



## CARIBBEAN COURT OF JUSTICE

**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 DECLINES TO HEAR INJUNCTION APPLICATION FROM BELIZE ATTORNEY GENERAL**

The Caribbean Court of Justice (CCJ) today issued an order declining to hear an inter-party application for an Anti-Enforcement injunction which was brought by the Attorney General of Belize. The Application sought to restrain British Caribbean Bank Holdings Limited (BCB) and the Belize Bank Limited (BBL) from enforcing a final arbitral award that was issued by the London Court of International Arbitration (LCIA). The CCJ, in a judgment issued on July 26, 2013, had declined to enforce this award by the LCIA on the ground that enforcement in Belize would be contrary to public policy.

The dispute has its genesis in 2005 when, in order to settle a commercial dispute, BCB and BBL entered into a settlement agreement with the Belize Government. This agreement essentially provided that the two companies would benefit from a tax regime that was specifically created for them without the knowledge or approval of the Belize parliament. The agreement was honoured by the Belize Government until 2008 when there was a change in government after general elections. The new government rejected the agreement and sought to collect the taxes owed by the two companies for the two years under which the agreement was honoured. The companies subsequently initiated arbitration proceedings before the London Court of International Arbitration as provided for in the agreement and obtained an Award in their favour.

The companies then sought to enforce the award of the LCIA in Belize. The CCJ declined to permit enforcement of the award on the basis that enforcement would sanction acts that were both unconstitutional and contrary to public policy.

BCB and BBL then successfully initiated proceedings in the United States to enforce the LCIA award in that country. The application to the CCJ by the Belize Attorney General was for an injunction to restrain such enforcement but, in pursuance of the overriding objectives of the Rules of the CCJ, which ensure that the Court remains accessible, fair and efficient to litigants, the Court convened its full seven-member Bench and pronounced upon the application on the same day, February 2, 2017, it was filed before the Court.

The Court unanimously decided that, having already issued a final judgment in these proceedings on July 26, 2013, it had no jurisdiction to grant injunctive relief in the absence of a pending appeal before the Court.

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