

## Shanique Myrie v The State of Barbados

Citation: [\[2013\] CCJ 1 \(OJ\) \(R\)](#)  
Date of Judgment: 19 March 2013  
Nature of Judgment: Judgment to admit certain statements into evidence  
Composition of the Court: President: D Byron  
Judges: R Nelson, A Saunders, D Bernard, J Wit, D Hayton and W Anderson

CCJ Application No	Parties
OA 002 of 2012	<b>Claimant</b> Shanique Myrie
	<b>Defendant</b> The State of Barbados
	<b>Intervener</b> The State of Jamaica

### Counsel

- Claimant:  
Ms Nancy Anderson and Ms Michelle Brown, Attorneys-at-Law
- Defendant:  
Mr Roger Forde QC, Mr Patterson Cheltenham QC and Ms Donna Brathwaite, Attorneys-at-Law
- Intervener:  
Dr Kathy-Ann Brown and Ms Lisa White, Attorneys-at-Law

### Nature of Dispute

The dispute involved a claim by Ms Shanique Myrie, a Jamaican national, against the State of Barbados (Barbados), alleging that (i) the treatment she was subjected to by border officials upon arriving at the Barbados airport, and her denial of entry into Barbados, amounted to a serious breach of her right to free movement under Article 45 of the Revised Treaty of Chaguaramas (RTC) and a Decision of the Conference of Heads of Government of the Caribbean Community taken at their Twenty-Eighth Meeting (the 2007 Conference Decision); (ii) a body cavity search to which she was subjected violated her fundamental rights and freedoms; and (iii) she was singled out and treated less favourably than other nationals based on her Jamaican nationality, contrary to Articles 7 and 8 of the RTC. In these proceedings, the Claimant applied to admit certain statements given by witnesses to the police as evidence, even if the witnesses were not on the list of witnesses.

### **Summary of Legal Conclusions and Orders**

- The Court found that the statements given to the police were admitted for identification purposes and the Claimant, and by necessary extension, the Intervener, were permitted to use statements contained therein for the purposes of the cross-examination of witnesses.

### **Legal Provisions at Issue**

- N/A

### **Other Relevant Community Law / Material Relied on**

- N/A

### **Past CCJ Case Law**

- N/A

### **Other Sources of International Law**

- N/A

\*\*\*

### **Facts**

On 14 March 2011, the Claimant, a national of Jamaica arrived at the Grantley Adams International Airport (GAIA) in Barbados. Upon her arrival, the Claimant was interviewed by an immigration officer and again by other officers and accused of lying, being in possession drugs, after which she was allegedly subjected to slurs and expletives about Jamaicans as well as a demeaning body cavity search. Ms Myrie was subsequently denied entry into Barbados, was detained in a cell under subpar conditions and deported back to Jamaica the following day.

During his testimony, Sergeant Farrell, a witness for the Defendant, testified that while conducting investigations on behalf of the Defendant, he had taken statements from persons including Daniel Forde and Sheka Rowe. Neither Daniel Forde nor Sheka Rowe were, however, on the list of witnesses provided by the Defendant. The Claimant requested leave of the Court to use some of the statements contained in the statements of Daniel Forde and Sheka Rowe, in cross-examination of the Defendant's witnesses.

### **Findings**

The Court considered the application for leave to use some of the statements for cross-examination of the Defendant's witnesses to be uncontroversial, noting that it was consistent with standard practice as the Court would routinely allow the use of any statement that has been disclosed by a party to be used in the cross-examination of any of the witnesses.

Accordingly, the Court ordered that the statements taken from two witnesses, Daniel Forde and Sheka Rowe, be admitted for identification purposes and that the Claimant and by necessary extension, the Intervener, be permitted to use statements contained therein for the purposes of the cross-examination of witnesses.

\*\*\*

*This summary should not be used as a substitute for the decision of the Caribbean Court of Justice.*