



**WORKSHOP ON ADJUDICATING TERRORISM CASES IN COLLABORATION WITH  
THE CEELI INSTITUTE, PRAGUE AND THE FEDERAL JUDICIAL CENTER,  
WASHINGTON D.C. [PHASE IV, PART II]**

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**Program Report**

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The NJA to organized two workshops this Academic year on the theme *Adjudicating Terrorism Cases* during phase IV of multi-stage project in collaboration with the CEELI Institute, Prague and the Federal Judicial Center, Washington D.C., Continuing this partnership the Academy conducted the first workshop under phase IV from 10-12 August, 2019. The second workshop was conducted on 28<sup>th</sup> - 29<sup>th</sup> September, 2019 at the NJA, Bhopal. The workshop was attended by 40 judicial officers other than those who had attended workshop held in August 2019. The participants included District Judges, Additional District Judges and Sessions Court Judges across different jurisdictions having substantial experience in criminal law or conducting counter-terrorism trial or adjudicating incidents of left wing extremism or insurgency activities.

The eight Hon'ble High Court justices - Justice P.N. Prakash, Justice Joymalya Bagchi, Justice N. Kotiswar Singh, Justice S. Talapatra, Justice G.S. Kulkarni, Justice Atul Sreedharan, Justice Raja Vijayaraghavan and Justice Sanjeev Kumar who had attended the first three phases of the multi-stage program, themselves operated as master trainers, to disseminate their experience and knowledge to a larger cross section of the Indian judges dealing with terrorism trials and allied areas during the workshop. Based on similar theme as in previous workshop, purpose of this workshop was to sensitize more and more judges to contemporaneous best practices and jurisprudence pertaining to counter-terrorism control norms, adjudication protocols and allied areas.

Since the two workshops, with a different batch of judicial officers, were designed to disseminate the knowledge gathered to a larger cross section of Indian Judges, subjects dealt in these two workshops were similar. The workshop included sessions on core areas which are dealt by judges while adjudicating terrorism cases such as Fair trial; Laws relating to terrorism trials; Evidence, MLATs and extradition; Forensics and Digital Evidence; Managing media while adjudicating terrorism trial; Case Management in terrorism cases & offences against national security; Judicial and courtroom security; and Framing charges with unique features in terrorism trials.

The deliberations in the session on *Forensics and Digital Evidence* were different than what was deliberated in the August 2019 workshop as it included aspects relating to appreciating forensic evidence in terror attack cases. The speaker dealt with Abuja Recommendations on Collection, Use and Sharing of Forensic Evidence, special features of evidence in terror trial, the acquisition, identification, evaluation, and admission as evidence of forensic. The discussion also included

challenges pertaining to collection and admissibility of forensic evidence. The forensic evidence collected in the Mumbai Blast Case was discussed in detail to give an illustrative understanding. The session also dealt with nuances of digital evidence, uniqueness of digital evidence, its types, Meta-data and admissibility of electronic evidence. The speaker also deliberated upon collection, chain of custody and handling of digital evidence.

It was pointed out that Indian Judiciary has come a long way in recognizing, accepting, appreciating and assimilating aspects of digital evidence, its importance and complexity. However, there are a lot of challenges in the area as technology changes at a fast pace, throwing up new challenges and the law has a rather slower pace in keeping abreast with these changes.

The overall concept of this multi-stage program was to sensitize judges about the Hague Memorandum of good practices and implementation of steps outlined in “the Rabat Memorandum” in criminal justice system of India. It also aimed to impart judicial education by adopting adult learning techniques like group discussion, case study, brain storming activities etc. The participants were encouraged to share their experiences to make learning effective. These workshops were based on more conventional ways of imparting judicial training than the regular training programmes held at the Academy.