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Message from the Editor

CJEU Report is an in-house journal of judges of the Commonwealth and Fellows of CJEU to inform themselves of contemporary developments in the judiciaries of their respective countries. Depending on reports received from time to time, CJEU Secretariat puts together matters of common interest in judicial circles and circulates the Report among the CJEU Fellows and others in print and electronic media. As a former judicial educator I find the Report interesting and instructive and hope it is the same with readers as well.



Appointment of judges to the higher judiciary has always been a controversial subject in many liberal democracies governed by rule of law. India in its seven decades of constitutional history has tried with two different models of judicial appointments – one controlled largely by the Executive and the other entirely by the Judiciary – and is now about to introduce a third model which in varying shapes and forms is in place in many jurisdictions. A Parliamentary legislation supported by a Constitutional amendment have been adopted recently in India, the highlights of which are given in a report from India.

An interesting piece from Sri Lanka on “Writing Judgments in Civil Cases” may be of wider interest to trial judges across jurisdictions.

The issue carries the usual news and views from several countries as well as announcements of conferences and training programmes. We invite judges and court administrators to send in short articles and notes of interest to administration of justice for publication in CJEU Report.

Prof. (Dr.) N.R. Madhava Menon

An Introduction to the Honourable Chief Justice Sundaresh Menon, Singapore

Article contributed by: District Judge Tan Boon Heng, State Courts, Singapore (CJEl Fellow 2014)

Chief Justice Sundaresh Menon (CJ Menon) was appointed as Chief Justice of Singapore on 6 November 2012. He is Singapore's fourth Chief Justice since its independence in 1965. Prior to CJ Menon's appointment as the Head of the Singapore Judiciary, he held appointments including Judge of Appeal of the Supreme Court and Attorney-General of Singapore.



CJ Menon, born in 1962, graduated with a First Class Honours in Law from the National University of Singapore, Faculty of Law in 1986. He later obtained his Master of Laws from Harvard Law School. He was admitted as an advocate and solicitor of the Supreme Court of Singapore in 1987 and as an Attorney and Counsellor-at-law of the Bar of the State of New York in 1992. As a private practitioner, CJ Menon was recognised as one of the leading lawyers in the fields of commercial litigation and arbitration, insolvency and construction law, in Singapore and abroad. CJ Menon was called to serve a one-year term as Judicial Commissioner of the Supreme Court of Singapore from 2006 to 2007. He then returned to private practice after the 1-year stint on the Bench and was the Managing Partner of one of Singapore's largest and leading law firms, Messrs Rajah & Tann. He was appointed Senior Counsel in 2008.

On 1 October 2010, CJ Menon was appointed the Attorney-General of Singapore and held office till 25 June 2012 whereupon he returned to the Bench as a Judge of Appeal of the Supreme Court of Singapore before he was elevated as the Chief Justice. Prior to his appointment as Chief Justice, he held a number of other appointments including as the deputy chairman of the Singapore International Arbitration Centre and Chairman of the Advisory Board for the School of Law of the Singapore Management University.

Since CJ Menon's appointment as the Chief Justice, he has introduced sweeping reforms to enhance the standing of the lower courts which handle more than 95% of the Republic's annual caseload. He was instrumental in renaming the Subordinate Courts as the State Courts to accord these courts the status they deserve, raised the statutory minimum requirements to qualify for appointment as Magistrates and District Judges and elevated the post of the top judge of the State Courts i.e. the Presiding Judge, to an appointment to be held by a Judge of the Supreme Court. Under the leadership of CJ Menon, significant reforms to the Family Justice system are underway which will see the Family Courts evolve as a distinct and standalone court system offering a comprehensive suite of family justice related services. CJ Menon's observations, made when he explained on 23 May 2013 why he decided to introduce the use of judicial robes for judges in the State Courts reveal his views on the role of judges,

“... , it is plain that most judicial systems recognise that there is an important symbolism that is embedded in this practice of donning the judicial robes. I think there is both an internal as well as an external dimension to this and both are rooted in the special sense of identity that the robe conveys.

The internal dimension is that of the Judge who is urged to constantly remember, each time he dons the robe, that he is putting aside his usual self and taking on the very important identity of a Judge together with the responsibility that comes with it of being a symbol of fairness, integrity, even-temperedness, patience and absolute rectitude.

The external dimension is that of others in the courtroom, who are reminded by the visible and manifest difference in the Judge's outer appearance of that Judge's inner identity that is rooted in his utter commitment to be independent and impartial, and to do right by all without fear or favour, affection or ill-will.”

CJ Menon is highly committed to the cause of structured judicial education. He oversees the work of the Board of Judicial Learning in Singapore and provides it with overall strategic direction and takes a keen and personal interest in the training and development of his judges.

The Year 2013: a turning point in the history of the African Court on Human and Peoples' Rights

by Jean-Pierre Uwanone NTAWIZERUWANONE
Senior Information & Communication Officer
African Court on Human and Peoples' Rights

The last part of the year 2013 marked a turning point in the history of the African Court on Human and Peoples' Rights. In fact, last June, the Court delivered its ever first judgment on the merits in respect of Applications 009 & 011/2011 - *Tanganyika Law Society and The Legal and Human Rights Centre and Reverend Christopher Mtikila v. The United Republic of Tanzania*.

The case concerned violation of basic political and civil rights, where the current Constitution of the United Republic of Tanzania prohibits independent candidates from standing for or contesting the Presidential, Parliamentary and Local Government elections. According to the provisions of that Constitution a candidate must be a member of and/or be sponsored by a political party. In its decision, the Court directed the United Republic of Tanzania to take constitutional, legislative and all other necessary measures to guarantee basic political rights and allow independent candidates to contest the elections.

In November, the Court heard another important case on the merits. This one is in respect of Application No. 013/2011. It concerns human rights violations arising out of the alleged murder of Norbert Zongo, an investigative journalist, and his companions, assassinated in 1998 in Burkina Faso. After hearing oral arguments of both parties, the Court adjourned the proceedings and judges retired to begin deliberations. It will deliver its judgment within 90 days after the end of the deliberations.

Apart from judicial activities, the Court also organized two continental events in Arusha in view of addressing the challenges it has been facing, including the lack of awareness about the Court, the low rate of ratification of the Protocol establishing it and the small number of declarations allowing individuals and NGOs direct access to the Court. It is worth noting that, to date, only 26 out of 54 Member States of the African Union have ratified the Protocol, and only 7 of the 26 States Parties to the Protocol have made the declaration.

In that regard, the Court organized, on the one hand, a seminar for judicial dialogue which brought together members of the Court, representatives of the African judiciaries and members of African sub-regional Courts to discuss how to enhance the interaction and collaboration between those bodies, with a view to establishing a framework for practical cooperation. On the other hand, the Court organized a 2-day continental conference for the media where more than 50 journalists and media practitioners from 30 African countries spent 2 days with the Judges of the Court in Arusha discussing how the media would help the Court sensitize the public about it and the scope of their access to justice. In addition to that, media would also encourage States that have not yet done so, to ratify the Protocol and make the Article 34(6) declaration thereto, allowing individuals and NGOs direct access to the Court.

INDIA ADOPTS AN INDEPENDENT COMMISSION FOR APPOINTMENT OF JUDGES

By Prof. N.R. MADHAVA MENON

INTRODUCTION:

Appointment to the higher judiciary and the relative roles of the Executive and Judiciary in this regard have been a subject of serious debate in the country on more than one occasion in the past. It has again come to public attention with the recent adoption by Parliament and State Legislatures, The Constitution (Ninety-ninth Amendment) Act, 2014 and The Judicial Appointments Commission Act, 2014.

Constitutional Provisions on Judicial Appointments:

Given the enormous power given to the Constitutional Courts to sit on judgment over executive and legislative action, it is important that the role of the executive and legislature in the matter of appointment of judges should be minimal and circumscribed. The matter was extensively discussed in the Constituent Assembly which resolved to ensure that no appointment could be made without consulting the Chief Justice of India. However, the idea of giving the Chief Justice primacy or veto in the matter was not accepted. The power of appointment was expressly given to the executive in the following Articles :

Article 124(2) : “Every judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose

Provided that in the case of appointment of a judge other than the Chief Justice, the Chief Justice of India shall always be consulted

Article 217(1) : “Every judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State, and, in the case of appointment of a judge other than the Chief Justice, the Chief Justice of the High Court..... ..” (emphasis added).

In Search of an Appropriate Model for Judicial Appointments:

Given the constitutional provisions on judicial appointments (Articles 124 and 217), the executive government had the responsibility to work out the procedure for initiating the selection in consultation with the judiciary. The model initially evolved was to have a panel of eligible names recommended by the Chief Justice of the High Court for judges of that High Court. These names were routed through the Chief Minister/Governor of the State and the Chief Justice of India to the Government of India. The Minister for Law and Justice processed the papers in consultation with the Home Ministry and on approval by Cabinet submitted to the President for issuing warrant of appointment. Very seldom the recommended names were rejected or dropped by the executive. Nonetheless there was no rule that the panel cleared by the judiciary is binding on the executive. When the issue was deliberated in the Constituent Assembly, Dr. B.R. Ambedkar reportedly took the stand that *“to allow the Chief Justice practically a veto upon the appointment of judges is really to transfer the authority to the Chief Justice which we are not prepared to vest in the President or the Government of the day those who advocate that proposition seem to rely implicitly both on the impartiality of the Chief Justice and the soundness of his judgment But, after all, the Chief Justice is a man with all the failings, all the sentiments and all the prejudices which we as common people have”*¹. In short, the idea of “concurrence” of Chief Justice for judicial appointments was not acceptable to the Constituent Assembly. This position was even approvingly reiterated by the Supreme Court in the First Judges’ case².

The above model which prevailed for almost four decades since 1950 was criticized for dominance of the executive and open abuse during the emergency period particularly in the matter of transfers and promotions. The independence of judiciary was allegedly sought to be subverted by ways not so transparent or obvious. That was the time when the apex Court intervened to say in the Second Judges case³ that “consultation” was intended to mean “concurrence”. It was held that no appointment of any judge to the Supreme Court or any High Court can be made unless such appointment is in conformity with the opinion of Chief Justice of India. When the executive questioned the ruling through a Presidential reference (the Third Judges’ Case)⁴ the Court went on to clarify that a collegium of judges with the CJI would be the sole authority to decide on judicial appointments. Since then, the second model of judicial appointment came about in which the executive came to be totally excluded in the selection process.

Even before the new interpretation given by the Supreme Court on judicial appointments, there have been initiatives at the political level to entrust the task to an independent commission with Chief Justice of India as its Chairman and two senior-most judges of the Supreme Court as members. However there was no agreement on the composition of the Commission and the nature and extent of executive participation in it with the result the Bill introduced in Parliament on the subject did not find support or consensus. Later in 2002, the National Commission to Review the Working of the Constitution appointed by the first NDA Government under a former Chief Justice of India⁵, put forward a concrete

¹ Constituent Assembly Debates, 24th May, 1949, Vol.Viii.

² S.P.Gupta V. Union of India, AIR 1982 SC 149.

³ Advocates-on-Record Association V. Union of India, AIR 1994 SC 268.

⁴ (1998)7 SCC 729.

⁵ Justice M.N. Venkatachaliah Commission.

proposal to constitute the National Judicial Commission as a five member body with Chief Justice of India as Chairperson, two senior-most judges of Supreme Court, the Union Minister for Law & Justice as well as one eminent person (nominated by the President after consulting the Chief Justice of India) as members. Apparently the M.N.Venkatachaliah Commission wanted to keep primacy of judiciary in the matter by making provision for three judicial members in a five-member Commission. A Bill prepared accordingly was introduced in Parliament in May 2003. The Bill provided that no person not recommended by the Commission shall be appointed and its advice shall be binding on the executive. The Bill also gave the Commission power to regulate its own procedure.

In 2013, the Government re-introduced the Bill in two parts, one Bill to amend the Constitutional provisions on judicial appointments and the other Bill stipulating the establishment of the Judicial Appointments Commission. There was a significant change introduced to the 2003 Bill, namely the membership was increased to six by adding one more eminent person and providing that one of the two eminent persons shall be from amongst persons belonging to SC, ST, OBC, Women or minorities. In the process, the Bill really sought to remove the primacy of judiciary in the selection process. When the Bill re-appeared in July 2014 under the newly elected Government, one more change was introduced whereby if any two members object to a name, it will not be recommended by the Commission⁶.

The Constitution (Ninety-ninth Amendment) Act, 2014 and Judicial Appointments Commission Act, 2014: A Critical Appraisal:

In the light of the Supreme Court's opinion in the Third Judges' Case⁶ where "consultation" under Articles 124(2) and 217(1) was declared to mean "concurrence", a Memorandum of Procedure for appointment of judges was formulated and followed for nearly two decades. This was called the "Collegium System" of appointment where judges were responsible for appointment of judges to superior courts. Naturally, to have a different model conceived under the National Judicial Appointments Commission Act, 2014 it was necessary to bring about an amendment to the existing provisions of Art. 124 and 217 of the Constitution. Therefore, the Government introduced the Constitution (One Hundred and Twenty-first Amendment) Bill, 2014⁷ inserting Articles 124A, 124B, 124C after Article 124 of the Constitution and providing for the National Judicial Appointments Commission, its composition and functions. Further, it provided for Parliament by law to regulate the procedure for appointment of judges. With its adoption by Parliament and approval by half the State Assemblies, the President gave assent to the Bill which is now published in Gazette as Constitution (Ninety-ninth Amendment) Act, 2014.

Article 124C empowered Parliament to regulate the procedure for appointment of Chief Justice and other judges duly authorizing the NJAC (Article 124A) to make regulations therefor. The National Judicial Appointments Commission Act, 2014 is therefore a crucial legislation for regulating appointments and transfers of judges in future. According to Section 5 of the Act, the Commission shall, on the basis of ability, merit and any other criteria of suitability as may be specified by regulations, recommend the name for appointment as judge of the Supreme Court amongst persons who are eligible to be appointed as such (Clause 3 of Article 124 of the Constitution). The Commission is given full powers to specify such other procedure and conditions for selection and appointment of the Supreme Court judge as it may consider necessary [Section 5, Clause (2) and (3)]. A duty is cast on the Central Government to intimate the vacancies of the judges in the Supreme Court and High Courts to the Commission within a period of thirty days from the date of coming into force of the Act. Similar duty is imposed to intimate future vacancies six months prior to the date of occurrence of any vacancy by reason of completion of the term of a judge of the Supreme Court or of a High Court [Sec. 4(1) and (2)].

In respect of the procedure for appointment of judge of High Court Chief Justice, the Commission is authorized to make recommendations on the basis of inter se seniority of High Court judges and ability, merit and any other criteria of suitability as may be specified by regulations [Sec.6(1)]. In respect of judges of High Court, Commission is to seek nomination from the Chief Justice of the concerned High Court. At the same time, the Commission is also empowered to nominate names for appointment from amongst persons who are eligible under Clause (2) of Article 217 of the Constitution to be forwarded to the Chief Justice of concerned High Courts for its views [Section 6(2) and (3)]. After receiving views, it is the Commission's prerogative to recommend for appointment persons found suitable on the basis of ability, merit and any other criteria of suitability as may be specified by regulations [Section 6(5)]. Before making such recommendation, the Commission is obliged to follow two requirements, namely (a) not recommend a person objected to by any two members; (b) to elicit in writing the views of the Governor and the Chief Minister of the State [Section 6(6) and (7)].

Can the recommendation of the NJAC be rejected by the President? Perhaps on the limited grounds of not following the prescribed procedure or the person does not possess the constitutionally prescribed qualifications, the President as the

⁶ Proviso to Section 5(2) of the NJAC Act, 2014

⁷ Adopted as the Constitution (99th Amendment) Act, 2014

final authority for appointments can withhold appointment. Otherwise, according to the NJAC Act, the President can only require re-consideration of the recommendation by it (Section 7). If the Commission makes a recommendation after re-consideration in accordance with the provisions contained in Section 5 or 6, the President shall make the appointments accordingly.

The Commission is also the authority for transfer of Chief Justices and other judges of High Courts. For this purpose it may specify by regulations, the procedure for such transfer (Section 9).

Power to Make Rules and Regulations:

The rules and regulations under which the Commission is supposed to discharge its functions, determine to a large extent the degree of independence of action it enjoys. While the Central Government is empowered to make rules in matters to (a) fees and allowances payable to the “eminent persons” nominated to the Commission; (b) the conditions of service of officers and employees of the Commission; and (c) other matters which may be prescribed, the Commission is given authority under the Act to make its own regulations to carry out provisions of the Act. These regulations, inter alia, relate to such vital matters like:

- (a) criteria of suitability for appointment of judges;
- (b) procedure and conditions for selection and appointment;
- (c) manner of eliciting views of the Governor and the Chief Minister;
- (d) procedure for transfer of Chief Justices and other judges; and
- (e) the rules of procedure in regard to the transaction of business at the meetings of the Commission, including the quorum at its meeting.

The Rules and Regulations are to be laid, as soon as may be after they are made, before each House of Parliament. If both Houses agree in making any modification in the rule or regulation, it shall have effect only in such modified form. However, any such modification shall be without prejudice to the validity of anything previously done under that rule or regulation (Section 13).

Status of NJAC and the Constitution (Ninety-Ninth Amendment) Act, 2014:

Critics argue that even after the amendment of the Constitution, the NJAC Act is not free from challenge under the “basic structure” doctrine. One section of critics argues that the rationale of the 1993 judgment of the Supreme Court in the matter of appointments is judicial supremacy and unless the Constitution is first amended to clarify that “consultation” does not mean “concurrence”, the challenge can stand even after the amendment to the Constitution. Another section argues that as long as the composition of the Commission does not ensure majority of judicial members, there is a threat to independence of judiciary and hence, violation of the basic structure doctrine. If the judges can be outvoted by non-judicial members of the Commission, how can it ensure independence, they ask? Are not the judges better suited to decide on who can maintain independence and who may not? They, therefore, suggest that the Commission may be so organized to ensure judicial supremacy for which three courses of action are possible within the framework of the NJAC Act. They are:

- (i) Why not accept the recommendation of the Justice M.N.Venkatachaliah Commission to Review the Working of the Constitution (2002) under which the total membership of the Commission will be five (instead of six as provided in NJAC Act) by reducing the “eminent persons” participation to just one only.
- (ii) Alternatively, if the membership is to be maintained as proposed, then why not ensure that the CJI and two senior judges are not allowed to be outvoted by others in case of difference of opinion. If the three judges are of the opinion that by including someone as judge, the independence of judiciary is likely to be imperiled, then the rest of the members should re-consider their vote and allow the final choice to the CJI.
- (iii) Again, yet another alternative if the six member composition of the Commission is to be kept is to let one of the two “eminent persons” to be a retired judge or Chief Justice from the specified categories. After all, the object of Parliament is also to get the most suited individuals to assume judgeship in the higher courts of the country.

In the face of the text of constitutional provisions relating to appointment of judges, it is illogical to argue that executive shall have no say in the matter. Nor is it acceptable to say that since the Union of India is a litigant before the High Courts and Supreme Court, executive’s participation in judicial appointments will compromise independence of judiciary. Such a view is based on a misconception of judicial independence itself.

Judicial Independence and Judicial Appointments:

The Universal Declaration on the Independence of Justice (The Montreal Declaration, 1983) provided⁸:

“Participation in judicial appointments by the Executive is consistent with judicial independence, so long as appointments of judges are made in consultation with members of the judiciary and legal profession or by a body in which members of the judiciary and the legal profession participated” (emphasis added).

More recently, the Beijing Statement of Principles of the Independence of the Judiciary in the LAWASIA region stated⁹ :

In some societies, the appointment of judges by, with the consent of, or after consultation with a Judicial Services Commission has been seen as a means of ensuring that those chosen as judges are appropriate for the purpose. Where a Judicial Services Commission is adopted, it should include representatives of the higher judiciary and the independent legal profession as a means of ensuring that judicial independence, integrity and independence are maintained”.

As explained by the Chief Justice of Western Australia in an interesting article¹⁰, it is important to understand that there is distinction between independence and impartiality, between institutional and individual independence, between independence and accountability, administrative independence compared to adjudicative independence, the procedures for removal of judges and the performance of extra-judicial functions by serving judges. It is important to recognize the inter-relationship of these various issues to appreciate the concept of judicial independence. The Indian Constitution has abundant provisions to accommodate these concerns and has provided all possible precautions to ensure judicial independence both in its institutional and individual aspects.

Independence therefore is a concept with multiple components, including the independence of the institution of judiciary as a whole as well as the personal integrity and impartiality of the person concerned in the sense of freedom from improper influences including conflict of interest. As Chief Justice Wayne Martin argued in the above cited article¹¹, *“..... both the institutional and personal characteristics of independence can only be meaningfully applied to a judicial officer after his or her appointment.... I find it difficult to see how any individual could be meaningfully assessed on a scale of “independence” prior to their appointment..... History shows that judicial appointees have displayed a capacity to put aside sectarian or partisan positions which they had prior to appointment”.* (emphasis added).

The above explanation from the head of judiciary in Australia is enough to dispel the arguments of those who contend that by associating the executive in the appointment process, independence of judiciary will be jeopardized. What is important is transparency of procedure and objectivity of criteria to determine merit and integrity. Let us hope the proposed Commission will rise to the occasion and discharge its functions with full responsibility of the trust reposed on it by Parliament.

Pakistan Judicial Training Study Tour to United Kingdom and Ireland

From Monday, 23rd of September to Friday, 27th of September 2013, with the permission of the Honourable Chief Justice of Pakistan, a Study Tour to the three legal jurisdictions of England and Wales, Scotland and Ireland was undertaken along with a meeting with a senior judge of the Northern Ireland High Court.

The aim of this Study Tour was: (1) to observe how the senior judiciary of England and Wales are trained; (2) to discuss judicial training matters such as delivery procedures, course design, content and evaluation with senior judges from different jurisdictions with a particular focus on counter terrorism and serious crime; and (3) to discuss areas of mutual interest such as trial management, court administration, wider criminal justice cooperation and witness protection measures.

Those selected to attend by the Honourable Supreme Court in consultation with the High Courts were:

1. Honourable Mr. Justice Asif Saeed Khan Khosa, Judge, Supreme Court of Pakistan, Islamabad, Head of Delegation (CJEI Director and CJEI Fellow 2006);
2. Honourable Mr. Justice (R) Shabbir Ahmed, Director General, Sindh Judicial Academy, Karachi;

⁸ Quoted in The Rule of Law, Ed. Francis Neate, Lexis Nexis (2014) p-122.

⁹ Ibid, p-122.

¹⁰ Hon. Wayne Martin on “Judicial Appointments and Judicial Independence” in Rule of Law, Id. P-118.

¹¹ Ibid at p.120.

3. Mr. Sardar Ahmed Naeem, Worthy Registrar Lahore High Court and *Ex-Officio* in charge Punjab Judicial Academy, Punjab;
4. Mr. Fakhar Hayat, Director Instructions, Federal Judicial Academy, Islamabad (CJEI Fellow 1998);
5. Mr. Adnan Khan, Director Research, Khyber Pakhtunkhwa Judicial Academy, Peshawar.

The delegation was escorted by Mark Carroll, Liaison Prosecutor, British High Commission, Islamabad.

Visit Summary and Institutions

Monday and Tuesday was spent observing and participating in a Serious Crime Course run by the Judicial College at Warwick University for 80 judges of England and Wales. This annual two-day course provided a good level of engagement, raised the profile of Pakistan's judiciary, gave the opportunity for knowledge and initiative sharing and highlighted awareness of different techniques in updating senior judiciary. Lord Justice Gross, Senior Presiding Judge of E&W, and previous visitor to Pakistan joined the delegation for dinner, gave a welcoming speech and discussed ideas of mutual interest.

Wednesday was spent at the Judicial Institute in Edinburgh, Scotland, a state of the art facility opened in January 2013 and specifically designed to give enhanced national and international training to judges. Modern equipment was used by Sheriffs, (senior Scottish judges) to give more interactive training in a learning environment. Presentations also given by Detective Superintendent and Procurator Fiscal on witness protection measures and the application of a fair trial which led to discussions on a new level of thinking. Lord Carlway, the Lord Justice Clerk (second most senior judge in Scotland) joined the delegation and participated in learned discussions.

Thursday was spent in the newly built Central Criminal Courts in Dublin, Ireland viewing the high security judicial complex, observing court administration, meeting with senior judges of Supreme Court of Ireland and Courts of Appeal and discussing training, terrorism and witness protection measures at court.

The Honourable Mr. Justice Burgess, another regular visitor to Pakistan, joined the delegation in the afternoon from Belfast to discuss his recent visit and share experiences of twenty years on the Northern Irish bench dealing with witness protection measures and court administration and living under intensive judicial security measures.

The Study Tour concluded in London on Friday with a visit to the newly located offices of Judicial College and separate meetings with Dr. Kay Evans, Judicial Training and Educational Advisor and His Honour Judge John Phillips, Director of Training for Courts for England and Wales. Best practice and training strategy and evaluation were discussed.

Judiciaries of the United Kingdom and Ireland are willing to continue their close collaboration and coordination strengthen the dialogue on training initiatives and visit the judicial academies of Pakistan for reciprocal learning.

The Judicial College organises a "Judicial Taster Course" in order to try and encourage members of the Bar to apply to become judges which has proved very successful. The course essentially allows the individual to see what it is like being a judge from the bench and this has increased judicial applications and assisted in filling many vacancies.

His Honour Judge John Phillips (Director of Training for Courts) explained the principle of the College is that judges train judges, but it is judges with day to day knowledge and experience that do so. It is, however, universally accepted that the judges need to get expert technical assistance to complement their knowledge. The Judicial College never use retired judges, an inflexible rule, as it is believed that the court craft skills of a non-serving judge quickly wane. Comprehensive Training Needs Analysis is crucial for effective delivery of the business of any judicial training facility, the College curriculum and the continuous evaluation and monitoring of the College delivery. The Judicial College does not train judges in substantive law as they are already experienced lawyers and have the ability and tools to research the law.

It is felt imperative that training is interactive in its approach and judges can practice judicial skills in small groups of six with a facilitator judge giving them practical problems. The sessions are visually recorded so that they delegate judge can see themselves perform, it is reviewed together with a facilitator judge who gives constructive feedback and the individual also gets to comment on their performance. Such a demonstration tends to have more impact on the delegate as they are able to see what they do well, what needs to be improved as well as their subconscious habits. This format is useful as most judges never see any other judge performing in court or judging cases so they are not aware of different styles, only their own.

The Judicial College uses over 200 Course Tutors who are able to assist with the 215 days of training as Tutor Judges or Judge Facilitators. These are vitally important to the successful delivery of training courses and have to go through an application, interview and assessment process in order to be then given the training to become a course tutor. It also enhances the everyday skills of the judiciary as a whole and well as the education levels.

Recommendations

- Complete review of federal and provincial judicial academy training curricula should be undertaken through professional Training Needs Analysis in order to ensure judicial excellence through education is maintained.
- Consideration be given to the adoption of training courses such as “Leadership and Management”, “Business of Judging”, and “Judicial Resilience” by utilising existing material to provide familiarisation with other techniques, more effective court administration and delivery of justice, and to ensure the judiciary have all the necessary skills to be a modern and professional judge.
- More focus on Training the Trainers for serving judges to ensure sustainability of judicial education, effectiveness and enhanced skill transference.
- Development of short ‘Judicial Taster Courses’ to give the legal profession a practical understanding of the role of a judge and the opportunity to sit in court from the perspective of the bench in a marshalling program. The intention would be to encourage more and better quality applications for vacant judicial posts.
- Personal Education Programs should be adopted and made compulsory for every Presiding Officer to ensure a minimum 12 hours continuing professional development a year endorsing the paramount importance of judicial education.
- Experienced serving Presiding Officers become more involved in judicial training at a federal and provincial level to ensure transference of current court craft and judicial thinking to complement the pre-existing knowledge and experience in the judicial academies.
- Modern training equipment is purchased and effectively utilised in order to strengthen the capability of judicial academies and adoption of effective witness protection measures such as live-links.
- Judicial Academy websites are enhanced and used as a proper training and resource tool for judges, legal practitioners and law students alike, as well as elaborating on judicial careers.
- Enhanced cooperation and coordination between Federal and Provincial Academies, to complement training of judges and other legal professionals across Pakistan.
- Collaboration with Universities, Law Departments, Management Institutes and other education and professional development establishments to explore closer links and mutual cooperation in designing, delivering, monitoring and evaluating judicial training and legal education.
- Closer collaboration with judicial training institutes, academies and colleges around the world to share learning, curricula, practices and experiences thereby developing access to extensive resources, materials and exchanges on an international level.
- Involvement of in the development and delivery of judicial education.
- Consideration should be given to employing or contracting qualified Adult Education experts into judicial academies in order to ensure the highest quality of professional planning, design, delivery and evaluation is maintained.

WRITING JUDGEMENTS IN CIVIL CASES

Presentation by Justice Chandra Ekanayake, Judge of the Supreme Court of Sri Lanka (CJEI Fellow 2011) at a Workshop for District Judges in June 2013

What is a judgment?

This could be easily defined as a well reasoned pronouncement by a Judge on disputed questions of law and facts which were argued before him/her. It is needless to stress here that when I say pronouncement by a 'Judge' that is the presiding officer who is undoubtedly possessed of a judicially trained mind.

However, 'Black' has opted to define it in his Law Dictionary – 9th Edition as follows:

“A Court’s final determination of the rights and obligations of the parties in a case. * The term Judgment includes an equitable decree and any order from which an appeal lies.” The right of appeal is a statutory remedy.

We need not go so far and our own Civil Procedure Code defines a judgement in section 5 as follows:

“Judgement” means the statement given by the Judge of the grounds of a decree or order.”

However, one cannot get behind the fact that a judgement is a literary composition, but a composition subject to certain inventions. It has to invariably possess its own characteristics blended with standards of merit besieged to the surrounding facts and circumstances which are peculiar to each case. I think it is one of the rarest instances that one could come across two cases with identical facts. To be frank, I'm yet to come across one. I refrain from expressing the view that the art of composing a judgment could be taught; obviously it has to be acquired by long standing experience and also by continuous study of the models provided in the innumerable volumes of the law reports which bears ample testimony to the invaluable and great achievements of past masters of the art.

Having said that, the art of judgment writing cannot be taught. However, I wish to stress that a judgment should undoubtedly possess some cardinal qualities which I opt to summarize as follows:

- a) The composition of the judgment has to cater the purpose – that is, it should be necessarily dominated by its purpose.
- b) It cannot be a work of imagination/fantasy and as romance or something similar to that.
- c) It should be nothing but clear, unambiguous and free of any doubt.
- d) It should be spelt out in such a manner that even by a cursory glance a reader should be able to frame the opinion that the writer has spoken with authority, befitting dignity and with impressiveness. Above all a judgement pronounced on the Bench should capture the ability of being regarded as an intellectual product.
- e) It has to be convincing – strength of a judgement would lie in its reasoning. In the same breadth I should say that no appeal could be properly determined unless the Appellate Court is possessed of the reasons for the decision of the lower Court. For this purpose and for the other, the Judge who tries the case in the lower Court must give his reasons for his conclusions. **Judgement being cryptic and devoid of reasons cannot be sustained.** – Our Civil Procedure Code section 187 cast a bounden duty on the Trial Judge – that a judgment shall contain a determination supported by well founded reasons. Even if there were no statutory provisions in relation to that,

there would be adjudicative responsibility for a judge to give reasons for his finding, as distinguished from other decision makers. In other words giving of reasons is inherent in a judicial decision. As Lord Denning said: "A judicial decision is based on reason and it is so because the decision is supported by reasons."

- f) In my view, there is another major reason why reasons should be given. That is by so doing the following are fulfilled:
- i) that he has heard and considered the evidence (oral and documentary both) adduced by parties. This is one mode of assuring that you are a fair minded Judge.
 - ii) In order that a trial should be fair, it is always essential not only that a correct decision should be arrived upon, but also it should be manifest that the finding is based on reason; this could be seen only if the Judge has given his reasons for his decision. By so doing, he gives proof that evidence adduced and arguments submitted by each side has been heard and considered. Sometimes, it could well be that his decision may be correct even though no reasons are given or even a wrong reason; but in order that a trial should be fair, it is essential, not only that a correct decision has to be pronounced, but also that it should be in fact seem to be based on reason; that can only be seen, if the Judge himself has stated his reasons.
 - iii) Even if the reasons are flawed that would afford the aggrieved party an opportunity to canvass the judgement in a higher forum.
 - iv) When no reasons are given the judgement is vitiated as being violative of rules of natural justice.
- g) It must definitely have a theme. The theme has to be developed/ built-up from the opening to the conclusion – so that the mind of the reader can follow the progress of the arguments, reasoning and the legal principles enunciated therein. It is always advisable first to set out the facts which have given rise to the question at issue.
- h) Unessential or less important details I think should be discarded and prominence should be given to the most relevant and material circumstances and also to crucial parts of evidence. I think the most appropriate approach would be to make sure that - 'Does every word in your judgement earn its right to be on the page?' In other words, do not use words unnecessarily. If words are used unnecessarily, the result would be a lengthy judgement with no sense.
- i) When presenting the facts it would be ideal at the outset itself to pose broadly the nature of the problem or the issue at hand awaiting determination/adjudication. By this, the reader would undoubtedly get a clue with regard to what comes next.
- j) When it comes to presentation of legal principles - the best judgements I think would be the ones which carry the legal principles specifically on which they are based and when applying those principles also the writer has to be extremely careful in basing his reasoning on the correct and most appropriate/relevant principle which has total application to the case in hand. In other words it would be undesirable to burden judgments with a barrage of research which the Bar has produced in their written and/or oral submissions. Be mindful not to produce verbatim from the written submissions.
- k) Each paragraph should be specific, clear and self contained without leaving any room for the confusion of the reader. Please don't reproduce evidence without analyzing, because the Appellate Court Judge too is blessed with the opportunity of reading the proceedings in the lower Court. But what is really important is to afford an opportunity for the Appellate Court Judges to consider whether your analysis is correct.
- l) To avoid any doubts or uncertainty may I add that each one of us is blessed with the golden opportunity of developing our own reasoning and conclusions as we Judges are no more immune from this tendency than other writers?

Judge must always be conscious of the fact that – no Judge is infallible and no judgment of theirs is immune from scrutiny by higher forum. Invariably every system of justice has provided for an appeal to the higher Tribunals to scrutinize the errors of the Judge below. If it's a judgment with no reasons the incalculable damage caused to the parties become obvious - that is then higher Court has nothing to scrutinize.

When writing judgements in civil cases it is essential to answer all the issues admitted to trial except points in issues which were recorded as admissions with the consent of parties after the commencement of trial. In such situations this should be clearly borne out by the proceedings – in other words the stage at which the parties agreed to record additional admissions becomes very important. In partition cases admissions should be recorded separately. The reason for this is quite often parties will have varying admissions with regard to their different claims. I know that you all are well acquainted with the provisions in our Civil Procedure Code relevant to the issues - Framing of issues in a trial is a very vital step - How do issues arise? That is when a material proposition of fact or law is affirmed/submitted by one party and denied by the other or may be even by all parties. Next point that would arise is 'what is a material proposition'?

Material propositions are those propositions of **law** or **fact** which a plaintiff must contend in order to show a right to sue or a defendant must contend in order to consider his defence and/or to establish his claim in reconvention.

The next consideration should be that what has to be the subject of a distinct issue? – 'each material proposition affirmed by one party and denied by the other shall constitute subject of a distinct issue'.

What is the object of framing issues? This is to determine the rival contentions of parties so that the trial can proceed with respect to those. That is why issues become a very important tool and those should be framed in such terms as to afford a full opportunity to all the parties to adduce their evidence.

When I am entrusted with the task to speak on Writing Judgements in Civil Cases, I am afraid you all might wonder why I have engaged in a discussion regarding issues. That is because in a Civil Case issues become the cardinal feature in a trial. That is why when writing judgements decisions have to be given separately on each and every issue admitted to trial. It is a compulsory requirement. Only exception is section 147 of the Civil Procedure Code when the case can be disposed of on the issues of law only – those issues to be tried first. When those so called preliminary issues are answered sometimes the action will come to an end. Still you will have to discharge the burden of pronouncing your decision on well founded reasons.

There cannot be a specific structure for a judgement. The reason is obvious i.e. no two judgements could be alike – no way. Always a general structure would be definitely helpful. All what you have to do is marshal your thoughts and make sure what you say is easier to assimilate and further that you have arrived upon nothing but the correct decision. However, it would be appropriate if you include in the last paragraph in precise terms the relief which has been granted by such judgement and with regard to costs also.

Don't put in a nutshell also– but never make it too long. By doing this you are bound to lose track of the pivotal points that awaits determination. This is the most important thing because your determination has to be supported by credible evidence. It's preferable if you give cogent reasons as to why you tend to believe a witness – like wise compelling reasons should be there why you have disbelieved the others. If not your impartiality and integrity will be at stake.

At the conclusion of the trial it is the sole discretion of the Judge to grant an opportunity for the parties to make only oral submissions or only written submissions or both. Then you reach the judgement stage. Judgements are of two types. Either you can proceed to dictate it off Bench if it was a case where parties opted to make only oral submission. Even only with oral submissions the judgement could be reserved. If time is granted for written submissions then

reserving the judgement becomes inevitable. A reserved judgement is always blessed with the benefit of affording the Judge ample time for a thorough and careful consideration of all evidence adduced, especially in a case with a copious amount of documents. May be a Partition case or a heavy trial dealing with contracts. Secondly he can take as much time as he needs over the decision. This is the best possible mode of ensuring the following:

- a) that nothing is omitted;
- b) that each issue is resolved after due consideration and
- c) that his reasoning is correct.

I think the common tendency of a litigant is that he would prefer to have a less reasoned out judgement early than a delayed 100% perfect judgement. Thus it is needless to stress the necessity of pronouncing the judgements within a reasonable time. Be mindful of the importance of complying with the provisions of section 184 of the Civil Procedure Code with regard to pronouncing judgements. Under section 184(l) judgment has to be pronounced in open Court either at once or on some future date of which notice has been given to the parties or their attorneys at the termination of the trial.

Having outlined advantages of reserving judgements now let me say something about the disadvantages also. In my view especially reserving the first instance decisions (i.e. in the original Court) on a regular basis, will often put a Judge under pressure. The longer he leaves it unattended the greater will be the difficulty in constructing it. With the passage of time your memory about the case is bound to fade away. Even the notes you had taken during the hearing may not be of much use then. In the result you will be invariably deprived of pronouncing a good judgement. Always a lengthy judgement invites criticism.

Let me say something about the judgments which are not reserved-that is what you dictate forthwith at the conclusion of submissions. This could be done only in a very short trial. Anyhow merely because a judgment is delivered *ex tempore* that is not an indication that the Judge has undertaken no preparation or no pains. I trust it is quite the reverse. Only highly experienced members of the judiciary (at whatever level), will be able to deliver a truly "off the cuff" performance. I am confident that you all belong to that category and I certainly take pride in saying so.

When it comes to public confidence in the judiciary, the giving of reasons would be something that is demanded by ordinary man's sense of justice. On the other hand it has to be always remembered that Judges should never be hasty in delivering their decisions. That is to say justice should not be sacrificed for speed. However, one has to be mindful of the fact that delay in rendering judgment in a case always tends to negate the procedure of administration. If a Judge fails in prompt disposal of the work in Court with no justifiable reason for delay, it will be reflected adversely on the entire judicial system. At the end of the whole scenario, the question that remains to be answered is: "Was justice done and in fact seen to be done?"

In judgements, refrain from making comments on the lawyers. Do not let sensitivity or diplomacy weaken your decision. Your findings have to be based only on the evidence adduced before you and be always mindful of the fact that you cannot import your personal knowledge or opinion.

When it comes to *ex-parte* judgments please bear in mind any *ex-parte* judgement unsupported by reasons is no judgement in the eyes of the law. In other words even *ex-parte* judgement should satisfy requisites of a judgement enumerated in section 187 of the Civil Procedure Code. The reason is that it is a well settled principle that reasons are the links between the material on record and Judge's conclusion. Mere fact that the suit proceeded *ex-parte*, does not by itself entitle the plaintiff to get a decree in his favour. The Court is always under an obligation to apply its mind to whatever *ex-parte* evidence led or evidence submitted by affidavits.

However, I think there are some guiding principles to ensure the delivery of a successful judgement. These are - **Be firm; Be comprehensive; Be diplomatic; Be clear and Be succinct.**

International Organization for Judicial Training (IOJT) Conference

The CJEI Chair and Administrator attended the 6th International Conference on the Training of the Judiciary held in Washington, DC from November 3 – 7, 2013. The theme of the IOJT Conference was “Judicial Excellence Through Education”. The Conference explored different ways in which judicial education can support, promote, and instill judicial excellence. Under the overall theme of judicial excellence, the Conference focused on leadership in judicial education; judicial skill building; technology and judicial education; judicial education and the academy; and judicial education in support of the Rule of Law. The well organized conference provided a great learning opportunity as well as a chance to reconnect with old friends and meet many new ones.

Social events included an evening reception at the U.S. Supreme Court and a reception and dinner at the Library of Congress.

CJEI had an exhibit booth at the Knowledge Fair which was well attended.

Biennial Meeting of Commonwealth Judicial Educators



CJEI’s Biennial Meeting of Commonwealth Judicial Educators hosted by the Chief Justice and Judiciary of Bermuda was held at the Cambridge Beaches Resort and Spa from May 12 - 14, 2014. The meeting is by invitation to leaders in judicial education in the Commonwealth and was attended by 41 judge educators from 18 countries.

A CJEI Board Meeting was held on Tuesday morning, May 13 which was open to all participants. The Board reviewed the work done over the past two years and commented on the proposed work plan for the forthcoming two year period.

The programme was designed to achieve the following four objectives:

1. To develop programme modules ready to be taken away for presentation by national judicial education organizations;

2. To exchange information on common problems and solutions in Commonwealth judicial education;
3. To gather research in preparation of a report on the status of judicial education in the Commonwealth. When completed, this report will be the first of such biennial reports and will be used as a baseline to chart the progress of Commonwealth national judicial education; and
4. A meeting of our Board of Directors and heads of Commonwealth judicial education bodies to evaluate work completed over the last two years and chart a work plan for the coming two years.

In addition to the above noted objectives, the Biennial Meeting seeks to introduce cutting edge programming and to model in the sessions appropriate adult education techniques. The methodology of developing effective electronic judicial education programming was also demonstrated and discussed.

Topics discussed included “Law and Morality – Issues arising from Shakespeare’s Measure for Measure”; “Issues of Judicial Independence arising from Executive Budget Control”; “The Social Media and Judicial Discipline”; “Enforcing the Human Right to Clean Air and Water”; “Evidentiary Reforms to better achieve Justice”; “The Impact of Developing Technologies on the Law and Court Processes – Cyberbullying”; “The Human Rights of Minorities in relation to Sexual Orientation”; “Building Public Trust and Confidence in the Judiciary – Judicial Attitudes”; “Methodology of Programme Evaluation” and “Design of an Education Programme in Management Skills for newly appointed Chief Justices and Administrative Judges”.

Participant session evaluation forms and evaluative meetings of faculty were of the view that the objectives had been achieved although, as usual, there were requests for further time to be given to many of the topics under discussion. Some topics were more popular than others.

The social events included a Harbour Cruise Reception hosted by the Bermuda Bar and Judiciary, Reception at Government House hosted by The Hon. Mrs. Ginny Ferson, Acting Governor, Reception and Dinner hosted by the Hon. Chief Justice Ian Kawaley, and Dinner at the Home of The Hon. Justice Norma Wade-Miller and Dr. Wesley Miller. All social events were congenial and provided opportunities for information exchange and friendships to develop.

21st Annual Intensive Study Programme for Judicial Educators

The CJEI’s twenty-first annual Intensive Study Programme for Judicial Educators (ISP) was held from June 1 – 20, 2014. Directed by The Honourable Mr. Justice Adrian Saunders, Former Chief Justice of OECS & Judge of the Caribbean Court of Justice, the programme was attended by 13 participants: Ms. Polo Philomenah Banyane, Resident Magistrate, Lesotho; The Honourable Justice Catherine Davani, Supreme and National Courts, Papua New Guinea; The Honourable Ms. Justice Mukta Gupta, Delhi High Court, India; The Honourable Justice Derek Hartshorn, Supreme and National Courts, Papua New Guinea; Mr. Kent Jardine, Judicial Educator, Judicial Education Institute, Trinidad and Tobago; The Honourable Mr. Justice Surya Kant, Punjab and Haryana High Court, India; The Honourable Justice Dr. Esther Kisaakye Kitimbo, Supreme Court, Uganda; Mrs. Makamong Gugu Mokhorro, Chief Magistrate, Lesotho; The Honourable Justice Lebohng Aaron Molete, High Court, Lesotho; Mrs. Sangita Dhingra Sehgal, Registrar General, Delhi High Court, India; Mr. Mojela Shale, Deputy Registrar, High Court, Lesotho; Mr. Boon Heng Tan, District Judge, State Courts, Singapore; and The Honourable Mme. Justice Alice Yorke-Soo Hon, Court of Appeal, Trinidad and Tobago.

Participants spent the first two weeks completing the study component of the programme at Schulich School of Law, Dalhousie University in Halifax. The programme topics included: judicial education reform; providing instruction for adults; review of functions, objectives, definition and levels of judicial education; targets of judicial education; discussion of structures of judicial education bodies; discussion of national standards and objectives; building public trust and confidence in the judiciary – judicial attitudes; judicial ethics and the appearance of bias in the world of social media; judgement writing; impact of developing technologies on the law and court processes – cyberbullying; the legal impact of

new technology; curricula development; processes of programme development and planning; long range judicial education planning; teaching court support staff; judicial education and other guidelines for first level court judges in career path judiciaries; challenges for judicial academies; judicial ethics; judicial performance feedback; portrayal of judges in film; use of great literature in judicial education programming; and importance and methodology of programme evaluation.

The final week of the programme was spent in Ottawa and Toronto. In Ottawa, the participants visited the Supreme Court of Canada, the Superior Court of Justice, the Office of the Commissioner for Federal Judicial Affairs, the Canadian Judicial Council and the National Judicial Institute. In Toronto, they visited the specialized courts at Old City Hall (Drug Treatment Court, Mental Health Court, Aboriginal Persons Court) and Osgoode Hall.

In addition to the rigorous academic sessions, social events included a reception hosted by His Honour Brigadier-General the Hon. J.J. Grant (Ret'd), Lieutenant Governor of Nova Scotia at Government House and a reception hosted by The Honourable Lena Metlege Diab, Minister of Justice at Province House.

The evaluations received from the participants were very positive. Many participants commented on the expertise of the facilitators, expressing a desire to delve further into many of the topics covered. Several commented on the usefulness of the materials and discussions, noting that the experience will serve as a solid resource in their home countries and can be adapted to accommodate different legal systems. Specifically, the participants praised the informative and diverse content of the course and felt that their attendance at the Intensive Study Programme would directly improve their ability to face the challenges of judicial education / judicial reform in their home jurisdictions.



Participants at Province House, Halifax

News and Notes

INDIA

The Honourable Mr. Justice H.L. Dattu has been appointed Chief Justice of India. He will continue in that position till the end of 2015 when he will demit office on retirement. Judges of the Supreme Court retire on attaining the age of sixty five.

JAMAICA

Drug Court Reshaping Lives of Former Addicts by Garfield L. Angus



Chief Justice, Hon. Zaila McCalla (left) makes a point to Resident Magistrate Maxine Ellis at a recent graduation ceremony at the Knutsford Court Hotel in New Kingston for beneficiaries of the court's Drug Treatment and Rehabilitation programme

When former drug addict Adrian Kinglock was arrested a few years ago for committing an offence to support his habit, he thought his life was over.

"I thought I was staring at a long prison sentence," he tells *JIS News*.

Now, the recent graduate of the rehabilitation programme of the Corporate Area Resident Magistrate's Drug Treatment Court is expressing gratitude, noting that the programme has saved him.

"God was good and this programme saved me. I was given a chance to change, I was put on probation and benefited from the support of probation officers, who monitored me, and encouraged me. I was able to go through the programme

successfully. I ensured that the urine samples I gave was my own, because only then they would know that I was trying to make good of myself.

"Through this programme, instead of idling and smoking, I began to turn a new leaf. The programme found a place for me to be an apprentice mechanic where I work and earn money. I am now a member of a church," he discloses.

Mr. Kinglock was among three persons, who recently graduated from the programme at a function held at the Knutsford Court Hotel in New Kingston.

The Drug Treatment and Rehabilitation Court, which was established in 2001, offers a treatment programme for individuals, who are believed to have committed offences while under the influence of drugs including alcohol, ganja, cocaine, morphine, opium and heroin. Described by many as an avenue for change and a second chance at life, the court, through its rehabilitation and treatment services, helps individuals to become drug-free, productive citizens. These persons must be 17 years and older, and must not have any mental condition that would restrict active participation in the programme.

Resident Magistrate at the Corporate Area Court, Maxine Ellis, explains that the graduates, who have successfully completed the programme, leave the criminal justice system without a criminal record for the offence for which they were charged.

"This new way requires the participant to talk to the judge, keeps the offenders closely supervised and provides the offenders with the tools they need. Critical to the success of the court is the partnership of judicial leadership and community," she explains.

Psychiatrist with the programme, Dr. Susanne Neita, outlined that the initiative motivates persons in a way, which allows them to recognize that they need treatment.

“The Drug Treatment Court motivates clients to change, through a legislatively enforced framework, without which many would not have considered the impact of substance abuse, or sought help for their addiction. It diverts clients from punitive sentences, to treatment and rehabilitation,” Dr. Neita points out.

Graduate from the programme, Dellon Blake, says that the motivation and support provided is critical as “some of us are not as strong as we think we are.” He notes that, while “we want to make a difference in our lives...we sometimes see life with a blurred vision, but the Drug Court shines bright with a clear view and a clear vision that can redirect us on that constant search for that road that we all seek to find”.

Chief Justice, Hon. Zaila McCalla, commends the graduates for “staying the course of treatment,” and urges them “to remain as you are now; drug free, and become productive citizens of our country.”

Principal Executive Officer at the Court Management Services, Carol Hughes, in hailing the programme, says research has concluded that drug court interventions reduce crime as much as 45 per cent, which is more than other sentencing options. In addition, she says, the drug court “produces cost savings ranging from \$3,000 to \$13,000 per client. These cost savings reflect reduced prison cost, arrest, and trials, and reduce victimization.”

Having come out of addiction, and found employment, Donna Vassel says she is living the life she has always wanted. She says that although she was apprehensive when she was placed on the programme, today “I have no regrets.” She also has high praise for businessman, Glen Bromfield for adding her to his staff.

Mr. Bromfield is urging other business persons to help by employing rehabilitated individuals. “Give them employment; don’t rehabilitate them without giving them some form of employment. If you can help, please help.” He is also offering a community centre he has built in St. Elizabeth for use by the programme. “I hope the court will find it necessary to use that centre as a drug rehabilitation centre,” Mr. Bromfield says.

[40 Graduate from Justice Training Institute](#) by Chris Patterson



Chief Justice Zaila McCalla (right) addresses the Justice Training Institute’s (JTI) graduation ceremony held on December 12 at the Sts. Peter and Paul Church Hall in St. Andrew.

Human resource capability in the justice system has been enhanced following the graduation of 40 personnel from the Justice Training Institute (JTI) on December 12. The graduates successfully completed training in the Deputy Clerks Qualifying Course, Diploma in Paralegal Studies, and Certificate in Introduction to Computer Applications.

At the graduation ceremony held at the Sts. Peter and Paul Church hall in St. Andrew, where the participants proudly collected their certificates, Chief Justice, Zaila McCalla, congratulated them, pointing out that the justice system stands to benefit significantly from their hard work.

“I am pleased to note that you have all made yourselves available to participate in the various areas. You have taken a significant step towards enhancing and building your capacity to contribute to the administration of justice in our country,” she stated.

Justice McCalla said she was impressed with the size of enrolment in the deputy clerks’ course, noting that the participants were drawn from various courts.

“Deputy clerks have been the backbone of many Resident Magistrates courts over the years and they have contributed significantly to the smooth running of the court system. In fact, in many cases, many newly qualified attorneys-at-law entering the court system as clerks of court have benefited from the vast experience of these officers,” she noted.

She added that they have “tremendous responsibilities and an important role to continue to play in our court system. Some of you may have to prosecute various cases involving financial crimes and other criminal cases involving the use of technology.”

She said they should, therefore, become aware of the “sophisticated methods being employed by criminals in our country, who, with the use of technology, are partnering with international elements in the execution of their unlawful activities.”

The Chief Justice also charged the graduates to maintain integrity, honesty, and courtesy on and off the job.

“Armed with your new knowledge and skills, go forth then and aim to become pioneers, forward thinkers and assist in implementing some of the new initiatives being introduced for the improved service delivery in our courts,” she added.

The ceremony included the award of prizes to top trainees, with the ‘Best All-Round Performer’ award going to Verna McGaw, who participated in the paralegal course.

JTI, the training arm of the Ministry of Justice, was established by an Act of Parliament in July 1997. Its overarching mandate is to provide training and staff development activities of the highest quality to meet needs, and build the capacity of the justice sector in accordance with international standards.

LESOTHO

The Honourable Judge Nthomeng Majara (CJEI Fellow 2008) has been appointed the Chief Justice of Lesotho.

PAKISTAN

Federal Judicial Academy, Islamabad, Pakistan

Charting on the Path towards Excellence in Judicial and legal Education in Pakistan

FJA emerges “Centre of Excellence for Law and Judicial Education”

Established in the picturesque, Federal Capital of Pakistan, Islamabad, the Federal Judicial Academy (FJA) is a premier judicial training institute, for key stakeholders of administration of justice system in the country. The Academy was initially set up under a Cabinet resolution in 1988. Just after its genesis, the Academy became fully operational in makeshift arrangements till the construction of a campus where it is now housed. The present FJA campus building stands out among the neighbouring buildings in the educational sector of Islamabad Capital territory. It was given a legal cover under The Federal Judicial Academy Act, 1997.

Since its founding, this ‘seat of judicial learning’ has remained distinguished by a commitment to mentoring judges and other subjects hailing from all over Pakistan, under its mandate, for success in the field. Its curriculum and training courses reflect a history of responsiveness to societal and national needs. For the last five years, the FJA has formalized its training schedules of activities through the preparation of Annual Judicial Education Calendar, duly approved by the Hon’ble Chief Justice of Pakistan/ Chairman, Board of Governors of the Academy.

The FJA arranged 25 one-week ‘subject specific’ residential courses and imparted training to some 600 participants, comprising judges of District Judiciary, court personnel, prosecutors/law officers, members of the Bar, etc. during the year 2013-14, on a variety of subjects, focusing on procedural and substantive civil and criminal laws, family laws, rent laws, forensics, medical jurisprudence, anti-terrorism, money laundering, cyber crimes, intellectual property laws, modern techniques of Alternative Dispute Resolution (ADR), art of judgment writing and office, court and financial management.

The Academy also arranged capacity building courses for the members of legal fraternity of the country and joint trainings for Judges and members of Bar of Hyderabad and Rawalpindi divisions and the Islamabad Capital Territory. This unique experience stands in good stead to strengthen the bond between Bar and Bench for an effective justice delivery. The FJA also organizes seminars and workshops for its subjects as per its mandate. It strives to align its mission, vision and values during such capacity –building initiatives to mentor effective stakeholders in justice sector and also provides impetus for transformation.

Over the last two and a half decades, the Academy has seen a gradual broadening of its responsibilities. The Academy's reputation for producing skilled and efficient judicial officers was complemented by its development as an unrivalled centre of judicial education as well as a platform for interprovincial harmony and national cohesion. The Academy's record of achievement has been based upon the calibre and commitment of its faculty, staff and resource persons. That reputation has been gained and sustained over a period of 25 years.

Emergence of “Centre of Excellence for Law and Judicial Education”: The long-cherished dream has finally come true with the conversion of FJA into ‘Centre of Excellence for Law and Judicial Education’ through a Presidential Ordinance No. V of 2014, promulgated on the 10th April, 2014. Now, we have to set out on such a path which knits our past, present and future together. While on our path, we have also to impart training to lawyers, investigators, prosecutors, prison officers, government officers, etc. Further, the Centre will also impart teaching in the field of legal education and offer graduate and higher degrees in Law and Judicial Education.

The FJA Phase-II extension has been completed in record time. The new building, spread on a total covered area of 316211 square feet, comprises academic block, hostel block, faculty suites, gymnasium, servant residences and administration block extension. This is indeed, a gigantic task. Currently, we at CELJE/FJA are engaged to set up the requisite academic bodies and to frame rules/regulations for operationalizing the Centre.

Celebrating Silver Jubilee: The FJA celebrated its “Silver Jubilee” in the newly-constructed Phase-II building of the Centre of Excellence for Law and Judicial Education/ Federal Judicial Academy, on November, 2, 2013 with the then Hon’ble Chief Justice of Pakistan in the chair. The celebrations coincided with a one-day workshop on “Prisoners vulnerability –Lacking Awareness” and the inauguration of its Phase-II building and became memorable in every sense.

Sensitizing trainees about Delay Reduction Strategies & ADR: The Judiciary must not *delay* justice; instead it must provide justice expeditiously. In this backdrop, the National Judicial Policy was formulated and launched in June 2009 by National Judicial (Policy-Making) Committee. The targets of disposal of cases set by the policy have largely been realised. The following is the table showing year-wise disposal of cases by the District Judiciary under National Judicial Policy, 2009:

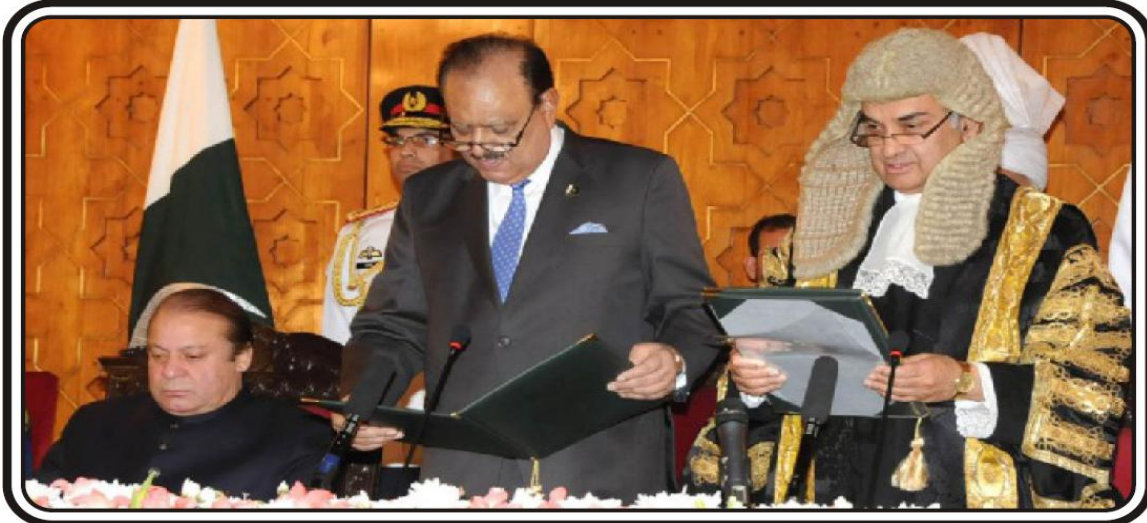
Period	Total number of cases disposed of
Jan – Dec, 2010	2,628,163
Jan – Dec, 2011	2,585,291
Jan – Dec, 2012	2,624,845
Jan – Dec, 2013	2,564,730
Jan – Aug, 2014	1,772,460

The success of the policy has enhanced confidence of the general public in the capacity and ability of the courts to decide disputes expeditiously.

Undeniably, the Alternative Dispute Resolution (ADR) mechanisms have not attained that much significant position of usage and acceptance in their modern forms in our adversarial judicial system, however, the existing realities on the ground have pepped-up the need to resort to other means of dispute resolution rather than relying entirely on the conventional courts. Hence, orientations on ADR mechanisms form an important and regular feature of our one-week

trainings in the Academy. A two-day workshop on “Mediation as an ADR Mechanism” in collaboration with the Karachi Centre for Dispute Resolution (KCDR) for Civil Judges-Cum-Magistrates from all over Pakistan, Azad Jammu & Kashmir and Gilgit-Baltistan was held from 18 to 19 February 2014.

Where there is vision: On assuming his charge as Chief Justice of Pakistan/ Chairman of the Board of Governors, Hon’ble Mr. Justice Tassaduq Hussain Jillani (CJEI Fellow 2010) strove for overall betterment of the Academy. On the heels of his retirement Hon’ble Mr. Justice Nasir-ul-Mulk, (CJEI Fellow 1999) assumed the charge as Chief Justice of Pakistan and presently the CELJE/FJA is moving ahead under the leadership of his Lordship.



President Mamnoon Hussain administering oath of office to Hon’ble Mr. Justice Nasir-ul-Mulk as Chief Justice of Pakistan in the Ceremony held at the Aiwan-e-Sadr, Islamabad on July 6, 2014, Prime Minister Muhammad Nawaz Sharif is also present.

The Hon’ble Chief Justice of Pakistan/ Chairman, Board of Governors of Centre of Excellence for Law and Judicial Education/ Federal Judicial Academy, has recently appointed the honourable two-member committee comprising Mr. Justice Jawwad S. Khawaja (CJEI Fellow 2011) and Mr. Justice Asif Saeed Khan Khosa, (CJEI Fellow 2006) both, honourable Judges of Supreme Court of Pakistan, to assist his Lordship in the affairs of the Academy. It is apt to mention here that Hon’ble Mr. Justice Asif Saeed Khan Khosa could attend the CJEI Biennial Meeting held on May 12-14 in Bermuda and shared his experience during his visit to the CELJE/FJA.

Moreover, the Centre of Excellence for Law and Judicial (CELJE) / Federal Judicial Academy (FJA) is now headed by Dr. Faqir Hussain, former Registrar, Supreme Court of Pakistan and Secretary of the Law and Justice Commission, who is a well-known scholar and researcher with considerable experience in academics and administration. The current FJA Faculty is well-qualified, with demonstrated high level of expertise in research and teaching law. Apart from Director General who is PhD in law, the other faculty members, at present, working in the Academy, are either seasoned retired or serving Judges, who invest their judicial competence and passion to train and groom the judges and other professionals of 21st century related to justice sector in Pakistan.

The Hon’ble Chief Justice of Pakistan holds a vision for legal and judicial education. Hence, his Lordship has assembled all men of vision, action and ingenuity under one roof. Overarching objective is to make the CELJE/FJA a regional and international centre for quality judicial/ legal education, training and research. LLM and PhD courses will be offered in the Centre of Excellence for Law and Judicial Education in due course of time. The CELJE/ FJA is an investment in human resources and the future. We at the CELJE/FJA are brimming with optimism that the day is not far off when the CELJE/FJA will be known as “*first among equals*” (primus inter pares) in the present globalized world.

Constitutionalism, Human Rights and Rule of law: Over the last couple of years there has been a massive expansion of fundamental rights jurisprudence through an expansive judicial review doctrine. The Supreme Court of Pakistan has taken a plethora of suo moto notices under Article 184(3) of the Constitution. The Apex Court in its attempt to ensure substantive justice has given an extended meaning to the fundamental right of right to life. The Court held that life has a larger concept which includes the right of enjoyment of life, maintaining adequate level of living for full enjoyment of freedom and rights. To ensure pollution free environment, the court declared that any action which may create hazards to life will be encroachment on personal rights to enjoy the life according to law. The conviction by a Military Court not

empowered to try under the law was held to be violative of Article 9 of the Constitution. The Court laid down the concept of sustainable development in the case of “Cutting of Trees for Canal Widening Project”. It took up the case of mushroom growth of law colleges in Pakistan to revamp the quality of legal education in Pakistan. In yet another case, the Court upheld the institutional authority and observed, “a nation which fails to respect the institutions falls in grace, decays, splits and is condemned in history. A society bereft of stable institutions would be at odds with itself.” The Court also took notice of desecration of places of worship of minorities and their Fundamental Rights under the Constitution (S.M.C. 1 of 2014 (*Suo moto* actions regarding suicide bomb attack of 22.9.2013 on the Church) in Peshawar and regarding threats being given to Kalash tribe and Ismailies in Chitral).

Indeed, the journey is the destination. The Supreme Court of Pakistan is striving to ensure constitutionalism, human rights and the rule of law in Pakistan and the CELJE/FJA is playing its due role for the attainment of this noble aim by imparting quality judicial education training to the key players of justice administration of justice system in the country.

SIERRA LEONE (submitted by Justice Emmanuel Roberts, CJEI Fellow 2010)

On December 2, 2013, CJEI Fellows, Justice Emmanuel Ekundayo Roberts (2010) and Justice Vivian Solomon (2011) were among the sixteen distinguished jurists sworn-in as Judges of the Residual Special Court for Sierra Leone (RSCSL), the institution which will succeed the Special Court which closes this month.

Each Judge in turn subscribed to the solemn declaration to “without fear or favour, affection or ill-will, serve as a Judge of the Residual Special Court for Sierra Leone honestly, faithfully, impartially and conscientiously.” Their declarations were witnessed by Attorney-General and Minister of Justice Franklyn Bai Kargbo on behalf of the President of the Republic of Sierra Leone, and by UN Under-Secretary-General for Legal Affairs Miguel de Serpa Soares on behalf of the Secretary-General of the United Nations.

Ten of the Judges were appointed by the Secretary-General of the United Nations and six by the Government of Sierra Leone. The Judges will not serve full time. They will be on a roster, and may be called upon to exercise judicial functions in an *ad hoc* capacity on matters arising from the ongoing legal obligations of the Special Court for Sierra Leone. These could include the review of applications by convicts for early release of SCSL prisoners or judicial review of their convictions. The Judges may also be called upon to preside over any contempt of court proceedings.

The other RSCSL Judges include Justice George Gelaga King of Sierra Leone, Justice Rosolu John Bankole Thompson of Sierra Leone, Justice Richard Brunt Lussick of Samoa, Justice Pierre G. Boutet of Canada, Justice Jon Moadeh Kamanda of Sierra Leone, Justice Renate Winter of Austria, Justice Teresa Anne Doherty of Northern Ireland, Justice Shireen Avis Fisher of the United States of America, Justice Philip Nyamu Waki of Kenya, Justice Elizabeth Ibanda Nahamya of Uganda, Justice Abdulai Hamid Charm of Sierra Leone, Justice Oagile Bethuel Key Dingake of Botswana, Justice Andrew John Hatton of the United Kingdom and Justice Isaac Lenaola of Kenya.



RSCSL Judges

SINGAPORE

At the Opening of the Legal Year in Singapore on Monday, 5 January 2015, The Honourable Chief Justice Sundaresh Menon officially announced the launch of the Singapore Judicial College (SJC). The link to the SJC microsite is <https://www.supremecourt.gov.sg/sjc/>. The Chief Justice has appointed District Judge Tan Boon Heng as the Executive Director of the SJC to oversee its operations.

Established under the auspices of the Supreme Court of Singapore, the SJC is dedicated to the training and development of Judges and Judicial Officers. The College consists of a Local and an International wing and an empirical judicial research laboratory.

The Local wing oversees the needs of the Singapore Judiciary, from induction to continuing education to research and developmental programmes. The International wing builds on the excellent reputation of Singapore's well-developed legal system to offer Singapore as a forum of judicial training that encompasses induction training, core competencies development (such as judging, judicial ethics, case management, use of technology and judicial administration), recent developments on areas of legal interest and useful interdisciplinary studies. The SJC serves as an empirical judicial research laboratory with the aim of serving as a test bed for innovation in judicial studies and practices. The empirical research will allow new or existing practices in the courts to be tested and validated.

A news report on the SJC from the Straits Times (a leading local newspaper) is accessible from this link for your easy reference: <http://www.straitstimes.com/news/singapore/courts-crime/story/judges-undergo-training-new-college-20150105>

TRINIDAD AND TOBAGO

The Judicial Education Institute of Trinidad and Tobago (JEITT) is actively pursuing its goal of having its training programmes adhere to international best practices in the field of Judicial Education. The focus of the Institute therefore is training that is directed, informed and delivered by local faculty for local officers. While foreign expertise may be called on from time to time, we are confident that our 'own depth of knowledge, our own lived experience and our own accumulated wisdom'¹² can be relied upon to move us forward.

In light of this, the 2013-2014 Law Term was very fruitful for the JEITT. There have been new appointments, new programmes added to the roster, new publications produced and a welcomed expansion of our facilities.

Appointments

The JEITT team has been expanded and among the new appointees is former judge, Mr Justice Roger Hamel-Smith whose appointment to the post of Programme Director will take effect from 1 October 2014.

Programmes

An orientation programme for new judges of the Judiciary of Trinidad and Tobago was introduced in September 2013. Newly appointed judges were able to meet with more senior members of the Bench to discuss issues including ethics, case and team management and the use of court technology.

In November 2013, the JEITT engaged representatives of the entire Judiciary and stakeholder organizations in an Appreciative Inquiry (AI) Summit. The AI Summit was facilitated by the Weatherhead School of Management, Case Western Reserve University of Cleveland, Ohio. It enabled us to identify projects and to create 'change teams'. These teams 'have been working on core areas all aimed at "identifying, sustaining, and strengthening the affirming qualities" of the (Judiciary)'.¹³ Areas covered include child care, electronic filing and payments and continuous training and development.

¹²Address by the Honourable the Chief Justice, Mr. Justice Ivor Archie ORTT on the Occasion of the Opening of the 2014-2015 Law Term, p 19 <<http://www.tlwcourts.org/index.php/component/attachments/download/3594>>.

¹³fn 1, p 15.

There has also been training for management, on topics such as *Time Management* and *Difficult Conversations*. The Weatherhead School is also providing senior management with leadership training and will continue to provide services to the change teams that were created at the AI Summit.

In February 2014, security seminars were conducted for all Judiciary staff. These sessions included elements of self-defence and security awareness.

In April 2014, senior Case Management Officers and Registrars met, for the first time, for a residential weekend retreat to discuss ways to improve case management processes and procedures.¹⁴

In July 2014, the JEITT hosted the Fourth Distinguished Jurist Lecture and Panel discussion. This year's presenter was Dr. Leighton Jackson and the topic was *The Yin and Yang of Commonwealth Caribbean Social Democracy: Change for Stability and Progress*. The Panel Discussion featured addresses by Dr. Jackson; Independent Senator Anthony Vieira; Ms. Sunity Maharaj, Director of the Lloyd Best Institute of the West Indies; Father Clyde Harvey, Parish Priest, Rosary Parish; and Mrs. Ria Mohammed-Davidson, Attorney-at Law, Caribbean Court of Justice.

We took the initiative to begin using judges as facilitators in our training programmes for judicial officers and in keeping with the JEITT's overall goal to tap into local faculty, in September 2014 a *Train the Trainers* session was held. This was facilitated by the University College London Judicial Institute. As a result, judicial officers and key non-judicial staff as well as members of the JEITT are currently engaged in training to formulate courses and to present these courses to fellow members of the Judiciary.

In addition to being involved in the *Train the Trainers* course, members of the Board of the JEITT have attended international conferences including the International Organization of Judicial Trainers Conference and the CJEI Intensive Study Programme.

Facilities

The JEITT has also constructed a Training Centre which has been fully equipped with multi-media and information technology facilities with the capacity to train up to fifty individuals at a time. The Training Centre was the venue for the *Train the Trainers* programme and it will continue to be used for national training programmes. The Training Centre will also be a part of the JEITT's goal of becoming a regional centre of Judicial Education.

Publications

In September 2013, the JEITT published the *Handbook on Awards of Damages for the Torts of False Imprisonment and Malicious Prosecution in Trinidad and Tobago*. The Handbook contains a comprehensive digest of local cases from 1991 to 2013 and is aimed at creating more consistent awards of damages in these areas, both in and out of court.

The Continuing Relevance of the Jury System in the English-Speaking Caribbean was published in July 2014. This was based on the Lecture by The Honourable Justice Marston Gibson, Chief Justice of Barbados and the Panel Discussion of the Third Distinguished Jurist Lecture 2013.

Proposed Publications include:

1. The Fourth Distinguished Jurist Lecture;
2. The Criminal Bench Book; and
3. A revised edition of the Civil Proceedings Rules, 1998.

Wider Judiciary/Local Legal News

¹⁴fn 1.

The Judiciary has continued with its expanded Alternative Dispute Resolution (ADR) pilot project, which is 'aimed at early intervention in the hope of disposing of matters where possible and appropriate, without a trial'.¹⁵ Participants have continued to report that they have found ADR to be helpful.

This, along with the 'promised support of the Bar'¹⁶ has given the Judiciary 'the confidence... to make court annexed mediation and settlement conferencing an integral part of (the) civil case management process'.¹⁷ As such, there is a draft amendment to the Civil Proceedings Rules, 1998 before the Rules Committee which should be introduced in early 2015.

The Rules Committee is also considering draft Criminal Proceedings Rules.

Appointments and Elevations

Mme Justice Andrea Smart: 20th September 2013;
 Mme Justice Nadia Kangaloo and Mr Justice Guy Hannays: 14th October 2013;
 Mr Justice Mark Mohammed elevated to the Court of Appeal: 11th November 2013;
 Mrs Sherene Murray-Bailey— Magistrate: 2nd December 2013;
 Mrs Erica Baptiste-Ramkissoon— Magistrate: 6th January 2014;
 Ms Rehana Ali— Magistrate: 12th March 2014;
 Ms Marisa Robertson— Master of the High Court: 9th June 2014; and
 Mme Justice Gillian Lucky: 8th September 2014.

Obituaries

Retired Judge Mr Justice Ulric Cross, DFO, DFC;
 Mr Karl Hudson Phillips, ORTT, QC;
 Former President Arthur NR Robinson, TC, SC, OCC;
 Retired High Court Judge Mr Justice Carlton Best;
 Mr Justice Guy Hannays; and
 Ms Dana Seetahal, SC.

JUSTICE GEOFFREY HENDERSON ELECTED TO THE INTERNATIONAL CRIMINAL COURT



The Judiciary of the Republic of Trinidad and Tobago notes with pride the election of one of its Judges, Mr. Justice Geoffrey Henderson (CJEI Fellow 2010), to fill a vacancy as a Judge of the International Criminal Court. The Honourable the Chief Justice, Mr. Justice Ivor Archie (CJEI Fellow 2003), extends heartfelt congratulations to Justice Henderson on behalf of the entire institution.

The election became necessary because ANOTHER Trinidad and Tobago High Court Judge, Mr. Justice Anthony Carmona, SC, who was elected in 2011 became unavailable after he became President of the Republic of Trinidad and Tobago. Mr. Justice Henderson received the endorsement of representatives from 98 out of the 99 countries casting votes in The Hague this morning. The remaining country abstained.

The Chief Justice said that Justice Henderson's nomination, firstly, and now the overwhelming support accorded him is testament of and a tribute to the quality of persons who comprise the Trinidad and Tobago bench. The Chief Justice said this is further underscored by the fact that Justice Henderson was the second Trinidad and Tobago Judge to have been elected by the international body in quite a short space of time.

¹⁵fn 1, p6.

¹⁶fn 1, p 7.

¹⁷fn 5.

“While we congratulate him, I am sure Justice Henderson will not begrudge us at the Judiciary of Trinidad and Tobago for receiving this news with mixed emotions,” the Chief Justice said, “Mixed, because, while we are elated over the appointment both for Justice Henderson and for our institution, we have to face the reality that we will be losing quite soon the services of one of our more talented and gifted young judges.”

The Chief Justice pointed out that Justice Henderson will be missed not only for his exemplary work as a presiding Judge, but also for his foresight and his initiative as a contributor to the modernization and transformation of the institution. He cited as examples Justice Henderson’s pioneering efforts in the establishment of a pilot Drug Treatment Court in Trinidad and Tobago and the development of the Trinidad and Tobago Judicial Education Institute.

Upon receiving news of his election this morning, Justice Henderson said he was humbled by the appointment.

“I am both privileged and honoured to have been nominated by my beloved country to serve on the International Criminal Court as a judge,” Justice Henderson added. “I have had the wonderful opportunity to have given public service to my country for 25 years. Although difficult and challenging at times, I have enjoyed every moment of it. This is a new phase of service which I look forward to. I thank our country for the confidence placed in me.”

(Source: <http://www.ttlawcourts.org/index.php/newsroom-69/news/4276-justice-henderson-s-election-to-the-international-criminal-court>)

Governance Structure of CJEI

The governing committee of the Institute consists of the Right Honourable Sir Dennis Byron, President; the Honourable Justice Madan B. Lokur, Vice President; Judge (R) Sandra E. Oxner, Chairperson; the Right Honourable Chief Justice Beverley McLachlin, Canada; the Honourable Chief Justice Ivor Archie, Trinidad & Tobago; the Honourable Justice Sophia Akuffo, Ghana; the Honourable Justice Rahila Hadea Cudjoe, Nigeria; the Honourable Justice Asif Saeed Khan Khosa, Pakistan; the Honourable Justice Yvonne Mokgoro, South Africa; the Honourable Justice Leona Theron, South Africa; the Honourable Justice Irene Mambilima, Zambia; the Honourable Judge Gertrude Chawatama, Zambia; Professor John A. Yogis, QC, Canada; Professor Michael Deturbide, Canada; and Mr. Larry Smith, C.A., Honourary Secretary/ Treasurer.

Chief Justices of the Commonwealth countries are Patrons to the Institute. The Executive Directors of Commonwealth judicial education bodies form an Advisory Board to the Institute.

Upcoming events

CJEI Patron Chief Justices' Meeting, Glasgow, Scotland	12 April 2015
Commonwealth Law Conference, Glasgow, Scotland	12 - 16 April 2015
CJEI Intensive Study Programme for Judicial Educators, Halifax, Ottawa and Toronto, Canada	7 - 26 June 2015
7 th International Conference of the International Organization of Judicial Training, Recife, Brazil	7 - 12 November 2015

INTENSIVE STUDY PROGRAMME FOR JUDICIAL EDUCATORS HALIFAX, OTTAWA AND TORONTO, CANADA

The next Intensive Study Programme for Judicial Educators (two weeks or three weeks) will be held June 7 - 26, 2015 in Halifax, Ottawa and Toronto, Canada.

For information, contact CJEI at cjei@dal.ca.

Editor: Professor N.R. Madhava Menon

We are eager to share in the CJEI Report news on judicial education developments, judicial reforms, elevations, honours, or obituaries and other news related to the judiciary such as new innovations to tackle arrears and delays, strategies to improve access to justice, landmark judgments, or recent judicial education initiatives in your country.

Archive

<http://cjei.org/publications.html>

Contact us:

Room 306, 6061 University Avenue
Halifax, Nova Scotia, B3H 4H9 Canada

Tel. +1 902 494 1002

Fax: +1 902 494 1031

cjei@dal.ca