

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No. OA 1 of 2011

Between

Hummingbird Rice Mills Ltd

Claimant

And

Suriname

1st Defendant

And

The Caribbean Community

2nd Defendant

NOTICE OF FILING OF ORIGINATING APPLICATION

TAKE NOTICE that pursuant to an Order made on 3rd June, 2011 granting the Claimant herein special leave to commence proceedings and to appear as a party to the proceedings, an originating application was filed by Hummingbird Rice Mills Ltd against the State of Suriname and the Caribbean Community on the 14th day of June 2011.

The subject matter of the application relates to the suspension of the implementation of the Common External Tariff (CET).

The Claimant seek the following relief in its application:-

- I. A declaration that the First Defendant breached Article 82 of the Revised Treaty which obliged Suriname to establish and maintain a Common External Tariff ("CET") on flour imported into that State from third States i.e countries outside the Caribbean Community.

- II. A declaration that pursuant to Article 9 of the Revised Treaty the First Defendant failed to incorporate into their domestic laws the obligations provided thereunder at the time of their admittance to the Community that is, March 10 2003 and more particularly, the CET, in or around January 2006, and if the Treaty was so incorporated their blatant breach of same.
- III. A declaration that the First Defendant's unilateral decision during the period January 2006 to 14th June 2010 not to comply with its Treaty Obligations and the directive of the COTED to apply the CET to its flour imports from extra regional sources and its constant refusals for over four years to so comply was illegal and/or unreasonable.
- IV. A declaration that the decisions of the Community made by its institutional organ the COTED to grant extensions to Suriname for the application of the CET in accordance with Article 83 of the Revised Treaty of Chaguaramas, the application of the CET on imports of flour which do not qualify for Community treatment as defined by the Revised Treaty for Suriname was irrational and/or illegal and/or unreasonable, null and void and of no effect.
- V. An order that the Costs of these proceedings be borne by the Defendants.
- VI. Damages in the sum of US\$3,003,000.00.
- VII. Interest at the statutory rate of 12% from the date of service of these proceedings to the date of payment.
- VIII. Cost fit for Counsel to be borne by the Defendants.
- IX. Such further or other orders as this Honourable Court deems fit.

TAKE NOTICE ALSO that any person or Contracting Party which wishes to intervene in the proceedings must file an application for leave to intervene within six (6) weeks of notification of the filing of the originating application. Part 14 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2006 sets out the procedure on an application to intervene in the proceedings.

Dated the 16th day of June , 2011

Radha Permanand
Deputy Registrar and Deputy Marshal
Caribbean Court of Justice