



CARIBBEAN COURT OF JUSTICE

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MEDIA RELEASE

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CCJ DISMISSES APPLICATION FOR SPECIAL LEAVE TO APPEAL IN GUYANA MARITIME COLLISION CASE

Port of Spain, Trinidad and Tobago. On 19 December 2024, the Caribbean Court of Justice (CCJ) dismissed an application for special leave to appeal a decision in Admiralty by the Court of Appeal of Guyana in GY/A/CV2024/003 *Andy Duke v The Ship “MT Tradewind Passion”*. The reasons for the Court’s decision were issued on 20 January 2025.

The applicant, Mr Andy Duke, who was injured while working on the docks into which the respondent ship collided, had obtained a warrant of arrest for the vessel. Following the execution of the warrant, the respondent obtained the vessel’s release by providing security in the form of a letter of undertaking.

The High Court ordered the vessel’s release on bail upon lodging the letter of undertaking. The applicant appealed this decision to the Full Court which was dismissed. On the hearing of an application for leave to appeal to the Court of Appeal, that Court refused to grant leave to appeal finding no merit in the arguments to challenge the High Court’s decision to accept a letter of undertaking as security for the release of the ship.

Thereafter, the applicant sought [special leave](#) to appeal to the CCJ. The application was dismissed. The CCJ emphasised that it would only intervene in cases where the Court of Appeal has refused to grant leave to appeal itself when the decision results in a gross miscarriage of justice. In this instance, the CCJ found no potential miscarriage of justice or egregious error of law warranting its intervention as the proposed appeal was academic, the application was non-compliant with the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024, and the applicant intended to argue issues that were irrelevant to the application.

The matter was determined by the Honourable Justices Anderson, Barrow, and Burgess. Ms Jamela Ali SC, Mr Sanjeev J Datadin, Mr Ganesh Hira, and Mr Samuel Glasgow appeared for the applicant and Mr Kamal Ramkarran appeared for the respondent.

The CCJ’s full decision is available via 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, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. 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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