



CARIBBEAN COURT OF JUSTICE

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CCJ Sends Case Back for More Evidence to be Taken

Port of Spain, Trinidad and Tobago: In a judgment released today, the Caribbean Court of Justice ('CCJ') in its Appellate Jurisdiction remitted for further hearing, a dispute in the matter of **Belmopan Land Development Corporation v the Attorney General of Belize [2022] CCJ 1_AJ (BZ)**. The CCJ heard the appeal on 21 July 2021.

The dispute concerned the value of 1,394 acres of land acquired, although not compulsorily, by the Government of Belize ('GOB') from a Belizean landowner, Belmopan Land Development Corporation ('BLDC'). After the GOB took possession of the lands, BLDC was content to let the GOB assume ownership of all 1,394 acres in exchange for payment by GOB of the fair market value. Negotiations between the parties aimed at agreeing the fair market value were unsuccessful. BLDC then filed a constitutional action claiming damages. The trial judge accepted the opinion of BLDC's valuer that all the land should be valued as 'city expansion' land at \$11,549 per acre or a total of \$16,099,306.00 BZD. In agreement with the Court of Appeal, a majority of the CCJ decided that the manner in which BLDC's valuer arrived at his conclusions was flawed and the case should be remitted for further evidence to be taken.

The CCJ majority (President Saunders and Justices Wit and Jamadar) considered that the BLDC valuer's evidence was tainted because the value that he placed on the lands was premised on his belief that the land was acquired by GOB for the purpose of 'city expansion'. Secondly, he attributed to every square foot of the expropriated land, a value consistent with the value of commercial land in the city of Belmopan. This was irrational because it disregarded such land as would be lost due to roads, drainage, utilities and the like. Further, the bald concept of "city expansion", without more, could not justify all the land being valued as commercial property.

The Court's minority (Justices Anderson and Burgess) were of the view that there was no basis for rejecting the expert evidence that had been accepted by the trial judge. Specifically, the expert had not relied on unacceptable hearsay evidence. Where the evidence of land valuers has been accepted by a trial court, and there was no basis for rejecting that evidence, the CCJ was not entitled to reopen or authorize the reopening of an original investigation into the market value of the land.

Having regard to the reasoning of the majority, the Court remitted the case to the Supreme Court for further hearing. The Court also ordered the GOB a) to make an interim payment to BLDC in the sum of \$6 million BZD (less such sums as GOB has already paid to BLDC on account) with interest on that sum at 6% per annum from 1 January 2014 and b) to take all measures at its own expense and within a reasonable time to survey and delineate the expropriated land with a view to having the landowner transfer the expropriated land to the Government free from any taxes or duties in connection with the said transfer.

The Court was presided over by the Hon Justice Saunders President and the Hon Justices Wit, Anderson, Burgess, and Jamadar. The Appellant was represented by Ms Naima Barrow Attorney at law and the Respondent by Ms Samantha Matute-Tucker and Ms Briana Williams Attorneys at law.

The full judgment of the Court is available on the Court's website at www.ccj.org.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, four states access the Court in its Appellate Jurisdiction: Barbados, Belize, Dominica and Guyana. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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