



CAJO

CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS

Report

Nov 2022 - Nov 2024

“Explore, Innovate, Educate”

www.thecajo.org

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Publications Committee: Peter Jamadar; Roxane George; Elron Elahie; Candace Simmons-Peters; Suraj Sakal and Laurissa Pena.

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About the CAJO

“Explore, Innovate, Educate”

The Caribbean Association of Judicial Officers (CAJO) brings together the region’s Chancellors, Chief Justices, Judges, Masters, Registrars, Magistrates, Tribunal Members, Executive Court Administrators, and other judicial staff. In March 2022, the CAJO was incorporated as a Non-Profit Organisation in accordance with the Companies Act Chap 81:01, Laws of Trinidad and Tobago. The CAJO is led by a Management Committee who also serve as its Board of Directors.

The first meeting of the CAJO took place in June 2009 in Port of Spain, Trinidad and Tobago. The first Chair of the CAJO was Justice Adrian Saunders, current President of the Caribbean Court of Justice (CCJ), who served in this role from 2009–2019.

At the CAJO’s Business Meeting held at its 6th Biennial Conference in Belize (November 2019) Justice Peter Jamadar, Judge of the CCJ, was elected Chair of CAJO and was re-elected at CAJO’s Business Meeting held at its 7th Biennial Conference in St Lucia (October 2022). The Chief Justice (Ag) of Guyana, Justice

Roxane George, currently serves as the Vice-Chair of the CAJO. The following judicial officers were also elected (October 2022) to serve as members of the Management Committee: Justice Adrian Saunders – ex officio (President, CCJ); Justice Carol Edwards (Justice of Appeal, Jamaica); Justice Francis Belle (Justice of Appeal, Barbados); Justice Maria Wilson (Justice of Appeal, Trinidad and Tobago); Justice Kimberly Lasten (Judge, Joint Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba); Justice Sandra Nanhoe-Gangadin (Judge, Suriname); Justice Shade Subair-Williams (Judge, Bermuda); Justice Vivian Georgis Taylor-Alexander (Judge, ECSC); Justice Ricardo Sandcroft (Judge, Belize – *having completed his time on the Bench*); Justice Constance Delancy (Ag. Judge, The Bahamas); Her Worship Maxanne Anderson (Senior Magistrate, Bermuda); Her Worship Patricia Arana (Resident Magistrate, Turks & Caicos Islands); Her Worship Natiesha Fairclough-Hylton (Senior Judge of the Parish Court, Jamaica); and Ms. Suzanne Bothwell (Court Administrator, Cayman Islands).

About the CAJO (continued)

Management Committee Group



The CAJO is also supported by the following executive officers:



Mr. Suraj Sakal
Legal Officer and
Executive Manager



Mrs. Candace Simmons-Peters
Corporate Secretary and Executive
Administrator



Mr. Elron Elahie
Research and Programme
Coordinator



Mrs. Laurissa Pena
Legal Officer and Executive Manager
(January 2022 - March 2024)

The CAJO provides a host of judicial education and training opportunities and workshops for judicial officers across the region, including its Biennial Conference. It also produces a biannual Newsletter, CAJO News. It conducts research to support regional judicial reform projects. The CAJO also conducts specific territorial interventions, on request, and partners with regional and international organizations in mutually beneficial projects.

Judicial Education & Training Initiatives

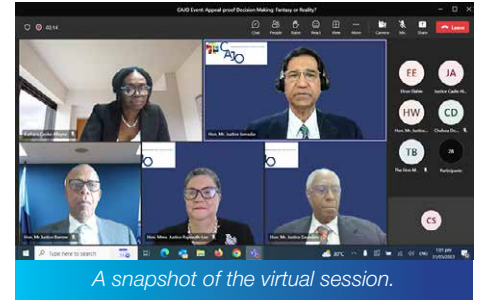
November 2022 – November 2024

CAJO programmes employ different methods of teaching and learning to enhance participant engagement in the process. Programmes are delivered virtually and in-person and include evaluative assessments to facilitate continuous review and improvement.

Regional Initiatives

Appeal Proof Decision Making: Fantasy or Reality? 31 May 2023.

This webinar was an intimate and interactive session for judicial officers to explore the concept and practice of “appeal-proofing” decisions towards determining whether it is not only something that can be achieved, but ought to be practiced. The session provided judicial officers with an opportunity to openly examine the concept, raise salient questions, and co-create knowledge with three senior judicial officers: Justice Adrian Saunders, President of the CCJ, Justice Maureen Rajnauth-Lee, Judge of the CCJ, and Justice Denys Barrow, Judge of the CCJ.



Judicial Education Forum, 28 September 2023. This online event explored behavioural change theory toward enhancing judicial education across the Caribbean. Participants were led in exploring adult education philosophy by Justice Peter Jamadar and then participated in an open discussion on strengths and challenges as they relate to continuing judicial education in the region.

Judicial Education & Training Initiatives (continued)

Disability and Inclusion Awareness Workshop, 12 October 2023. The workshop was built on the CAJO and Judicial Reform and Strengthening (JURIST) Project’s Disability and Inclusion Awareness Guidelines. It offered participants an opportunity to engage with regional disability advocates, explore the underlying ethical imperatives for access to justice, and engage a hypothetical to discuss challenges, solutions, and best practice. The workshop was facilitated by Justice Peter Jamadar (Chair, CAJO), Elron Elahie (Research and Programme Coordinator, CAJO), and disability advocates, Ms Kerryann Ifill (Barbados) and Mr Ian Roach (Trinidad and Tobago).



Negotiating Judicial Conflict, 8 December 2023. This member-only forum provided an opportunity for judicial officers to discuss how conflict is experienced, how it can be negotiated, and allowed judicial officers to share tools, techniques, insights, and challenges.

Major Features of the Two Traditions: Criticism
Post-colonial legal systems are not really different from legal systems of mother countries.

- Civil Code of Quebec (Civil Code of Louisiana) ≠ French Civil Code (Code Napoleon).
- Canadian Common law ≠ British law
- Interpretation of the same law may be different (France and Belgium)
- Colonial law may be adapted to local circumstances (chattel houses in the Caribbean).



Comparative Law.

CAJO-UWI (Cave Hill) ‘Comparative Law I’ Course with Professor Asya Ostroukh, January to April 2024. This virtual post graduate course provided Caribbean judicial officers and other legal professionals with an introduction into the comparative method in studying and practicing law with respect to the Civil Law tradition. The course equipped participants with knowledge of the major characteristics and fundamental principles underlying the Civil Law tradition. It studied the major legal systems of the Civil law tradition, as well as mixed

Judicial Education & Training Initiatives (continued)

Common/Civil law systems. It also examined using the comparative method when studying legal systems and the practical relevance of this method for lawyers. Special consideration was given to Civil Law jurisdictions in the Caribbean.

There were eight (8) participants: The Hon. Mme. Justice Kimberly Cenac-Phulgence (Judge, Saint Lucia, ECSC); The Hon. Mme. Justice Cicely Chase-Harding (Judge, Barbados); Her Worship Ngaio Emanuel (Magistrate, Antigua & Barbuda); The Hon. Mme. Justice Roxane George (Chief Justice Ag, Guyana), The Hon. Mr. Justice Peter Jamadar (Judge, Caribbean Court of Justice/ Chairman of CAJO); The Hon. Mme. Justice Charmaine Pemberton (Court of Appeal Judge, Trinidad and Tobago); The Hon. Mme. Justice Avason Quinlan-Williams (Judge, Trinidad and Tobago); and The Hon. Mr. Justice Colin Williams (Judge, Dominica, ECSC). Research papers were a Course requirement and successful achievement earned participants a Certificate of Completion. The topics for the research papers were diverse and covered areas such as family law, prescription, malicious desertion, employment and insurance law, legal education, crime and punishment, and civil procedure.

Professor Asya Ostroukh is a tenured Senior Lecturer at Cave Hill Campus of the UWI. She received her PhD. in law in the area of comparative legal history from the University of Edinburgh and undertook postdoctoral research at Université Laval in Quebec, Canada, at Louisiana State University in the USA, and the University of Neuchâtel in Switzerland. Commenting on the Course, she stated:

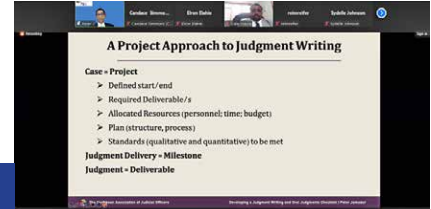
“I believe that the initiative of the CAJO to introduce such a course is very important to the Commonwealth Caribbean region due to the membership in CARICOM of two Civil-law jurisdictions as well as the presence in the region of two mixed jurisdictions.”

The course participants demonstrated significant interest in reforming various aspects of Commonwealth Caribbean legal systems on the basis of best practices from other jurisdictions. They also considered possible avenues of transforming legal practice and teaching in this region on the basis of decolonial comparative approaches in order to make regional jurisprudence truly independent and reflecting the aspirations of West Indian society.”

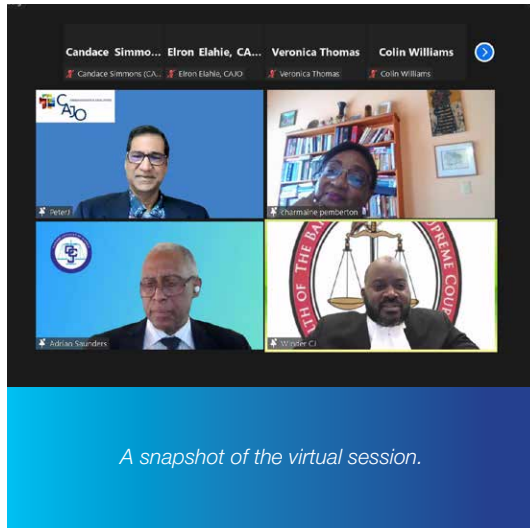
Judicial Education & Training Initiatives (continued)

Preparing Oral Judgments/Decisions, 18 April 2024. This virtual member-only session exposed judicial officers to a project approach to the judgment writing/delivery process and the use of a note-taking template. The Oral Judgment Writing Template was developed and launched by the CAJO.

A snapshot of the virtual session.



Presentation, Caribbean Association of Women Judges (CAWJ) and the Trinidad and Tobago Association of Women Judges (TTAWJ), 26 April 2024. Justice Jamadar delivered a presentation on “Women in Justice, for Justice” on the occasion of their 10th Anniversary Celebrations.



Discussing Judicial Opportunities in the Caribbean, 31 October 2024. This online forum provided participants with the opportunity to hear from Justice Adrian Saunders, President of the Caribbean Court of Justice; Sir Ian Winder, Chief Justice of the Bahamas and Justice Charmaine Pemberton, Justice of Appeal, Trinidad and Tobago, who all sit on Judicial and Legal Service Commissions, on how to approach and advance judicial careers within the region. The panelists explored both horizontal and vertical movements as it pertains to moving from one jurisdiction to another or one position to another; as well as issues such as age, gender, nationality and opportunities, the importance of non-judicial activities and opportunities, tips on how to be a better candidate, and post-retirement opportunities. The forum was moderated by Justice Peter Jamadar, Chair of CAJO.

Judicial Education & Training Initiatives (continued)**Territorial Initiatives**

Diversity and Inclusion Training, Bermuda, 18 November 2022. The CAJO delivered a training session to the Judiciary of Bermuda on Diversity and Inclusion in the Administration of Justice: Implications for Integrity, Justice, and Public Trust and Confidence.

Achieving Goals, Meeting Expectations, Barbados, 26-28 January 2023. The CAJO in partnership with the Judicial Reform and Strengthening (JURIST) Project facilitated an intensive three-day training programme for judicial officers of the Supreme Court of Barbados.



Civil Procedure Rules Training, Bahamas, 19, 22, 29 July 2023 and 3 August 2023. The CAJO delivered training, on request, for two law firms in The Bahamas on the Civil Procedure Rules.

Presentation, Hugh Wooding Law School, Trinidad, 3 September 2023. Justice Jamadar delivered a presentation on 'The Hugh Wooding Law School and the Exchange Abundance Principle', at the launch of its 50th Anniversary Celebrations.



Constitutional Interpretation, Turks and Caicos Islands 21 September 2023. The CAJO delivered a presentation on Constitutional Interpretation at the Judicial Education Institute week.

Forms of Legal Argumentation, Guyana 16 November 2023. Justice Jamadar delivered an interactive workshop to the students of the Law Faculty, University of Guyana on various types and forms of legal argumentation.

Judicial Education & Training Initiatives (continued)



Participants engaged in the training session in The Bahamas, January 2024.

Judicial Education Training, Bahamas, 15-18 January 2024. The CAJO delivered training to Judicial Officers of the Bahamian Judiciary. The Theme was: “Strengthening the Judicial Office” and sessions were held addressing topics such as: Effective Case Flow Management; Legal Research Tools; Principles of and Tools for Judgment Writing; Constitutional Interpretation and Legal Argumentation; Ethics and Professional Excellence in the Administration of Justice; etc.

Presentation, The National Advisory Committee on Constitutional Reform (NACCR), Trinidad and Tobago, 4 April 2024. Justice Jamadar delivered a presentation on “Recommendations on Issues and Considerations for Constitution Reform in Trinidad and Tobago.”



Latimer House Symposium.

Latimer House Principles Symposium, Barbados, 8-10 April 2024. Justice Jamadar led several aspects of the symposium in collaboration with members of the Commonwealth Secretariat Rule of Law Section. Adopted in 2003, the Latimer House Principles set out best practice guidelines and standards for the relationship between the parliament, judiciary, and the executive. Participants learned about the Latimer House Principles and how to apply and implement them contextually to best meet the needs and realities in Barbados.

Judicial Education & Training Initiatives (continued)



Presentation, The High Court of Justice, Suriname, 6 May 2024. Justice Jamadar delivered a presentation on “Judiciary in Motion – Judiciary Here, Now And In The Future” on the occasion of their 155th Anniversary.

Suriname’s 155th Anniversary Celebrations.

Presentation, Criminal Justice Unit, Office of the Attorney General and Ministry of Legal Affairs (AGLA), Trinidad and Tobago, 16 May 2024. Justice Jamadar delivered a presentation on “Gender Neutral Drafting and other related matters.”



Presentation - Gender Neutral Drafting (AGLA), Trinidad and Tobago.



Judicial Training, Barbados.

Judicial Training, Barbados, 8-9 August 2024. The CAJO delivered training to Judicial and non-judicial Officers of the Barbados Judiciary. The theme was: “Striving for Excellence”. Training was focused in the areas of Value Centric Approaches to Excellence, the International Framework for Court Excellence, Process Delays, Preparing and Delivering Oral Judgments; Legal Research and Case Preparation; Projectizing Cases, Tools for Effective and Efficient Caseload Management; etc.

Judicial Education & Training Initiatives (continued)

International Initiatives

Evolving Justice: ASEAN Judges Conference, Bangkok, Thailand, 5-6 October 2023. Justice Jamadar delivered a presentation on Judicial Wellness and Mindfulness for Judicial Officers.



UN Women, ParlAmericas, UN-EU Spotlight Initiative to Eliminate Violence Against Women and Girls (VAWG), Saint Lucia, 30 October 2023. Justice Jamadar delivered a presentation on ‘Innovative initiatives to end Violence Against Women and Girls, a Judiciary Perspective’ at the UN Women Multi-Stakeholder Dialogue for Gender Equality and Sustainable Development.

UNODC’s Global celebration of International Day of Women Judges, 11 March 2024. Justice Jamadar delivered a presentation on ‘Supporting and Inspiring Women in Justice through Education, across the Justice Sector – 2024 and beyond, a Caribbean perspective’, Making the case for the conscious teaching of feminist methods of legal analysis and argumentation and their engaged use by all judicial and legal officers.

Judicial Wellness Programme for Judicial Officers, Papua New Guinea, 15 July 2024. Justice Jamadar delivered a presentation on “Judicial Wellness for Judicial Officers: Achieving Work-Life Balance: Challenges, Impacts, Solutions.”



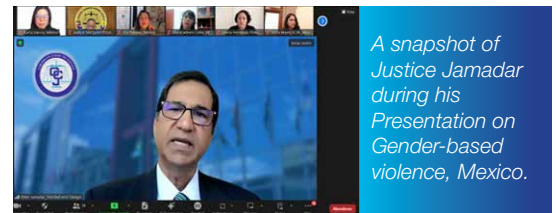
Justice Kathy Ann Waterman Latchoo and Justice Ricky Rahim of Trinidad and Tobago.



Ag. Chief Justice Roxane George, Guyana, Vice Chair, CAJO.

Regional Meeting on Judicial Integrity for Latin America and the Caribbean, Brasilia, Brazil, 6-8 August, 2024. Representing the CAJO, Vice Chair Chief Justice Roxane George participated in a panel discussion on ‘Issues Related to Judicial Integrity and Gender’. This session explored the impact of gender dynamics on judicial integrity and the role gender plays in ensuring equitable access to justice. It addressed issues such as gender discrimination, stereotypes and biases within the judiciary, as well as barriers to women’s participation and advancement in judicial careers. Chief Justice George presented on: ‘Judicial Integrity and Gender: Mainstreaming gender for justice: Perspectives from the Caribbean.’ There was wide Caribbean representation, including: Justice Adrian Saunders, President of the CCJ, Chief Justice Roxane George of Guyana, Chief Justice Ian Winder and Justice of Appeal Bernard Turner of The Bahamas, Justices Nigel Pilgrim and Natalie Dixon of Belize, Justice Gino Persaud of Guyana, and Justices Kathy Ann Waterman Latchoo and Ricky Rahim of Trinidad and Tobago.

Second Meeting of the Inter-American Network of Gender Liaisons of the Judiciaries, September 25-27, 2024. Mexico City, Justice Jamadar delivered a presentation on “The Voice of the Caribbean: Gender-based violence, unmet legal needs and barriers to access to justice from a gender perspective”.



A snapshot of Justice Jamadar during his Presentation on Gender-based violence, Mexico.

Publications and Research

November 2022 – November 2024

Criminal Bench Book for Barbados, Belize, and Guyana, March 2023. The CAJO launched the Criminal Bench Book for Barbados, Belize, and Guyana which comprises twenty-eight chapters. The first twenty-three chapters open with general principles in the subject area of law and then narrow down to provide jurisdiction-specific principles, directions, and guidelines for the three individual jurisdictions respectively. The final five chapters are novel in that they address areas of judicial attention that are newly emerging, constantly developing and increasingly relevant to Caribbean justice. These are: Criminal Case Management; Judge Alone Trials; Procedural Fairness; Therapeutic Jurisprudence, and Human Trafficking, Forced Labour, and Modern Slavery.

Disability and Inclusion Awareness Guidelines, March 2023. The CAJO launched the Disability and Inclusion Awareness Guidelines which are intended to provide Caribbean judiciaries and judicial officers with a practical tool for further developing and implementing key practices and procedures that promote and secure

the rights of persons with disabilities, particularly in the administration of justice. These Guidelines are fashioned in three parts:

1. The Introduction which provides an in-depth look at constitutional, ethical, and international underpinnings of the rights of persons with disabilities;
2. The Guidelines themselves which are across ten (10) key areas of disability inclusion and awareness; and
3. A Background to the development of these Guidelines, along with additional resources.



CAJO News Issues

November 2022 – November 2024

CAJO published 4 CAJO News Issues - CAJO News Issues 16 -19

CAJO News Issue 16: 7th Biennial Conference:

The Spirit of Saint Lucia, January 2023



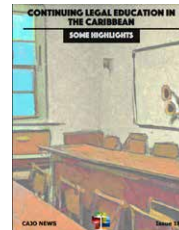
CAJO News Issue 17:

A Focus on Rights-Based Intervention, July 2023



CAJO News Issue 18:

Continuing Legal Education in the Caribbean,
January 2024



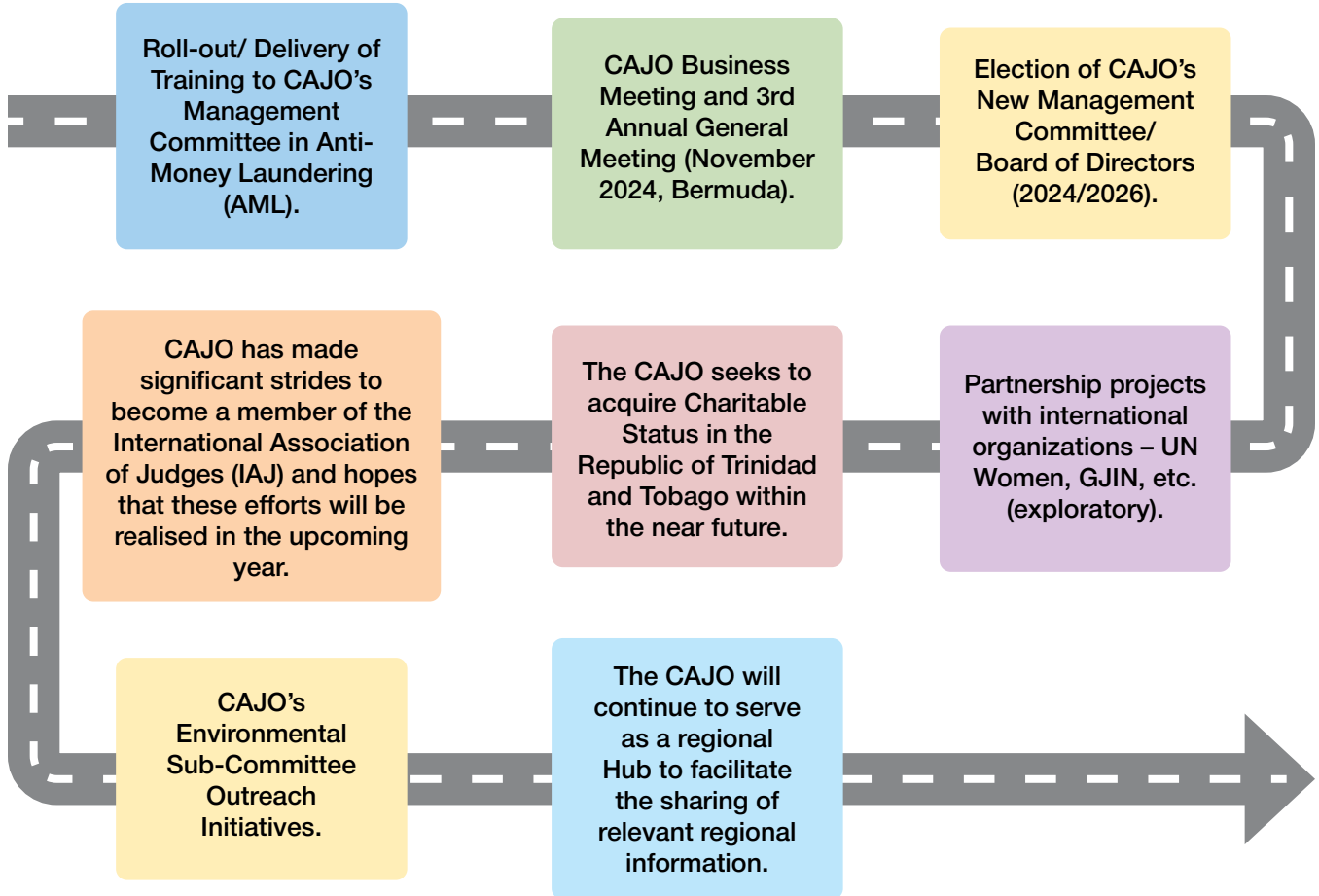
CAJO News Issue 19:

A Dive into Bermuda, July 2024



The CAJO News Issues are available on the CAJO website: www.thecafo.org.

Future Projects/Plans



CAJO General Governance and Administration

- **CAJO Constitution**

CAJO is governed by its amended Constitution of 2019 (referred to as the “Constitution”) and its Bye-laws, which were adopted after incorporation. The Bye-laws align closely with the provisions in the Constitution, establishing a solid corporate governance framework for CAJO. These Bye-laws were approved by the Board of Directors on 29 September 2022 and were subsequently confirmed by members at the first AGM, subject to specific amendments made by special resolution at the first and second AGMs.

- **Annual General Meetings**

The first AGM was held in conjunction with CAJO’s 7th Biennial Conference at the Royalton Resort in St Lucia on 28 October 2022. During this meeting, the financial accounts for the years ending December 2018, 2019, 2020, and 2021 were approved, and the auditors, Messrs. R.S. Baboolal & Co., were appointed to audit the accounts for 2020 and 2021. Additionally, members of the Management Committee who also served as Directors were elected. Significant amendments to the

Constitution (“Constitution 2022”) and Bye-laws were also made during this meeting:

- **Expansion of the Management Committee:** The number of members on the Management Committee was increased from eleven to sixteen to better reflect CAJO’s geographical membership, the range of judicial officers, and the inclusion of both common law and civil law jurisdictions.
- **Creation of the ‘Amicus Judici’ Membership Class:** A new membership class, ‘Amicus Judici,’ was created for law lecturers and Attorneys-at-Law employed with the judiciaries in any of the Caribbean States and territories listed in the First Schedule of the Constitution.
- **Amendments to the First Schedule:** The First Schedule was amended to include Curaçao, Aruba, Bonaire, Sint Maarten, St Martin, Sint Eustatius, and Saba, allowing judicial officers from these regions to apply for full membership and gain voting rights.

CAJO General Governance and Administration (continued)

The second AGM was held virtually via Microsoft Teams on 25 January 2024, in accordance with Bye-laws [14.1] 2022. At this meeting, the financial accounts for the previous years were acknowledged and received, Messrs. R.S. Baboolal & Co. were reappointed as auditors, and further amendments were made to the Constitution and Bye-laws to clearly distinguish between the Management Committee and the Board of Directors (“Constitution 2023” and “Bye-laws 2023”).

The amendments made at the 2024 AGM clarified the relationship between the Board of Directors and the Management Committee:

- The Board of Directors is required to consult with the Management Committee regarding the exercise of its powers and consider its recommendations.
- The Management Committee operates under a mandate approved by the Board of Directors.
- While all members of the Management Committee are eligible to serve as Directors, they must be willing and able to comply with

the laws of Trinidad and Tobago and relevant regulatory requirements.

- To ensure compliance with the Articles of Incorporation, the Chair of the Management Committee and two other persons, elected at the AGM, will also serve as Directors.
- These amendments will come into effect on 21 November 2024, meaning that current members of the Management Committee also serve as Directors until that time. At the third AGM in 2024, to be held in Bermuda, elected members of the Management Committee will have the option to choose whether they are willing and able to serve as Directors.

- **CAJO Management Committee Meetings**

Management Committee Meetings were held periodically during the period November 2022 to November 2024. A special meeting of the management committee was also held in April 2024 to review and adopt several policies developed by the CAJO. These policies are set out below.

Legal Policy and Framework

To pursue its charitable aims and objectives as specified in section 4 of the CAJO Constitution, and on the recommendation of the Management Committee, the Board of Directors adopted and implemented several new policies and frameworks into its governance structure:

- **Anti-Fraud Policy**

Whereas CAJO is exposed to various risks including financial, operational and reputational risks. To combat and aid in the prevention of potential fraud and associated risk involving CAJO, the Board of Directors adopted and implemented an Anti-Fraud Policy into the governance structure of CAJO.

- **Policy on Harassment, Sexual Exploitation and Abuse**

Whereas CAJO recognizes the right of staff members and those involved in CAJO's initiatives and all stakeholders to be treated with dignity, courtesy and respect, is against and seeks to prevent sexual exploitation and abuse. The Board of Directors adopted and implemented a Policy on Harassment, Sexual Exploitation and Abuse into the governance structure of CAJO.

- **Internal Control Policy**

Whereas CAJO aims to provide a structured framework to guide internal controls with a view to following good governance practices, ensure proper authorization of all transactions, adequate separation of duties for all transactions, physical security of all assets and independent checks on performance thereby preventing irregularities and fraud and the detection of errors. The Board of Directors adopted and implanted an Internal Control Policy into the governance structure of CAJO.

These supplement the CAJOs existing:

- **CAJO Anti-Money Laundering (AML) Compliance Policy**

CAJO's AML Compliance Program ensures compliance with Trinidad and Tobago's Anti-Money Laundering (AML) regime and international standards. This policy was approved at the second AGM.

Legal Policy and Framework (continued)

- **CAJO Code of Conduct**

Affirming the dignity, rights, and value of all persons, CAJO has established a zero-tolerance policy for disrespect, discrimination, and harassment. This was approved by the Board of Directors, the Management Committee, and members at the second AGM.

- **CAJO Procurement Policy**

To ensure transparency and efficiency in the procurement process, a Procurement Policy has been adopted, with approval from the Board of Directors, the Management Committee, and members at the second AGM.

Corporate Compliance

- **Companies Registry Accounts (Republic of Trinidad and Tobago)**

The CAJO continues to work closely with the Trinidad and Tobago Companies Registry in ensuring that all its directors are registered with the Companies Registry Online System.

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