



## CARIBBEAN COURT OF JUSTICE

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REPUBLIC OF TRINIDAD AND TOBAGO

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### MEDIA RELEASE

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### CCJ reopens Tasker Case

**Port of Spain, Trinidad and Tobago.** Today, the Caribbean Court of Justice (CCJ) reopened its previous decision to refuse special permission to appeal and allowed the appeal of Mr Alex Tasker.

In September 2021, Mr Tasker was committed by a Magistrate to surrender to the authorities of the United States of America to face money laundering charges in the United States. Immediately after the committal, the Magistrate, in accordance with section 19 of the Extradition Act of Barbados, advised Mr Tasker how he could challenge the decision and the time limit for doing so. Mr Tasker made a challenge under the wrong law, and it was not until after the time limit had expired, he filed the correct application.

The Court of Appeal dismissed this application on the ground that it was filed late. The Court of Appeal also held that it had no jurisdiction to hear Mr Tasker's application for leave to appeal because the Court lacked the power to embark on a consideration as to whether time should be extended, or alternatively whether the purported appeal filed under the wrong law but within time, should carry any weight.

Mr Tasker then approached the CCJ seeking special permission to appeal these decisions of the Court of Appeal. In July, in reliance on the papers filed but without holding an oral hearing, the CCJ delivered a judgment refusing Mr Tasker special permission to appeal the Court of Appeal's decision, effectively ending his efforts to challenge the extradition order. Mr Tasker, however, applied to the CCJ to reopen the case, asking the CCJ to reconsider its decision because he had not been given an oral hearing as he had expected, so he had not made full submissions.

The application to re-open the case along with the application for special leave to appeal and the appeal were heard by the CCJ on 16 October, during the Court's itinerant sitting in Barbados. The CCJ unanimously agreed with Mr Tasker's attorneys that it was not made clear beforehand that the Court could and would proceed without an oral hearing. The CCJ therefore proceeded to give Mr. Tasker an oral hearing of his application.

Having heard both parties, the Court then decided that the Court of Appeal erred in concluding that it had no power to decide for itself whether to hear the application for leave to appeal. In the CCJ's opinion, it was open to the Court of Appeal, notwithstanding the late filing of the prescribed

form, to determine whether this was a case in which the Court of Appeal should give effect to the right to a fair trial and facilitate access to justice.

Strict compliance with time limits, which must be upheld by courts, nonetheless, is subject to the constitutional right to a fair trial and a court does possess an exceptional jurisdiction to extend statutory time limits in those circumstances where strict compliance would operate to deprive a litigant of his right to a fair trial including his right to appeal. As a result, the CCJ remitted the matter to the Court of Appeal to exercise its own discretion and to determine afresh the best way to treat with Mr Tasker's attempt to challenge the Magistrate's Order of committal.

The matter was heard and determined by the Honourable Mr Justice Adrian Saunders, President; and the Honourable Justices Anderson, Rajnauth-Lee, Barrow and Burgess.

Douglas Mendes SC, Andrew Pilgrim KC and Clay Hackett represented Mr Tasker, and Oliver Thomas, Senior State Counsel and Alliston Seale, Deputy Director of Public Prosecutions, represented the Office of the Director of Public Prosecutions of Barbados.

The full judgment of the Court is available on the CCJ's website at [ccj.org](http://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, five states access the Court in its Appellate Jurisdiction, these being Saint Lucia, 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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