



CARIBBEAN COURT OF JUSTICE

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PRESS RELEASE

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THE CARIBBEAN COURT OF JUSTICE DISMISSES APPLICATION AGAINST CARICAD

In a judgment delivered today, the Court found that the Institution of CARICAD (Caribbean Centre for Development and Administration) was not liable to be sued before the CCJ.

Pursuant to the application by **Doreen Johnson v CARICAD**, the Judges of the Court outlined the issues of whether or not CARICAD can be sued in the Caribbean Court of Justice, and if the complaints made in the case fell within the jurisdiction of the Court.

The applicant brought proceedings against CARICAD claiming; wrongful dismissal, violation of the labour laws of Barbados, breach of contract and breach of the Constitution of Barbados. She also alleged that she had been discriminated against on grounds of nationality, as the employees' pension rights differed between those employees who were Barbados nationals and those who were not.

For a person or a company to bring proceedings before the CCJ in its original jurisdiction, it has to get the Court's permission. The original jurisdiction of the Court deals with the application and interpretation of the Revised Treaty of Chaguaramas.

In the first instance the Court ruled that, while the Revised Treaty of Chaguaramas lists CARICAD as an 'Institution' in Article 21, it is the 'Organs' and 'Bodies' (established in Articles 10 and 18 respectively) that are representative of CARICOM. 'Organs' listed as examples within the judgement include; the Council for Finance and Planning (COFAP) and the Council for Trade and Economic Development (COTED), and 'Bodies' such as; the Legal Affairs Committee, the Budget Committee and the Committee of Central Bank Governors. In bringing matters against these 'Organs' or 'Bodies', the applicant will need to file against the Caribbean Community (CARICOM), as this is the principal authority under which they function.

In addressing the second issue, only the accusation of discrimination would have been viable before the Court (as per Article 7 of the Treaty), had the organization fallen under CARICOM.

This is the second judgment delivered by the Court in its Original Jurisdiction, following the historical first judgment in the matter **Trinidad Cement Limited and TCL Guyana Incorporated v. The State of the Co-operative Republic of Guyana.**

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