



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE (For immediate release)

No. 09:2017
20 February 2017

CCJ DISMISSES 'TOMMY LEE SPARTA' CASE

CCJ, Port of Spain. The first Original Jurisdiction application filed by a Dominican national, Mr. Cabral Douglas, was dismissed today by the Caribbean Court of Justice (CCJ). Mr. Cabral Douglas, an event organizer, claimed that his country, Dominica, caused a breach of his contract with Jamaican entertainer 'Tommy Lee Sparta', whose given name is Mr. Leroy Russell. Mr. Douglas, in the case, *Cabral Douglas v The Commonwealth of Dominica (OA 1 of 2017)*, alleged that Dominica's action also caused multiple violations of his rights under the Revised Treaty of Chaguaramas (RTC). The Court ruled that he had failed to prove a breach of treaty rights which were intended to benefit him directly. The Court emphasized that it was not possible to access the Original Jurisdiction merely because another person's rights under the Treaty may have been breached.

Mr. Leroy Russell along with the three members of his entourage, all of whom were Jamaican nationals, were denied entry into Dominica where he was set to be the headline act at a concert in the town of Portsmouth on February 23rd, 2014. Mr. Russell and his party were therefore unable to perform and were later deported. Mr. Douglas, the organizer of the ill-fated concert, sought special leave to commence proceedings before the CCJ on August 24th, 2016, alleging violations of Articles of the RTC. Mr. Douglas claimed that his rights and benefits were infringed, resulting in financial, reputational and other losses.

After an amendment of his original case, Mr. Douglas chose to proceed on the claim that the Commonwealth of Dominica violated RTC Articles 7, 36, 37 and 45 and a 2007 decision of the Conference of the Heads of Government of the Caribbean Community. RTC Article 7 concerns the discrimination against a CARICOM national because of their nationality, Article 36 and 37 dictates that there should be no prohibition or discrimination of CARICOM nationals providing services-including entertainment services- throughout the region and Article 45 refers to the freedom of movement throughout CARICOM. The 2007 decision of the Conference of the Heads of Government of the Caribbean Community refers the right of nationals to be allowed to stay in CARICOM member states for a period of six months once they were not undesirable and would not need public funds.

The CCJ considered whether or not a case for special leave had in fact been made further to Article 222 (a) and (b) which requires the applicant to present a credible case that an RTC right had been infringed. While the Court gave a nod to the fact that Mr. Douglas was a national of a Contracting Party, the initial gateway to Article 222, the Court found that Mr. Douglas was not properly able to establish: discrimination (Articles 7 and 37) or the enforcement of new restrictions on the provision of services in Dominica (Article 36). The Court found that Article 45 would not apply as the right to freedom of movement would be applicable to Mr Russell and his party, not to Mr. Douglas. The CCJ also ruled that the 2007 Conference decision does not apply to this case as the decision permitted movement for non-economic purposes.

The Court therefore concluded that the Applicant failed to satisfy the requirement of Article 222 (a) and (b), dismissed the Application and ordered each party to bear its own costs.

The judgment of the Court and an Executive Summary are available on the CCJ's website at www.ccj.org

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