

Caribbean Court of Justice

Abril Valdés Calva

Agent Defense for the State of Barbados

(School from origin)



Case A) Barbados Royal Police Force Incident involving

Tamika and Lynnel Gilbert on October 11th 2016 (Gilbert Family v. The State of Barbados).

Royston Gilbert, Glennor Gilbert, Tamika and her sister Lynnel Gilbert arrived at Barbados on October 11, 2016. The main point of their trip was conducting businesses at the United States Embassy while also enjoy their day at beautiful Barbados. After completing their affairs at the embassy, the family visited a store in Bridgetown (Barbados capital) during which time the store owner accused Tamika and Lynnel, the two adult daughters of the Gilbert family, of stealing her cellphone. Officers of the Barbados Police were summoned, the Applicants were questioned about the whereabouts of the store owner's phone, The two adults denied having any knowledge of the phone. They were subsequently arrested and transported to a police station, and allegedly subjected to a “humiliating” strip search before their release, without any charge on that same day. However, three months after these events, the Gilbert family field a complaint with Barbados Commissioner of Police. In November 2017, they were informed that an inspector had been assigned to their case. A year had gone through, and in September 2018, an application was logged in the CCJ by Ruggles Fergusson, looking after the necessary proceeding against the State of Barbados.

The Barbados Government, represented by Ms Anika Jackson and Mrs Deidre Gay-Mckenna,, denied making any violations of Article 45, or in any other way, in their declaration to the CCJ. the CCJ emphasized that although the applicants were detained by the police in order to conduct police investigations, their freedom of movement didn't exempt them from being subject to the actions of the Barbados police.

. The Court thus considered that, 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, contrary to Article 7 of the RTC. Therefore, Agent Defense for the State of Barbados stands against the accusation made by the Gilbert Family when it's clear that there was no violation of any kind of any treaty presented in this case. The CCJ further determined that in order to file their complaint against Barbados, the applicants would need to establish an arguable case of discrimination based only on nationality, which is strictly prohibited under Article 7 of the RTC

References

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