



XI Annual Caribbean Court of Justice International Law Moot (2019)

Suriname
v
Barbados

In 2014, Mr Boston Bendt and Mrs Célestine Bendt, a Surinamese couple who have lived in Parimaribo all their lives, migrated to Barbados so that Mrs Bendt could take up a five-year appointment as a Professor at the Community College. She did not obtain a Work Permit but took up the employment pursuant to section 4 of *Caribbean Community (Movement of Skilled Nationals) Act, Cap 186A*.

In 2018, Mrs Bendt expressed her desire to vote in the upcoming General Elections in 2020 and sought to register as a voter. Mrs Bendt visited the Voter's Office in Bridgetown on three different occasions. On each occasion, she was advised by the Chief Electoral Officer that she was not allowed to vote as she did not meet the legal and regulatory requirements. The national law expressly stated that only citizens and Commonwealth Nationals who were resident in Barbados for the qualifying period of three years were entitled to vote. Mrs Bendt is neither a national of Barbados nor a national of another Commonwealth Country.

Also, in 2016, Mr Bendt received a judgment in his favor against The Rock Exporters, a Barbadian company, from the Surinamese Court of First Instance [Kantongerecht] and sought to enforce it in Barbados under the *Foreign and Commonwealth Judgments (Reciprocal Enforcement) Act*. He was advised that, as Suriname was not a Commonwealth country the judgment could not be registered under Parts II and III of the Act because these parts had not been applied to Suriname pursuant to any reciprocal agreement. He refuses to seek enforcement of the judgment at common law which he contends to be a more onerous and uncertain route. Mr Bendt considered that the refusal to register his judgment was inconsistent with his rights under the Revised Treaty.

Suriname has decided to file an Originating Application in the Caribbean Court of Justice on behalf of the Bendts citing numerous breaches of the RTC by Barbados. It is alleged that the refusal to register Mrs Bendt as a voter constituted a form of discrimination and was in breach of Barbados's international obligations, particularly Article 7 of the RTC and refusing to register the judgment in favor of Mr Bendt was in breach of Articles 8 and the principle underlying Article 223(2) of the RTC.

All relevant procedural matters and case management conferences have been observed and the matter is set down for hearing at the Seat of the Court on Friday, 22nd March 2019.

Instructions:

Senior Counsel will argue for Suriname that Barbados breached Articles 8 and the principle underlying Article 223(2) of the RTC while Junior Counsel will argue for Suriname on the issues related to the alleged breach of Article 7. Senior Counsel for Barbados will argue that there has been no breach of Articles 8 and the principle underlying Article 223(2) and Junior Counsel will argue that there were no breaches of Article 7.