



TAMIL NADU STATE JUDICIAL ACADEMY

Adjudicating Terrorism Cases:

Curriculum Design and Faculty Development

The collaborating programme between Judiciary of India and United States to develop curriculum on adjudication of terrorism related cases on 12th and 13th Novemeber,2022

The workshop Schedule on 12th November

9:30 – 9:45 a.m.	Opening Remarks The Honorable Mr. Justice M. Sundar High Court of Madras / Member, Board of Governors Tamil Nadu State Judicial Academy
9:45 a.m.	Introduction of the Project Cristobal Diaz Director of Outreach and Development CEELI Institute
9:50 a.m.	Overview Mira Gur-Arie Director, International Office Federal Judicial Center
10:00 -10:30 a.m.	Introduction and What is Terrorism Activity Jim Chance Senior Judicial Education Attorney Federal Judicial Center
11.00 – 11.30 a.m.	Tea Break

11:30 – 12:45 p.m.	Adjudicating Terrorism Cases Magistrate Judge Jonathan E. Hawley Federal District Court (C.D. Illinois)
12:45 – 1:45 p.m.	Lunch Break
1:45 – 2:45 p.m.	Challenges in Adjudicating Terrorism Cases: Think-Pair-Share Mira Gur-Arie International Office Federal Judicial Center
2:45 p.m.	Tea Break
3:15 p.m.	Cyber-Enabled Crime and Terrorism Cases Dr. Harold D’Costa President, Cyber Security Corporation
5:00 p.m.	Preview: Curriculum Design and Faculty Development (Day 2) Wrap Up Jim Chance Senior Judicial Education Attorney Federal Judicial Center

The workshop Schedule on 13th November

9:30 – 10:00 a.m.	Overview: What is Adult Education? Jim Chance Senior Judicial Education Attorney Federal Judicial Center
10:00AM	Order the Concepts Activity: The Hague Memorandum Mira Gur-Arie International Office Federal Judicial Center
11:00 a.m.	Tea Break
11:30 a.m.	Competencies for Adjudicating Terrorism: Brainstorm Magistrate Judge Jonathan E. Hawley Federal District Court (C.D. Illinois)
12:00 p.m.	Learning Objectives: Return to Groups Jim Chance Senior Judicial Education Attorney Federal Judicial Center
1:00 – 2:00 p.m.	Lunch Break
2:00 p.m.	Jigsaw Activity: The “What” and “Why” of Learning Activities Mira Gur-Arie International Office Federal Judicial Center
3:15 p.m.	Case Management and Pretrial Conferences: Scenario Work Magistrate Judge Jonathan E. Hawley Federal District Court (C.D. Illinois)
4:00 p.m.	Tea Break
4:30 p.m.	Curriculum Design and the “What” and “How” of Teaching Jim Chance Senior Judicial Education Attorney

	Federal Judicial Center
5:00 p.m.	The Action Plan Mira Gur-Arie International Office Federal Judicial Center
5:15 p.m.	Wrap-Up & adjourn



The Programme began with the Invocation song "தமிழ்த்தாய் வாழ்த்து" (Tamil Thai Vazhthu). The Welcome Address was delivered by Hon'ble Mr. Justice M. Sundar, Judge, High Court of Madras / Member, Board of Governors, TNSJA. Firstly, His Lordship welcomed all the dignitaries and the participating Judicial Officers of United States. His Lordship

then, explained the scope, objective and the probable outcome of the training programme. His Lordship emphasized that definition of "Terrorism" and "Terrorist" will have to be defined accurately, it is still elusive. It is evident that judiciary will have to be completely responsible, impartial to adjudicate terrorism related cases.



The introduction of the workshop in relation to Adjudicating terrorism cases was handled by Cristobal Diaz, Director of Outreach and Development, CEELI Institute. He sets out the importance of knowledge sharing of Judges across the borders in adjudicating terrorism cases

Mira Gur-Arie, Director, International Office Federal Judicial Center had narrowed down the objective of workshop. She clearly sets out four objectives that is (i)to review the Hague Memorandum and related Indian law and procedure; (ii) introduce adult education and interactive teaching methods; (iii) create a draft agenda for future Counter terrorism workshops; and (iv) to assign curriculum development responsibilities. She encouraged Judicial officers to create a curriculum on Terrorism cases across borders and to train other Judges in handling terrorism related cases.



Challenges in Adjudicating Terrorism Cases

Think - Pair - Share:

- Divide into pairs (and one group of 3)
- Each group will:
 1. Identify 4 potential workshop topics
 2. Record list on the distributed paper
 3. After 20 minutes, report back list to large group
- Large group will collectively nominate the top 10 - 12 topics to prepare for tomorrow morning's session

The next session was introduction of Participants. The participants being Judges and intellectual group from various parts of the country had shared their expertise in handling terrorism related case.

Participants being:

1. Mr. Manmeet Singh Suri, Additional Director (Training) JTRI, Lucknow. Had assisted in investigation and prosecution of sabarmati bomb blast case.
2. Dr. Humayun Rasheed Khan, Additional Director (Research) JTRI, Lucknow. Had conducted trial in heinous crimes.
3. Ms. Garima Sharma, Additional Director, Chhattisgarh State Judicial Academy, Bilaspur. Had dealt with Naxalites.
4. Mr. Onkar Nath Choudhary, Additional Director-cum-Senior Faculty Member, Judicial Academy Jharkhand. Had dealt with terrorist related violence in Jharkhand.
5. Mr. Ankur Gupta, Officer on Special Duty, Patna High Court.
6. Ms. Madhu Khanna Lalli, ADJ-cum-Faculty Member, Chandigarh Judicial Academy, Chandigarh. Had conducted trial in state sensitive heinous crime against women.
7. Mr. Ch. K. Bhupathi PDJ, Rangareddy District Court, Hyderabad, T.S. Had dealt with Naxalite and corruption cases.
8. Dr. Sunnam Srinivas Reddy 24th Chief Additional Judge, City Civil Court, Hyderabad, T.S. Had dealt with cases relating to Naxalites and NDPS where in terrorist was involved.
9. Mr. D. Lingeswaran Director, Tamil Nadu State Judicial Academy. Had dealt with Unlawful activities (Prevention) Act, 1967



Next session was handled by Jim Chance, Senior Judicial Education Attorney, Federal Judicial Center. This session was an interactive session wherein Indian Judges and Jim chance had developed a frame work which is an underlying thought on what is Terrorism, who commits terrorism, why was such an offence committed and where generally does terrorist strike an attack.



After a short tea break, next session was handled by Magistrate Judge Jonathan E. Hawley, Federal District Court (C.D. Illinois). He spoke on applying Hague memorandum principle in Indian courts. A brainstorming session was conducted to implement principles in adjudicating terrorism cases, such as Fairness of trial, case management, continuous trial, and protection of witness/victims during the course of trial. He insisted that Judges should think creatively to resolve an issue and also should bridge the gap between defense and witness. It is necessary

that judges will also have to act in a proactive manner, that they will have to anticipate security and media related issues that could arise during the course of adjudication of terrorism cases. He also highlighted the importance of Pre-trial conference and continuous trial to be conducted in terrorism and national security cases.

After lunch break, the next session was Think-pair-share, handled by Mira Gur-Arie. The session was a practical session where the judges were divided into 4 pairs of two and were asked to prepare topics on emerging issues such as media, security, and technology. The main objective of this session is to ensure that Judges should equip themselves with unique skills, knowledge and attribute in adjudicating terrorism cases.



Post Tea break, the session conducted was Cyber-Enabled Crime and Terrorism Cases. This session was conducted by Dr. Harold D'Costa, President, Cyber Security Corporation. He spoke about the facts that how digital evidences plays a major role in a case. He made a live demonstration on how series of WhatsApp



chats can be fraudulently modulated and Judges will have to carefully evaluate those electronic evidences. He shared technical insights on how a job portal was used as a platform to infiltrate terrorist into

Jammu and Kashmir, and DDOS attack which is distributed denial-of-service

attack in which the perpetrator seeks to make a machine or network resource unavailable to its intended users. To fund terrorist Crypto currency monero was used, this particular crypto was unable to be tracked by Law enforcement agency. He also cited that Government sectors such as Power and energy sector, Banking and financial institutions are more vulnerable to cyber-attacks, terrorist can hamper Aadhar portal. He Quoted few cases where terrorist had conducted cyber attacks such as Mehdy Hassan case, Boko Haram case, Tata Power, Aarey drugs, and Serum institute of India. He also cautioned Judges that bank Global debit cards are prone to higher risk as they can be used without any protection overseas.

Lastly during the final session Jim Chance, Senior Judicial Education Attorney, had briefed on objectives of the subsequent days program by interacting with participants.

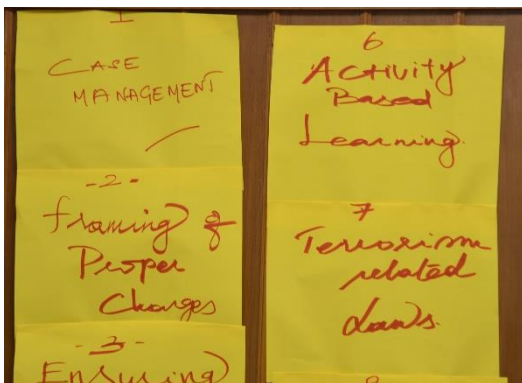


The next day the opening session was conducted by Jim chance, Senior Judicial Education Attorney. He emphasized on the concept of adult education. This form of education provides judges the opportunity to gain mastery of essential knowledge, skills, and values. He insisted on the quote “people do not listen to understand, they listen to reply”. It is necessary for the judges to have keen listening skill to adjudicate terrorism cases.

The next session was conducted by Mira Gur-Arie. It was a lively interactive session wherein the Judges were divided into two groups of 4 Judges in one group and 5 Judges in another group. The participating Judges were asked to prioritize the list of topics to be considered during the course of adjudication of terrorism-related cases. The participants had listed down topics that has to be considered such as case management, fair trial, security of stakeholders, cyber/digital evidence, legislations to be considered, framing of charges, national security issues and transnational issues.



After a short tea break, the next session was handled by Magistrate Judge Jonathan E. Hawley, Federal District Court (C.D. Illinois). This session was a brainstorming session between the participants to ensure that certain competencies are required to handle terrorism related cases. The participating judges had pointed out that it necessary for the judges to be compassionate, knowledgeable in law, fearless and most importantly to have leadership skill and take pressure in adjudicating terrorism related cases.



The next session was conducted by Jim chance, Senior Judicial Education Attorney. This session was a continuity of session conducted by Mira Gur-Arie. Based on the topics prioritized by the participants, curriculum design will have to be developed by the participants. Each group will have to narrow down a particular objective and

based on it curriculum model have to be prepared.

Post lunch break Jigsaw activity was conducted by Mira Gur-Arie. This activity main objective is to engage every participant to enhance learning and provide an opportunity to apply knowledge and practical skills. In this session the participants offer suggestions to design and sequence the topics that are prioritized to adjudicate terrorism cases.

The next session was handled by Magistrate Judge Jonathan E. Hawley, Federal District Court (C.D. Illinois). In this session he emphasized the importance of case management and pre-trial conferences. The case management will have to be done tactfully and pre-trial conferences when implemented can support adjudicating cases in a constructive manner.

After a short tea break Curriculum Design session was handled by Jim chance, Senior Judicial Education Attorney. He assisted the participants in developing the process of curriculum which includes many stages: 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. A brief plan on “How to adjudicate terrorism case” was developed by participants.



The next session is the “Action Plan” session which was handled by Mira Gur-Arie. The rough framework of curriculum design for two-day session was planned by the participants and each participant was assigned with topics to be handled in a detailed and in-depth manner.



Last session was a wrap session, during this session Mira Gur-Arie had shared about the website judiciariesworldwide.fjc.gov. This website is about profiling of various countries judicial system. It also provides information on introduction to International judicial systems and how it can be structured, the work of international tribunals, and the field of international rule of law.

At the end of the workshop, the Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy proposed the vote of thanks. The Director thanked, Hon’ble

Mr. Justice A. P Sahi, Judge Supreme Court of India for giving Tamil Nadu State Judicial Academy a chance to conduct workshop on Adjudicating Terrorism Cases in collaboration with Central and Eastern European Law Initiative (CEELI Institute), Prague / Federal Judicial Center (FJC), Washington DC and National Judicial Academy, Bhopal. He thanked all the resource persons and the participants for making this workshop a success.