

XXXVI

TECMUN

Caribbean Court of
Justice

XXXVI TECMUN
Session Schedule

Wednesday, April 19th

Registry	8:00 – 9:00 h.
Opening Ceremony	9:00 – 10:00 h.
Recess	10:00 – 10:30 h.
First Session	10:30 – 12:30 h.
Recess	12:30 – 13:00 h.
Second Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Third Session	16:00 – 18:00 h.

Thursday, April 20th

Master Conference	8:30 – 9:30 h.
Recess	9:30 – 10:00 h..
Fourth Session	10:00 – 12:30 h.
Recess	12:30 – 13:00 h.
Fifth Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Sixth Session	16:00 – 18:00 h.

Friday, April 21th

Seventh Session	8:00 – 9:30 h.
Recess	9:30 – 10:00 h.
Eighth Session	10:00 – 12:00 h.
Recess	12:00 – 12:30 h.
Ninth Session	12:30 – 14:40 h.
Meal	14:40 – 16:00 h.
Closing Ceremony	16:00 – 18:30 h.

XXXVI TECMUN
General Agenda

Secretary General: Ixtli Zenit Ramírez García

COORDINACIÓN GENERAL

Chief of General Coordination: Anael Oliveros Aguilar
Coordinating Supervisor for Media Content: Cristian Rodríguez Lane

ASAMBLEA GENERAL

Subsecretary General: Jade Artemis González Díaz
Coordinating Supervisor: Lia Naomi Mejía Vargas

Reunión de Alto Nivel para la Asamblea General

President: Paulina Moreno Rosales

- A) Medidas para hacer frente al desplazamiento masivo en África subsahariana y en los campos de refugiados de las subregiones.
- B) Estrategias para regular el embargo de armas dentro de Sudán del Sur para garantizar la rendición de cuentas por la violencia sexual relacionada con la guerra civil (CRSV).

Primera Comisión de Desarme y Seguridad Internacional

President: Karla Isabella Juárez Zárate

- A) Estrategias para frenar los tiroteos perpetrados en centros escolares, manteniendo un enfoque en los Estados Unidos de América y en la República Federal de Alemania.
- B) Medidas para evitar la detonación de un conflicto nuclear a causa de la utilización de armas atómicas en la disputa entre Ucrania y la Federación de Rusia.

Tercera Comisión en Asuntos Sociales, Culturales y Humanitarios

President: Catherine Romina Espinoza Mora

- A) Estrategias para disminuir el riesgo de escasez de recursos de las personas con discapacidad, debido a la falta de oportunidades laborales, dificultad para realizar actividades, movilidad limitada y discriminación en Europa, con énfasis en el Reino de España.
- B) Acciones para combatir la discriminación hacia los inmigrantes afrodescendientes en las estructuras institucionales con respecto a la educación y la salud en Europa Occidental como efecto de la negación generalizada y la injusticia social.

Instituto Interregional de las Naciones Unidas para Investigaciones sobre la Delincuencia y la Justicia

President: Daniel Hilario Salazar Meléndez

- A) Estrategias para la prevención del reclutamiento de niños, niñas y adolescentes por parte de grupos de la delincuencia organizada, igualmente para la reinserción social de las víctimas en el triángulo norte de América Central y los Estados Unidos Mexicanos.
- B) Estrategias para la debida aplicación de los marcos jurídicos internacionales en materia de trata de personas con fines de explotación sexual en las rutas hacia Europa Occidental y central, con énfasis en las víctimas provenientes de la región de los Balcanes y la ex Unión Soviética.

World Food Programme
President: Melissa Murillo Yáñez

- A) Measures to reduce and prevent malnourishment due to food scarcity in the Democratic Republic of the Congo, with emphasis in childhood and pregnancy.
- B) Strategies to counteract the impact of climate change in food production within Southern Africa.

United Nations Development Programme
President: Daniela Alejandra Moreno Villagrán

- A) Actions to increase the education level in West and Central Africa with emphasis in the improvement of the post pandemic conditions.
- B) Strategies to counter the disruption of sexual and reproductive health in the Republic of Mozambique with emphasis on the consequences of the Cyclone Idai.

CONSEJO ECONÓMICO Y SOCIAL
Subsecretary General: Elena Ramírez Sandoval
Coordinating Supervisor: Mariana Goytia López Gutiérrez

United Nations Programme on HIV/AIDS
President: Dereck Zayd Ibarra Martínez

- A) Approaches to prevent and counter the stigmatization and discrimination of the HIV and AIDS-infected sectors of the sex industry in the Sub-Saharan African region, with a special preeminence on the dearth of essential services along with the violence and aggression toward those who trade sex.
- B) Strategies to confront and hinder the spread of sexually transmitted infections and HIV regarding the people afflicted by sexual assaults in Central and Eastern Europe, with a special preeminence on the various social constraints of marginalized groups along with the lack of awareness and education mechanisms.

Comisión de la Condición Jurídica y Social de la Mujer
President: Arantza González de la Peña

- A) Medidas para contrarrestar la violencia contra las mujeres a mano de los policas de la moral en la República Islámica de Irán, así como la represión de las manifestantes por parte del Estado.
- B) Medidas para erradicar el infanticidio y el aborto selectivo femenino en Asia haciendo énfasis en la república Popular China y la República de la India.

Programa de las Naciones Unidas para el Medio Ambiente
President: Aretxa Abaunza Díaz de León

- A) Mecanismos para reducir la contaminación del agua por nicotina y microplásticos generados por el desecho de filtros de cigarras y cigarrillos electrónicos desechables en el sudeste de Europa.
- B) Medidas para prevenir la pérdida de ecosistemas en América del sur a causa de la sobreexplotación de recursos naturales.

L'organisation des Nations Unies pour l'éducation, la Science et la Culture

President: Angel Uriel Vega Salinas

A) Mesures pour protéger et restituer l'éducation des femmes musulmanes avec insistance sur l'Asie occidentale et l'Asie du sud.

B) Stratégies pour faire face aux effets de la fonte du *permafrost* et des pôles sur la région du cercle polaire arctique, en soulignant la perte du territoire et culture des peuples autochtones.

Fondo Monetario Internacional

President: Abraham Alejandro Carlos Mendoza

A) Estrategias para asegurar el desarrollo económico sostenible en el sur de América, con especial atención en la destrucción de la selva amazónica para el despeje de nuevas tierras para la ganadería y el cultivo.

B) Medidas para mitigar el riesgo en la recuperación económica posterior a la pandemia en la Unión Europea, con énfasis en la crisis laboral debido a la alta oferta de empleos y en las necesidades de empleo insatisfechas de personas desempleadas o subempleadas.

Committee on the Peaceful Uses of Outer Space

President: Yamir Bandala González

A) Measures to reduce the adverse effects caused by the collision of space debris in the atmosphere as a consequence of the space industry.

B) Strategies to cope with the adverse effects generated by the unauthorized use of weapons in outer space.

AGENCIAS ESPECIALIZADAS Y ORGANISMOS REGIONALES

Subsecretary General: Diego Márquez Sánchez

Coordinating Supervisor: Iris Giselle Balderas Arreola

African Union

President: Carmen Dannea García Aguilar

A) Mechanisms to safeguard the integration of the population in the Republic of the South Sudan for the *coup d'etat* in 2013 with an emphasis on the economic crisis.

B) Strategies to reduce violations of human rights of Congolese population caused by the exportation of coltan to developed countries.

Caribbean Court of Justice

President: Bruno Ramírez Barcelata

A) Barbados Royal Police Force Incident involving Tamika and Lynnel Gilbert on October 11th 2016 (Gilbert Family v. The State of Barbados).

B) The State of Trinidad and Tobago 's non-appliance of the Common External Tariff in the acquisition of brown sugar from non-member countries of the Caribbean Community (The State of Belize v. The State of Trinidad and Tobago).

Comité Internacional de la Cruz Roja

President: Monserrat Ríos Fernández

- A) Medidas para mejorar la calidad de vida de desplazados y personas detenidas provenientes del Emirato Islámico de Afganistán después de la retirada de tropas militares de los Estados Unidos de América en el territorio.
- B) Estrategias para la asistencia de víctimas del reciente conflicto Ucrania-Rusia, con enfoque a la violación del Derecho Internacional Humanitario.

Counter-Terrorism Committee

President: Samuel Ortíz Delgado

- A) Actions to reduce the financial support to the terrorist organization Da'esh in the Gulf of Guinea, with emphasis on human trafficking as an illicit source of revenue.
- B) Strategies to reduce explosive, suicide, and firearms attacks under the Taliban regime in the Kabul region of Afghanistan, with emphasis on attacks against minorities and civilians.

Historical Security Council

President: María Fernanda González Rosales

- A) Measures to counteract threats and negotiate arrangements between the Republic of Cuba, the United States of America and the United Socialist Soviet Union, in relation to the discovered Soviet nuclear missiles in the Republic of Cuba (1962).
- B) Actions to avoid further hostilities and usage of military response caused by the first North Korean armed intervention in the Republic of Korea, remarking the nonexistent official peaceful agreement of the division of the Korean Peninsula (1950).

Organización de los Estados Americanos

President: José Manuel Cervantes Sánchez

- A) Estrategias para limitar las consecuencias de la lucha contra grupos criminales en la República de El Salvador dando énfasis al reclutamiento forzado y la protección de los derechos humanos.
- B) Medidas para contrarrestar la creciente gentrificación en Hawái con énfasis en la crisis social de hawaianos nativos sin hogar y su relación con la industria turística.

“Cuando sientas que pierdes el rumbo, recuerda para qué estás aquí y por qué lo estás haciendo.”

-Anonymous

For your moment,

Eleven years ago I stepped into a TECMUN debate room for the first time. That day I accompanied my brother, who was representing the Republic of El Salvador, as he debated about the homicides of rural groups in Latin America caused by drug trafficking. On the other hand, I was just admiring everything he and the delegations that made up the debate were arguing, as well as the tenacity with which they were looking for some way to help those who needed it most. They inspired me in a way that I will never forget in my life. It was then that I realized that I wanted to do it too, I wanted to become what they were at that time, agents of change. Later I had the opportunity to participate as a delegate, in my first model uncertainty and fear prevailed. I felt insecure about myself, I thought my opinion was not important and for that reason I did not express it. At that time I was regressing because I didn't feel like the agent of change that my brother once encouraged me to be. It wasn't until my second year participating in TECMUN that I discovered my potential, I questioned why I should be afraid to speak up for things that deserve to be heard. I was representing the Islamic Republic of Iraq in the Historic League of Arab States, this year I was thinking a lot about the fact that something could go wrong in the debate, that's why I started to remember the reason why I decided to participate in this model; I wanted to get out of my comfort zone. Once I was at the closing ceremony, I promised myself that I would always do my best to leave my mark wherever I went, as well as continue to learn and inspire others. For me, this model represented evolution.

I share with you a part of my story in TECMUN because just like me, you are probably looking to evolve after a period of regression, or i don't know, maybe you are aiming to fulfill other objectives. Regardless of the path you want to take in your life, you should never be silent about what seems unfair, participate and give your opinion because the power of change is in the actions you decide to do or not, learn because cultivating your mind is essential to understand yourself and others, help those who need it most because you have privileges that many people in the world can not enjoy, finally inspire yourself and inspire others, you never know if you will become an example for them to follow. Do things with passion, love and purpose every day, do it for you.

Whatever the reason you decided to participate in TECMUN is, take advantage of the fact that you are here today. Today you have the opportunity to expand your limits, you have the opportunity to learn, to teach and to motivate whoever needs it. Always remembering that you will have a support network that trusts you so you can achieve your goals. Be that person you always wanted to find to guide you in your learning process and trust you, because you are capable of doing it.

I'm living my last TECMUN after five wonderful years, therefore I want to thank you for inspiring me, for giving me reasons to go further and further. I thank you for being part of one of my greatest passions. I hope that after these three days nothing will be the same for you, I hope that you have made friends, that your committee has reached a resolution project, that you have found your passion, that you have enjoyed yourself and that you have learned something new. But above all, I hope you have **evolved**.

Ixtli Zenit Ramírez García
Secretary General for the
XXXVI TECMUN

“Education is the most powerful weapon you can use to change the world” -Nelson Mandela

Dear participant,

Whenever I have to write a letter or a speech for you I start the same way, expressing how much I admire your presence in this model. It is not easy to talk in public, do an extensive research, defend what you believe, propose innovative and creative solutions and, above all, open your eyes to today's world. I admire that you are willing to give your best, that you have decided to invest time and energy in seeking to solve the great unknown of today, during these three days of model, "how can I make my world a better place?"

I confess that for me, this is not just a simulation of a United Nations model. I am here, because I love to see more than nine hundred students with a smile on their faces as they enter their debate rooms, happy at the end of the day because they were able to make at least one resolution to their topic hoping one day to make it happen. That passion and dedication is the one that motivates me and that gives me faith that our world will not fall.

This work is one of the best things that has happened to me in life, it makes me feel part of the change and part of those smiles that I love so much to appreciate. I know that the Conference Officer for the United Nations International Children's Emergency Fund, who began with all the enthusiasm this great journey in 2020, is now proud to be something she never imagined it could be: member of the High Secretariat as Chief of General Coordination.

So from my own experience I can assure you that you can achieve the unimaginable. There will be many obstacles, stumbling blocks and difficult decisions to make but I can also promise you that with a lot of passion, dedication, patience and the support of the people you love most everything else will gradually go away.

Without further add, I thank you for making the decision to participate in this model and I wish you to leave those rooms with a big smile as once I did.

Anael Oliveros Aguilar
Chief of General Coordination for the
XXXVI TECMUN

Dear participant:

Today I would like to talk to you, it may not be face to face, but I hope my words manage to inspire something in you. This will be my last letter to you, so I want to be honest with my message to you. The world is very terrible, life shows us day by day that it is possible to live worse, that you can feel levels of fear that not only paralyze you, but now kill your soul. Thousands of people are damaged and minorities are left in oblivion, women, Afro-descendants, members of the LGBTIQ+ community, etc. But I am not saying this on the air, nor do I mean to discourage, but we have to be honest before attacking the problem. But where do we start to change the world? A person cannot change the whole world overnight; however, he can change his world. I dream of a utopia, unlikely? Maybe, but the most important thing is to keep dreaming, from these illuminated dreams may emerge that hope and will that have been taken away from us. Have we started to dream of fear? Or has fear made us stop dreaming? That powerful fear that binds our hands and will. But it is only an illusion, it has never been as great as it prostrates, it has never been as fierce as it vocifies to be. That terrible feeling possesses us and makes us not want to fight anymore, to allow from micro-aggressions to the most brutal and violent acts. I want to inspire you, to inspire me, so that together we can conquer fear, not accept that destiny is written, to take away our fear, to remove the blindfold from our eyes and see the position we occupy in society and in the problem itself. And even if that fear is so abysmal, I would rather die on my feet than die on my knees.

Dear AEOR:

Never stop dreaming, live each day as if there were no more. Thank you for letting me be your guide, or for the simple fact of appearing in your life. I will always be for you, your support, your support, your pillow when life has swept you away, or that quiet company that your calm requires. It was a dream to see you grow up, I am proud of you, happy for every laugh and hug we shared. But now I want you to embrace and congratulate yourself, for existing, for trying, for striving, for simply not giving up. Alone, we get there faster, but together, we get further.

Goodbye Tecmun,

Diego Márquez Sánchez
Subsecretary for the Specialized Agencies and Regional Organisms for the
XXXVI TECMUN

Dear Judge/Agent,

Welcome to TECMUN, welcome to the Caribbean Court of Justice, welcome to a whole new experience that you're about to go through. A few years ago I would not have imagined myself as a President in a UN Model, even less in a Court of Justice Committee. Despite this, one thing that I always live by is to always be open to new experiences, it's fine to leave our comfort once in a while. As a matter of fact, I discovered the United Nations Models exactly that way. If you told me 5 years ago that I would be living the dream as a President in TECMUN or meeting people that have changed my life completely, I simply would not have believed it. Yet here we are, one step closer from discovering a new passion, a new space, a new dream. TECMUN has left a mark on me and I certainly know that it will leave one on you. During these 3 days you will experience a lot of emotions, there is no such feeling as those nerves entering your body before the first session, or those moments of anxiety and stress while thinking and writing about proposals, or that satisfaction when you pass your verdict. However, there is no greater feeling than stepping to the front and telling the world what you think, what you believe. Use these 3 days to open up to people, open up to the world, remember this is your chance to discover a new passion. It doesn't matter if it's your first time or maybe even the fifth, there is always something new to learn everyday. Enjoy every part of the process, meeting your fellow delegates, meeting your Chair, meeting new friends, but most importantly getting to know yourself better. You never know what is going to happen, who are you going to meet, how is your committee going to progress, or even if you'll win or not, so just take in every little aspect that you can recover your experience and apply it in the next one. There is always a place for growth in every aspect you can imagine. Thank you for giving us the chance to listen to you, thank you for having the courage to step in the front and speak for one minute, thank you for dedicating your time to an experience that will help you grow as a person. But most important, thank you for believing in yourself. Remember if you're going to bet on someone, bet on yourself.

Good Luck!

Bruno Ramírez Barcelata
President of the Caribbean Court of Justice for the
XXXVI TECMUN

Background

The Caribbean Court of Justice (CCJ) was founded in 2005 with the mission to provide accessible, fair, and efficient justice to the people and states of the Caribbean Region. The Court is a hybrid institution that consists of a municipal court of last resort and an international court vested with original, compulsory, and exclusive jurisdiction in respect of the interpretation and application of the Revised Treaty of Chaguaramas. Treaty that was signed in 2006, establishing the Caribbean Community (CARICOM) in order to achieve sustained economic development based on international competitiveness, coordinated economic and external policies and functional cooperation. The CCJ has the objective of protecting and promoting the appropriate condition of the rights while acting as a final appeal court, by ensuring accessibility, equity, and transparency by serving in a transparent way in 15 countries of the Caribbean Region.

Faculties

The Caribbean Court of Justice works as the main interpreter of the Treaty establishing the Caribbean Community (CARICOM), with responsibility for ensuring its implementation. Its status as a court of appeal also allows it to consider and determine appeals in criminal and civil matters before customary courts with jurisdiction in CARICOM States. In its appellate jurisdiction, the CCJ hears and determines appeals in both civil and criminal matters from common law courts within the jurisdictions of Member States of the Community and which are parties to the Agreement Establishing the CCJ. In its appellate jurisdiction, the Court is the highest municipal court in the region for states which accede to its appellate jurisdiction. Most importantly the court functions as two courts in one by protecting the rights of countries, businesses, and citizens of CARICOM nations, further the court serves as the final court of appeal for member states that want to use it as a search.

Case A

Barbados Royal Police Force Incident
involving Tamika and Lynnel Gilbert on
October 11th 2016 (Gilbert Family v. The
State of Barbados)

*By: Bruno Ramírez Barcelata
Regina Lacorte Mariscal
Paulette Mayen Álvarez
Paulo Souto Núñez*

Case Background

On October 11th 2016 the Gilbert family, conformed by Royston Gilbert (father), Glennor Gilbert (mother), and Tamika and Lynnel Gilbert (daughters); arrived at Barbados with the purpose of conducting businesses at the United States Embassy and enjoying the day at Barbados. While at a mall in Bridgetown the Gilbert sisters were accused of stealing a cellphone by a store owner. To which the sisters responded by denying this accusation. During the interrogation with the members of the Royal Barbados Police Force besides denying any knowledge of the stolen electronic, they identified themselves as nationals of Granada with the principal purpose of obtaining the United States visa, mentioning their departure on that same day. Subsequently Tamika and Lynnel were arrested by the police officers and taken to a nearby police station. At the station the sisters described their interrogation as humiliating and degrading strip searches, where they were instructed by a police officer to strip, stoop and cough. In addition, in the statement taken from Tamika she included “I was subjected to an embarrassing bodily search” (CCJ, 2019). Moreover, the family claimed that they were not being allowed to leave the establishment until Tamika removed the previous quote from her statement. After the events complaints were made to the Commissioner of Police in Barbados about the treatment they had received. More than a year after the incident, the family were informed that an Inspector of Police had been assigned to investigate their complaints. To date, the Applicants have not been informed of the outcome of the investigation.

Article(s) breachment in the RTC

Within The Revised Treaty of Chaguaramas (RTC), aims to provide the integration of efforts in economic matters, the coordination of foreign policies, and functional cooperation in a list of areas that include labor administration and industrial relations and social security between the signatory states and which all The Caribbean Community and Common Market (CARICOM) member countries are obligated to comply, different articles have been established, which have facilitated the classification of obligations and responsibilities that each country has among other CARICOM member countries. Being one of the articles of the previously mentioned Revised Treaty of Chaguaramas (RTC), article number 7 of non-discrimination is established as the article that has allegedly been breached by Barbados,

the clause of The Revised Treaty of Chaguaramas (RTC) first decrees that within the scope of application of this Treaty and without prejudice to the special provisions contained therein, any discrimination based on nationality is prohibited and also that The Community Council, after consultation with the competent Organs, will establish rules to prohibit such.

The Gilbert family, more specifically Tamika and Lynnel Gilbert (daughters) alleged that they had been discriminated against based on nationality in a mall in Bridgetown, establishing that having been accused of theft of an electronic device by the owner of the establishment they were in, during the interrogation it was not until they identified themselves with the members of the Royal Barbados Police Force as nationals of Grenada, mentioning that their main purpose of visit was to obtain their United States visa and that they were scheduled to leave that same day, that they were allegedly subjected to searches where they were ordered by the officers to strip, stoop and cough, this being extremely degrading and shameful practices for Lynnel and Tamika as one of the Gilbert sisters expressed "I was subjected to an embarrassing bodily search" (CCJ, 2019). However, adding to the abuses allegedly committed by members of the Royal Barbados Police Force towards the Gilbert Family they were not authorized to leave the installations where they were located until Tamika canceled the quote that she previously established in her statement. Therefore, the Gilbert family accuses the state of Barbados of having acted in a discriminatory manner based on nationality.

Case development

Both sisters, Tamika and Lynnel Gilbert were held back for around 6 and a half hours in the police station. According to them, during this time they were forced to undergo humiliating and degrading strip searches, in which a police officer ordered them to cough, strip and stoop. Moreover, the family argues that the sisters were only released from the police station when Tamika had accomplished the condition imposed by the officers of removing the complaint of her original statement where she said: "I was subjected to an embarrassing bodily search". However, despite the aforementioned events, the family left the country that same day, as it was planned. On November 21, 2017, more than a year after the incident took place, having complained with the Commissioner of Police in Barbados, the applicants were informed that an Inspector of Police was assigned to their case. Nevertheless, they were never informed of the outcome of this investigation.

On September 25, 2018, the claimants filed an application to be given a special license to begin proceedings in the Court against the State of Barbados. They argued that the demanded State had violated their rights to freedom of movement under Article 45 of the Revised Treaty of Chaguaramas and the 2007 Conference Decision. They specifically mentioned that their case had importance due to the right of freely moving within the Caribbean Community, and the freedom to depart the country without any unnecessary harassment or impeding. Nonetheless, the State of Barbados denied having breached either Article 45 of the RTC or the 2007 Conference Decision. Additionally, they opposed the enablement of special license for the family to begin proceedings, arguing that the claimants had failed to satisfy *locus standi* requirements of article 222 of the Revised Treaty of Chaguaramas. Because of the fact that the applicants had been taken into police custody, Article 45 and 2007 Conference Decision could not be taken into consideration. since the RTC did not immunize CARICOM nationals from the operation of law enforcement agencies in the receiving State.

In order to show a breach of the right in question the Applicants would have had to demonstrate that, in their arrest and detention, there was some element of discrimination based only on their nationality, prohibited by Article 7 of the Revised Treaty of Chaguaramas. For this reason, they argued that they had faced “distinct disadvantages and disabilities” that a Barbados citizen would not have had to deal with. Taking as examples the possibility of losing their flight back to Granada or the forcing of the removal of a part of Tamika’s declaration. However, the Court considered that these examples were not discrimination by “nationality only”. In the judgment of the Court the family failed to present an arguable case, for what they did not accomplish article 222 (b), meaning that the special license could not be conceded, therefore, dismissing the Application for special leave and ordered each party to bear its own costs.

Case Introduction to CCJ

Two years later after the incident occurred the Applicants filed an application in the Caribbean Court of Justice (CCJ) pursuant to Article 222 of the Revised Treaty of Chaguaramas (the “Treaty” or “RTC”) seeking special leave to commence proceedings against the State of Barbados. The Applicants declared that the State of Barbados violated their rights to freedom of movement provided for under Caribbean Community Law as embodied in Article 45 of the 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”) when the agents of the Barbados Police Force detained the family, and in the case of Tamika and Lynnel, subjected them to humiliating strip searches. In their proposed Originating Application, they seek damages for breach of the right to freedom of movement.

The special leave application was submitted on 15 January 2019. In both their written and oral submissions made before the Caribbean COurt of Justice, the State of Barbados denied that it committed any breaches of Article 45 or the 2007 Conference Decision in relation to the Gilbert family. Whether as pleaded in the special leave application, the proposed Originating Application, or otherwise. The States of Barbados demonstrated their opposition to the granting of leave to the Gilbert family in order to start proceedings arguing that the family had failed to satisfy the locus standi requirements set out in Article 222 of the RTC.

Requests and Submissions

- An application was filed in this Court by the Applicants pursuant to Article 222 of the Revised Treaty of Chaguaramas seeking special leave to commence proceedings against the State of Barbados. Further, Article 222 states: *“Persons, natural or juridical, of a Contracting Party may, with the special leave of the Court, be allowed to appear as parties in proceedings before the Court where:*
 - *(b) the persons concerned have established that such persons have been prejudiced in respect of the enjoyment of the right or benefit mentioned in paragraph (a) of this Article;*
- The Applicants allege that the Proposed Defendant violated their rights to freedom of movement provided for under Caribbean Community Law as embodied in Article 45 of the 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”) when the agents of the Proposed Defendant detained the Applicants, and in the case of Tamika and Lynnel, subjected them to humiliating strip searches. Further, Article 45 states: *“Member States commit themselves to the goal of free movement of their nationals within the Community.”;*

- In the proposed Originating Application, the Applicants seek damages for breach of the right to freedom of movement. ;
- During the interrogation made by the Barbados Royal Police Force which had a duration time of six hours and thirty minutes approximately the Gilbert family was put through a series of procedures which leave a doubt on their necessity, according to the European Union Charter of Fundamental Rights which has a similar set of values as the Revised Treaty of Chaguaramas, the Court considers relevant the summoning of Article 41 of such Charter:
 - Article 41 - *“Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.”*;
- At the Barbados Police Station the Applicants claim that Lynnel and Tamika Gilbert where subjected to as humiliating search, in consequence of this claim, the Court considers relevant the summoning of Article 4 and Article 48 (2) of the European Union Charter of Fundamental Rights
 - Article 4 - *Prohibition of degrading treatment or punishment*
 - Article 48 - *Presumption of innocence and right of defence*
 - *Respect for the rights of the defence of anyone who has been charged shall be guaranteed.*

Due to the series of events that occurred on October 16th 2016, involving the Gilbert Family, remarking the relevance of Lynnel and Tamika Gilbert during the events and the Barbados Royal Police Force. Which started with a business trip to Barbados and concluded in a 6 and ½ hour spent at a Barbados police station due to an accusation of the crime of a stolen cellphone. In addition, noting the procedures taken into action by the Barbados Royal Police Force the day of the incident. Furthermore, taking into consideration the claims that the Applicants have presented involving the mistreatment of their persons on the date of the incident by the Barbados Royal Police Force. Remarking the importance and similarities between the Revised Treaty of Chaguaramas and the European Union Charter of Fundamental Rights. The Caribbean Court of Justice considers this case as an extremely relevant case to which justice shall fall on.

References

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Case B

The State of Trinidad and Tobago 's non-appliance of the Common External Tariff in the acquisition of brown sugar from non-member countries of the Caribbean Community (The State of Belize v. The State of Trinidad and Tobago)

By: Bruno Ramírez Barcelata

Regina Lacorte Mariscal

Paulette Mayen Álvarez

Paulo Souto Núñez

Case Background

The State of Belize filed an Originating Application against the State of Trinidad and Tobago on September 30 2020. Belize declared that the company constituted in this country, Belize Sugar Industries Limited (BSI), exports brown sugar to Trinidad and Tobago participating in the Caribbean Single Market and Economy (CSME) which imposes an obligation to apply and maintain a Common External Tariff (CET) rate of 40% on extra-regional imports of brown sugar entering CSME according to the article 82 of The Revised Treaty of Chaguaramas (RTC) ensuing in reduced prices and sales of BSI produced brown sugar and strengthening the regional sugar industry, therefore, creating an ensured market. Belize alleged that between November 2018 and June 2020 brown sugar

manufactured in Guatemala and Honduras entered Trinidad and Tobago breaching the payment of the 40% CET.

Consequently, Trinidad and Tobago denied all allegations previously mentioned asserting that it had not permitted the importation of extra-regional brown sugar violating its obligations under the RTC. Specifically denying it had permitted the importation without the 40% CET and in its Defence, Trinidad and Tobago established that Belize could not present a claim for the benefit of BSI nor claim damages on behalf of Belize Sugar Industries Limited as BSI was not a state-owned entity of Belize. The Court pointed out deficiencies in the evidence presented, “there were severe shortcomings in the evidence offered by Belize, in respect of the alleged failure of Trinidad and Tobago to apply the CET” (CCJ, 2020). The Court lastly ordered Belize and Trinidad and Tobago to bear its costs.

CET and Article 82 Breachment

As The Revised Treaty of Chaguaramas (RTC) establishes according to article 82, there is an obligation to the members of the Caribbean Community which imposes to maintain a Common External Tariff (CET) rate of 40% on extra-regional imports of brown sugar as they are participating in the Caribbean Single Market and Economy (CSME). Allegedly Trinidad and Tobago acquired brown sugar manufactured in Guatemala and Honduras evading the 40% CET tax that ensued on reduced prices and sales for Belize Sugar Industries Limited (BSI) therefore affecting the ensured market of the Caribbean Community. Belize alleged the actions made by Trinidad and Tobago affected the stability of the Caribbean Single Market and Economy (CSME) and Belices economy, the country also claimed that Trinidad and Tobago nevertheless, the country denied any allegations mentioned by Belize and established they had not violated any obligations and articles under the RTC, they denied having skipped the 40 percent tax rate and defended by establishing Belize was presenting the previous allegations for the benefit of BSI.

The Court finally declared that as Trinidad and Tobago alleged before, Belize filled an Originating Application against the State of Trinidad and Tobago on 30 September 2020 just for the benefits and advantage of the company Belize Sugar Industries Limited, furthermore, the court established that since BSI was not a state-owned entity of Belize, this nation could not present any claim nor demand damages on behalf the corporation. On the other hand, the court indicated that the evidence presented by nation of Belize was insufficient for the detailed investigation of the revised case, besides the amount of deficiencies on the files of the evidence given out to the court which also affected the necessary inquiry for the solving of the case, as they disclosed “there were severe shortcomings in the evidence offered by Belize, in respect of the alleged failure of Trinidad and Tobago to apply the CET” (CCJ, 2020). To end the investigation and correspondent trial for the case, it was concluded by the Caribbean Court of Justice that Trinidad and Tobago was not responsible for any of the accusations made by Belize therefore, CCJ indicated that each country would bear its own cost. The court also called on the countries of Trinidad and Tobago, Belize and all nations of the Caribbean Community to follow every article written on the Revised Treaty of Chaguaramas to letter.

Case Development

As The Revised Treaty of Chaguaramas (RTC) establishes according to article 82, there is an obligation to the members of the Caribbean Community which imposes to maintain a Common External Tariff (CET) rate of 40% on extra-regional imports of brown sugar as they are participating in the Caribbean Single Market and Economy (CSME). Allegedly Trinidad and Tobago acquired brown sugar manufactured in Guatemala and Honduras evading the 40% CET tax that ensued on reduced prices and sales for Belize Sugar Industries Limited (BSI) therefore affecting the ensured market of the Caribbean Community. Belize alleged the actions made by Trinidad and Tobago affected the stability of the Caribbean Single Market and Economy (CSME) and Belices economy, the country also claimed that Trinidad and Tobago nevertheless, the country denied any allegations mentioned by Belize and established they had not violated any obligations and articles under the RTC, they denied having skipped the 40 percent tax rate and defended by establishing Belize was presenting the previous allegations for the benefit of BSI.

The court finally declared that as Trinidad and Tobago alleged before, Belize filled an Originating Application against the State of Trinidad and Tobago on 30 September 2020 just for the benefits and advantage of the company Belize Sugar Industries Limited, furthermore, the court established that since BSI was not a state-owned entity of Belize, this nation could not present any claim nor demand damages on behalf the corporation. On the other hand, the court indicated that the evidence presented by nation of Belize was insufficient for the detailed investigation of the revised case, besides the amount of deficiencies on the files of the evidence given out to the court which also affected the necessary inquiry for the solving of the case, as they disclosed “there were severe shortcomings in the evidence offered by Belize, in respect of the alleged failure of Trinidad and Tobago to apply the CET” (CCJ, 2020). To end the investigation and correspondent trial for the case, it was concluded by the Caribbean Court of Justice that Trinidad and Tobago was not responsible for any of the accusations made by Belize therefore, CCJ indicated that each country would bear its own cost. The court also called on the countries of Trinidad and Tobago, Belize and all nations of the Caribbean Community to follow every article written on the Revised Treaty of Chaguaramas to letter.

Case Introduction to CCJ

On September 30th of 2020, the State of Belize, filed an Originating Application pursuant to Article XXI of the Revised Treaty of Chaguaramas which establishes that: “all should have compulsory and exclusive jurisdiction to hear and determine disputes concerning the interpretation and application between the parts of the Member States to the Agreement and the Community”. In addition they applied article XII, which communicates that Council for Trade and Economic Development (COTED) should be responsible for the promotion to trade and economic development of the community. These proceedings are unprecedented, it is the first time since the establishment of the Court that a Member State has begun proceedings against another Member State of the Community in the Original Jurisdiction.

In its original application, filed with the court on September 30, 2020, the State of Belize alleged that Belize Sugar Industries Limited (BSI), a Belize-registered company,

exported cane sugar to other countries involved in the market economy. Belize also claimed that the sales volume and price of cane sugar sold by BSI under the CSME decreased due to the entry of non-regional cane sugar into the regional market. This led to the State of Belize to inquire about the application of the Common External Tariff (CET) in the purchase of brown sugar from non-community members such as Honduras and Guatemala. In light of this alleged breach by the State of Trinidad & Tobago of the Revised Treaty of Chaguaramas, the State of Belize sought declarations and damages. To which the State of Trinidad & Tobago argued in its defense that it had not allowed for the importation of brown sugar from Guatemala and Honduras without applying the CET of 40% on that item.

Requests and Submissions

- Due to the relevance of the agricultural sector in the State of Belize and the Caribbean Community in whole, further noting the Applicants claim of damages that the failing of appliance of the Common External Tariff of 40% to the brown sugar. The Caribbean Court of Justice considers the highlight of Article 59 of the Revised Treaty of Chaguaramas based on the marketing of agricultural products.
 - Article 59: *“The Community shall, in collaboration with competent national, regional and international organizations, promote the development of effective agricultural marketing systems in order to respond to, influence and generate market demand for agricultural products of the Member States.”*
- Considering the implementation of the 40% of the Common External Tariff (CET) established on the Revised Treaty of Chaguaramas to product whose origin come from country which is not a member of the Caribbean Community, taking into consideration the Applicant’s claim on whether the CET was applied to the purchase of brown sugar made by the Defendant’s state. The Court considers Article 80 Section 2 of high relevance
 - Article 80: *“2. The Community shall pursue the negotiation of external trade and economic agreements on a joint basis in accordance with principles and mechanisms established by the Conference.”*

- Remarking the importance of the Common External Tariff in the development of the member states development, the Court remarks the summoning of Article 82 and 83 of the Revised Treaty of Chaguaramas
 - Article 82: *The Member States shall establish and maintain a common external tariff in respect of all goods which do not qualify for Community treatment in accordance with plans and schedules set out in relevant determinations of COTED.*
 - Article 83: Operation of the Common External Tariff
 - *Any alteration or suspension of the Common External Tariff on any item shall be decided by COTED.*
 - (a) *a product is not being produced in the Community;*
- Noting this case as the first where a state member has directly filed an Application against another state member, further remarking the importance of the application of the Common External Tariff, a system that helps prioritize the cooperation between state members, the Court considers important the noting of Article 95.
 - *Article 95:*
 - *1. The Member States shall cooperate with each other to ensure that their interpretation and application of Articles 82, 83, 84, 86, 87, 88, 89, 90, 93 and Schedule I are effectively and harmoniously applied, particularly with respect to provisions relating to:*
 - *effective customs systems and procedures governing the movement of goods, people and conveyances across customs borders;*
 - *2. The Member States undertake to establish harmonized customs legislation and customs procedures in accordance with the provisions of this Chapter.*
- Taking into consideration the Applicants claim on the issues that the non-application of the Common External Tariff in the matters of the importation of brown sugar may cause to the State of Belize, the Courts considers important to highlight Article 160 of the Revised Treaty of Chaguaramas;
 - *Article 160 Import Duties*

- *Where a less developed country has suffered or is likely to suffer loss of revenue as a result of the importation of goods eligible for Community treatment, COTED may, on application made in that behalf by the less developed country, authorise the imposition of import duties on such goods for such time and on such terms and conditions as COTED may decide.*

The Caribbean Court of Justice considers this case a serious matter due to the fact of which the claims that the State of Belize has brought to the Court. Matters such as the Common External Tariff, the cooperation between member states in order to enhance the development of the Caribbean Community and the implementation of custom duties are truly vital for the progress of CARICOM members. In addition, the Court takes into consideration the affectation this matter could have in the economy of the State of Belize. Lastly, the Court seeks justice and the wellbeing of the Caribbean Community members and individuals.

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*REVISED TREATY OF CHAGUARAMAS REVISED TREATY OF CHAGUARAMAS
ESTABLISHING ESTABLISHING THE CARIBBEAN COMMUNITY THE CARIBBEAN
COMMUNITY INCLUDING THE CARICOM INCLUDING THE CARICOM SINGLE
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XXXVI TECMUN
Glossary of Objections

1. Relevance

Used to object to the relevance of evidence either if a piece of evidence or a witness is saying has nothing to do with the affair or it is not important in determining the judgment.

2. Prejudicial

Used to object whenever an evidence presented would unfairly turn the Chamber against a party even when the evidence is considered to be relevant within the affair.

3. Leading Questions

It is used to object any time a party poses a question on direct examination that leads either a witness or other party to a certain answer, leading questions usually occur within the case of yes or no questions.

4. Argumentative

It is only used when the questioning attorney is not properly asking a question and is instead making an argument of law or application of law that should be argued in summation. In addition, it is only valid when the witness is not being asked a question that he, she, they or them can properly answer.

5. Speculation

Used when any party to the affair, or if given the case a witness, does not have first-hand knowledge of the fact it is testifying to, being that this could be what someone else thought or why someone did something.

6. Assumed Facts not in Evidence

Used whenever a question by the directing attorney contains information not yet in the recorded evidence.

7. Lack of Foundation

Used when an evidence has not been entered that would make this admissible. This could be proof that a confession has been made knowingly and voluntarily, that a witness is competent to testify to a fact, or that a document is admissible.

8. Repetitive

Also described as asked and answered, it is used at the time in which during the evidence process either a judge or agent might ask the same question over and over again; perhaps in slightly different ways or re-ask a question they had asked earlier towards the evidence or if given the case, a witness.

9. Non-responsive

Whenever a judge or an agent responds to a question with information that is completely unrelated to the same question, it can be objected to as being non-responsive. This can be especially important in the evidence process or when looking for very specific answers.

10. Vague

It is a vague question when it is either difficult or impossible to tell what the question is about. If the question is objected to, the questioning judge or agent might then be able to ask the question in a different way that makes more sense or is more specific.

11. Hearsay

A statement made out of Court and offered in Court to prove the truth of the matter asserted. A statement is not hearsay if the words spoken are relevant, not what the words mean.

XXXVI TECMUN
Glossary of Forbidden Words

Forbidden Words

Defined by the United Nations, are non diplomatic terms participants must avoid to mention during their speeches on the debate and in the writing of resolution projects.

Forbidden Words	Permitted equivalent
First world countries	Developed countries
Third world countries	Developing countries
Gay	Member of the LGBTIQ+ community
War ¹	Belic conflict
Rape	Sexual Harassment
Terrorist ²	Extremist
Kill or murder	Deprive someone of their life
Death	Casualties
Assassination	Homicide
Army	Military forces
Money	Economic resources
Poor	Lack of resources

¹ The word war can be used in order to refer to historical contexts, such as the Cold War, the First World War, etc. It can only be used in the Historical Security Council to refer to armed conflicts.

² Only the Counter-Terrorism Committee can make use of the term terrorist and its variants.

Okay³

Yes or agree

Black⁴

African American

XXXVI TECMUN
Glossary for Resolution Projects

Preambulatory Phrases

Preambulatory Phrases are used at the beginning of every Resolution Paper in order to give context about the resolutions made for the topic. Preambulatory Phrases must be written in italics followed by a sentence that gives said context. For each Resolution Paper there must be five sentences beginning with a Preambulatory Phrase.

Affirming	Desiring	Noting with deep concern
Alarmed by	Emphasizing	Noting with satisfaction
Approving	Expecting	Noting further
Bearing in mind	Expressing its appreciation	Observing
Believing	Fulfilling	Reaffirming
Confident	Fully aware	Realizing
Contemplating	Further deploring	Recalling
Convinced	Further recalling	Recognizing
Declaring	Guided by	Referring
Deeply concerned	Having adopted	Seeking
Deeply conscious	Having considered	Taking into consideration
Deeply convinced	Having examined	Taking note

³ Is the only forbidden word in the Caribbean Court of Justice.

⁴ The word black, with regard to race, is not forbidden but it is recommended to limit its use and refer to this sector as African American or Afrodescendants.

Deeply disturbed
Deeply regretting

Having received
Keeping in mind

Viewing with appreciation
Welcoming

XXXVI TECMUN
Glossary for Resolution Projects

Operative Clauses

Operative Clauses are used at the beginning of every resolution within the Resolution Paper on the debated topic. They must be written in italics and bold.

Accepts	Endorses	Notes
Affirms	Draws the attentions	Proclaims
Approves	Emphasizes	Reaffirms
Authorizes	Encourages	Recommends
Calls	Expresses its appreciation	Regrets
Calls upon	Expresses its hope	Reminds
Condemns	Further invites	Requests
Confirms	Further proclaims	Solemnly
Congratulates	Further reminds	Affirms
Considers	Further recommends	Strongly
Declares accordingly	Further requests	condemns
Deplores	Further resolves	Supports
Designates	Has resolved	Takes note of
		Transmits
		Trusts