

## SE-20: Adjudicating Terrorism Cases: Curriculum Design and Faculty Development 12<sup>th</sup> & 13<sup>th</sup> November 2022

### Report

The workshop commenced with the invocation of the State Anthem "தமிழ்த்தாய் வாழ்த்து" (Tamil Thai Vazhthu).



**Hon'ble Mr. Justice M. Sundar**, Judge, High Court of Madras / Member, Board of Governors, TNSJA, welcomed the gathering and explained the scope and the expected outcome of the workshop. His Lordship

highlighted that an internationally acceptable definition of 'Terrorism' and 'Terrorist' remains elusive, and that for this reason, it is imperative for the judiciary to be more responsible and completely impartial and neutral.

**Mr. Cristobal Diaz**, Director of Outreach and Development, CEELI Institute, introduced the workshop to the participants. He set out the importance of knowledge sharing among judges across the borders in adjudicating terrorism cases.





**Ms. Mira Gur-Arie**, Director, International Office Federal Judicial Center explained the objective of workshop, which is to enable judicial officers develop a curriculum to train other Judges on adjudicating terrorism related cases.

Following this, the participants introduced themselves and shared their experience of handling terrorism related cases.

**Mr. Jim Chance**, Senior Judicial Education Attorney, Federal Judicial Center, handled a brainstorming session wherein the participants developed perspectives on the 'what', 'why', 'where' and 'who' of terrorism. While explaining teaching strategies he emphasized that, for educators, both 'content' and 'process' are very important while conveying a subject.



In the next session, **Magistrate Judge Jonathan E. Hawley**, Federal District Court



(C.D. Illinois), explained the application of Hague memorandum in the Indian context. He emphasized that efficient case management is the fundamental key to ensure fair trial in adjudicating terrorism cases. He also highlighted the importance of proactiveness and judicial control

which a judge ought to exercise in terrorism cases, to ensure witness protection and fairness in trial.

**Ms. Mira Gur-Arie**, moderated a practical session 'think-pair-share', wherein the participants were divided into pairs, to prepare workshop topics based on the issues in adjudicating terrorism cases. The objective was to ensure that judges are equipped with the skills, knowledge and attitude required to adjudicate terrorism cases.





During the session on Cyber-Enabled Crime and Terrorism Cases, **Dr. Harold D'Costa**, President, Cyber Security Corporation, explained the vulnerability of internet and digital tools, and elaborated on how internet is used as medium for financing and orchestrating

terrorism. Through a live demonstration, he stressed on the need for judges to exercise greater care and caution in evaluating digital evidence and adjudicating cyber terrorism cases.

The day ended with **Mr. Jim Chance** briefing the participants on the objectives of the following day's program.



**Mr. Jim Chance** commenced the second day of the workshop with a discussion on the takeaway from the previous day and highlighted the key attributes which a judge needs to possess while adjudicating terrorism cases. He explained the concept, principles and significance of adult education, and emphasized on the listening skill of judges.

**Ms. Mira Gur-Arie** moderated the next session on reviewing and revising the topics prepared by the groups on the previous day. During the session, participants also discussed various concerns in adjudicating terrorism cases, including transnational issues, national security, media management and security of stakeholders.



**Judge Jonathan E. Hawley** moderated a brainstorming session on the



a brainstorming session on the competencies i.e., the knowledge, skill and attribute required to handle terrorism related cases. He explained that for a fair trial, a judge should be neutral and be able to eliminate bias. The participants pointed out that it necessary for the judges to be compassionate, knowledgeable in

law, fearless and most importantly to have leadership skill and manage pressure in adjudicating terrorism related cases.



In the next session moderated by **Mr. Jim Chance**, the participants drafted learning objectives for each of the nine topics identified by them. The learning objectives should indicate what was previously lacking, and what the learner would acquire from the training session. The learning objectives should also indicate the scope for impact assessment.



**Ms. Mira Gur-Arie** moderated an activity wherein the participants prepared a roadmap for each topic identified by them, and also offered suggestions to design and sequence the topics. Participants then devised learning activities they would use to train their learners on adjudicating terrorism cases.

During the next session, **Judge Jonathan E. Hawley**, used a hypothetical scenario to emphasize the importance of case management and pre-trial conferences, in ensuring constructive adjudication of terrorism cases. He discussed case management techniques a judge should follow for the benefit of their learners. He also emphasized that a trainer should understand at what stage the case is from their learners, and collaboratively identify strategies to address their problems.

**Mr. Jim Chance**, moderated the session on Curriculum Design, wherein the



participants developed a brief outline of a curriculum on adjudicating terrorism cases. He explained the process of curriculum development which includes many stages, such as, assessing the learning needs of the target audience, developing educational objectives, designing activities to

teach and reinforce the information being delivered, and planning program implementation. Session planning and schedule preparation.



During the last session, **Ms. Mira Gur-Arie** enabled the participants develop an Action Plan to implement the curriculum on adjudicating terrorism cases, developed by the participants during the workshop.

The workshop concluded with **Mr. D. Lingeswaran**, Director, Tamil Nadu State Judicial Academy, proposing the vote of thanks. He thanked the Director, National Judicial Academy, for giving Tamil Nadu State Judicial Academy an opportunity to host and conduct this workshop in collaboration with the Central and Eastern European Law Initiative (CEELI Institute), Prague, Federal Judicial Center (FJC), Washington DC and National Judicial Academy, Bhopal. Lastly, he thanked all the resource persons and the participants for making the workshop a grand success.

