

Case Management in Terrorism
Cases and Offences against
National Security

Justice G.S. Kulkarni, Judge Bombay High Court

Elements of Case Management

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.

Judicial Leadership

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

Nature of Terrorism Trials

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

Time Schedule

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

Continuous Trials

- 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

- 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

- 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

- 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

- 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
