

South Asia Judicial Education Summit: Preparing Judges to Adjudicate Terrorism Cases

Bhopal, India
September 2-3, 2023

The National Judicial Academy of India welcomes judges and judicial educators from across India, Bangladesh, Nepal, the Republic of Maldives, Sri Lanka, and the United States to discuss the adjudication of terrorism cases and opportunities for regional collaboration on judicial education initiatives.

This meeting has four principal objectives:

- Share national experiences with terrorism cases and judicial education
- Identify effective adjudication practices
- Explore emerging topics, including digital evidence and the malicious use of artificial intelligence
- Consider strategies for educating judges about the legal and procedural issues that arise during terrorism trials

Saturday, September 2

9:30 am Welcome and Introductions

Hon. Justice Sujoy Paul, Director, National Judicial Academy, India
Marek Svoboda, Director of Programs, CEELI Institute, Czech Republic
Mark Toor, Political Specialist, U.S. Embassy New Delhi

10:15 am Educating Judges: India – United States Counterterrorism (CT) Initiative

Judges play an important role in ensuring justice and accountability in terrorism prosecutions. These cases pose complex questions of law and procedure. Since 2016, the National Judicial Academy of India, U.S. Federal Judicial Center, and CEELI Institute have been collaborating to develop judicial education programs addressing different aspects of terrorism cases. This initiative, funded by the Counterterrorism Bureau of the U.S. Department of State, has focused on building new curricula and introducing Indian judges to interactive teaching methods.

Maria Ladron de Guevara, Program Manager, CEELI Institute, Czech Republic
Mira Gur-Arie, Director, International Office, U.S. Federal Judicial Center

10:45 am National Context and Experiences: Adjudicating Terrorism Cases

The countries participating in this program all have experience with different types of terrorism-related cases and other high profile complex criminal

prosecutions. During this session, we will draw upon each nation's experiences to learn about the legal and procedural issues judges from South Asia must be prepared to address.

Facilitated by:

Cristobal Diaz, Assistant Director, International Programs, Bolch Judicial Institute, Duke University Law School, United States

Mira Gur-Arie

11:30 am

Break

12:00 pm

National Context and Experiences (continued)

1:00 pm

Lunch

2:00 pm

Applying the Practices of the *Hague Memorandum*

The Hague Memorandum on Good Practices for the Judiciary in Adjudicating Terrorism Offenses was developed through a series of consultations with judges and legal experts from around the world. It features guidance for judges on a broad range of practical, procedural, and evidentiary issues. This session will introduce the Hague "Good Practices" and provide an opportunity to discuss how these principles can be used to address some of the challenges identified during the prior session.

Hon. Justice Madan Bhimarao Lokur, Supreme Court of Fiji; Fmr. Justice of the Supreme Court of India

Hon. Judge David Carter, U.S. District Court for the Central District of California

Monique Kamies, Consultant, CEELI Institute

3:00 pm

Break

3:15 pm

Artificial Intelligence:

The Impact of Emerging Technologies on Terrorism

The world is simultaneously intrigued and concerned with the potential of artificial intelligence (AI), with recent attention drawn to its more pernicious uses. Judges are not expected to be experts on the nuances of AI, but it is crucial for them to recognize its general mechanisms, understand how it facilitates criminal investigations and terrorist schemes, and be able to evaluate and rule on its use as evidence in their cases.

Hon. Judge John Tunheim, U.S. District Court for the District of Minnesota

Chiara Pulice, Senior Research Associate, Department of Computer Science, Northwestern University, United States

4:45 pm

Debrief

5:00 pm

Program Concludes

8:00 pm

Reception and Dinner

Sunday, September 3

9:30 am

Digital Evidence in Transnational Crimes

Digital forensics has become a significant feature of terrorism investigations and prosecutions. Investigating agencies are tasked with the collection, identification, and preservation of this evidence. This session will cover some of the basic technical aspects of digital evidence as well as the procedural rules governing authentication and admissibility.

John W. Vaudreuil, Fmr. United States Attorney

Hon. Judge Ankur Gupta, Additional District & Sessions Judge, India

11:00 am

Break

11:30 am

Developing Practical Publications for Judges: The South Asia Regional Toolkit & CT Benchbook

The South Asia Regional Toolkit was created to provide instruction for judges in South Asia on the adjudication of terrorism cases. It outlines international standards and good practices, including guidance on a range of procedural and substantive issues.

Inspired by the model of the Toolkit, the National Judicial Academy of India is developing a CT benchbook for Indian judges focusing on domestic legislation, case law, and procedure.

Hon. Judge David Carter

Hon. Justice Joymalya Bagchi, Calcutta High Court, India

Shruti Jane Eusebius, Research Fellow, National Judicial Academy, India

12:30

Lunch

1:30 pm

Terrorism, Civil Liberties, and Judicial Independence

The Hague Memorandum opens with the observation “[a] strong and independent judiciary that fairly and expeditiously adjudicates terrorism and other national security offenses is critical for public confidence in the legitimacy of judicial institutions.” What measures can judges take to safeguard fair trial rights, accountability, and transparency during terrorism cases? What procedures can they implement to safeguard due process for the accused and victims, provide the media access to information, and address pressures from other branches of government and the public. How can training institutes develop resources to prepare judges for the challenges of terrorism trials?

During this session, participants will work in multi-country small groups to discuss these issues.

Facilitated by:

Hon. Judge John Tunheim

3:00 pm **Break**

3:15 pm **Regional Cooperation and Learning**

Although Bangladesh, India, the Maldives, Nepal, and Sri Lanka have distinct legal traditions, with variances in their legislation and judicial practice, there are many commonalities across the region. Transnational knowledge sharing and cooperation are critical to the fight against terrorism. During this final session, we will discuss opportunities for collaboration among South Asian judges and judicial educators.

Maria Ladron de Guevara
Cristobal Diaz

3:45 pm **Program Concludes**