



CARIBBEAN COURT OF JUSTICE

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REPUBLIC OF TRINIDAD AND TOBAGO

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MEDIA RELEASE

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CCJ DISMISSES CHASTANET APPEAL

Port of Spain, Trinidad and Tobago. On Wednesday, 15 October 2025, the Caribbean Court of Justice (CCJ) dismissed an appeal brought by former Prime Minister of Saint Lucia, Mr Allen Chastanet, challenging the withdrawal of customs violation proceedings against the current Deputy Prime Minister of Saint Lucia, Dr Ernest Hilaire.

This appeal arose from the withdrawal or discontinuance of criminal proceedings instituted in 2020 by the Comptroller of Customs against Dr Ernest Hilaire under section 102(3) of the Customs (Control and Management) Act of Saint Lucia. The charges concerned Dr Hilaire's alleged failure to produce a commercial invoice for a vehicle imported into Saint Lucia following his tenure as High Commissioner in London. After mediation and a change in government, the new Comptroller of Customs discontinued the prosecution, and a Magistrate granted leave for the withdrawal of the criminal case.

Mr Chastanet sought judicial review of the Comptroller's decision to discontinue the case, contending that by January 2021, the Director of Public Prosecutions (DPP) had taken over the matter and therefore was the only person that could lawfully discontinue the proceedings under the Constitution of Saint Lucia. He argued further that the decision to discontinue the proceedings was irrational, politically motivated, and an abuse of power. The High Court and Court of Appeal dismissed his application for leave to commence judicial review.

The CCJ per Mr Justice Eboe-Osuji (with President Anderson and Justices Rajnauth-Lee, Barrow, and Ononaiwu concurring) affirmed that the evidence did not establish that the DPP had taken over the prosecution. The CCJ held that the mere forwarding of the case file to the DPP and the subsequent participation of Counsel from the DPP's office in the proceedings were insufficient to displace the Comptroller's control of the prosecution. Clearer evidence was required. The CCJ noted the DPP himself had never claimed to have taken over the matter, even after its discontinuance.

The CCJ further held that, pursuant to section 73(4) of the Constitution, only the DPP has exclusive authority to discontinue criminal proceedings, but where another authority institutes proceedings, those may be withdrawn only with the leave of the court. Accordingly, once the Magistrate granted leave to withdraw, the Comptroller's supposed decision merged into the judicial act. The only decision amenable to challenge was the Magistrate's order, not the Comptroller's previous step. Since no challenge was brought against the Magistrate's decision, judicial review of the Comptroller's decision was legally misconceived.

Mr Justice Barrow, concurring, emphasised the remedies sought were illogical, since the appellant argued that the Comptroller lacked authority to withdraw the case because the DPP had taken over the case but simultaneously sought orders compelling him to reinstate the case. The appeal was dismissed with no order as to costs.

The appellant, Allen Chastanet was represented by Mr. Garth Patterson KC, Mr Mark Maragh, Ms Tanya Alexis-Francis and Ms Akeelia Richards. Both respondents were represented by Mr Anthony Astaphan KC and Mr Seryozha Cenac for the Respondents.

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 six judges presided over by CCJ President, the Honourable Mr Justice Winston Anderson. 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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