



## CARIBBEAN COURT OF JUSTICE

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### **MEDIA RELEASE**

(For immediate release)

**No. 15 :2022**

**20 May 2022**

### **CCJ Quashes Decision by Parole Board to Revoke Parole of Sears**

**Port of Spain, Trinidad and Tobago.** The Caribbean Court of Justice (CCJ) today quashed the decision of the Parole Board to revoke the parole of Mr Hillaire Sears, presently incarcerated at the Belize Central Prison and issued consequential orders against the Parole Board, Minister of National Security and the Attorney General of Belize for breach of Mr Sears' constitutional rights but did not order damages sought by Mr Sears.

Mr Sears was first incarcerated on 21 March 2001 on a charge of murder, for which he was convicted in December 2002. On appeal, a conviction for manslaughter was substituted and he was sentenced to twenty-five (25) years' imprisonment. He was granted parole and released on 21 December 2012.

On 3 April 2014, while working at the prison, Mr Sears was suspected of violating one of the conditions of his parole, specifically that he would not indulge 'in the illegal use, sale, possession, distribution, transportation or be in the presence of controlled drugs.' Mr Sears was subjected to a urine test and detained that night. He remained detained for fifty-five (55) days before, on 28 May 2014, the Parole Board issued a decision informing him that the urine analysis confirmed that he had tested positive for cannabis and that his parole had been revoked. Mr Sears was never afforded an opportunity to be heard by the Parole Board. Four (4) years later, he brought a constitutional claim seeking declaratory relief that his rights to personal liberty, due process, equal protection of the law and against inhuman and degrading punishment, had been breached. He also sought an order that he be released from prison and also be granted damages, vindicatory damages and costs.

The Supreme Court dismissed his claim, holding that a constitutional claim was not the correct procedure to approach the court since his substantive case called for judicial review of the Parole Board's decision and a quashing of that decision. Further, the Parole Board had clear proof of his parole violation and was legally empowered under the Prison Rules to revoke his parole. The Court also dismissed the notion of a mandatory requirement for an oral hearing being granted to parolees before revocation of their parole.

The Court of Appeal agreed with the Supreme Court that since the substantive relief sought by Mr Sears amounted to a quashing of the Parole Board's decision, his action was brought via the wrong procedure.

Today, the CCJ allowed Mr Sears' appeal and set aside the judgment of the Court of Appeal. The Court issued declarations that the manner in which Mr Sears was re-incarcerated breached his constitutional right to personal liberty guaranteed under section 5 of the Constitution and that the Parole Board's revocation of his parole breached his constitutional right to personal liberty and equal protection of the law as guaranteed

by sections 5 and 6 of the Constitution. Importantly, the CCJ quashed the Parole Board's order which revoked Mr Sears' parole and ordered that he be released from prison forthwith. Costs were awarded to Mr Sears for the proceedings before the CCJ, as agreed by the parties.

The matter was heard by the Honourable Mr Justice Adrian Saunders, President and the Honourable Justices Jacob Wit, Winston Anderson, Maureen Rajnauth-Lee and Andrew Burgess. Ms Leslie Mendez and Hector Guerra appeared for the Appellant. Ms Samantha Matute-Tucker, Assistant Solicitor General appeared for the Respondents.

Full reasons for the decision are to be given in due course.

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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, these being 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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