

National Judicial Academy

P-1170: Workshop on Adjudicating Terrorism Cases

Implementing The Hague Memorandum in India: Good Practices for the Adjudication of Terrorism Cases

28th – 29th September, 2019

Programme Coordinator : Ms. Nitika Jain, Law Associate

No. of Participants : 38

No. of forms received : 37

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	83.78	16.22	-	11. Very good. 12. Very good. 33. It was new topic for me.
b. The subject matter of the program is useful and relevant to my work	81.08	18.92	-	11. Very good. 12. Very good. 33. Will be the same in sharing new learning with IPS probationers.
c. Overall, I got benefited from attending this program	94.59	5.41	-	11. Very good. 12. Very good. 33. Yes.
d. I will use the new learning, skills, ideas and knowledge in my work	89.19	10.81	-	11. Very good. 12. Very good.
e. Adequate time and opportunity was provided to participants to share experiences	77.78	22.22	-	11. Good. 12. Very good.
II. KNOWLEDGE				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
The program provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	88.89	11.11	-	11. Very good.
b. Comprehensive (relevant case laws, national laws, leading	91.67	8.33	-	11. Very good. 16. Other acts like MCOCA act can be included.

text / articles / comments by jurists)				So act compaction discussion. 28. Shortage of time. 33. Valuable reading material provided.
c. Up to date	91.43	8.57	-	11. Very good.
d. Related to Constitutional Vision of Justice	80.0	20.00	-	11. Very good.
e. Related to international legal norms	85.71	14.29	-	11. Very good.
III. STRUCTURE OF THE PROGRAM				
PROPOSITION	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	91.67	8.33	-	11. Good.
b. The program was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	68.57	31.43	-	11. Good.
(ii) Case studies were relevant	77.78	22.22	-	11. Good.
(iii) Interactive sessions were fruitful	80.56	19.44	-	11. Good.
(iv) Simulation Exercises were valuable	79.41	20.59	-	11. Good.
(v) Audio Visual Aids were beneficial	85.71	14.29	-	11. Very good.
IV SESSIONS WISE VETTING				
Parameters				
Session	Discussions in individual sessions were effectively organized		The Session theme was adequately addressed by the Resource Persons	
	Effective and Useful	Satisfactory	Effective and Useful	Satisfactory
1	86.11	13.89	95.24	4.76
2	97.14	2.86	100.00	-
3	94.44	5.56	90.00	10.00

4	83.33	16.67	100.00	-
5	94.29	5.71	90.00	10.00
6	88.89	11.11	90.00	10.00
7	94.44	5.56	90.00	10.00
8	80.56	19.44	89.47	10.53
V. PROGRAM MATERIALS				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	91.67	8.33	-	11. Very good.
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	88.89	8.33	2.78	26. UAPA, 2019 amendment was mining.
c. The content was organized and easy to follow	83.33	16.67	-	-

VIII. GENERAL SUGGESTIONS	
a. Three most important learning achievements of this Programme	<p>1. 1. Elaborate session. 2. Sharing and experience. 3. Discussion and practical problem.</p> <p>2. Informative. Interceptive. Updated.</p> <p>3. Very practical and applicable to our day to day judicial work.</p> <p>4. Participant did not comment.</p> <p>5. 1. Law related to terrorism cases. 2. Forensic and digital evidence. 3. Judicial and court room security.</p> <p>6. 1. Acquired knowledge about forensics and digital evidence. 2. Making the balance between the public interest as the right of the accused. 3. Special training relating to law in the field of terrorism.</p> <p>7. Case management. Managing media. Fair trial.</p> <p>8. 1. Case management from new aspect. 2. Appreciation of evidence in respect to digital/ electronic evidence. 3. Sensitization regarding security of court complex.</p> <p>9. Framing of charges. Law relating to terrorism cases. Forensics and digital evidence.</p> <p>10. Trial of terrorism is to be conducted more case and court room than other case. 2. Judges it should not be informed by media trial. 3. Forensic and electronic evidence should be all an important role.</p> <p>11. 1. Importance of forensic and evidence. 2. Court security and aspects. 3. Managing media.</p>

12. 1. Understand in laws relating to terrorism cases to great extent. 2. It provided confidence. 3. Some about the accent laws for my use.
13. 1. Framing of charge in technology; 2. Security of court and witness. 3. Forensic evidence.
14. 1. Improved knowledge me in to terrorism cases. 2. How to handle terrorism cases. 3. No reading material given in a precious one.
15. Rule of law should be provided over, irrespective media trial.
16. 1. Case management. 2. Active leadership of judge. 3. Assessment of forensic evidence.
17. Relevance of forensic evidence international prospective of law relating to terrorisms, fair trial tools and media management.
18. 1. Acquired knowledge as to law to deal with cases under UAPA, NJA etc. 2. Came to know about the responsibility in a presiding judges over panel court; 3. Got good information about how to handle media.
19. Participant did not comment.
20. Good discussion. Interactive session. Audio video expansive.
21. 1. To use latest technology. 2. Be acquainted with the latest some. 3. Judges should not be biases by media any other.
22. 1. Relevant provision of UAP Act and NIA Act. 2. Fair trial. 3. Media management and court security.
23. Participant did not comment.
24. 1. Academic learning of relevant provisions of proceeded law. 2. Latest case law on the subject on the justices. 3. Capability digital and cyber evidences at the end of trial in discussion media process.
25. Case management. Media control. Sub- conscious prejudice.
26. 1. Learns case various type of topic of court terrorism case. 2. Learnt cases new concepts terrorism law. 3. Invariable various person of UAP and NIA Act.
27. **Session-3 Framing Charges and Unique Features of Terrorism Trial-** The session 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. **Session-7 Forensics and Digital Evidence-** The session will highlight broad aspects of the collection, preservation, 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-1 Fair Trial-**The session 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.
28. Helped me to understand and the even minor points to be taken case of while dealing with terrorism cases.
29. Subject NIA Act and UAP. Motivated. Soft measure of copy.
30. Comprehensive study of new provision of law. Important case law discussed. New ideas achieved to deal with cases Justice Raja Vijayaraghavan.

	<p>31. Fair trial by using scientific ending.</p> <p>32. 1. Regarding evaluable of electronic evidence. 2. Regarding evaluate of cyber/ forensic evidence. 3. Regarding case management.</p> <p>33. 1. Applicant of UAPA. 2. Pre-trial case management. 3. Court premises security.</p> <p>34. Participant did not comment.</p> <p>35. Electrical evidence.</p> <p>36. Participant did not comment.</p> <p>37. 1. Judges are human being so have their own bias. 2. Learning is process, keeps evolving. Participatory methods works.</p>
<p>b. Which part of the Programme did you find most useful and why</p>	<p>1. All the topics.</p> <p>2. Court security matters. Matter relative to media. Outrage and media gag.</p> <p>3. Session-6 Judicial and Courtroom Security- <i>The session 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.</i> Session-8 Managing Media in Adjudicating Terrorism Cases- <i>The session 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 court house personnel.</i></p> <p>4. Session-1 Fair Trial-<i>The session 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.</i> Session-2 Law relating to Terrorism Cases- <i>The session 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.</i> Session-3 Framing Charges and Unique Features of Terrorism Trial- <i>The session 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.</i> Session-4 Case Management in Terrorism Cases & Offences Against National Security- <i>The session 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.</i> Session-6 Judicial and Courtroom Security- <i>The session 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</i></p>

*plan execution throughout the trial. **Session-7** Forensics and Digital Evidence- The session will highlight broad aspects of the collection, preservation, 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** Managing Media in Adjudicating Terrorism Cases- The session 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 court house personnel.*

5. Judicial and court room security.
6. The law relating to benefit of doubt is different from general criminal trial and trial of special cases under UPA Acts. 1967 this is great development in the interest of media.
7. Forensics and Digital evidence.
8. **Session-3** Framing Charges and Unique Features of Terrorism Trial- *The session 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. **Session-4** Case Management in Terrorism Cases & Offences Against National Security- The session 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. **Session-6** Judicial and Courtroom Security- The session 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. **Session-7** Forensics and Digital Evidence- The session will highlight broad aspects of the collection, preservation, 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. I like the most because these sessions have added new ideas and way of thinking.*
9. Framing of charges.
10. Forensic and electronic evidence by Justice Mr. Raja Vijayaraghavan.
11. Appreciation of forensic and electronic evidence because it had a huge dimension of application almost in all cases.
12. All the part of the programmes was very useful.
13. Participant did not comment.
14. Not to mention any specific session no sessions were executed and useful to discharge my duties as a judges daily with terrorism cases.
15. Entire programme.
16. Need for change of approach of judge by taking active participation.

	<p>17. Forensic evidence and its relevance as a special judge, NJA I have lot of thing to do in the manner it was explained in the session.</p> <p>18. All most programme was very good.</p> <p>19. Participant did not comment.</p> <p>20. Fair trial. Laws relating to terrorism cases.</p> <p>21. All part of the programme were useful.</p> <p>22. Participant did not comment.</p> <p>23. Participant did not comment.</p> <p>24. All.</p> <p>25. It conducted in very faithful environment.</p> <p>26. None</p> <p>27. <i>Session-7 Forensics and Digital Evidence- The session will highlight broad aspects of the collection, preservation, 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.</i> Useful in disposal of the cases.</p> <p>28. Framing charge and unique features of terrorism trial. It in directly and wholly related to learnt work.</p> <p>29. Every class since there was lot of learns.</p> <p>30. The discussions these made the subject to be understood properly. Judicial and court room security.</p> <p>31. Forensic and digital evidence.</p> <p>32. Topic regarding forensic and digital evidence was very useful because the forensic scientific evidence are the part of the investigation.</p> <p>33. All outstanding.</p> <p>34. All sessions.</p> <p>35. Evidential value of forensic evidence.</p> <p>36. Participant did not comment.</p> <p>37. Sessions by justice P.N. Prakash, justice Jaymalya Bagchi and Justice Raja Vijayaraghavan as it was participatory.</p>
<p>c. Which part of the Programme did you find least useful and why</p>	<p>1. None.</p> <p>2. None.</p> <p>3. In arrange all the programmes are useful.</p> <p>4. Nil.</p> <p>5. Managing media.</p> <p>6. Nil.</p> <p>7. Nil.</p> <p>8. None.</p> <p>9. Nil.</p> <p>10. None.</p>

	<p>11. Role of judge in ensuring security in court facility because this is practically not so possible to achieve.</p> <p>12. None.</p> <p>13. Participant did not comment.</p> <p>14. All the session were useful.</p> <p>15. Not applicate.</p> <p>16. Participant did not comment.</p> <p>17. All programme were very useful.</p> <p>18. Nothing.</p> <p>19. Participant did not comment.</p> <p>20. None.</p> <p>21. Each part was useful.</p> <p>22. Participant did not comment.</p> <p>23. Participant did not comment.</p> <p>24. Nil.</p> <p>25. Nil.</p> <p>26. None.</p> <p>27. <i>Session-5 Evidence, Mutual Legal Assistance Treaty (MLAT) and Extradition- The session 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 procedure sand steps to acquire relevant evidence from international sources. Two type of case I have not come across.</i></p> <p>28. Managing media in adjective acting terrorism cases.</p> <p>29. Nil.</p> <p>30. The ideas should be try the Hon’ble Justices and their sharing with knowledge. Case management and terrorism case.</p> <p>31. Media management by court.</p> <p>32. Managing media in adjudicating terrorism cases.</p> <p>33. All the sessions were useful and covered different aspects. Not even one session cannot called least useful.</p> <p>34. Participant did not comment.</p> <p>35. Terrorism case.</p> <p>36. Participant did not comment.</p> <p>37. None.</p>
<p>d. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. It such programme is organized in so for that would infinitely useful.</p> <p>2. Such programmes should be held frequently.</p> <p>3. The present service may be continued.</p> <p>4. More time is needed further the judges also are dealing with the terrorist court should be sensitive.</p>

5. No any suggestion.
6. Please provide the material of such conferences/ workshops on the judges can be benefitted from these material.
7. More days and time for sessions/ Programme.
8. At my end, yet truly nothing suggest.
9. Participant did not comment.
10. Such type of programmes should be for duration of 4 to 5 days. There should be 2/3 sessions daily interaction with the Resource Persons should be allowed exclusively our session daily.
11. None at present and everything was satisfactory.
12. None.
13. Only two topics in a day not more than that.
14. It would how can ideas if us reading material was send to email.
15. Participant did not comment.
16. Need more fix as some subjects need more details is session.
17. NJA may give authentic articles and opinions as various legal matter faced by trial judges by publishing it in the website. It may also permit us to interact through web portal & solve our doubts.
18. Please reduce the room rent and there expenses etc.
19. Participant did not comment.
20. Minimum Six days programmes is require. Two days programmes is very less.
21. Everything in my opinion is ok.
22. Participant did not comment.
23. Participant did not comment.
24. Participants should also equally to be involved in interaction and discussion etc.
25. It must be fine more than two days.
26. Reading material should be circulation on advance may be via email; 2. Presentation should be shared with participants.
27. Participant did not comment.
28. Participant did not comment.
29. Participant did not comment.
30. NJA was excellent the program was taken. To be very good height.
31. No, but there is always a scope of important as per need of the time.
32. N.A.
33. The discussion may be increased as many gives remained unaddressed especially the cases related to digital evidence.
34. Participant did not comment.
35. Participant did not comment.
36. Participant did not comment.
37. Participant did not comment.