



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ DELIVERS JUDGMENT IN MATTER SHANIQUE MYRIE v THE STATE OF BARBADOS

CCJ, Port of Spain. In a landmark judgment, delivered at the CCJ's Headquarters in Port of Spain at 10AM today, Friday 4th October, the Caribbean Court of Justice (CCJ) awarded Jamaican national, Shanique Myrie, Bds\$75,000 damages to be paid by the State of Barbados. The CCJ found that Ms Myrie had been wrongfully denied entry into Barbados, subjected to a humiliating cavity search and unlawfully detained overnight in a cell and expelled from Barbados.

Ms Myrie had instituted proceedings in May, 2012 alleging that Barbados had violated her right to free movement within CARICOM. She also claimed that she was subjected to discrimination on the ground of her nationality when Barbadian officials refused her entry into Barbados on March 14, 2011. The State of Jamaica intervened in the proceedings and at the trial supported the claims of Ms Myrie.

Ms Myrie claimed that in the course of refusing her entry into Barbados she was subjected to a body cavity search and to deplorable detention conditions. She gave evidence, which was corroborated by Jamaican medical practitioners, that the treatment she received continues to cause her post-traumatic stress.

The Court rejected Ms Myrie's claim that she was discriminated against on account of her nationality but found for her on the other claims. In the course of its judgment the CCJ held that CARICOM nationals are entitled to enter CARICOM Member States, without harassment or the imposition of impediment, and to stay for up to six months. This right, the Court stated, was derived from the Revised Treaty of Chaguaramas (RTC) and a 2007 CARICOM Decision made at the Twenty-Eighth Meeting of the Conference of Heads of Government of CARICOM. The right requires Member States to give the refused person written reasons for the refusal and also to advise them of their entitlement to access meaningful judicial review. The right may be denied only where the receiving State establishes that the visitor is an undesirable person or one likely to become a charge on public funds. The Court defined "undesirable" as a person who "poses or can reasonably be expected to pose a genuine present and sufficiently serious threat affecting one of the fundamental interests of society".

The Court also ordered Barbados to refund Ms Myrie her medical expenses, her airline ticket and her reasonable legal expenses.

The Court was presided over by Court President the Rt. Honourable Sir Dennis Byron along with Honourable Justices Nelson, Saunders, Bernard, Wit, Hayton and Anderson. Ms Michelle Brown and Ms Nancy Anderson appeared for Ms Myrie. Mr Roger Forde, QC, Mr Patterson Cheltenham QC, Ms Donna Brathwaite, QC, Dr David Berry and Ms Nargis Hardy appeared for Barbados. Dr Kathy-Ann Brown, Ms Lisa White and Mr O'Neil Francis appeared for the Intervener, Jamaica. Ms Gladys Young, Dr Chantal Ononaiwu, Ms Safiya Ali appeared for the Community.

The full judgment of the Court is available on the CCJ's website.

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