of Directors' Meeting

On 28 March 2024, the CCJ Academy for Law convened its Annual Board of Directors Meeting where past and future projects of the Academy were tabled for discussion. In attendance were its Chairman, the Hon. Mr Justice Winston Anderson and directors the Hon. Mr Justice Andrew Burgess and the Hon. Mme Justice Mira Dean-Armorer. Newly appointed directors, Registrar and Chief Marshal Mrs Gabrielle Figaro-Jones, Dr Jan Yves Remy (Director of the Shridath Ramphal Centre for International Trade Law, Policy and Services (the SRC)), and Ms Radha Permanand, in the stead of Director Ms. Lisa Shoman (General Counsel of CARICOM), were also in attendance, as well as CCJ Academy for Law Corporate Secretary and Judicial Counsel John Coombs, as well as attorney-at-law Ms Nneka Onuoha, holding for Administrative and Compliance Officer (Judicial), Mr Marlon Prince. New directors were appointed, past and future projects of the Academy were discussed and suggested, and its financial information was presented.

Legendary Caribbean Legal Practitioners' Book Presentation

On 19 April 2024, the CCJ Academy for Law together with the CCJ President, the Hon. Mr Justice Saunders, presented Mr Simon de la Bastide with a copy of the Legendary Caribbean Legal Practitioners book which his father, the Right Honourable Mr Justice de la Bastide TC, PC, KC, was an honoree.



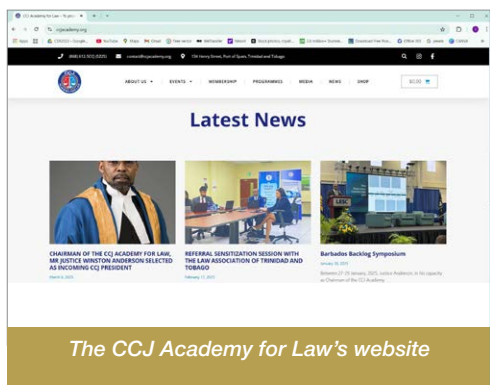
President Saunders, stands next to Mr Simon de la Bastide and Justice Anderson



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CCJ Academy for Law (continued)



The CCJ Academy for Law's website

CCJ Academy for Law Website Development

In May 2024, the CCJ Academy for Law spearheaded the comprehensive redevelopment of the Academy's website with web developer Mr Kevin Headley. This redevelopment encompassed the structural and security enhancements, as well as the contents and design updates of the Academy's website. Mr Headley's services were secured through sole sourcing of Kevin Headley Creative, based in Barbados, with whom the Academy has enjoyed previous mutually beneficial engagements. The website was relaunched in May 2024.

Meeting with the European Judicial Network Secretariat (EJN)

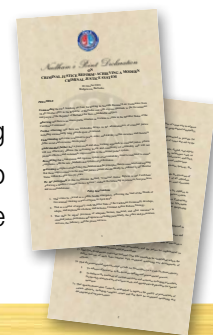
On 13 May 2024, the European Judicial Network Secretariat (EJN) met with the CCJ, inclusive of the Academy for Law, to discuss the facilitation of judicial cooperation and nominate contact points to follow-up on initiatives. The EJN is a decentralised network of practitioners across the European Union with reach in some non-EU countries. The Academy's Chairman, the Hon. Mr Justice Anderson presented on the role and function of the CAL, explained the Needham's Point Declaration, indicated particular interest in the area of compensation for victims of crime and how CAL can learn from the EJN as to how the State can go about establishing Criminal Injuries Compensation Boards.

Legendary Caribbean Legal Practitioners Event in Jamaica

On 21 May, the CCJ Academy for Law, in collaboration with the Norman Manley Law School, hosted the Legendary Caribbean Legal Practitioners event in conjunction with its Annual Norman Manley Law Lecture. The event took place at the Norman Manley Law School in Kingston, Jamaica, and was attended by honorees, essayists, their well-wishers, and representatives of the Norman Manley Law School, the Jamaica Bar Association, the General Legal Council as well as the Organisation of Commonwealth Caribbean Bar Association. Surviving honourees were pinned and presented with a copy of the Academy's publication: *Legendary Caribbean Legal Practitioners*. The honorees included Hon. Frank Milton Phipps KC, Hon. Dr Lloyd George Barnett, and Mme Justice Hilary Ann Phillips KC. Essayists were also presented with a copy of the publication.

Needham's Point Declaration Sensitisation Session in The Bahamas

On 17 June 2024, the Academy's Chairman and Chairman of the Monitoring Evaluating and Facilitating Committee (MEFC), Mr Justice Anderson, as well as his co-chair, the Hon. Mme Justice Yorke-Soo Hon virtually met with the Bahamian criminal judges on 17 June 2024, to further implement the policies espoused by the Declaration.

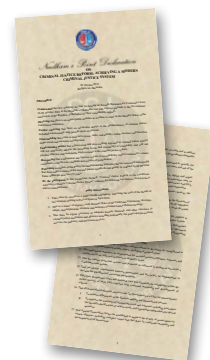




CCJ Academy for Law (continued)

Needham's Point Declaration Sensitisation Session in Barbados

On 24 June 2024, the Academy's Chairman and Chairman of the MEFC, the Hon. Mr Justice Anderson, as well as his co-chair, the Hon. Mme Justice Yorke-Soo Hon virtually met with the Barbadian criminal judges on 24 June 2024 to further implement the policies espoused by the Declaration.



Video Production of Legendary Caribbean Legal Practitioners Book

In July 2024, the CCJ Academy for Law commissioned a video production of Legendary Caribbean Legal Practitioners (LCLP), the third instalment of its Eminent Caribbean Jurists series. Building upon the success of its predecessors, the LCLP video showcased the remarkable achievements of notable legal practitioners using as a companion the comprehensive book of the same title featuring detailed profiles of its honorees. The Academy enlisted the services of Visual Art and Production Ltd obtained through sole sourcing to produce the video.



Justice Rajnauth-Lee addresses the Guyana Criminal Law Conference

Guyana Criminal Law Conference

On 10-11 July 2024, the CCJ Academy for Law, in collaboration with the Office of the Attorney General of the Cooperative Republic of Guyana, held the first "Legal Conference on Criminal Justice Reform – Advancing the Needham's Point Declaration". The conference saw the President of the Cooperative Republic of Guyana provide opening remarks and declare the conference activities opened and was attended by the Chancellor (Ag), Mme Justice Yonette Cummings-Edwards, OR, CCH; Chief Justice of Belize, The Hon. Mme Louise Esther Blenman; The Hon. General and Minister of Legal Affairs of Guyana, Mohabir Anil Nandlall SC MP; Director of Public Prosecutions, Ms. Shalimar Ali-Hack SC; and other members of the legal fraternity, law enforcement officers, law students, and members of the civil society of Guyana.



Staff Activities



Recognition & Appreciation Awards

We Are One Carnival Event



CCJ's End-of-Year Event





In Tribute to the Late Mr Justice Wit

The late Honourable Mr Justice Jacob Wit became a member of the inaugural CCJ Bench in 2005 and diligently served until his retirement in December 2023. He was buried in a private ceremony on 24 January 2024, in Curaçao.



On Wednesday, 31 January 2024, representatives from around the region convened at the Caribbean Court of Justice in Trinidad and Tobago for a special sitting to celebrate his life as one of the earliest sworn in CCJ Judges. He was fondly regarded and highly respected by his peers on the Bench, the Court, and the entire region. His judgments and rich contribution to judicial work will endure.

Presided over by the CCJ President, the Honourable Mr Justice Adrian Saunders, the Special Sitting included remarks by judges, academics, and members of the CCJ staff. Mr Justice Wit was described by many of his peers as a witty and kind judge who was genuinely concerned about justice, fairness, and humanity. In the same vein, Mr Justice Saunders reminisced on his friendship with Justice Wit, stating that since they both joined the CCJ in 2005, the years were some of the most joyous 'thanks in large measure to Justice Wit's keen intellect, his curious mind, his generosity of spirit, [and] his collegiality.'

Remarks from the Rt. Hon. Sir Dennis Byron, former CCJ President, were delivered by the Hon. the Chief Justice of Trinidad and Tobago, Mr. Justice Ivor Archie, ORTT were similarly affectionate. Sir Dennis Byron remembers Justice Wit as "a perpetual student, a great intellect, [who] brought a fresh approach to problem-solving and finding just solutions in the resolution of disputes. He made great contributions to the development of our Caribbean jurisprudence, including but not limited to, the land law of Guyana."



In Tribute to the Late Honourable Mr Justice Wit *(continued)*

In many of the other tributes throughout the event, Mr Justice Wit was lauded for his many contributions to the “multi-layered concept of the rule of law” particularly in the areas of civil law and constitutional interpretation. He was keenly interested in the granular workings of the judicial system and spent time visiting the prisons in every jurisdiction whenever the Court travelled. In his capacity as co-Chairman of the CCJ Academy for Law, Mr Justice Wit delivered a rousing lecture in Guyana on “Rethinking Criminal Justice”. The Hon. Mr Justice Winston Anderson confirmed that in *da Costa Hall v. The Queen*, Mr Justice Wit “fathered the principle that time spent in custody before trial should count as time spent under the sentence imposed at trial” as convicted criminals were sentenced to prisons as punishment rather than for punishment.

Further warm sentiments were echoed by the Hon. Mme Justice Lisa Shoman, General Counsel of the Caribbean Community (CARICOM), who stated that when Mr Justice Wit was appointed in 2005 at the inception of the Court that he not by birth, but by deliberate choice, conscientious action and deed, became in spirit and soul, a true son of our CARICOM sun and soil and we are both proud and privileged to claim him.”

Mr Justice Geoffrey Henderson of the Trinidad and Tobago Judiciary also shared fond memories, drawing from experiences both in Trinidad and Tobago and in The Netherlands as Mr Justice Wit “brought to bear his distinctly blunt, direct, sometimes unsubtle, but most definitely, independent approach to his work as a jurist and his ability to speak to issues.”

Additional submissions were made by the Honourable Justices of the CCJ Bench; Mrs Gisel Thomas-Roberts, CCJ Deputy Registrar and Marshal; Ms Shaiesta Nabibaks, Lecturer, International Law, Anton de Kom University, Suriname; Mr Donovan Walker, President, The Organization of the Commonwealth Caribbean Bar Associations; and the Hon. Mr. Justice Mauritsz de Kort, President, The Joint Court of Justice of Aruba, Curacao, Bonaire, Sint Maarten, Saba, and Saint Eustatius.



סייחה רורצב הרורצ ה/ושפנ אהת

Teheye nishmato tsurah b'tsrar ha- chayyim.

May his soul be bound up in the bonds of eternal life.



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In Tribute to the Late Honourable Mr Justice Wit *(continued)*



Court room 1 during Mr Justice Wit's special sitting



Lisa Shoman SC, General Counsel of CARICOM



President Saunders speaking during Mr Justice Wit's special sitting



President Saunders with Mr Justice Wit's wife and daughter



President Saunders presents a gift to the family of Mr Justice Wit



Signing of the condolence book by Mme Justice Rajnauth-Lee, and Mr Justice Henderson



Ms Nausicaa Wit, daughter of the late Mr Justice Wit, gives her remarks at the Special Sitting

Click here to view the
Special Tribute Video
on the Late Mr Justice Wit



AUDITED FINANCIAL STATEMENTS

**FOR THE YEAR ENDED
31 DECEMBER 2023**

EXPRESSED IN TRINIDAD AND TOBAGO DOLLARS



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Statement of Management's 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 2023, 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.

A handwritten signature in black ink, appearing to read 'A. Gonsalves', written over a horizontal line.

Signed
Title: Court President
Date: 14 June 2024

A handwritten signature in black ink, appearing to read 'D. L. Hughes', written over a horizontal line.

Signed
Title: Commissioner
Date: 14 June 2024



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 2023, 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 2023, 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.



Independent Auditor's Report *(continued)*



Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements 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 aggregate, they could reasonably be expected to influence the economic decisions of users taken based on 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 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.



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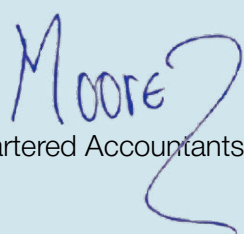
Independent Auditor's Report *(continued)*
Auditor's Responsibilities for the Audit of the Financial Statements *(continued)*



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
14 June 2024


Chartered Accountants



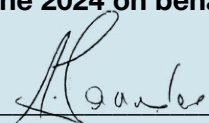
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Statement of Financial Position As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

	Note	2023 TT\$	2022 TT\$
Assets			
Non-current assets			
Property and equipment	3	1,388,300	2,069,686
Retirement benefits due from Trust Fund	4	109,521,989	101,915,459
Total non-current assets		110,910,289	103,985,145
Current assets			
Other receivables	5	639,292	486,135
Due from related parties	6	226,509	730,434
Cash and cash equivalents		5,155,517	3,055,905
Total current assets		6,021,318	4,272,474
Total assets		116,931,607	108,257,619
Accumulated funds and liabilities			
Accumulated funds			
Accumulated fund		5,059,036	4,096,707
Total accumulated fund		5,059,036	4,096,707
Non-current liability			
Retirement benefit liability	7	109,521,989	101,915,459
Total non-current liability		109,521,989	101,915,459
Current liabilities			
Deferred Income	8	792,795	1,261,352
Other payables	9	1,406,894	984,101
Due to related parties	6	150,893	-
Total current liabilities		2,350,582	2,245,453
Total accumulated funds and liabilities		116,931,607	108,257,619

The accompanying notes on pages 106 to 123 and Supplementary Financial information on pages 125 to 128 form an integral part of these financial statements.

These financial statements were approved for issue by the Court President and an RJLSC Commissioner on 14 June 2024 on behalf of the Caribbean Court of Justice.

Court President: 

Commissioner: 



ANNUAL REPORT 2023-2024

Statement of Comprehensive Income As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

	Note	2023 TT\$	2022 TT\$
Funding from the Trust Fund	10	52,349,273	16,851,140
Other income	11	960,502	540,375
		53,309,775	17,391,515
Administrative expenses	12	(49,009,133)	(47,635,069)
Surplus/(Deficit) for the year		4,300,642	(30,243,554)
Other comprehensive gain/loss:			
Re-measurement of defined benefit pension plans		(3,338,310)	26,418,810
Total comprehensive surplus/(deficit)		962,332	(3,824,744)

The accompanying notes on pages 106 to 123 and Supplementary Financial information on pages 125 to 128 form an integral part of these financial statements.



ANNUAL REPORT 2023-2024

Statement of Changes in Accumulated Fund As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

	Accumulated Fund TT\$
Year ended 31 December 2023	
Balance as at 01 January 2023	4,096,707
Total comprehensive surplus for the year	<u>962,332</u>
Year ended 31 December 2023	<u>5,059,039</u>
Year ended 31 December 2022	
Balance as at 01 January 2022	7,921,451
Total comprehensive deficit for the year	<u>(3,824,744)</u>
Year ended 31 December 2022	<u>4,096,707</u>

The accompanying notes on pages 106 to 123 and Supplementary Financial information on pages 125 to 128 form an integral part of these financial statements.



ANNUAL REPORT 2023-2024

Statement of Cash Flows As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

	2023 <u>TT\$</u>	2022 <u>TT\$</u>
Cash flows from operating activities		
Total comprehensive surplus/(deficit) for the year	962,332	(3,824,744)
Adjustments to reconcile total comprehensive surplus/(deficit) for the year to net cash from operating activities:		
Depreciation	1,116,911	1,545,619
Interest income	-	(2,617)
	2,079,243	(2,281,742)
(Increase)/ decrease in retirement benefit due from Trust Fund	(7,606,530)	19,260,510
Increase in other receivables	(153,158)	(58,204)
Decrease in due from related parties	503,924	230,812
Increase/ (decrease) in retirement benefit liability	7,606,530	(19,260,510)
Increase in other payables	422,792	54,160
Increase in due to related parties	150,893	-
(Decrease)/ increase in deferred income	(468,557)	1,261,352
Net cash generated from/(used in) operating activities	2,535,137	(793,622)
Cash flows from investing activities		
Interest received	-	2,617
Acquisition of property and equipment	(435,525)	(781,363)
Net cash used in investing activities	(435,525)	(778,746)
Increase / (Decrease) in cash and cash equivalents	2,099,612	(1,572,368)
Cash and cash equivalents as at January 1	3,055,905	4,628,273
Cash and cash equivalents as at December 31	5,155,517	3,055,905

The accompanying notes on pages 106 to 123 and Supplementary Financial information on pages 125 to 128 form an integral part of these financial statements.



Notes to the Financial Statements As at 31 December 2023 (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 14 February 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 15 February 2003, bringing the total number of signatories to 12.

The Court was inaugurated on 16 April 2005, in Port of Spain, Trinidad and Tobago. The first Commission came into force on 21 August 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 01 January 2023 and have been adopted by the Court.

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



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (Continued)

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

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 judgments, 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 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.



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (Continued)

(e) *Property and equipment*

Items of property 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 and equipment have different useful lives, they are accounted for as separate items of property and equipment.

The gain or loss on disposal of property and equipment is determined by comparing the proceeds from disposal with the carrying amount of the property 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 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 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 and equipment.

Depreciation is charged using the straight-line method at the rate of 25% for all property 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.



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (Continued)

(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.

(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.



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (Continued)

(j) *Financial assets (continued)*

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 collectible, 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.

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.



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (Continued)

(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 indicated that the retirement arrangements of Judges of the Court are authorized and funded from within the Trust Fund in accordance with a Protocol established by the Heads of Government; the retirement benefits due to non-judicial staff should be paid from the Trust Fund as they fall due. These proposals were accepted by the Court and the Commission.

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

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

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

When a staff member reaches retirement, the Court's actuary 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



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

2. Significant accounting policies (Continued)

(ii) *Defined benefit plan (continued)*

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.

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 accrual 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.



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Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

3. Property and equipment

	Computer & Software TT\$	Furniture, Fixtures & Equipment TT\$	Flags, Crest & Seals TT\$	Library Books TT\$	Security Equipment TT\$	Leasehold Im- provements TT\$	Vehicles TT\$	Total TT\$
Year ended 31 Dec 2023								
As at 1 Jan 2023	11,910,609	12,873,386	439,120	15,231,239	1,651,423	1,718,979	4,450,701	48,275,457
Reclassification	578,456	(782,679)	210,477	2	(1)	(6,249)	(1)	5
Additions	71,642	227,114	-	64,784	71,985	-	-	435,525
As at 31 Dec 2023	12,560,707	12,317,821	649,597	15,296,025	1,723,407	1,712,730	4,450,700	48,710,987
Accumulated depreciation								
As at 1 Jan 2023	(11,600,890)	(11,978,003)	(436,477)	(15,181,580)	(1,577,966)	(980,156)	(4,450,699)	(46,205,771)
Reclassification	(4)	210,453	(210,451)	-	-	(2)	(1)	(5)
Adjustment	(625,994)	305,754	(26)	(6,536)	(33,170)	(206,898)	-	(566,870)
Charge for the year	(103,851)	(282,261)	(2,643)	(40,840)	(31,425)	(89,021)	-	(550,041)
As at 31 Dec 2023	(12,330,739)	(11,744,057)	(649,597)	(15,228,956)	(1,642,561)	(1,276,077)	(4,450,700)	(47,322,687)
Net Book Value								
As at 31 December 2023	229,968	573,764	-	67,069	80,846	436,653	-	1,388,300
As at 31 December 2022	309,719	895,383	2,643	49,659	73,457	738,823	2	2,069,686
Year ended 31 Dec 2022								
As at 1 Jan 2022	11,582,623	12,517,459	439,120	15,206,703	1,597,709	1,699,779	4,450,701	47,494,094
Additions	327,986	355,927	-	24,536	53,714	19,200	-	781,363
As at 31 Dec 2022	11,910,609	12,873,386	439,120	15,231,239	1,651,423	1,718,979	4,450,701	48,275,457
Accumulated depreciation								
As at 1 Jan 2022	(11,417,199)	(11,583,347)	(433,808)	(15,136,180)	(1,527,208)	(891,135)	(3,671,275)	(44,660,152)
Charge for the year	(183,691)	(394,656)	(2,669)	(45,400)	(50,758)	(89,021)	(779,424)	(1,545,619)
As at 31 Dec 2022	(11,600,890)	(11,978,003)	(436,477)	(15,181,580)	(1,577,966)	(980,156)	(4,450,699)	(46,205,771)
Net Book Value								
As at 31 December 2022	309,719	895,383	2,643	49,659	73,457	738,823	2	2,069,686
As at 31 December 2021	165,424	934,112	5,312	70,523	70,501	808,644	779,426	2,833,942



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Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

	2023 TT\$	2022 TT\$
4. Retirement benefit due from Trust Fund		
Retirement benefits due from Trust Fund	<u>109,521,989</u>	<u>101,915,459</u>
<p>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.</p>		
5. Other receivables		
VAT recoverable	306,975	212,292
Employee advances	205,053	218,818
Due from Caribbean Community Administrative Tribunal	27,092	27,092
Other assets	<u>100,172</u>	<u>27,933</u>
	<u>639,292</u>	<u>486,135</u>
6. Due from related parties		
The following balances/transactions were held/carried out with related parties:		
a) Due from related parties:		
- The commission	-	681,607
- JURIST project	-	48,827
- CCJ Academy for Law	162,053	-
- Caribbean Association of Judicial Officers	<u>64,456</u>	<u>-</u>
	<u>226,509</u>	<u>730,434</u>
b) Due to related parties:		
- The commission	150,730	-
- JURIST project	<u>163</u>	<u>-</u>
	<u>150,893</u>	<u>-</u>
Amounts due / from related parties are interest-free, with no fixed repayment terms.		
c) Trust fund income received on behalf of and transferred to the Commission	2,880,145	1,519,138
d) Expenses charged to the Commission	47,775	52,454
The Commission works to ensure that the Court meets and fully satisfies the expectations and needs of the people it serves.		
Key management compensation		
e) Salaries and other short-term benefits	6,039,609	5,330,732



Notes to the Financial Statements
As at 31 December 2023
(Expressed in Trinidad and Tobago Dollars)

	2023	2022
	<u>TT\$</u>	<u>TT\$</u>
7. Retirement benefit liability		
Judges	72,974,520	70,947,450
Non-Judicial staff	<u>36,547,470</u>	<u>30,968,009</u>
	<u>109,521,990</u>	<u>101,915,459</u>

Judges pension arrangement

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

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



Notes to the Financial Statements As at 31 December 2023 (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:

	2023	2022
	TT\$	TT\$
Discount rate	5.0%	5.3%
Expected rate of return on plan assets	N/A	N/A
Salary growth rate	1%	1%
Average expected remaining working lives of members	9.2 years	9.66 years
Fair value of plan assets as at the beginning of year	-	-
Contributions by the Court	4,161,180	4,161,180
Benefits paid	(4,161,180)	(4,161,180)
Fair value of plan assets as at the end of year	-	-
Present value of obligation as at beginning of year	70,947,450	85,859,460
Interest cost	3,759,780	2,274,600
Current service cost - Employer's portion	2,027,070	3,679,500
Past service cost	-	2,836,560
Benefit payments	(4,161,180)	(4,161,180)
Actuarial gain/ loss on obligation	401,400	(19,541,490)
Present value of obligation as at end of year	72,974,520	70,947,450
Interest cost	3,759,780	2,274,600
Service cost	2,027,070	6,516,060
	5,786,850	8,790,660
Other comprehensive income		
Net actuarial gain/loss recognized	401,400	(19,541,490)
Total expense	6,188,250	(10,750,830)



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

7. Retirement benefit liability (Continued)

Judges pension arrangement (continued)

	2023	2022
	TT\$	TT\$
Opening liability	(70,947,450)	(85,859,460)
Total expense	(6,188,250)	10,750,830
Contributions paid	4,161,180	4,161,180
Closing liability	<u>(72,974,520)</u>	<u>(70,947,450)</u>

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	<u>(72,974,520)</u>	<u>(70,947,450)</u>
Liability recognised in statement of financial position	<u>(72,974,520)</u>	<u>(70,947,450)</u>

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	30,968,009	35,316,509
Current service cost	1,311,240	1,505,250
Interest cost	1,585,530	976,740
Contributions paid	695,760	755,970
Past service cost – transfer from RJLSC to CCJ	-	-
Remeasurements:		
- Experience adjustment	2,816,490	(5,004,120)
- Actuarial gains from changes in financial assumptions	120,420	(1,873,200)
- Benefits paid	<u>(949,980)</u>	<u>(709,140)</u>
Defined benefit obligation as at end of year	<u>36,547,469</u>	<u>30,968,009</u>



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

7. Retirement benefit liability (continued)

Non-judicial staff pension plan (continued)

Liability profile

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

- Active members	81%	85%
- Pensioners	19%	15%

The weighted average duration of the defined obligation at the year-end was 9.3 years (2022: 13.4 years). 97% (2022: 87%) of the benefits accrued by active members were vested. Less than 1% (2022: 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.

	2023 TT\$	2022 TT\$
Expenses recognised in profit and loss		
Current service cost	1,311,240	1,505,250
Net interest on net defined benefit liability	1,585,530	976,740
Net pension costs	2,896,770	2,481,990

Movement in fair value of plan assets/asset allocation

Re-measurements recognised in other comprehensive income		
Experience losses	2,936,910	(6,877,320)
Total amount recognised in other comprehensive income	2,936,910	(6,877,320)

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

Opening defined benefit liability	30,968,009	35,316,509
Net pension cost	2,896,770	2,481,990
Re-measurements recognized in other comprehensive income	2,936,910	(6,877,320)
Employee's salary deductions	695,760	755,970
Benefits paid by the Court	(949,980)	(709,140)
Closing defined benefit liability	36,547,470	30,968,009



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

7. Retirement benefit liability (continued)

Non-judicial staff pension plan (continued)

Liability profile (continued)

Summary of principal assumptions as at December 31

Discount rate	4.8% pa	5.0% pa
Salary increases	n/a	3.0% 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	17.6	17.6
- Female	21.6	21.5

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.

As at 31 December 2023	1% pa higher	1% pa lower
Discount rate	(568,650)	669,000

As at 31 December 2022	1% pa higher	1% pa lower
Discount rate	(635,550)	749,280
Salary increases	26,760	(26,760)

An increase of one year in the assumed life expectancies shown above would decrease the defined benefit obligation as at 31 December 2023 by \$133,800 (2022: \$153,870).

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 \$762,660 in 2024.



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Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

	2023	2022
	<u>TT\$</u>	<u>TT\$</u>
8. Deferred Income		
Grant funding from European Development Fund	<u>792,795</u>	<u>1,261,352</u>
9. Other payables		
Pension contributions due to Trust Fund	449,607	246,237
Accounts payable	437,122	157,264
Accruals	514,201	385,172
Due to CAJO	-	192,219
Miscellaneous liabilities	5,964	3,209
	<u>1,406,894</u>	<u>984,101</u>
10. Funding from the Trust Fund		
Funding received from the Trust Fund	46,114,193	43,269,950
Pension income (payable)/receivable from the Trust Fund	<u>6,235,080</u>	<u>(26,418,810)</u>
	<u>52,349,273</u>	<u>16,851,140</u>
11. Other income		
Foreign exchange gain	424,789	438,808
Filing fee	61,808	70,434
Realized EDF grant income	454,159	27,474
Interest income	-	2,617
Memorabilia sales	19,746	1,042
	<u>960,502</u>	<u>540,375</u>



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Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

	2023 <u>TT\$</u>	2022 <u>TT\$</u>
12. Administrative expenses		
Salaries and allowances	31,798,909	30,218,824
Pension cost and gratuities	8,253,463	8,391,558
Depreciation	1,116,912	1,545,619
Insurance expenses	2,079,098	1,698,610
Professional fees	605,078	889,549
Telephone and internet	679,197	649,218
Library materials	697,236	879,382
Repairs and maintenance	599,976	575,267
Janitorial expenses	698,141	698,409
Other administrative expenses	125,397	515,685
Entertainment expenses	243,607	216,052
Office supplies	204,408	260,065
Education and training	516,437	420,596
Uniforms	35,150	43,899
Motor vehicle expenses	264,385	248,615
Bank charges	40,407	43,239
Public education	<u>1,051,331</u>	<u>340,482</u>
	<u>49,009,132</u>	<u>47,635,069</u>
Number of employees	90	90

13. Financial risk management

Financial risk factors

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



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

13. 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 and Euros.

	2023 TT\$	2022 TT\$
Assets		
Retirement benefits due from Trust Fund	109,521,989	101,915,459
Cash and cash equivalents	4,953,753	2,612,114
Total assets	114,475,742	104,527,573

Net exposure

114,475,742 104,527,573

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 assumption that the relevant foreign exchange rate increased/decreased by 5% to the Trinidad and Tobago dollars (2022: 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	Effect on accumulated fund	
Impact on accumulated fund:	2023	2022
Increased by 5%	5,723,787	5,226,379
Decreased by 5%	(5,723,787)	(5,226,379)

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.



Notes to the Financial Statements As at 31 December 2023 (Expressed in Trinidad and Tobago Dollars)

13. 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
	<u>TT\$</u>	<u>TT\$</u>	<u>TT\$</u>	<u>TT\$</u>
At 31 December 2023				
Financial liabilities:				
Other payables	1,406,894	-	-	1,406,894
Grant funding from EDF	-	792,795	-	792,765
Total liabilities	<u>1,406,894</u>	<u>792,795</u>	<u>-</u>	<u>2,199,669</u>
At 31 December 2022				
Financial liabilities:				
Other payables	984,101	-	-	984,101
Grant funding from EDF	-	1,261,351	-	1,261,351
Total liabilities	<u>984,101</u>	<u>1,261,351</u>	<u>-</u>	<u>2,245,452</u>

14. Subsequent events

Management evaluated all events that occurred from 01 January 2024, through 14 June 2024, 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.



SUPPLEMENTARY FINANCIAL INFORMATION

**FOR THE YEAR ENDED
31 DECEMBER 2023**

EXPRESSED IN UNITED STATES DOLLARS



Independent Auditor's 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 2023 and have issued our report thereon dated 14 June 2024.

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.

14 June 2024

San Juan

Trinidad, West Indies



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Statement of Financial Position As at 31 December 2023 (Expressed in United States Dollars)

	2023 <u>US\$</u>	2022 <u>US\$</u>
Assets		
Non-current assets		
Property and equipment	207,519	309,370
Retirement benefits due from Trust Fund	<u>16,371,000</u>	<u>15,234,000</u>
Total non-current assets	<u>16,578,519</u>	<u>15,543,370</u>
Current assets		
Other receivables	95,559	72,666
Due from related parties	33,858	109,183
Cash and cash equivalents	<u>770,630</u>	<u>456,787</u>
Total current assets	<u>900,047</u>	<u>638,636</u>
Total assets	<u>17,478,566</u>	<u>16,182,006</u>
Accumulated funds and liabilities		
Accumulated fund	<u>756,209</u>	<u>612,363</u>
Total accumulated fund	<u>756,209</u>	<u>612,363</u>
Non-current liability		
Retirement benefit liability	<u>16,371,000</u>	<u>15,234,000</u>
Total non-current liability	<u>16,371,000</u>	<u>15,234,000</u>
Current liabilities		
Deferred income	118,504	188,543
Other payables	210,298	147,100
Due to related parties	<u>22,555</u>	<u>-</u>
Total current liabilities	<u>351,357</u>	<u>335,643</u>
Total accumulated funds and liabilities	<u>17,478,566</u>	<u>16,182,006</u>

Translation rate used – USD 1.00 = TTD 6.69 (2022: USD 1.00 = TTD 6.69)



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Statement of Comprehensive Income As at 31 December 2023 (Expressed in United States Dollars)

	2023 US\$	2022 US\$
Funding from the Trust Fund	7,825,003	2,518,855
Other income	143,573	80,774
	7,968,576	2,599,629
Administrative expenses	(7,325,730)	(7,120,339)
Surplus/(Deficit) for the year	642,846	(4,520,710)
Other comprehensive gain/loss		
Re-measurement of defined benefit pension plans	(499,000)	3,949,000
Total comprehensive surplus/(deficit)	143,846	(571,710)

Translation rate used – USD 1.00 : TTD 6.69 (2022: USD 1.00 : TTD 6.69)



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Statement of Accumulated Fund As at 31 December 2023 (Expressed in United States Dollars)

	Accumulated Funds <u>US\$</u>
Year ended 31 December 2023	
Balance as at 01 January 2023	612,363
Total comprehensive surplus for the year	<u>143,846</u>
Year ended 31 December 2023	<u>756,209</u>
Year ended 31 December 2022	
Balance as at 01 January 2022	1,184,073
Total comprehensive deficit for the year	<u>(571,710)</u>
Year ended 31 December 2022	<u>612,363</u>

Translation rate used – USD 1.00 : TTD 6.69 (2022: USD 1.00 : TTD 6.69)



ANNUAL REPORT 2023-2024

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