

**Case Management in Terrorism**  
**Cases and Offences against**  
**National Security**

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Justice G.S. Kulkarni, Judge Bombay High Court

# Elements of Case Management

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1. Judicial leadership
2. Time schedule
3. Continuous trial
4. Managing Evidentiary issues
5. Potential delays
6. Courtroom technology
7. Guidelines in the Hague Memorandum.

# Nature of Terrorism Trials

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- Necessity of a speedy trial
- Different from the Regular Criminal trials.
- Trials are Sensitive
- Expectation of the citizens and involves international attention.

# Judicial Leadership

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- Absolute control of the proceedings before him.
- Mastery of nuances on substantive and procedural law.
- Knowledge of the latest decisions on the subject.

# Time Schedule

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- Pre-trial conference
- Final pre-trial conference.
- Regular conferences mid trial.

# Continuous Trials

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- Strict adherence and observance of the time schedule.
- Discretionary practice of non-continuous trials to be discarded.
- Frequent request for adjournments to be discouraged.
- Record reasons for adjournments
- Lengthy recording of evidence to be discarded.
- Taking routine written notes of the proceedings.

# Managing Evidentiary Issues

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- Heart of a criminal trial is effective evidence management
- Managing Documentary Evidence.
- Timely providing of the copies of documents to the accused.
- Managing Oral Evidence
- Strict timelines in recording oral evidence of the witnesses.
- Maintaining electronic records;
- Preserving forensic evidence.
- Back up of the electronic record.

# Potential Delays

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- Identify the possible causes of delay from the word go.
- Crime is partly condoned when justice is postponed.
- Pre-trial Delay (Remand, Bail etc)
- Delay during the Trial
- Delay in pronouncement of the judgment



# Court Room Technology

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- Use of technology in conduct of the trial;
- Video conferencing techniques;
- Video recording of evidence;
- Electronic back up of the documents and other cyber evidence;
- Use of Dragon Dicta -Phones to take notes of arguments etc.

# Guidelines -Hague Memorandum

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- Continuous trials;
- Developing effective trial management standards,
- Special measures to protect the witnesses and the victims, fair trial standards,
- Rules on protection of intelligence information,
- Effective court house and court room security,
- Developing media guidelines.

# Thank You

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