



**134 HENRY STREET  
PORT OF SPAIN  
REPUBLIC OF TRINIDAD AND TOBAGO**  
Telephone: (868) 623-2CCJ Fax: (868) 624-4710  
Website: [www.caribbeancourtjustice.org](http://www.caribbeancourtjustice.org)

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## **CCJ JUDGMENT- MAURICE TOMLINSON V THE STATE OF BELIZE AND TRINIDAD AND TOBAGO**

**CCJ, Port of Spain.** Today a reserved judgment was delivered at the CCJ Headquarters in Port of Spain in the Original Jurisdiction of the Court in the matter of Maurice Tomlinson v The State of Belize and Trinidad and Tobago.

Mr Tomlinson filed an application for special leave to commence proceedings under Article 222 of the Revised Treaty of Chaguaramas (RTC). His application challenges the provisions of the Immigration Acts of Belize and Trinidad and Tobago which prohibit the entry of homosexuals into the jurisdiction. Mr Tomlinson, who is homosexual, claimed that these provisions violate his right to free movement under the RTC.

The Court held that Mr Tomlinson had satisfied the test for special leave as (1) he is a Jamaican national, (2) the right to free movement benefits him directly, (3) the State of Jamaica refused or declined to bring the application on his behalf, (4) there is an arguable case made out that he has been prejudiced in the enjoyment of his Community rights by the existence of the legislation and (5) it is in the interest of justice that leave be granted.

The application for special leave was successful and the Court ordered that Mr Tomlinson file an originating application with Court within seven days.

The final judgment of the Court and an Executive Summary is available on the CCJ's website at [www.caribbeancourtjustice.org](http://www.caribbeancourtjustice.org).

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Public Education and Communications Unit:  
Email: [pecu@caribbeancourtjustice.org](mailto:pecu@caribbeancourtjustice.org)