



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE (For immediate release)

**No. 14:2017
05 May 2017**

“Culture of Delay” denounced by the CCJ in Drug Trafficking Case

Guyana’s highest court, the Caribbean Court of Justice (CCJ), dismissed the appeal of Mr. Vishnu Bridgelall and refused to overturn his convictions on two drug trafficking charges. The Court, however, decided to alter his two consecutive 5-year prison terms and instead ordered that they must run concurrently. Fines for the offences, totalling GY\$ 254.4 million, remained in place. The CCJ also held that, given the unreasonable delay in the hearing of the appeal by the Court of Appeal, no order would be made for Mr. Bridgelall to be returned to prison. The Court stated that it was entirely unacceptable that a person who is convicted and sentenced, but later declared a free man by a higher court, should have dangling over his head, for over six years, the possibility that he may have to return to prison to serve out his sentence.

In May 2007, Mr. Vishnu Bridgelall was charged with two offences of being in possession of cocaine for the purpose of trafficking. One charge was for 86.5 kilograms of cocaine found inside a house at East Coast Demerara and the other related to 20 kilograms found at the same premises that same day. Mr. Bridgelall and three other men were at the house when officers from the Customs Anti-Narcotics Unit discovered the drugs. One of the men, Mr. Chandrika Chattergoon, readily claimed that the drugs were his and subsequently pleaded guilty to both charges. The Magistrate found, however, that Mr. Bridgelall was also in possession of the cocaine and convicted him of both offences.

His conviction was set aside by the Full Court in December 2009 and he walked out of prison, after a total of 30 months, a free man. The DPP obtained permission to appeal the Full Court’s

decision in July 2010. The appeal was not determined until October 2016 when the Court of Appeal restored the Magistrate's sentence. He then appealed to the CCJ.

The CCJ found that the Full Court took a wrong approach to the facts of the case and wrongly interfered with the conclusions drawn by the Magistrate. The CCJ agreed with the Court of Appeal that the Magistrate was right to find that Mr. Bridgelall knew about the cocaine and there was sufficient evidence to establish that he, the tenant of the property, had custody and control over the drugs.

The CCJ also expressed concern about the consecutive prison terms imposed by the Magistrate and the delay involved in the hearing of the appeal. The Court noted that excessive delays are tolerated because there is now "a culture of complacency within the system towards delay" and that "judicial experience has shown that when [final appeal courts take] a firm position of intolerance towards this culture, the necessary measures are invariably introduced to enable and facilitate the reduction, if not elimination, of unnecessary delay." The CCJ declared that the State had breached Mr. Bridgelall's constitutional right to a fair hearing within a reasonable time and that the proper remedy for this breach was to stop any further action to enforce the remainder of his prison sentence.

The Court was presided over by its President, the Right Honourable Sir Dennis Byron, along with Honourable Justices Saunders, Wit, Hayton and Rajnauth-Lee. Mr. Bridgelall was represented by Attorneys-at-Law, Mr Sanjeev Datadin and Mr Ryan C Crawford. Ms Sonia Joseph and Ms Dionne Mc Cammon, Assistant Directors of Public Prosecutions, acted on behalf of Officer Hardat Hariprashad, who laid the charges.

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