



CARIBBEAN COURT OF JUSTICE

**134 HENRY STREET
PORT OF SPAIN
REPUBLIC OF TRINIDAD AND TOBAGO**

Telephone: (868) 623-2CCJ Fax: (868) 627-1193

**E-mail: cpio@caribbeancourtsofjustice.org
Website: www.caribbeancourtsofjustice.org**

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CCJ DISMISSES APPLICATION FOR CONTEMPT RULING AGAINST THE ATTORNEY GENERAL OF GUYANA

In a judgment delivered this morning, the Caribbean Court of Justice dismissed a claim that was made by Trinidad Cement Limited (TCL) and TCL Guyana Incorporated (TGI) to hold the State of Guyana in contempt by virtue of its disobedience of an order of the CCJ made on 20th August, 2009. The CCJ held that even if it had jurisdiction to make any such finding against Guyana (which the Court regarded as being doubtful) no claim for such a finding of contempt against Guyana had been made either in the original or the amended application of the Applicants, TCL and TGI.

The Court also dismissed the application filed by the Applicants for an order against the Hon Attorney General of Guyana requiring him to show cause why a finding of contempt should not be made against him. The Court found that the Hon. Attorney General was not a party to the proceedings and there was no evidence that he was personally responsible for any breach of the order of the Court made on 20th August, 2009.

In its judgment today the Court did however, grant a declaration that the State of Guyana was in breach of Article 215 of the Revised Treaty of Chaguaramas. Article 215 mandates the Member States of CARICOM to comply with judgments of the CCJ promptly.

The applications brought by TCL and TGI are a sequel to the case earlier brought by those two entities against The Government of the Co-operative Republic of Guyana in connection with Guyana's failure to impose the common external tariff on cement imported into Guyana from

States outside of CARICOM. TCL and TGI had sought orders for contempt against the Attorney General of the Co-operative Republic of Guyana on the ground that the Attorney General had failed to implement and give effect to the order made by the Caribbean Court of Justice (CCJ) on August 20th 2009. This order had required the State of Guyana to re-impose the Common External Tariff (CET) on cement from extra-CARICOM sources within 28 days.

The time for compliance with the Court's order expired on the 17th September 2009. The State of Guyana had applied to the CCJ for a stay of execution of the order on the 16th September 2009 but that application was dismissed by the Court on the 14th October 2009. It was not until 8th January 2010, four months after the grace period fixed by the order, that Guyana reinstated the CET on all imports of cement from non-CARICOM countries. In the interim the Applicants filed this contempt application.

Because this case raised significant issues about whether the Court had jurisdiction to deal with civil contempt of Court issues, the Court had extended an invitation to States Parties of CARICOM to make written and oral submissions on the question. Mr. D Mendes S.C, one of Trinidad and Tobago's Senior Counsel, made submissions on behalf of the Republic of Trinidad & Tobago. Mr M Quamina, Mr E Pierre, Ms G Jankey and Ms S Ramhit appeared with Mr Mendes. The Applicants were represented in the proceedings by Dr C Denbow, SC appearing together with Mrs D Denbow, Mr D Rohlehr and Ms K De Freitas. Mr Kamal Ramkarran appeared for the Respondents.

The Court comprised Rt Hon. Michael de la Bastide, President, together with The Hon Mr. Justice Nelson, The Hon. Mr. Justice Saunders, The Hon Mr. Justice Wit and the Hon. Mr. Justice Hayton.
