



CARIBBEAN COURT OF JUSTICE

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STATEMENT BY THE CARIBBEAN COURT OF JUSTICE ON PREMATURE UNAUTHORISED PUBLIC DISCLOSURE OF THE RESULT OF A JUDGMENT

Port of Spain, Trinidad and Tobago. The Caribbean Court of Justice, like some other apex courts, has a practice of sending advance copies of its judgments to all the lawyers representing the parties to a case. Typically, these advance copies are provided to each counsel within 24 hours of the formal issuance of the judgment. The intent is to give the lawyers an opportunity not to re-litigate the dispute but to comment on any perceived errors in the draft. The advance copies are clearly marked “CONFIDENTIAL”, and counsel are warned to treat with them in the strictest confidence pending the delivery of the judgment.

The Court was extremely disappointed to learn that, in a case in which the Attorney General of Guyana was a party, on the Attorney General’s Facebook account there was published, before the formal delivery of the judgment, the result of the litigation.

At the formal sitting to pronounce the judgment the following day (yesterday, Wednesday 19 October), the presiding judge, Honourable Justice Wit, drew the attention of Counsel for the Attorney General to the obvious breach. Counsel readily acknowledged the unauthorised Facebook post and issued on behalf of his client, a full and unqualified apology. The Court has also been advised that the Attorney General, the Honourable Mohabir Anil Nandlall, has also issued an apology on his Facebook page for what was apparently a reckless error on the part of a staffer.

The premature, unauthorised disclosure of the result of the litigation is inexcusable. It betrays the confidence of the Court and, given the fact that it emanated from the Facebook account of the person holding the office of the Attorney General, it serves to bring the entire administration of justice into disrepute.

The Caribbean Court of Justice prides itself on the measures it takes to enhance its integrity, impartiality and independence. The judges and staff of the Court will continue to work diligently, incessantly, to build the public’s trust and confidence in the Court. In an effort to ensure that the highest standards of confidentiality and probity are maintained, the Court will continuously keep under review, its policy of sending advanced copies of its judgments to attorneys.

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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.

For more information, please contact:

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