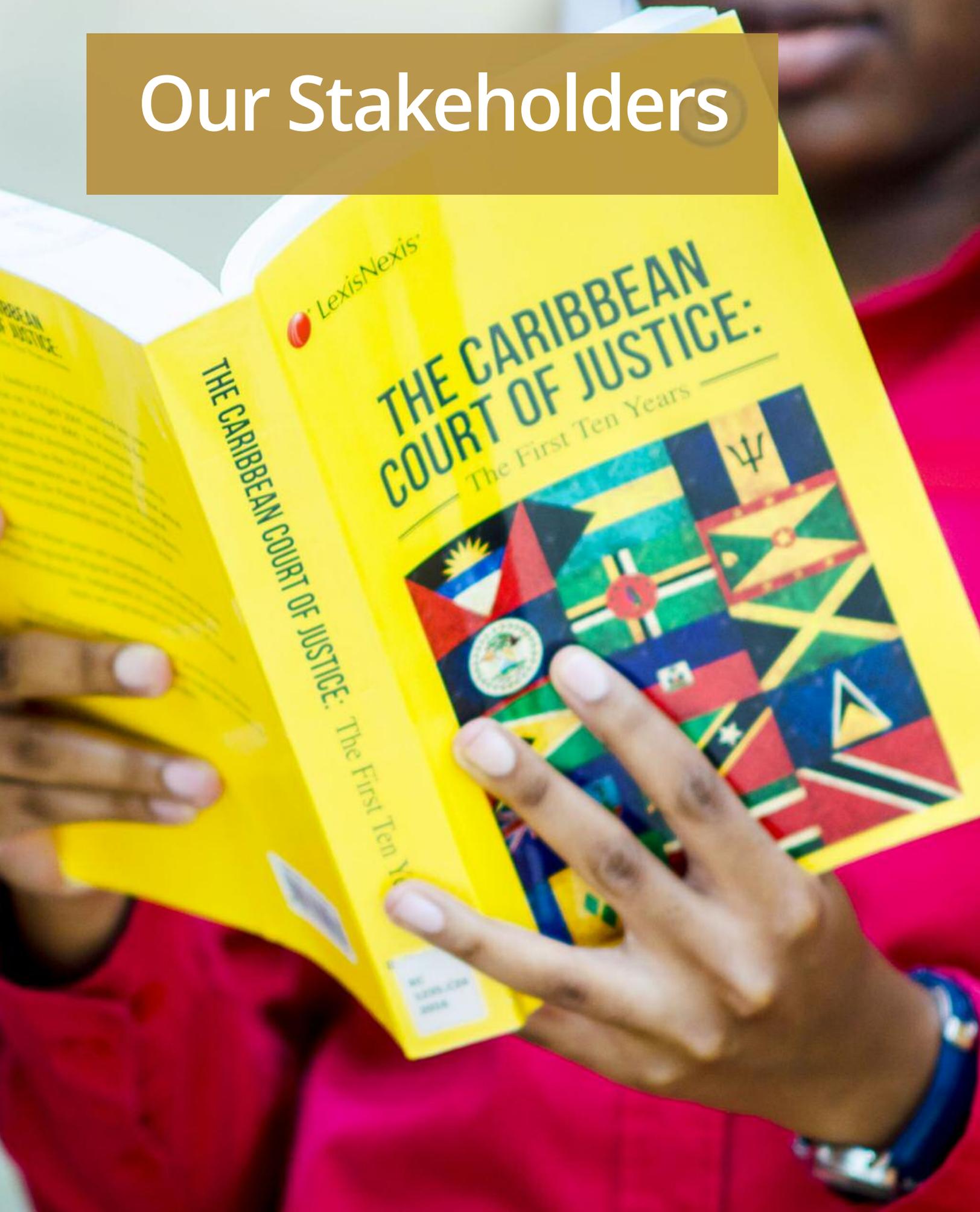


Our Stakeholders



PRESIDENT'S CHAMBERS

During the last judicial year, which ran from 1 August 2016 to 31 July 2017, the CCJ President continues to encompass the dual roles as the head of the institution and as the leader of its judicial function.

The development and maintenance of exacting standards in timeliness, increasing quality of deliverables, championing continuous improvement and improving the accessibility of the Court was a focus during the period.

Judicial Work

The Court continues in its role of developing Caribbean jurisprudence and resolving critical and emerging issues in the society. During this year, decisions have made which will likely be described as landmark cases because of the definition of murky areas of law in and changes which have become necessary because of changing morés in society. While the quality of the work is important, of vital concern is the ability of the ordinary citizen to have matters of concern brought before the court

Of note, there was an increase of 20% in the number of cases being brought under the Appellate Jurisdiction while only one case brought in the Original Jurisdiction which was the same as the previous judicial year.



A delegation from the CCJ attended the installation of the new President of the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and Bonaire, St. Eustatius and Saba. The outgoing President, in a symbolic gesture, passed over a gavel to incoming President Saleh. That gavel was a gift to his office from the Caribbean Court of Justice.

Over the last year, the Court has continued to actively manage cases in furtherance of its overriding objective under Part 1.3 of the Court Rules “to ensure that the Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged”. An aggressive approach to timeliness, starting from the day matters have been filed, has resulted in an average completion timeline of 2 months between the hearing of an appeal and the delivery of judgment by the Court in many of the cases during the period.

Delay continues to be an issue for the Court, especial care is taken in cases where prolonged delay has occurred in the courts below. In order to bring these matters to conclusion, the use of case management conferences assists in expediting the hearing and delivery of judgments. Prompt timelines for delivery of judgment are also observed to ensure justice is delivered for these litigants.

The CCJ's new court management platform also assists with case management, with alerts and the setting of milestones to ensure timely delivery.

International Framework for Court Excellence

The President, and members of his Chambers, spearheaded projects and worked with other judicial committees and organizations on their initiatives, during the judicial year using the framework of the International Framework for Court Excellence. The CCJ undertook major transformational initiatives with the aim of enhancing jurisprudence in the region in the context of access to and delivery of justice to all. Some of the major initiatives included:

1. The implementation of Curia court management system in January 2017 provided the platform for a more dynamic use of technology in the delivery of justice. After months of development and testing in conjunction with the

President's Chamber Cont'd



(From l to r) Dr. James Hospedales, Executive Director at Caribbean Public Health Agency; the Rt. Hon. Sir Dennis Byron, CCJ President and Judge Vagn Joensen, former President of the International Criminal Tribunal for Rwanda.

technology firm, Courtechs, the system was put into active use at the CCJ. This initiative speaks directly to Strategic Goal 1.1.3 of the Court's 2013-17 Strategic Plan, to increase "the use of technological tools to increase the access to justice". The Curia court management system is available for adoption by the judiciaries throughout the region.

2. In adhering to the basic tenet of the Framework for Court Excellence, to continuously review and analyse the functioning of courts, it was determined that an Employee Engagement Programme to gauge, and then optimise, the level of engagement of the staff complement would be appropriate. Based on the results of a survey conducted with employees on eleven areas of the functioning of the Court, several initiatives, each falling under the ambit of pillars of the Court's 2013-17 Strategic Plan, were identified for implementation. This provided opportunities for the establishment of cross-functional committees and appointment of initiative leaders from all levels of the organization. Five areas were identified for immediate attention and are at various stages of planning, approval and execution.
3. Another major undertaking by the CCJ was the commencement of a human resources information system project to automate all main human resource management and payroll services at the Court.

Governance

Among the governance activities undertaken this year was a review of the Rules of the Court in both the Original and Appellate Jurisdiction. Additionally, the work to formalize how the CCJ's policies and procedures are structured and approved is expected to be completed by the end of the upcoming judicial year. These court documents will be approved and noted under the Guidelines, Rules, Regulations, Directives and Decisions Register, known as the GRADS Register. It is expected that this will be completed during the next judicial year. The President has also continued to hold monthly meetings with the plenary of Judges who serve as an advisory council to the office of the President and he has chaired every meeting of the Regional Judicial and Legal Services Commission during this period. These practices ensure the efficient running of the Court.

A selection of projects completed during the year:

- Employee Engagement Survey
- Employees given access to the entire Office 365 platform
- Enhancing website with the CCJ Strategic Plan
- Scheduled staff engagements
- Implementation of One Drive folders
- Addition of court documents to the CCJ website
- Revision of the Rules of Court

Ongoing projects initiated during the year:

- Adding keyword search function to judgments
- Documenting policies and procedures
- Electronic contact database
- Implementation of shared folders for Unit in SharePoint
- Court's Record Management programme

Memoranda of Understanding

The Court signed a memorandum of understanding with The University of the West Indies, St. Augustine to collaborate on projects to increase the efficiency of the Court. Work has begun on a project to review the costs associated with the Court. This data will be used to determine if there should be adjustments to the CCJ's fee structure.

The Court also developed a relationship with the Justice Studies Center of the Americas (JSCA). The JSCA is an international agency founded in 1999 at the request of the Organization of American States (OAS) to support justice system modern-

President's Chamber Cont'd

ization processes in the region. The CCJ's association with the Organization for the Harmonization of Business Law continues and was evidenced by their partnership with this year's CALCA Conference.

A selection of judicial education events that the President participated in during the year:

- Chair of the Commonwealth's Chief Justices' meeting, and participant at the Commonwealth Law Conference in Australia
- Attended the Council of Legal Education Conference in Antigua and Barbuda
- Commonwealth Magistrates & Judges Association (CMJA) Conference in Guyana
- Commonwealth Judicial Education Institute (CJEI) annual conference in India as Chairman of the CJEI
- Programme Committee Member at the 11th session of the Brandeis Institute for International Judges in Copenhagen
- Observer at the 16th session of the United Nations Permanent Forum on Indigenous Issues in New York

Partnerships

A significant part of the President's time during this judicial year was dedicated to the development of partnerships by engaging various stakeholder groups to bring tangible benefits to the Court and the region. The President also welcomed several distinguished guests to the Court during the period and participated in events in to highlight the work of the Court and bring important regional issues to the fore.

Visitors from the region, the diplomatic corps, other international organizations and government representatives also visited the President, and other officials from the Court, to discuss matters of interest. This year the Court was pleased to welcome another head of state, the Governor of St. Maarten who visited the Court in June 2017. His Excellency, Dr. Eugene Holiday, met with the Honourable Messrs. Justice Wit and Hayton and participated in a tour of the Court's offices.

Regional Outreach

The CCJ President opened, and later was a presenter at, the 5th Biennial Conference of the Caribbean Academy for Law and Court Administration (CALCA) in Sint Maarten. In a highly interactive presentation, the President demonstrated features of the new Curia software platform to the attentive audience including calling a Judge directly from the system to query an alert.

During this year, the President of the Court participated in a number of activities to educate those in the justice sector. For example, he led the team providing training for the judiciary of Guyana on their new Civil Procedure Rules. The President was also a guest speaker at the installation of the President of the Rotary Club of St. Andrew held in Jamaica in July 2017 where he educated the gathering on alternative dispute resolution.

The President also paid courtesy calls on government officials in Antigua, Guyana, St. Lucia, and St Vincent and the Grenadines. These visits are essential to ensure the continued awareness of the challenges facing regional judiciaries and include giving guidance on possible solutions.

It may have been serendipitous, that the President spent the last few days of the judicial year at a gala dinner held in celebration of the Eastern Caribbean Supreme Court's 50th anniversary. The CCJ President started his judicial career at the Eastern Caribbean Supreme Court in 1982, culminating as its Chief Justice.



CCJ's President, the Rt. Hon. Sir Dennis Byron chats with the Principal of the University of the West Indies' St. Augustine campus, Professor Brian Copeland during a meeting to sign a Memorandum of Understanding between the two organizations.

COMMUNITY ENGAGEMENT

Antigua and Barbuda and Grenada Referendum

During the period under review, the Court continued to support the public education efforts of Antigua and Barbuda and Grenada as both countries prepared for referenda exercises for constitutional amendments. The issue of the Caribbean Court of Justice to be instituted as the final court of appeal for those countries was just one of several considerations to be put to the public for a vote. In the case of Grenada, the other issues included: the establishment of an independent Elections and Boundaries Commission, ensuring that there is always an Opposition Leader; ensuring gender equality; enabling Parliament to provide fixed dates for general elections; changing the name of the state to 'Grenada, Carriacou and Petite Martinique'; and the institution of term limits for the Prime Minister.

The Grenada referendum was held on 24 November 2016 and resulted in a defeat of all seven Constitutional reforms as electors opted to vote against the proposed Bills. While a date of 27 October 2016 was initially set for the Antigua and Barbuda referendum, the government postponed the exercise to the following year to allow for greater public education and consultation.

Notwithstanding these developments, the Court remains respectful of the constitutional process and dedicated to continued region-wide efforts to provide information on the role, functions and work of the CCJ.



CCJ President, the Rt. Hon. Sir Dennis Byron, greets the audience at the Guyana Civil Procedure Rules Training event. Looking on are the Hon. Mr. Justice Carl Singh (2nd from right), then Chancellor of the Judiciary of Guyana, and the Hon. Mme. Justice Yonette Cummings, then Chief Justice of Guyana. The Hon. Mr. Justice Adrian Saunders (left) was among the CCJ contingent who travelled to Guyana to deliver the training.

CCJ provides training for new Civil Procedure Rules in Guyana

The CCJ continues to advance its strategic vision of “Enhancing Regional Justice System Performance” by playing an active role in assisting the judiciaries of the Caribbean region, who are at varying stages of reform activities within their respective judiciaries.

A small contingent from the Court travelled to Guyana to conduct training activities for the implementation of new Civil Procedure Rules for the Judiciary of Guyana. The CCJ team comprised the Court President - the Rt. Hon. Sir Dennis Byron; CCJ Judge - the Hon. Mr. Justice Adrian Saunders; CCJ Registrar - Ms. Jacqueline Graham; and Justice of the Court of Appeal from the Judiciary of Trinidad and Tobago - the Hon. Mme. Justice Charmaine Pemberton. This two-day intensive learning programme was attended by over 200 judges, public and private sector attorneys and court registry staff.

This training, which was facilitated by the newly formed Guyana Judicial Education Institute, was deemed essential to ensuring the smooth and effective introduction and implementation of the new Rules of Court. The implementation of new Civil Procedure Rules is expected to contribute to improved accessibility to the court, the more efficient resolution of matters, and access to mediation procedures within the Guyana legal system. The development of the new Rules of Court has been supported by the Judicial Reform and Institutional Strengthening (JURIST) Project, of which the CCJ is the regional executing agency.

Through its work, the CCJ remains an advocate for and provides support to improvements within the region’s judicial systems.

CCJ LAW MOOT



The winning team of Ms. Janessa Murray (left), Ms. Megan Curry (2nd left), Ms. Raven Rolle (right), with advisor Ms. Raquel Williams (2nd from right), clinched a fifth victory for the Eugene Dupuch Law School of the Bahamas.

The Eugene Dupuch Law School of the Bahamas bested their competitors in the 9th Annual Caribbean Court of Justice (CCJ) International Law Moot Competition. The all-female team, comprised of Ms. Raven Rolle; Ms. Megan Curry; Ms. Janessa Murray; with advisor Ms. Raquel Williams, gained a fifth victory for the law school mere days after worldwide celebration of female achievements on International Women's Day in March 2017.

Eight CARICOM law institutions participated in the Law Moot Court, which took place at the CCJ's headquarters. This year saw the participation of 8 teams, from law schools and faculties throughout the region, an increase over the 6 teams that competed in the previous year.

The competing teams were:

- Eugene Dupuch Law School
- Hugh Wooding Law School
- Norman Manley Law School
- Department of Law of the University of Guyana
- Faculty of Law of the University of Technology of Jamaica



Mooting teams eagerly awaiting the start of the IX Annual CCJ International Law Moot opening ceremony

- Faculty of Law of the University of the West Indies (Cave Hill)
- Faculty of Law of the University of the West Indies (Mona)
- Faculty of Law of the University of the West Indies (St Augustine)

A moot court is different from a mock trial, which usually refers to a simulated jury trial or Bench trial. The CCJ moot does not involve actual testimony by witnesses, cross-examination, or the presentation of evidence, but focuses solely on the application and interpretation of the law under the Revised Treaty of Chaguaramas.

As is traditional, the Moot focused on an Original Jurisdiction matter. This year's fictitious case dealt with issues surrounding the freedom of movement within the Caribbean region of a Belizean-based company with shareholders and employees of varying nationalities. Arguments were presented before a panel of CCJ Judges: the Honourable Messrs. Justice Nelson, Wit and Hayton.

The Eugene Dupuch Law School, from the Bahamas, were awarded the Caribbean Court of Justice International Law Moot Challenge Shield for their win. The Norman Manley Law School from Jamaica were the year's runners-up and the Faculty of Law of the University of the West Indies (Cave Hill) received the plaque for the best team from an academic (i.e., non-professional) institution.

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

ENGAGING CARICOM

In 2014, the thirty-fifth meeting of the Conference of Heads of Government approved the first Strategic Plan for the Caribbean Community.

The plan aims to provide a framework for responding to both the challenges and opportunities facing the region. As part of the implementation of the plan a Results-Based Management (RBM) Leadership Group was established by the CARICOM Secretariat to support the development of a robust monitoring and evaluation and reporting system and to ensure the use of the system.

The core functions of the Leadership group have been outlined as serving as a focal point for institutionalising RBM in CARICOM, serving as internal coaches and RBM implementation champions, facilitating a conducive environment for effective communication among stakeholders, catalysing joint learnings and knowledge generation and strengthening organizational capacity to achieve higher performance.

The HR Manager and Communications and Information Manager were selected to represent the Caribbean Court of Justice on the committee. Each representative attended a workshop hosted by the Secretariat, as well as virtual meetings, to finalise the draft Results Based Management Logic Framework, the RBM indicators and the draft Performance Measurement Framework/Scorecard.



Many of the members of the Leadership Group who attended the first training workshop for the development of the Results-Based Management system at the CARICOM headquarters in March 2017. The workshop was facilitated by Mr. Evan Green, and his team, from research and consulting firm, Baastel.