



**CARIBBEAN COURT OF JUSTICE**

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## **MEDIA RELEASE**

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### **CCJ DISMISSES APPEAL QUESTIONING AN AMENDMENT TO BELIZEAN LEGISLATION**

**CCJ, Port of Spain. CCJ, Port of Spain.** In a judgment handed down today, 24 January 2014, the Caribbean Court of Justice (CCJ) held that the *Supreme Court of Judicature (Amendment) Act* and the *Supreme Court of Judicature (Amendment) No. 2 Act* (“the New Legislation”), which amend Belize’s *Supreme Court of Judicature Act* are constitutional save for certain provisions prescribing minimum mandatory sentences.

The parties to the appeal were the Attorney General of Belize, the Respondents Phillip Zuniga and others, and Interested Parties BCB Holdings Limited and others. The matter arose from a dispute between the Government of Belize and the Respondents related to a 2005 Accommodation Agreement with Belize Telemedia Limited and the Government’s subsequent attempts to restrain the Respondents from enforcing an international arbitral award. These events ultimately led to the passage of the New Legislation. The constitutionality of the New Legislation was challenged before the CCJ.

In agreement with the Court of Appeal, the CCJ held that the mandatory minimum penalties in sub-sections 106A(3) and (5) were invalid but disagreed with the court of appeal as to the consequence of this finding. The majority of the CCJ (three of the five judges) held that the impugned provisions must be severed while the other two judges would have struck down the new legislation in its entirety. The appeal and cross-appeal were dismissed.

The Court was presided over by Justice Nelson and included Justices Saunders, Wit, Hayton and Anderson. Mr Denys Barrow, SC and Ms Iliana Swift appeared for the Appellant. Mr Edward Fitzgerald, QC and Ms Priscilla Banner appeared for the Respondents. Lord Peter Goldsmith, QC and Mr. Godfrey Smith, SC appeared for the Interested Parties.

The full judgment of the Court and a Summary are available on the CCJ’s website.

**END**