



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ DISMISSES APPLICATION AGAINST BARBADOS

Port of Spain, Trinidad. The Caribbean Court of Justice (CCJ) today dismissed an application for special leave in the Original Jurisdiction matter of *Tamika Gilbert, Lynnel Gilbert, Royston Gilbert, Glennor Gilbert and the State of Barbados*. The applicants were mother, father and two adult daughters. They were nationals of Grenada, seeking to take legal action against Barbados, having accused Barbados of violating their right to freedom of movement under Article 45 of the Revised Treaty of Chaguaramas and under a Conference Decision made by the Heads of Government in 2007.

The family had visited Barbados for a day in October 2016 when they were arrested and detained for 6 ½ hours. No charges were ever laid against them. Tamika and Lynnel claimed that they were subjected to degrading treatment by the police and Tamika alleged that she was made to remove a portion of her written statement recounting the degrading treatment before the police would allow the family to leave.

The applicants had therefore claimed that Barbados had violated their right to move freely within Barbados and to depart Barbados without unnecessary harassment or impediment. Barbados denied their claim and opposed the grant of leave, arguing that the applicants had not fulfilled the requirements of the Revised Treaty of Chaguaramas (RTC) needed to commence legal action.

The CCJ pointed out that the applicants were taken into police custody for the purpose of police investigations and that freedom of movement did not immunize CARICOM nationals from the operation of law enforcement agencies in the receiving State. In addition, the CCJ held that the applicants would have had to set up an arguable case of discrimination based on nationality only, prohibited by Article 7 of the Revised Treaty, in order to be granted special leave to bring their claim against Barbados. This, they failed to do. The application was therefore dismissed.

The full judgment of the Court and a judgment summary are available on the Court's website at www.ccj.org.

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