

Training Programme for Judges and Ministry Officials from Cambodia
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Programme Report

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The National Judicial Academy organised a 5 day program for the judges and officials from Cambodia. The program included sessions on constitutional vision of justice, judgment writing, criminal justice administration and human rights. The programme also included areas of civil law including interlocutory relief, final relief and arbitration. An insight into the general principles of appreciation of evidence including electronic evidence was shared and discussed. The programme also sought to sensitize the participants in understanding gender discrimination.

Session 1: Vision of Justice & Role of Judge

The session was commenced with discussion on the framing of the Indian Constitution by the constituent assembly and common features of the Constitution of India and Cambodia were explained. The concept of sovereignty was explained in the context of legal system of India and Cambodia. The elements of the Preamble of the Indian Constitution were discussed and the value of people as sovereign was highlighted. It was stated that the vision of the Indian Constitution is enshrined in the Preamble and judgments *Berubari Union Case* AIR 1960 SC 845 and *Dr Balram Singh v. Union of India* Writ Petition (Civil) No 645 of 2020 were referred in this regard. The value of democratic forms of governance was explained and importance of functioning of courts in democracy was highlighted. Chapter IV of Part V of the Indian Constitution dealing with Union Judiciary was discussed and Articles 124, 131, 132, 133, 134, 136, 137, 139A and 140 dealing with the jurisdiction and power of the Supreme Court were explained. Chapter V of Part VI of the Constitution dealing with High Courts in States was discussed and Article 215, 215, 216, 217, 225, 226, 227 and 228 dealing with powers, functions and jurisdiction of High Court were explained. Chapter VI dealing with Subordinate Courts was discussed and Article 233 and 235 dealing with subordinate judiciary was explained. The hierarchy of courts in Cambodia was discussed and power of the Supreme Court to interpret the Constitution was explained. The separation of power in India and Cambodia was discussed and it was stated that judiciary should be independent and fearless in the interpretation of Constitution. Article 141 dealing with law declared by Supreme Court and its binding effects was referred in this regard.

The practice of precedent application in India and Cambodia was discussed and it was stated that judgments of the Supreme Court are binding on all courts in India. The discussion then focused on due process of law and the judgment *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 was discussed in detail and it was stated that the procedure established by law should be just, fair and reasonable. The contribution of this judgment to Indian jurisprudence was highlighted and it was stated that this judgment emphasized liberal interpretation of the Constitution. Then the doctrine of Basic Structure was discussed and Article 368 was explained in detail. The limitations on the power of amendment of the Constitution by the Parliament was discussed and judgments *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225, *I. C. Golaknath vs State of Punjab* 1967 SCR (2) 762, *Kihoto Hollohan v. Zachillhu*, 1992 Supp (2) SCC 651, *M. Nagaraj v. Union of India*, (2006) 8 SCC 212 and *Indira Nehru Gandhi v. Raj Narain*, 1975 SCC OnLine SC 521 were referred in this regard. Then the contempt jurisdiction of the Indian courts was discussed and Article 129 was referred. The judgments of the Supreme Court were referred in this regard.

Session 2: Judicial Skills and Art of Judgement Writing

The sessions commenced with highlighting the importance of writing a good judgments and elements of a good judgment were explained to participants. The definition of judgment in Section 2(9) of the Code of Civil Procedure [CPC] and Order 20 Rule 4(2) and Order 8 Rule 10, CPC were discussed and it was stated that judgment should reflect the process of reasoning. It was stated that judgment is of utmost importance to stakeholders and it should be written in a clear language without unnecessary complexity. The judgment should avoid legalese, criticism, comments and sarcasm and lengthy sentences should be avoided. The judgment of the Supreme Court *Balraj Taneja v. Sunil Mandan* AIR 1999 S.C. 3381 was discussed and it was opined that a 'judgment' should be a self contained document from which it should appear as to what were the facts of the case and what was the controversy which was decided by the Court and the process of reasoning by which the Court came to the conclusion. The value of writing judgment in timely manner was highlighted and it was stated that unreasonable delay in writing a judgment should be avoided. A judgment delivered in timely manner increase the confidence of litigants in court. The judgment *R. C. Sharma v. Union of India*, AIR 1976 SC 2037 was referred in this regard.

The importance of structure of a judgment was discussed and it was stated that there should be involvement of thinking in structuring the judgment and the judge must prepare a brief synopsis mentioning all important points to be included in the judgment. The importance of brevity in writing a judgment was discussed and it was stated verbatim reproduction of pleadings or arguments should be avoided. The brevity and simplicity are the hallmarks of a good judgment. It was added that a judgment is written for the legal community and appellate courts and the primary concern of a judgment is clear and unambiguous communication to parties. The importance of clear recital of facts was emphasized and it was opined that a judge must have important facts in mind and they should be clearly narrated in the judgment. The judgment must answer the questions i.e. what kind of case is there and what has been the role of parties in the case and what are the main issues. It was stated that the formulation of issues should be done in the beginning of proceedings as it enhances the focus of the mind of the judge on the precise questions for determination. The judgment must include the details of evidence presented before the court and only relevant evidence should be included in the judgment. The judgment must include all valid and logical arguments of advocates and they should be narrated briefly and clearly. The importance of logical reasoning was highlighted and it was stated that the judgment should be free from partiality and biases. It was added that a judge must rise above all biases and personal perspectives to deliver a neutral and objective judgment.

Session 3: Principles of Evidence: Application in Civil and Criminal Cases

The session was commenced with discussion on the meaning of evidence and Section 2(e) of the Bharatiya Sakshya Adhiniyam, 2023 was explained and nature of oral and documentary evidence was highlighted. The relevancy and admissibility of evidence was explained and logic of connection i.e. whether a fact is logically connected to the case or not was discussed. It was stated that a fact is relevant if it relates directly to "facts in issue" or other facts significantly connected to it through a logical chain of reasoning. The issue related to cause and effect was discussed and it was stated that facts that constitute the occasion, cause, or effect are relevant as they help to establish the sequence of events and consequences. The discussion then focused on admissibility and the role of court at the stage of assessment of evidence was highlighted. The evidentiary standards in civil and criminal cases which

sets thresholds of persuasion in civil and criminal cases were discussed. The evidentiary standard in criminal cases i.e. proof beyond reasonable doubt was explained and the responsibility of prosecution was emphasized in this regard. Then evidentiary standard in civil cases i.e. preponderance of probabilities was discussed and it was stated that in civil cases the court evaluates the quality and credibility of evidence from both sides. The scale tips to the side with the greater probability.

The situation when the law demands more than a preponderance but less than beyond reasonable doubt was discussed and the assessment of clear and convincing evidence was explained. Such situations arise in specific civil cases involving significant interests such as fraud, will contests (undue influence), or termination of parental rights. The discussion then focused on presumption of innocence and fair trial and Article 11 of UDHR, 1948 was highlighted. The judgment *Anokhilal v. State of MP* AIR 2020 SC 232 was referred and a critical examination of fast-tracked trials and the primacy of fairness in the criminal justice system was highlighted. The issues in a rushed trial were discussed and balancing expeditiousness and fairness was emphasized. The discussion then focused on issues related to proving guilt beyond reasonable doubt. The judgment *Woolmington v. Director of Public Prosecutions* [1935] A.C. 462 was explained emphasizing prosecutor's duty to prove the guilt of accused person beyond reasonable doubt. The standard of proof in personal injury cases was discussed to describe how courts weigh diverse evidence types from medical reports to expert testimony in civil proceedings. The difference between lay witness testimony and expert witness testimony was explained and the standards for assessment of their testimonies were highlighted. The application of burden of proof in civil cases was discussed and issues were explained with illustrations covering different situations. The statutory inferences and their scope within civil and criminal frameworks were explained and principles were summarized covering issues related to role of judges and ensuring fairness during assessment of evidences.

Session 4: Enforcement of Contracts

The session was commenced by explaining differences between contract and agreement and it was stated that an agreement enforceable by law is a contract and an agreement not enforceable by law is void. A contract creates legal relations and obligations having legal consequences and contract does not regulate social relations and neither make domestic obligations. The essential elements of contract were explained and Section 10 of the Indian Contract Act was referred. It was stated that there must be consideration to make a valid contract and parties must be competent to enter into a contract. The consent of parties should be free from any coercion or pressure and the object of contract should be lawful. The subject matter of the contract should not be expressly declared to be void. Sections 2(d), 11, 12, 13, 14, 23, 20, 22, 23, 26, 27, 28, 29, 30 and 56 of the Indian Contract Act were discussed and explained. The meaning of invitation to offer was discussed with various illustrations of invitation to offer including display of goods in a shop, shopkeeper's catalogue, quotation for prices or terms statement of lowest price, mere statement of intention, invitation to transact business, auction and tender. The contents of a contract including offer and acceptance was explained and Sections 2(a) and 2 (b) of the Indian Contract Act were referred. Then various types of offers including oral, written, implied and mixed offers were explained and it was stated that legal consequences of all offers are same and cross offers do not make a contract. The requirements of acceptance were explained and Section 7 of the Indian Contract Act was referred. It was stated that acceptance must be unconditional, unqualified and absolute and any

departure from the original terms vitiates the contract. It was added that silence to an offer is not acceptance and acceptance must be of the whole offer. The acceptor cannot accept the part of the terms which are favorable to him & reject the rest and acceptance must be expressed in some reasonable manner or as prescribed by the promisor.

The discussion then focused on modes of acceptance and Section 9 of the Indian Contract Act was referred. It was stated that acceptance can be express or implied and whether there has been a proposal and acceptance is a question of construction depending upon the facts of each case. The issues related to breach of contract were discussed and Sections 73 and 74 of the Indian Contract Act were referred. It was opined that party in breach must compensate the other for loss of damage and no loss to be proved if penalty for breach is stipulated. Then issues regarding extension of time were discussed and various situations were covered to demonstrate the application of law of contract. Section 63, ICA was referred in this regard. The issues related to novation of a contract were highlighted and Section 62 of the Indian Contract Act dealing with substitution of another contract were referred. It was stated that novation is the result of negotiation, mediation and conciliation and should be accepted by both parties and it cannot be done unilaterally. The specific performance of contract relating to movable and immovable property was discussed and it was stated that if the court finds that award of damages will result into injustice then it can order the defendant to do what was agreed to be done under the contract. The situations where specific performance of contract cannot be granted were also discussed.

Session 5: Interlocutory Reliefs in Civil Law

The discussion was commenced with explaining provisions relating to injunction in the Specific Relief Act [SRA]. The meaning of injunction and temporary and permanent injunction were explained and Sections 36 and 37 of the Specific Relief Act were referred. It was stated that a perpetual injunction can be granted if there is nuisance by defendant and Section 38 of the SRA was referred. The issues related to mandatory injunction and injunction to perform negative covenant were highlighted and Section 39 and 42 of the SRA were explained. The legal framework for injunction according to the Code of Civil Procedure was discussed and Order 39 was discussed in detail. Then the triple test for considering the application of injunction was discussed including prima facie case, irreparable injury and balance of convenience. The judgment *Dalpat Kumar v. Prahlad Singh* (1992) 1 SCC 719 was referred to discuss the triple test in detailed manner. It was stated that the conduct of the plaintiff should be considered while deciding application of injunction and the judgment *Narendra Kante v. Anuradha Kante* (2010) 2 SCC 77 was referred in this regard. The issue regarding injunction against public project was discussed and the judgment *Mahadeo Savlaram Shelke v. Pune Municipal Corporation* (1995) 3 SCC 33 was referred whereby the Supreme Court held that no injunction could be granted against the true owner at the instance of persons in unlawful possession.

The discussion then focused on adjudicating injunction applications in complex matters and various special injunctions i.e. John Doe Injunction, Dynamic Injunction, Mareva Injunction, Mandatory Injunction and Anton Piller Injunction were discussed. The judgments of the Supreme Court of India and Courts of England were discussed where the courts devised novel solutions to

consider the application of injunction in complex unforeseen facts situations. These judgments included *Dendrite International, Inc. v. Doe No. 3* 775 A.2d 756, *ESPN Software India Private Ltd. vs. Tudu Enterprise and Others* 2011 SCC OnLine Del 5710, *UTV Software Communications Ltd. Thepiratebay. Org and Others* 2019 SCC OnLine Del 8002, *Vodafone India Limited v. I. M/s. R.K. Productions Pvt. Ltd.* 2012 SCC OnLine Mad 4164, *Super Cassettes Industries Ltd* 2011 SCC OnLine Del 3131, *Mareva Compania Naviera SA v. International Bulkcarriers SA* [1975] 2 Lloyd's Rep 509, *Bank of Baroda v. Dr. Bavaguthu Raghuram Shetty and Another* 2021 SCC OnLine Kar 12121, *Santosh Promoters Pvt. Ltd. & Ors. v. Intrasoft Technologies Ltd.* 2016 SCC OnLine Cal 8268, *Piller (Anton) KG v Manufacturing Processes Ltd* [1976] 1 All ER 779 and *Shepherd Homes Ltd v. Sandham* [1970] 3 WLR 348.

Session 6: Gender-Based Discrimination and Violence

This session examined gender-based discrimination and violence as structural phenomena rooted in social, legal and economic hierarchies rather than isolated incidents. It began by distinguishing sex as a biological category from gender as a socially constructed set of roles, identities and expectations, emphasising that gender exists on a spectrum and can be fluid over time. Participants were reminded that because gender is constructed, laws and judicial reasoning can either reinforce or dismantle harmful stereotypes for example, assumptions that only women can be victims of sexual violence or that mothers are “natural caregivers” while fathers are “natural guardians.”

The discussion then defined gender discrimination as unfair treatment or denial of opportunities on the basis of sex or gender, operating through direct exclusion, structural barriers and measurable economic disadvantage. Despite constitutional promises of equality, the discussion highlighted how women’s everyday realities still look very different from men’s. Girls and women continue to face fewer chances to study, are often paid less for comparable work especially in higher-paid corporate roles and remain under-represented in formal jobs even though they make up roughly half of society. Much of this gap is driven by how unpaid care work is taken for granted, by the kinds of jobs women are channelled into, and by the many visible and invisible barriers that make it harder for them to enter, stay and grow in paid employment.

A key conceptual lens introduced was intersectionality. The idea that gender oppression is compounded by other factors such as caste, disability, poverty, sexuality and rural location. Recent Indian jurisprudence recognising the compounded vulnerability of, for example, Dalit women with disabilities was used to illustrate how courts can move beyond “single-axis” analysis to account for qualitative impact on lived experience. Participants considered how a similar approach could illuminate layered vulnerabilities of women and gender minorities in Cambodia, including those in rural areas or facing socio-economic disadvantage.

The session mapped diverse forms of gender-based violence viz., physical, sexual, psychological, economic and cyber violence and stressed that only about 40% of survivors globally seek help, with intimate partner violence affecting roughly one in three women. Landmark constitutional cases were discussed to show how courts have expanded protections: workplace sexual harassment

guidelines, recognition of transgender persons' rights, protection of reproductive autonomy, and strengthening of domestic violence remedies. Throughout, emphasis was placed on the role of a judge as an architect of change: questioning customs that mask patriarchal hierarchies, avoiding stereotyped reasoning, designing victim-centred procedures (such as in-camera testimony and protection orders), and using gender-neutral yet sensitive language in judgments. Participants reflected on how these tools could be adapted to their own courts, including by collecting data on case outcomes involving gender-based violence and by mentoring younger judges towards more gender-aware adjudication.

Session 7: Environment and Conservation Law

The session commenced with an outline of the Cambodian Constitution and key framework laws, highlighting Article 59, which requires the State to protect the environment and the balance of natural resources through precise management of land, water, forests, minerals and biodiversity. This was read together with the 1996 Law on Environmental Protection and Natural Resource Management and the recently adopted Code on Environment and Natural Resources, both of which seek to protect environmental quality and public health, ensure sustainable use of natural resources, and embed principles such as public participation, polluter pays and precaution in Cambodian law. Parallel Indian provisions were then discussed, including Articles 48-A and 51A(g), which cast duties on the State and citizens to protect and improve the environment, and their interaction with fundamental rights in the Indian constitutional scheme. A major focus was the expansion of the right to life under Article 21 of the Indian Constitution to encompass a justiciable right to a clean and healthy environment. The session highlighted key decisions where courts treated environmental degradation as an affront to life and dignity, including cases on municipal sanitation, mining in ecologically fragile areas and pollution of major rivers. These decisions illustrated how courts can mandate effective State action even where financial or administrative constraints are pleaded, thereby reframing environmental harm as an issue of social justice and human rights rather than a narrow question of regulatory compliance.

The session then surveyed India's legislative architecture: the Environment (Protection) Act 1986, Water Act 1974, Air Act 1981, Forest (Conservation) Act 1980 and Wildlife (Protection) Act 1972, together with newer instruments such as plastic- and e-waste rules, coastal-regulation norms and the Environment Audit Rules 2025. These statutes were used to show how detailed frameworks create "hooks" for judicial enforcement through monitoring directions, compliance reporting and environmental compensation orders. Participants compared these mechanisms with Cambodia's own system particularly the 1996 framework law, the EIA Sub-Decree and the new Code on Environment and Natural Resources, which consolidates rules on environmental management, protected areas, impact assessment, climate-change response and environmental liability. This comparative discussion helped identify opportunities for stronger judicial oversight of licensing, environmental impact assessment and enforcement in the Cambodian context.

The public trust doctrine was traced from its early articulation in Indian case law, where the State is conceived as trustee of natural resources for public use, to more recent eco-centric readings that recognise an obligation to protect ecosystems and species for their own sake. Related principles such as sustainable development, the precautionary principle and the polluter-pays principle were examined through leading Indian cases involving industrial pollution, forest conservation, hazardous waste and large infrastructure projects, and then mapped onto principles expressly recognised in Cambodia's new Code, including precaution, polluter pays and inter-generational equity. The discussion highlighted how courts have used techniques such as continuing mandamus, expert committees, spot visits and directions on environmental education as innovative tools to secure compliance and build environmental consciousness.

The session emphasised upon recent Indian jurisprudence recognising a fundamental right against the adverse effects of climate change, grounded in equality and the right to life, and emphasising the disproportionate impact on vulnerable communities. Participants reflected on how similar reasoning could guide adjudication of climate-related disputes in Cambodia, particularly under the new Code's provisions on climate-change response, disaster-risk reduction and protection of coastal and forest ecosystems. Issues such as coastal erosion, deforestation, industrial pollution and threats to livelihoods were considered through the lens of inter-generational equity, with emphasis on the judiciary's role in ensuring that constitutional and statutory environmental guarantees translate into concrete relief on the ground.

Session 8: Alternative Dispute Redressal System

The session commenced by inviting participants to step back and see disputes not only as files on a court docket, but as human conflicts that often need quick, practical and less adversarial solutions. The discussion began with the reality of overburdened courts and delayed trials, and then moved to how ADR can relieve this pressure while giving parties more control over both process and outcome. ADR was framed as part of the justice system rather than an optional add-on: if used thoughtfully, it can save time and costs, reduce backlog and help preserve personal and commercial relationships that litigation frequently destroys.

Thereafter, the session elaborated upon the main ADR mechanisms viz., arbitration, mediation and conciliation - explaining them in simple, process-focused terms. Mediation and conciliation were presented as facilitated conversations where a neutral third person helps parties explore interests, test options and craft their own settlement, without imposing a decision. Arbitration, by contrast, was described as a private form of adjudication where parties agree to accept a reasoned decision from an arbitral tribunal. Through examples, various sorts of cases that are particularly suitable for referral were highlighted - family disputes, neighbourhood conflicts, commercial disagreements where parties want to continue doing business, and matters where confidentiality is crucial. Gatekeeping role of judges under provisions like Section 89 of the Code of Civil Procedure was

emphasised: courts are expected to examine every case early on to see whether some part of it can be more constructively handled through ADR rather than a full trial.

Arbitration was described as most effective when courts respect party autonomy supporting the process, but interfering minimally. Participants were reminded that the Arbitration and Conciliation Act 1996 was designed to modernise Indian law, consolidate earlier scattered statutes and bring practice in line with international standards, so that India can be seen as a reliable seat for both domestic and cross-border arbitration. At the same time, the session was candid about the risks: if courts entertain routine challenges to awards, or if parties use arbitration only to replicate court-style delays and technicalities, the promise of speed and economy is lost. This led to a discussion on how judges can strike the right balance intervening to protect fairness and public policy, but otherwise allowing arbitral decisions to stand.

Session 9: Criminal Justice Administration and Human Rights

The session examined how core human-rights guarantees must shape every stage of the criminal process from investigation to trial and final adjudication. It opened with an exploration of what constitutes a fair, impartial and competent investigation. It was stressed that investigation is not merely a police function but an integral part of the justice system which must be unbiased, honest and in strict accordance with law. A “fair and proper” investigation was described as one that is thorough, free from prejudice or external pressure, and directed at discovering the truth rather than securing a conviction at any cost. This means investigators must record facts as they happen, collect evidence both for and against the accused, and strictly follow all legal rules on arrest, search and seizure.

The discussion then turned to judicial control over the abuse of investigative and custodial powers. The session reviewed how constitutional courts have repeatedly held that every exercise of police discretion is subject to judicial review, and that courts not only may but must intervene where investigations are tainted by bias, undue delay, or custodial violence. Practical tools available to judges were highlighted: ordering registration of FIRs, monitoring or transferring investigations, insisting on production of case diaries, directing medical examinations of detainees, and enforcing compliance with guidelines on arrest and interrogation. The session underscored that unchecked abuse of custodial power erodes public trust and can permanently damage the legitimacy of the justice system.

Reinforcing this, the general principles of natural justice as the bedrock of fair procedure were revisited. The classic rules - *nemo iudex in causa sua* (no one should be a judge in their own cause) and *audi alteram partem* (hear the other side) were linked to Articles 14 and 21 of the Constitution and to everyday judicial practice. It was discussed how these principles translate into concrete requirements: prior notice of proceedings, disclosure of material, an effective opportunity to be heard, reasoned orders, and impartial decision-making free from actual or perceived bias. It was

emphasised that these standards apply not only to courts but also to investigative and administrative authorities whose decisions may affect liberty and reputation.

A major part of the session focused on the right to a fair and speedy trial as a fundamental human right. The right was traced to Article 21 of the Indian Constitution, as interpreted in landmark decisions such as *Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar, Patna 1979 AIR 1369* and *Kartar Singh vs State Of Punjab 1994 SCC (3) 569* and to international instruments like the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The discussion also reflected on how excessive delay during investigation, trial or appeal amounts to a denial of justice, especially for undertrial prisoners and victims awaiting closure. Judges were encouraged to actively manage dockets, discourage unnecessary adjournments, and prioritise cases involving persons in custody or vulnerable witnesses, while ensuring that speed is never pursued at the cost of fairness or thoroughness.

It was emphasised that criminal courts are guardians not only of individual rights but also of public confidence in the legal system. The integrity of criminal justice depends on the combined effect of honest investigation, vigilant judicial oversight, scrupulous respect for natural-justice principles, and genuine commitment to fair and timely trials. Participants were reminded that each unlawful interrogation, coerced confession, or unexplained delay weakens the foundation of the system, while each firm judicial response to such abuses strengthens it.

Session 10: Electronic Evidence: New Horizons, Collection, Preservation and Appreciation

The last session took the form of an extended interactive dialogue, allowing participants to revisit key themes and relate them to practical challenges in their own courts. The discussion commenced with questions on the different types of electronic evidence mobile call data records, instant-messaging chats, social-media content, emails, cloud-stored information, CCTV footage and transaction logs and how courts should evaluate their authenticity. It was elucidated that mere extraction of CCTV footage from a digital video recorder does not guarantee authenticity, as such files can be edited, and emphasised the importance of preserving original devices, documenting seizure and verifying hashes.

Thereafter, recent statutory developments in India were discussed, particularly the replacement of the Indian Evidence Act by the Bharatiya Sakshya Adhinyam and the requirement that any electronic document tendered in evidence be accompanied by corresponding server records or email headers to establish its source. The practice of storing seized digital data on secure government-controlled clouds, rather than private platforms, was presented as a safeguard for integrity and chain of custody. The dialogue also touched on the role of designated “Examiners of Electronic Evidence” under Section 79A of the IT Act in providing expert opinions to courts.

Several hypotheticals were raised by Cambodian judges, including cases involving unclear CCTV footage, cloned or spoofed messages and deep-fake audio generated using artificial intelligence.

Tools such as pixel-enhancement of video, reliability hierarchies for different formats, and emerging applications capable of detecting manipulated voice recordings were discussed, along with the need for courts to insist on independent forensic verification rather than relying solely on party-produced material. Questions on online banking fraud, near-field-communication skimming of cards, and differing approaches to one-time passwords in various jurisdictions prompted a broader discussion of how financial institutions use artificial intelligence to flag suspicious patterns and how courts should approach liability and victim protection.