



CARIBBEAN COURT OF JUSTICE

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CCJ GIVES REASONS TO DISMISS APPEAL FOR A PROPERTY FREEZING ORDER IN DOMINICA CASE

Port of Spain, Trinidad and Tobago. On 21 February 2025, the Caribbean Court of Justice (CCJ) dismissed an appeal from the Commonwealth of Dominica in DMCV2024/001 *Jhawnie Gage, Arah Paule Cecil Davis and Edgar Augustus Peltier v The Attorney General of the Commonwealth of Dominica*. The reasons for the Court's decision were issued on 9 June 2025 and are outlined below.

In December 2014, the High Court issued an order, freezing certain assets belonging to the three appellants under the Proceeds of Crime Act. The appellants applied to the High Court to discharge the freezing order but were unsuccessful. The decision of the High Court was upheld by the Court of Appeal. The appellants then appealed to the CCJ.

The main issue before the CCJ was whether the Attorney General's failure to register the freezing order 'as a charge' on a piece of registered land called Shawford Estate should result in the discharge of the freezing order as it pertains to that property. Issues of delay and a 2022 Amendment Act were also considered by the CCJ.

In the judgment authored by the Honourable Mme Justice Rajnauth-Lee, the CCJ ruled that the purpose of registration 'as a charge' was to notify innocent third parties who may wish to buy or deal with the registered property. The registration would note that the Attorney General was claiming a legal interest in that property under the Proceeds of Crime Act and therefore that 'charge' had priority over any subsequent dealings on the property. Failure to register the freezing order 'as a charge', therefore, did not result in an automatic discharge of the freezing order. The

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Court noted that the parties remained bound by the freezing order until it was discharged by a court.

Although the Court acknowledged that the Attorney General took a long time to register the freezing order, it found that this delay did not justify the discharge of the freezing order. The CCJ emphasised the importance of laws aimed at preventing criminals from profiting from illegal activities.

The Court also addressed the impact of the 2022 Amendment to the Proceeds of Crime Act. This amendment removed the provision from the former legislation that a freezing order would be ‘of no effect’ if not registered as a charge and replaced it with a provision that allows the Registrar of Titles to order the entry of a caveat on an application by the Attorney General. The Court held that the amendment did not affect the outcome of these proceedings since there was no question of the amendment reviving a ‘dead’ freezing order as the freezing order never ceased to exist.

The CCJ dismissed the appeal and allowed the freezing order to remain in place, except for the obligations for disclosure that had already been discharged by the Court of Appeal.

The matter was determined by the CCJ President, the Honourable Mr Justice Saunders, and the Honourable Justices Anderson, Rajnauth-Lee, Barrow, and Ononaiwu. Mr Douglas L Mendes SC and Mrs Gina Dyer Munro represented the appellants and Mr Rishi P A Dass SC, Ms Sasha Bridgemohansingh, and Mrs Tameka Burton 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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