



Workshop on Adjudicating Terrorism Cases (P-1163)
Implementing The Hague Memorandum in India:
Good Practices for the Adjudication of Terrorism Cases

In collaboration with the CEELI Institute, Prague and the Federal Judicial Center, Washington D.C.

10 - 12 August, 2019

Programme Agenda

Day 1: Sunday, August 11, 2019

9:30 AM – 9:45 AM	Introduction
9:45 AM – 10:00 AM	Program Opening: A brief overview of the Program – Justice Sanjeev Kumar
Session 1 10:00 AM – 11:00 AM	Fair Trial – Justice Sanjeev Kumar Session 1 will cover the overarching concepts and mechanisms by which a judge can ensure a fair trial in spite of the inherent difficulties of a terrorism case. Concepts including ensuring a speedy trial, open vs.in-camera courtrooms, and subconscious bias will all be addressed.
11:00 AM – 11:30 AM	Tea Break
Session 2 11:30 AM – 12:45 PM	Law relating to Terrorism Cases – Justice N. Kotiswar Singh Session 2 will introduce participants to the important facets of Indian law, both substantive and procedural, concerning terrorism related cases. Judges will gain an appreciation for the differences between ordinary criminal laws (substantive and procedure) and laws specifically governing terrorism and terrorism-related cases; gaining an understanding of the peculiarities and significance of the latter.
12:45 PM – 1:45 PM	Lunch Break



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Session 3 1:45 PM – 3:00 PM	Framing of Charges and Unique Features of Terrorism Trial – Justice P.N. Prakash Session 3 will assist participants to understand how to begin a terrorist trial by framing appropriate charges and ensuring adequate defense for the defendant. The session will include a discussion of charging provisions in the Unlawful Activities (Prevention) Act, as well as the burden of proof under the Indian Evidence Act and special burden requirements under terrorism laws.
3:00 PM – 3:30 PM	Tea Break
Session 4 3:30 PM – 4:45 PM	Case Management in Terrorism Cases & Offences Against National Security – Justice G.S. Kulkarni Session 4 will cover methods of effective case management including judicial leadership, mastery of the record and law by the judge, the ability to setup a pre-trial conference quickly and adequately, use of a continuous trial, witness management, and the use of courtroom technology for improved organization.

Day 2: Monday, August 12, 2019

Session 5 9:30 AM – 10:45 AM	Evidence, Mutual Legal Assistance Treaty (MLAT) and Extradition – Justice Atul Sreedharan Session 5 will introduce judges to the complex process of assessing evidence in terrorism cases. We will also discuss the MLAT process, how to access evidence from foreign sources, and the impact of confidentiality. The discussions will also cover procedures and steps to acquire relevant evidence from international sources.
10:45 AM – 11:15 AM	Tea Break



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Session 6 11:15 AM – 12:30 PM	Judicial and Courtroom Security – Justice Joymalya Bagchi Session 6 will focus on the importance of providing security to all stakeholders in the justice delivery system. This will include a discussion on the role of judge as a facilitator to prepare and implement a security plan, including witness protection measures, and to continuously monitor and supervise the security plan execution throughout the trial.
12:30 PM – 1:30 PM	Lunch Break
Session 7 1:30 PM – 2:45 PM	Digital Forensics – Justice Joymalya Bagchi & Justice Atul Sreedharan Session 7 will highlight broad aspects of the collection, presentation, admissibility, and relevance of forensic and digital evidence. The session aims to enhance skills that will be valuable for a trial judge when tasked with assessing relevance and admissibility.
Session 8 2:45 PM – 4:00 PM	Managing Media Attention – Justice S. Talapatra Session 8 will confront the difficulty in managing media attention in a high-profile terrorism case. Understanding that timely access to accurate information of court proceedings increases transparency and public confidence in the fairness of the Justice System, participants will formulate a comprehensive media plan through which they can implement strategies to regulate conduct of the proceedings and maintain decorum, prevent distraction, and ensure safety of courthouse personnel.
Wrap-up 4:00 PM – 4:15 PM	The Judges Role in Handling Terrorism Cases: Good Practices – Justice Joymalya Bagchi