

IN THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No: CV2020-02848

BETWEEN

**IN THE MATTER OF AN APPLICATION UNDER SECTION 14(1)
OF THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO**

DAVID RODRIGO CASTILLO HERNANDEZ

FIRST CLAIMANT

JOSE GUSTAVO ARAUZ ATENCIO

SECOND CLAIMANT

EDGAR IVAN MIRONES CORRALES

THIRD CLAIMANT

CARLOS ANTONIO CROCAMO BECKFORD

FOURTH CLAIMANT

WILMAR CHAVEZ ROJAS

FIFTH CLAIMANT

OSCAR OMAR CASTILLO HODGSON

SIXTH CLAIMANT

ARGELIS ALBERTO VEGA PEREZ

SEVENTH CLAIMANT

ERNESTO JAVIER MORENO RAMOS

EIGHTH CLAIMANT

JOSE VALERIO

NINTH CLAIMANT

CRISTIAN FELIX GARBERO FARIAS

TENTH CLAIMANT

ELICER MANUEL LOBO ANGEL

ELEVENTH CLAIMANT

JAVIER ABDIEL SALDAÑA SALAZAR

TWELFTH CLAIMANT

YAMAL YANEN PEREZ BELEÑO

THIRTEENTH CLAIMANT

AND

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

FIRST DEFENDANT

THE COMMISSIONER OF POLICE OF TRINIDAD AND TOBAGO

SECOND DEFENDANT

POLICE CONSTABLE GERARD CRICHLOW (REGIMENTAL NO. 14025)

THIRD DEFENDANT

JOAN GOWER de CHABERT (JUSTICE OF THE PEACE)

FOURTH DEFENDANT

Before: The Hon. Mr. Justice Westmin R.A. James
Date: 30th April 2026
Appearances: Ms Sophia Chote SC, Mr Peter Carter, Ms Asif A Hosein-Shah and Ms Nyree D
Alfonso Attorneys-at-Law for the Claimants
Mr Justin Phelps SC, Ms Michelle Benjamin and Ms Adita Ramdular Attorneys-at-Law for the Defendants

JUDGMENT

Background

1. This claim raises fundamental questions concerning the limits of State power in the context of a prolonged maritime drug investigation. It requires the Court to determine whether, in the execution of a search operation on a foreign vessel, the State transgressed constitutionally protected rights of individual crew members through (i) the restraint of their liberty over an extended period, (ii) the seizure and retention of their personal property, and (iii) the conditions under which they were held during a global pandemic. While the State is entitled to investigate serious criminal activity, such powers must be exercised within constitutional boundaries. This case tests whether those boundaries were exceeded.

Pleadings

2. The Claimants were the Master, Jesus Ignacio Russo Lecue, and sixteen crew members of the vessel "Star Balboa" by Amended Fixed Date Claim Form brought against the Attorney General of Trinidad and Tobago, the Commissioner of Police, the officer and the Justice of the Peace for constitutional relief. This legal action was filed as an originating motion under Section 14(1) of the Constitution, arising from a series of police searches and the subsequent detention of the crew beginning in September 2020. The Claimants allege they were held under "constructive arrest" for approximately two months without being formally charged or informed of the reasons for their detention, asserting that this treatment violated their fundamental rights to liberty and freedom of movement.

3. The Claimants seek various judicial declarations, primarily that the search warrants used were unconstitutional, unlawful, and void because the legislative authority cited, Section 23(2) of the Dangerous Drugs Act, provides for searching dwelling houses but does not empower the search of maritime vessels. Additionally, they contend their rights were infringed through arbitrary detention, the failure to provide access to legal counsel during interrogations, and the subjection to "cruel and unusual treatment" when authorities allegedly ignored COVID-19 health protocols, leading to fourteen crew members contracting the virus. Consequently, the claim requests several forms of relief, including declarations of constitutional breach and damages for unlawful detention and the infringement of their fundamental rights.
4. The Claimants sought the following reliefs:
 1. A declaration that the search warrant issued by the Justice of the Peace on 2nd September 2020, upon the application(s) of #14024 Police Constable Gerard Crichlow to search the vessel "Star Balboa' IMO #9186730" was unconstitutional and unlawful. The warrant was invalid, null and void and of no effect in that it contravened the Claimants' fundamental right to the protection of the law in that the legislative authority relied upon by Police Constable Crichlow does not provide for the search of maritime vessels;
 2. A declaration that the search warrant issued by the Justice of the Peace Joan Gower de Chabert on 2nd September 2020, upon the application of #14024 Police Constable Gerard Crichlow to search the vessel "Star Balboa' IMO #9186730" was unconstitutional, unlawful, arbitrary, unnecessary and disproportionate. The warrant was invalid, null and void and of no effect in that it contravened the Claimants' fundamental right to the protection of the law by:
 - a. failing to identify the number of entries intended for search of the vessel;
 - b. failing to ensure that the period of time for the search to be executed was not indefinite;
 - c. the failure of Justice of the Peace Joan Gower de Chabert to consider and ensure that all the statutory preconditions were met; and
 - d. the failure of the Justices of the Peace Joan Gower de Chabert to conduct a balancing exercise between the State's interest in the investigation and prosecution of crimes against the Claimants' right to privacy and their right to their property and not to be deprived thereof except by due process of law.

3. A declaration that the failure of the Defendants to provide the Claimants with a copy of the search warrant until well after the commencement of the search of the vessel was unlawful, arbitrary and unnecessary;
4. A declaration that the execution of the search warrant on the Claimants was arbitrary, disproportionate and unlawful, in that there is no evidence that the warrant was “backed” indicating that the Claimants had been cautioned in Spanish, understood their rights at the time of the commencement of the execution of the warrant and were placed in a position to use/effectively rely upon their rights and protections;
5. A declaration that a warrantless search conducted pursuant to section 23(1) of the Dangerous Drugs Act Chapter 11:25 required such a search to be reasonable. A precondition for a reasonable search pursuant to section 23(1) was that it was not feasible in the circumstances to obtain prior authorization by a judicial authority;
6. A declaration that the search was conducted in a manner that was unlawful, arbitrary, disproportionate and in breach of the Claimants’ rights to the protection of the law, their right to respect for private and family life and their right to the freedom of movement;
7. A declaration that the failure of the Defendants to provide the Claimants with an inventory of items seized and a copy of a search warrant permitting the search and seizure of the cell phones, laptops and other communication and data storage devices of the Claimants on 3rd September 2020 until well after the seizure and search of the devices was unconstitutional, unlawful and unnecessary and contravened their fundamental rights to the enjoyment of property and the right not to be deprived thereof except by due process of law;
8. A declaration that the unlawful seizure of the personal electronic and communication devices of the Claimants was unconstitutional, unlawful, arbitrary and disproportionate and contravened their fundamental rights to the enjoyment of property and their rights to privacy, and the right not to be deprived thereof except by due process of law;
9. A declaration that the arrest and detention of the Claimants was unconstitutional, unlawful, arbitrary, unnecessary and disproportionate. The failure of the police to inform the Claimants of a reason for their arrest and detention contravened their fundamental right to liberty and not to be deprived

of such except by due process of the law and their right to the protection of the law;

10. Damages for unlawful detention;

11. A declaration that the Claimants' constitutional rights were infringed when they were subjected to in-custody interrogation without being advised of their right to retain and instruct without delay a legal adviser and to hold communication with them;

12. A declaration that the Claimants' constitutional rights were infringed when they were not permitted a telephone call upon detention;

13. A declaration that the Claimants' constitutional rights to an attorney-at-law were infringed when their access to Counsel was delayed and obstructed by the Defendants and their servants and or agents;

14. A declaration that the conduct of the officers in their execution of the warrant by repeated daily searches of the MT Star Balboa between 3rd September 2020 and 18th November 2020, was unconstitutional, unlawful, unnecessary and disproportionate in that it contravened the Claimants' fundamental right to the protection of the law;

15. In the alternative, a declaration that the protracted and multiple searches of the MT Star Balboa between 3rd September, 2020 and 15th September, 2020 and the further detention by the Defendants of the Claimants until 17th November, 2020 pursuant to an authority to carry out an indefinite search was unconstitutional, unlawful, unnecessary, unreasonable and disproportionate in that it contravened the Claimants' fundamental right to the protection of the law;

16. A declaration that the Defendants contravened the Claimants' right not to be subject to cruel and unusual treatment by the investigating authorities and their agents' failure to adhere to health and safety protocols in light of the COVID-19 pandemic such failure leading to the contraction of the virus by fourteen (14) out of the seventeen (17) of the vessel and the subsequent failure by the Defendants to provide any and/or adequate medical treatment for the Claimants.

17. Damages for breach of Constitutional rights, including vindictory damages;

18. Such further and/or other relief as the Court may in exercise of its jurisdiction under section 14 of the Constitution and under its inherent jurisdiction consider

appropriate for the purpose of enforcing and protecting or securing the enforcement and protection of the Claimant's said rights;

19. Costs.

5. The evidence in this matter is comprised of a total of twenty-five (25) affidavits: eighteen (18) filed by and on behalf of the Claimants and seven (7) affidavits filed by and on behalf of the Defendants.

Claimant's Evidence

Edgar Ivan Mirones Corrales (Third Claimant, First Engineer)

6. Edgar Ivan Mirones Corrales served as the First Engineer aboard the M/T Star Balboa. He deposed that on 3rd September 2020, the vessel was boarded by approximately 50 heavily armed officers from various state agencies who failed to follow COVID-19 protocols. Corrales described the environment as hostile and intimidating, asserting that the crew was subjected to repeated, disorganized searches of the vessel's engine room and residential areas without clear scope or timeline. He claimed the crew was effectively "detained" for eleven weeks, during which they were restricted in their movements and forced to seek clearances for routine activities.
7. Corrales highlighted a specific incident on 21st September 2020, where he accompanied Captain Russo to the hospital after the Captain suffered chest pains. He stated that he was later forcibly removed from the medical facility by police officers, leaving the Captain without a translator, which caused significant distress to the crew. During his transport back to the vessel via a Coast Guard interceptor, Corrales alleged he was continuously interrogated and harassed by the pilot regarding the location of illegal drugs. He also recounted an incident on 2 October 2020, where Coast Guard officers allegedly threatened to board the vessel in a "hostile manner" if the crew attempted to move the ship.
8. Throughout the ordeal, Corrales asserted that 14 of the 17 crew members contracted COVID-19 due to the lack of biosafety measures by the searching officers. He claimed the state initially prevented necessary supplies and medication from reaching the infected crew, leading them to believe the authorities wanted them to die on board. Consequently, Corrales sought damages for the physical and psychological trauma endured, including a request for US\$50,000 for psychological treatment. He concluded by stating that the searches ended on 17 November 2020, with no illegal substances found.

9. During cross-examination, Corrales was challenged on his use of the word "detention" and "interrogation," with the Defendants suggesting he provided no specific evidence of actions that restricted his movement or constituted a formal interrogation in his affidavit. He admitted that the crew had been living and working on the vessel since July 2020 and that the vessel was the place they resided at the time of the searches. Corrales also accepted that despite his claims of being "incommunicado," the crew had access to mobile phones provided by their legal team and were able to reach Panamanian authorities and release videos on social media.
10. The Defendants suggested that his claims of fear for his life were an exaggeration, specifically pointing to his description of being asked to move to the deck as "harassment". Corrales was also questioned regarding the US\$50,000 claim for psychological treatment, with the Defendants suggesting that his evidence was "exaggerated and dishonest" to secure a high damage award. He admitted that he did not personally prepare the typed operational timeline (JR3) and could not recall if he had specifically disputed the police's detailed contemporaneous record of the search in his reply affidavit.
11. Finally, Corrales was asked to reconcile his claim that the state prevented medical supplies with the fact that provisions, water, and medicines were delivered to the vessel during the search period. He acknowledged that supplies were delivered but maintained they were "with some delay". He also confirmed that major officers, including the Captain, Chief Mate, and Chief Engineer, had discontinued their legal actions after obtaining separate representation.

Affidavit Evidence of Nyree Alfonso (Attorney-at-Law)

12. Nyree Alfonso, the principal of N.D. Alfonso & Co., deposed that she was initially retained on 4th September 2020 by the owners and managers of the "Star Balboa" to visit the vessel and its crew after they had lost contact with the mainland. Her initial attempts to travel to the vessel were blocked by Customs and Excise officials who claimed they were instructed not to permit anyone to board. She was eventually able to reach the vessel later that day accompanied by two other attorneys, where she observed the Coast Guard vessel TTS Point Lisas moored alongside and a large group of officers in tactical gear on the main deck. She stated that her repeated requests to board and witness the search were denied by Inspector Randall McGuirk, who also initially refused to provide a copy of the search warrant.
13. Ms. Alfonso was eventually permitted to take instructions from the crew while on board the Coast Guard vessel. During this interaction, the crew made several complaints,

alleging that their personal electronic devices (laptops, phones, tablets) had been seized by unidentified officers who coerced them into providing passwords. The crew further alleged that they were being threatened and harassed to reveal where drugs were hidden, were never advised of their right to counsel, and were not cautioned before being questioned. On 6th September, Ms. Alfonso returned with Senior Counsel Sophia Chote, and they were again challenged by Inspector McGuirk, who allegedly threatened that the attorneys would be named as defendants in the proceedings if drugs were found on the vessel.

14. Throughout the ordeal, Ms. Alfonso deposed that the searches appeared disorganized, repetitive, and unduly prolonged. When seven crew members reported flu-like symptoms around 14th September, she made private arrangements for a medical doctor, Dr. Ryan Abraham, to board and test the crew for COVID-19 after the state failed to provide medical assistance. Ultimately, 14 of the 17 crew members tested positive, including twelve of the Claimants. Ms. Alfonso testified that she had to personally arrange for medication, food, and toiletries to be delivered to the vessel, as state agents initially obstructed these deliveries and provided no logistical support.
15. Ms. Alfonso's affidavit also detailed the continued detention of the crew and property long after the initial searches. She lodged several written protests with the Commissioner of Police, asserting that the authority of the search warrant had expired and the detention was unlawful. She also wrote to the Minister of National Security on 12th November 2020, requesting the crew's repatriation as they had been prohibited from disembarking for over two months. The crew's electronic devices were finally returned on 17th November, and the vessel was granted permission to depart the following day.
16. During cross-examination by Senior Counsel for the Defendants, Ms. Alfonso confirmed that the events took place during the height of the COVID-19 pandemic and that she was aware of the prevailing masking and gathering regulations enforced by the TTPS. She accepted that a search warrant existed for the vessel and that separate warrants were issued on 4th September 2020 for the crew's electronic devices, which were exhibited in an affidavit by WPC Francesca Rawlins. While she was aware of the contemporaneous notes taken by a police note-taker (WPC Daniela Daniel) during the search, she maintained that her affidavits presented a different narrative of the events on board.
17. Ms. Alfonso made a significant admission that portions of her affidavit evidence combined her personal observations with information received from others, including Captain Russo, the Chief Mate, and other legal team members. She accepted that several paragraphs were based strictly on information and belief rather than direct knowledge. Furthermore, she confirmed that the Captain and Chief Mate, who provided much of this

information, were no longer parties to the proceedings and that she had not subpoenaed non-party sources or technical experts to testify.

18. Regarding the alleged armed incident on 7th September 2020, Ms. Alfonso described seeing Coast Guard officers roughly push aside a crewman and point assault rifles toward the crew when they attempted to lower the ladder for the legal team. However, under questioning, she admitted that she made no criminal complaint regarding this armed incident at the time. She also accepted that no specific civil relief for "armed assault" had been pleaded in the Claimants' Fixed Date Claim Form.
19. Finally, Ms. Alfonso was challenged on the specificity of the allegations regarding threats and abusive language by state agents. She accepted that in parts of her affidavit, she did not name the individual officers responsible for these actions. Regarding an allegation that state agents attempted to force Captain Russo to sign documents in English without a translation, she agreed she had instructions that this occurred in November 2020, though she admitted this appeared inconsistent with the reference in paragraph 41 of her earlier affidavit. Overall, she maintained that her affidavits were an accurate record of her observations and the instructions she received during the detention period.

Oscar Omar Castillo Hodgson (Sixth Claimant, Able-Seaman)

20. Oscar Omar Castillo Hodgson, an Able-Seaman on the M/T Star Balboa, deposed that the crew was detained for approximately eleven weeks following the boarding of 50 armed officers on 3rd September 2020. He characterized the demeanor of the state agents as "hostile and aggressive," particularly during the initial searches where officers allegedly coerced crew members to confess the location of cocaine. Hodgson claimed he felt humiliated and distressed as his cabin was searched by sniffer dogs and his electronic devices were seized on the first night.
21. The most significant event in Hodgson's affidavit was an incident on 7 September 2020, involving the vessel's accommodation ladder. He alleged that while attempting to lower the ladder to allow the crew's legal team to board, a Coast Guard officer pushed him aside and pointed an assault rifle directly at him. Hodgson stated he was "horrified" that an officer would use such force against a crewman attempting to facilitate legal access for the crew.
22. Hodgson also testified that the searching officers acted recklessly by entering fuel tanks with lights or without proper ventilation, ignoring the crew's warnings about the danger of explosions. He claimed that the constant repetition of searches in the same areas was "mentally exhausting" and aimed at wearing down the crew's resolve. He sought medical

evaluation in December 2020 and March 2021 for the lasting physical and mental effects of the detention.

23. Under cross-examination, Hodgson was questioned on why he never made a formal police report regarding the alleged rifle incident on 7th September, despite claiming it was a life-threatening event. The Defendants suggested that this incident "never occurred" and was a fabrication intended to bolster the claim. Hodgson maintained that the incident was true but admitted he did not seek to report it to local authorities at the time.
24. He was challenged on his assertion that the crew was "detained," as he could not specify any physical barriers or orders that prevented them from their routine duties on the vessel where they lived. Hodgson admitted that his cabin search was actually witnessed by a superintendent, Jose Felix Perez Marrero, contradicting the idea that the search was conducted without oversight. He also conceded that the crew had access to a satellite phone and mobile phones provided by their legal team during the period their own devices were seized.
25. The Defendants pointed out that Hodgson's affidavit failed to describe the specific nature of the "intimidation" he alleged, other than the general presence of armed officers. Hodgson argued that being made to sleep with cabin doors open and the general aggressive posture of the guards constituted the intimidation he felt. He ended his testimony by acknowledging that provisions were delivered to the ship, although he claimed they were often damaged or limited.

Christian Felix Garbero Farias (Tenth Claimant, Cook)

26. Christian Felix Garbero Farias, the vessel's cook, explained that he took the job to support his family during the pandemic. He stated that during the search, he was allowed to move to residential areas to prepare meals, but other crew members were allegedly forbidden from leaving their cabins except for dining purposes. Farias claimed that after 7:00 PM dinner, all crew members were required to return to their cabins and stay there under guard.
27. He described an unsettling interrogation on the fourth day of the search after being taken to a Coast Guard frigate for a medical exam. Farias alleged he was questioned in English—a language he barely understands—by a man in civilian clothes who used "crossed hands" gestures to imply Farias would go to prison if he did not reveal where drugs were hidden. He claimed this experience left him extremely anxious and fearing for the welfare of his family in Panama.

28. Farias also noted that the officers showed "no regard for biosafety," often failing to wear masks or gloves while conducting searches or interacting with the crew. He believed this negligence was the direct cause of the COVID-19 outbreak on the vessel. He stated the investigation was "incessant" and lasted for thirteen consecutive days with 40 to 50 persons boarding daily.
29. Farias's cross-examination focused on the inconsistency of his claim that crew members were confined to their cabins while also acknowledging they were required to be present to witness the searches. He admitted that he moved freely throughout the vessel to perform his duties as a cook and witnessed other crew members eating in the dining room. The Defendants' Counsel suggested he had no personal knowledge of the other crew members' alleged confinement since he was occupied in the kitchen.
30. Farias was challenged on his description of the "prison" gesture, with the Defendants suggesting that he may have misinterpreted a standard interaction due to his self-admitted language barrier. He also admitted that the crew had access to mobile phones provided by their legal team, which allowed for communication despite the seizure of their personal devices. He could not provide specific dates for when provisions arrived but maintained that the food provided was sometimes "damaged with mold" or wet.
31. Finally, Farias accepted that there were periods in September and October when no officers were on board the vessel at all, which the Defendants' Counsel argued contradicted the claim of continuous "captive" detention. He acknowledged that while the authorities were searching, the crew continued to live on the vessel as they had done since July.

David Rodrigo Castillo Hernandez (First Claimant)

32. Mr. Hernandez, the Second Mate of the M/T *Star Balboa*, provided a foundational account of the boarding of the vessel on 3rd September 2020, by approximately 50 armed officers from various state agencies. He deposed that these officers boarded with little adherence to COVID-19 protocols, which he later identified as the primary cause of the virus spreading among the crew. He characterized the nearly three-month period that followed as a *de facto* detention where the crew was held against their will in a hostile and intimidating environment.
33. He further deposed that the authorities were particularly aggressive during the initial days, using persistent intimidation and threats to pressure the crew into revealing the location of illegal narcotics. He stated that he felt "held captive" and that the constant presence of armed guards created an atmosphere of fear. He also highlighted the severe

impact of the seizure of his mobile devices, which he claimed rendered him unable to communicate with his family or manage essential financial commitments at home.

34. Finally, Mr. Hernandez emphasized the long-term psychological toll of the experience, stating that his life has "not been the same" since leaving Trinidad and Tobago. He deposed that he suffered mentally and physically from the effects of the detention and required significant professional help to process the trauma of being treated like a criminal despite no wrongdoing being found.
35. During cross-examination, the Defendants' Counsel challenged Mr. Hernandez on the specific meaning of his claims of being "held captive and detained". He admitted that he had not provided specific evidence in his affidavit of any physical acts or words by the officers that constituted detention. When pressed, he clarified that for him, "detention" meant intimidation with firearms and being prohibited from moving freely within the vessel.
36. He was also confronted with the fact that he and the crew were living on the vessel as their place of residence and were already in isolation prior to the boarding. Mr. Hernandez accepted that within 24 hours of the police arrival, the crew was provided with two mobile phones and Wi-Fi access by their legal team, which allowed them to communicate with their relatives and Panamanian authorities. He further accepted that the "interrogations" mentioned in his evidence actually ceased after September 4, 2020.

Jose Gustavo Arauz Atencio (Second Claimant)

37. Mr. Atencio, a Bridge Officer, deposed that the state agents were aggressive and that the crew was subjected to persistent intimidation and threats throughout the search. He emphasized the intense stress of being under 24-hour armed guard while simultaneously being unable to communicate with his family following the seizure of his phone.
38. He deposed to contracting COVID-19 after state agents boarded the vessel without following biosafety protocols. He stated that the "horrible experience" of the disease was aggravated by the lack of medical regard shown by the state and the failure of the authorities to acknowledge their wrongdoing.
39. Mr. Atencio also stated that the seizure of his electronic devices made it impossible for him to meet his financial commitments. He characterized the searches as unreasonable, unsafe, and unnecessarily conducted, causing long-term damage to his self-worth.
40. In cross-examination, it was suggested to Mr. Atencio that the single conversation he alleged with an officer was his only actual evidence of "intimidation and threats". He

responded by defining intimidation as the police using firearms to "bring order" and the specific instruction that the crew had to keep their cabin doors open at all times.

41. He accepted that within 24 hours of the police boarding, the crew's legal team had reached them, providing phones and Wi-Fi. He also admitted that the "interrogations" ceased early in the process but maintained that the overall atmosphere of the 11-week stay remained one of unlawful restraint.

Carlos Antonio Crocamo Beckford (Fourth Claimant)

42. Mr. Beckford, a Bridge Officer and Second Engineer, deposed that the searches on the first day continued for many hours and the crew was only eventually allowed to return to their cabins late at night after they had been searched by officers and sniffer dogs. He stated that the searches were conducted in a manner that was "unreasonable, unsafe, and unnecessarily conducted".
43. He reported that the crew was effectively incommunicado and was not advised they were cleared of suspicion until November 18, 2020. He deposed that he feared for his life after contracting COVID-19 and that the state initially provided no medical treatment or supplies.
44. He sought psychological evaluation in January 2021 and was diagnosed with Mixed Anxiety, Depressive Disorder, and Adjustment Disorder. He emphasized that the heavy-handed treatment by state agents had a lasting negative impact on him and his ability to provide for his young children.
45. Mr. Beckford admitted in cross-examination that he did not specify in his affidavit what he meant by "interrogations" or what the specific "threats" from the officers consisted of. He denied the Defendants Counsel's suggestion that he had access to his legal team within 24 hours of the police boarding, despite evidence from his own attorney, Ms. Alfonso, to the contrary.
46. He also stated that he did not recall receiving any medication during the searches, despite the state's claim that supplies were delivered. He maintained that he was in the dining room during the cabin searches and could not confirm if his colleague witnessed the process.

Wilmar Chavez Rojas (Fifth Claimant)

47. Mr. Rojas, an Ordinary Seaman, deposed that the authorities' demeanor was hostile and intimidating throughout the 11-week period. He stated that the searches on the first day continued for hours, during which officers and dogs searched the crew's private quarters.

48. He deposed that he fell ill with COVID-19 about 17 days after the searches began and felt extremely fearful that he would die from the virus due to the lack of medical support. He stated that he suffered both physically and mentally from the effects of the detention.
49. He also reported that the seizure of his personal devices prevented him from contacting his family, which added to his distress. He characterized the entire operation as a violation of the crew's basic human rights and dignity.
50. In cross-examination, Mr. Rojas admitted that he did not explain in his affidavit what he meant by the word "detention". He also accepted that he provided no description of the specific attitude of the authorities that he characterized as "hostile and intimidating".
51. He stated that he did not understand questions regarding whether medication was delivered to the vessel during the searches, though he eventually denied receiving any. He accepted that he had been living on the vessel since July 2020 as part of his regular employment.

Argelis Alberto Vega Perez (Seventh Claimant)

52. Mr. Perez, an Able-Seaman, deposed that the state agents were particularly aggressive in the initial days of the boarding. He stated that 14 crew members were infected with COVID-19 because the authorities failed to follow basic social distancing and sanitisation protocols during their extensive searches of the vessel.
53. He reported that he was kept incommunicado for several weeks following the seizure of his phone and was never formally advised that he was cleared of suspicion until the vessel was allowed to depart in November. He expressed a deep fear for his life while ill, noting that he was kept under constant supervision by officers armed with high-powered rifles.
54. Mr. Perez also stated that the crew was ordered to remain in their cabins at night and was prevented from moving freely on their own residence (the vessel). He characterized the treatment by state agencies as heavy-handed and unnecessarily conducted.
55. During cross-examination, Mr. Perez accepted that he did not specify in his affidavit what he meant by the word "detention". He admitted that he had not provided any evidence of directions or restrictions he received during the daytime, although he maintained that at night he was ordered to remain in his cabin.
56. He acknowledged that he had been sleeping in the same cabin for months prior to September 2020 as part of his job. He also accepted that he received some medical attention, though he remained unclear on the specifics and the timeline provided by the state.

Ernesto Javier Moreno Ramos (Eighth Claimant)

57. Mr. Ramos, an Able-Seaman, deposed that he was distressed by the sight of officers armed with high-powered rifles and felt he was treated like a prisoner on the vessel. He stated that officers "mandated" that the crew be present during searches and forced them to clear pathways and repack areas repeatedly.
58. He claimed that although he initially tested negative for COVID-19, he was mandated to stay in confined spaces with crew members who had tested positive, which he believed showed a total lack of regard for his health. He deposed that the "hostile and heavy-handed treatment" has affected him severely since leaving Trinidad.
59. He also highlighted that the state initially prevented essential supplies from reaching the crew, requiring private intervention from their lawyers to obtain food and medication. He expressed that the crew felt expendable to the authorities.
60. During cross-examination, Mr. Ramos was confronted with the fact that his lawyers and the police had actually agreed on the protocol for witnessing searches, which contradicted his claim that his presence was "mandated" by the officers. He admitted that he did not describe any specific activity he was personally prevented from doing in his own affidavit, instead referring the court to the affidavits of other crew members.
61. He eventually clarified that for him, a lack of freedom meant he could not move on the vessel without a police escort and was unable to work as usual. He also admitted that the crew continued to be paid during the search period.

Jose Ricardo Valerio Alastre (Ninth Claimant)

62. Mr. Valerio, an Ordinary Seaman, deposed that the boarding by 50 officers without masks or sanitisation protocols directly led to 14 crew members, including himself, contracting COVID-19. He described the illness as a "horrible experience" because he was forced to suffer through severe symptoms while under armed guard and without the ability to contact his family.
63. He stated that the state's heavy-handed treatment included being mandated to stay with crew members who had already tested positive even before he himself was confirmed to have the virus. He felt that the authorities showed no concern for the crew's health or survival. He also complained that the seizure of his personal phone left him in a state of extreme uncertainty regarding his family's wellbeing.
64. Mr. Valerio characterized the searches as unnecessarily repetitive and conducted in a hostile manner that lacked respect for the crew's human dignity. He deposed that he has

suffered physically and mentally from the effects of the detention long after departing Trinidad.

65. Mr. Valerio admitted during cross-examination that he did not provide specific details in his affidavit regarding the "orders and directions" he was subjected to by state agents. He accepted that he was living on the vessel prior to the incident and was sleeping in his usual cabin during the search period.
66. The Counsel for the Defendant suggested that he had received medical care, and Mr. Valerio eventually admitted that while he did not recall specific dates, he did receive attention from a doctor who took blood tests and received some assistance from the Coast Guard. He confirmed that his legal team was able to provide supplies that the state had initially obstructed.

Elicer Manuel Lobo Angel (Eleventh Claimant)

67. Mr. Lobo, the vessel's Welder, deposed that he was traumatized by the aggressive and threatening behaviour of the police during questioning. He claimed that officers specifically targeted him, suggesting he was responsible for hiding drugs on the vessel because his job as a welder allowed him to make repairs to the ship's structure.
68. He stated that the officers were heavily armed and "controlled virtually everything" the crew did, creating a constant state of fear. He noted that he was among the 14 crew members who contracted COVID-19 after state agents boarded the vessel without following biosafety protocols.
69. He further deposed that his life has "not been the same" since the incident and that the seizure of his electronic devices prevented him from managing his affairs in his home country. He characterized the searches as unnecessarily conducted and a failure of the state to acknowledge their wrongdoing.
70. In cross-examination, Mr. Lobo admitted that he did not specify in his affidavit how the officers "controlled virtually everything" the crew did, though he added during his testimony that they intimidated the crew by their presence. He also accepted that he did not describe the specific details of the "abusive and aggressive" behavior he alleged.
71. He acknowledged that the vessel was eventually provided with some supplies of food and water, though he maintained these were "very limited due to the detention". He was challenged on his claim of being "detained," with the Defendants' Counsel noting that he was living on the ship as part of his job, but he insisted the environment was one of custody rather than normal employment.

Javier Abdiel Saldaña Salazar (Twelfth Claimant)

72. Mr. Salazar, an Oiler on the vessel, deposed that the state agents were aggressive and intimidating from the very first night of the search. He recounted being threatened that if the crew did not cooperate with the investigation, they would be forced to sleep on the aft (back) of the ship. He stated that the authorities repeatedly accused the crew of guilt, telling them it was only a matter of time before drugs were found.
73. He provided significant evidence regarding the state's failure to follow health protocols, noting that the crew was COVID-free until the large boarding party arrived. He described falling ill about 17 days into the search and feeling fearful that he would die from the virus while under armed guard. He alleged that the state showed "deliberate indifference" to his medical needs during this period.
74. Mr. Salazar also deposed that the searches of the crew's cabins were humiliating and conducted in a manner that disregarded their privacy. He stated that the entire experience was profoundly abusive and that the psychological effects would require years of treatment, estimated to cost approximately US\$50,000.
75. In cross-examination, Mr. Salazar accepted that although his affidavit stated he was "living in Panama," he had actually been living on the ship since July 2020. The Defendant's Counsel suggested that his movements were not as restricted as he claimed, but he maintained that when he attempted to perform maintenance jobs in the engine room, he was ordered back to his cabin by armed officers.
76. He was challenged on his knowledge of communication devices on board. While he claimed the ship's satellite phone was damaged and unusable, the Defendants' Counsel pointed out that his own attorney's affidavit stated the phone was functional but expensive. He eventually admitted he did not recall specifically answering questions about the satellite phone previously.

Yamal Yanen Perez Beleño (Thirteenth Claimant)

77. Mr. Beleño, an Oiler, deposed that the crew felt abused from the first night of the search when state agents threatened to make them sleep on the back of the ship if they did not cooperate. He stated that officers repeatedly told the crew they were guilty and that drugs would eventually be found.
78. He highlighted his infection with COVID-19 as a direct result of the authorities' failure to wear masks or sanitize their equipment while searching the engine room and living quarters. He claimed that since leaving Trinidad and Tobago, he has suffered from

persistent psychological trauma and requires long-term treatment costing approximately B/. 50,000.

79. He also deposed that the seizure of his mobile phone made it impossible for him to manage his personal affairs or communicate with his loved ones during the height of the pandemic. He described the state's failure to acknowledge any wrongdoing as a significant factor in his ongoing distress.
80. In cross-examination, Mr. Beleño admitted that he was in the dining room during the search of his cabin and could not recall if his colleague, the superintendent, was present as a witness to ensure the integrity of the search. He was challenged on his claim that he was forced to stay in the dining room due to threats, as he had not included that specific detail in his written affidavit.
81. Regarding the satellite phone, Mr. Beleño claimed it was damaged and not working, which the Defendants' Counsel suggested was a lie because his lead attorney's affidavit stated a phone was available but was merely expensive to use. He eventually claimed he only "heard" from colleagues that it wasn't working and had no personal access to it.

Defendant's Evidence

Inspector Jason Ramlal (Lead Investigator)

82. Inspector Jason Ramlal, the lead investigator from the Special Investigations Unit, deposed that the search was initiated based on intelligence regarding a large quantity of narcotics concealed on the M/T Star Balboa. He stated that the search warrant was lawfully executed on Captain Russo on 3rd September 2020, with the assistance of an interpreter. Inspector Ramlal denied any allegations of human rights violations, threats, or abusive language by the searching party.
83. Inspector Ramlal provided a typed "operational timeline" (Exhibit JR3) detailing the activities from 2nd September to 12th September 2020. He explained that the search was "complex" due to the vessel's size and structure, requiring coordination across multiple agencies. He noted that the search was delayed by a COVID-19 outbreak among the crew and the Captain's illness, as well as the crew's initial reluctance to allow fuel tank inspections.
84. He maintained that the crew's electronic devices were seized because they were suspected of being involved in a drug trafficking enterprise. Inspector Ramlal asserted that the search was finally concluded on 17th November 2020, and all devices were returned after no narcotics were discovered.

85. Inspector Ramlal faced intense questioning regarding the "operational timeline," eventually admitting that he did not personally prepare the document and could not remember who did. He was confronted with the fact that he had exhibited photographs of drugs found on a different vessel ("The Throne") in his affidavit, while failing to provide a single photograph or video of the actual search conducted on the *Star Balboa*. Inspector Ramlal admitted this was the case but claimed he wasn't "inquired" to provide photos of the *Balboa* search.
86. The Claimant's Counsel highlighted that Inspector Ramlal's timeline claimed several complex actions, reading, showing, and explaining the warrant to five people, were all completed in a single minute, which Counsel labelled "absurd". Inspector Ramlal also admitted that despite treating the crew as suspects and seizing their devices, he did not caution them or inform them of their right to an attorney during the initial phase of the search.
87. Inspector Ramlal's testimony was also challenged regarding the COVID-19 outbreak, as he was shown photographs of officers, including himself, unmasked or improperly masked while on the vessel. He initially denied that his team was responsible for the infection but admitted it was "possible" the virus was transmitted by officers. He also admitted to having an attorney (Ms. Alfonso) escorted out of the ship's office, claiming she was being "hysterical and disrespectful," although this incident was missing from his detailed operational timeline.

Affidavit Evidence of Retired Police Sergeant Randall McGuirk

88. Randall McGuirk was a Police Sergeant attached to the Special Investigation Unit (SIU) of the Trinidad and Tobago Police Service (TTPS) from June 2020, having served as a police officer since 1990. On 2nd September 2020, he participated in a meeting regarding intelligence that the vessel *Star Balboa* might be carrying cocaine, leading to his appointment as the supervisor of the operation, while Sergeant Ramlal was designated as the investigator. In his affidavit, he explained that the suspicion of narcotics was based on intelligence provided by international drug enforcement agencies.
89. Sergeant McGuirk described the search of the *Star Balboa* as a complex undertaking that required intense coordination between several state agencies because of the vessel's massive size and intricate compartmentalized structure. He deposed that the police actions were necessary and legitimate based on the intelligence received. He further testified that he observed the search operations from the vantage point of the Coast Guard vessel, *TTS Point Lisas*, while the search teams were active on the tanker.

90. Regarding his interactions with the Claimants' legal team, Sergeant McGuirk deposed that he welcomed the attorneys to board the Coast Guard vessel on 4th September 2020 to take instructions from their clients. He denied restricting the attorneys' access to the crew in any way. However, he did admit that on 6th September, he informed the lead attorney, Ms. Chote SC, that she could be made a party to the investigation as an accused or a witness if drugs were eventually discovered on board.
91. Sergeant McGuirk's affidavit also addressed the prolonged duration of the search, which he attributed to several unavoidable delays. He cited a hiatus caused by the Captain and various crew members falling ill with COVID-19, as well as logistical delays in obtaining approvals to empty the vessel's fuel tanks. He suggested that the delays regarding the tanks were primarily caused by the crew's initial reluctance to permit inspections. Notably, in his formal affidavit, he maintained that the Claimants' liberties were never restrained during the daily search operations.
92. During cross-examination, Sergeant McGuirk made several critical admissions that contradicted the assertions in his affidavit. Under questioning from the Court, he eventually accepted that the crew's liberty was restrained and they had been detained by the state for the duration of the search. He agreed that the crew could not leave the vessel even when no active searching was occurring, because police officers kept them under guard and the Coast Guard monitored all access. He further admitted that "not during the time of the search" were they free to get off the vessel.
93. Sergeant McGuirk provided a procedural justification for this restraint, comparing the vessel to a dwelling house search on land. He explained that according to police operational procedures, when a search warrant is executed, any occupants found therein are confined until the search is completed. He accepted that from 3rd September until the vessel was granted permission to depart in November, the crew and captain could not leave the vessel. He also admitted that no arrangements were considered for placing the crew in a hotel during the lengthy two-month search process.
94. Further admissions were made regarding the failure to provide procedural safeguards. Sergeant McGuirk agreed that the Captain and crew were not cautioned when the search warrant was read out, expressing his view that cautions are only required when there is sufficient evidence to charge. He also admitted that no copy of the search warrant was given to the Captain upon the initial boarding, and a copy was only provided to the legal team days later on 6th September. Finally, while he accepted that the crew lacked the authority to leave the ship to seek medical help, he denied allegations that he had personally called Ms. Alfonso to report that the crew was suffering from flu-like symptoms.

Affidavit Evidence of Francisca Rawlins

95. Francisca Rawlins, a Woman Police Inspector with the Special Branch (formerly attached to the SIU from July 2019 to May 2023), provided evidence regarding her role in the investigation of the *Star Balboa*. She deposed that a proper search of a vessel of its size required a meticulous "inch by inch" examination, which included the complex task of emptying the ship's fuel tanks. Her testimony established that she was present on the vessel on September 3, 2020, and personally observed Inspector Ramlal informing the Captain and four senior crew members that the police would be seizing their personal electronic communication devices.
96. Her evidence detailed that the crew subsequently handed over a total of 21 cellular phones, 9 laptops, and 3 tablets to Inspector Ramlal, which were then marked for identification. Rawlins deposed that on the following day, 4th September 2020, she was instructed to obtain the necessary legal authorization to interrogate the data on these seized devices. Consequently, she attended the home of Justice of the Peace Collin Baggan and obtained 17 separate search warrants under Section 5(1) of the Administration of Justice (Indictable Proceedings) Act.
97. These warrants authorized the police to search the digital data on the devices belonging to the Captain and individually named crew members. The stated grounds for the warrants were that the devices were believed to contain digital evidence related to the commission of an indictable offence, specifically trafficking in cocaine. Once the warrants were obtained, Rawlins delivered all the seized electronics to the Police Cyber Crime and Social Media Unit for formal interrogation and analysis.
98. Finally, Rawlins provided evidence regarding the timeline of the broader vessel search. She noted that the operation was temporarily paused while the Claimants sought injunctive relief but resumed once that application was dismissed. She testified that the search was eventually concluded on November 17, 2020, after which it was confirmed that no illegal substances had been found.
99. During cross-examination, Inspector Rawlins made several admissions regarding procedural deficiencies in the state's case. She accepted that while she obtained 17 warrants for the electronic devices, the "Complaint Upon Oath" she had sworn to in support of those applications was not exhibited in her affidavit. This omission meant that the specific facts and grounds for suspicion presented to the Justice of the Peace to justify the interrogation of private data were not provided to the Court.
100. Rawlins was confronted with a letter from the Police Cyber Crime and Social Media Unit (Exhibit "F.R.1"), which she had submitted as part of her evidence. She admitted that the

letter, dated 13th September 2020, explicitly stated that the unit required two weeks to complete the analysis of the seized devices due to storage requirements and other pending cases. She accepted that, based on this official communication, two weeks was the intended "outer timeframe" for the completion of the interrogation.

101. Despite agreeing to this two-week timeframe, Rawlins conceded that she was unaware the devices were not actually returned to the crew until November 18, 2020. This led to an admission that the state held the property for significantly longer than the unit's own estimate of what was necessary for the investigation. She was unable to explain this delay, as she had no further involvement with the devices after handing them over to the Cyber Crime Unit.
102. Furthermore, Rawlins admitted that she had no knowledge of where the devices were located or what was being done with them during the nearly two-month period between the end of September and their eventual return in mid-November. She acknowledged that she was not on the ship every day and that her role was primarily focused on the administrative task of obtaining the warrants and processing the electronics. Her testimony highlighted a significant lack of continuity and oversight regarding the detention of the Claimants' personal property.

Woman Police Constable Daniela Daniel (Scribe)

103. WPC Daniela Daniel, a Detective Constable with the Special Investigations Unit (SIU), was detailed by Inspector Jason Ramlal to serve as the official scribe for the investigation and search of the vessel "Star Balboa." Her primary responsibility was to record contemporaneous notes of the execution of the search warrant, including the duration of searches, personnel involved, expert assistance, and items seized. She deposed to being present on the vessel every day from September 3rd to 12th September 2020, and on sporadic dates in November 2020 when the search was eventually concluded. She exhibited her original handwritten notes as "DD1" and subsequent station diary extracts as "DD2" and "DD3." Her evidence sought to establish an objective timeline of the state's activities on board the vessel.
104. WPC Daniel made several critical admissions that contradicted the state's broader narrative. While she insisted the crew was not "detained," she accepted they were kept under armed guard to preserve the integrity of the search and were not allowed to leave the vessel. Most significantly, she accepted that her contemporaneous notes contained no record of the Captain or any of the 16 crew members being cautioned or informed of their legal rights between 3rd and 12th September. She also agreed that the search warrant was in English, was not translated into Spanish for the native-speaking crew, and

that no copy of the warrant was provided to the Captain upon the initial boarding on 3rd September.

105. WPC Daniel was further challenged on inconsistencies between her notes and her formal affidavit. Her affidavit suggested that the issue of legal representation was raised on the first day of the search; however, she admitted her notes showed the first discussion regarding an attorney did not occur until 3:40 p.m. on 4th September 2020. She also accepted that her notes failed to record the Captain's statement that he had no other means of communication beyond the seized cell phones, nor did they record an instruction for him to use the ship's satellite phone to contact his company. Finally, she admitted there was a "considerable gap" in her recording of the investigation, with no notes produced for the period between 12th September and 15th November 2020.

Joan Gower de Chabert (Justice of the Peace, Fourth Defendant)

106. Joan Gower de Chabert, the Fourth Defendant, has served as a Justice of the Peace for the magisterial district of St. George West since 1993. Her evidence focused on the issuance of the search warrant on 2nd September 2020. She deposed that she was contacted by PC Gerard Crichlow, who attended her home in Carenage and identified himself with his TTPS ID. PC Crichlow informed her that he was conducting an investigation into the "Star Balboa" and required a warrant to search for dangerous drugs. He presented her with an information sheet (Exhibit J.G.D.C. 1), which she examined before asking him to raise his right hand and swear to the truth of the Complaint Upon Oath. Based on this, she signed and stamped the warrant authorizing the search.
107. In cross-examination, the Justice of the Peace confirmed that the information sheet (J.G.D.C. 1) was the sole document she relied upon to determine if there was reasonable cause to issue the warrant. This sheet contained the name of the vessel, the name of the officer, and a general statement regarding the narcotics investigation. She confirmed that her affidavit contained everything pertaining to the procedural steps she took in authorizing the search.
108. However, when questioned about the subsequent events and the evidence filed by the claimants, she admitted a lack of familiarity with the case's developments. She stated she could not recall reading the affidavits of the claimants' attorney, Nyree Alfonso, or reviewing the numerous photographs provided by the legal team detailing the conduct of the search on the vessel. Her testimony established that her involvement was strictly limited to the initial procedural act of granting the warrant at her residence.

Issues for determination

109. Based on the pleadings, evidence, and submissions, the primary issues for the Court's determination in this matter are categorized as follows:
- i. Whether the Claimants have standing to challenge the validity of the search warrant and, if so, whether the warrant was unlawful;
 - ii. Whether the manner of execution of the search infringed the Claimants' constitutional rights;
 - iii. Whether the Claimants were subjected to unlawful detention between 3rd September and 17th November 2020;
 - iv. Whether the seizure and continued detention of their personal property was unlawful;
 - v. Whether the Claimants were subjected to cruel and inhuman treatment;
 - vi. The appropriate measure of constitutional relief and damages.

Whether the Claimants have standing to challenge the validity of the search warrant and, if so, whether the warrant was unlawful.

110. The Claimants, in their Amended Fixed Date Claim Form, seek a series of judicial declarations regarding the search warrant issued by the Fourth Defendant, Justice of the Peace Joan Gower de Chabert on 2nd September 2020. They contend that the warrant was unconstitutional, unlawful, and void because it relied on Section 23(2) of the Dangerous Drugs Act, a provision they argue empowers searches only for "dwelling houses" and does not extend to maritime vessels.
111. Furthermore, the Claimants plead that the warrant was invalid because it failed to specify the number of entries intended for the search, did not set a finite period for the execution of the search, and was issued without the Justice of the Peace ensuring statutory preconditions were met. They also allege constitutional breaches regarding the execution of the search, specifically the failure of the Defendants to provide a copy of the warrant at the commencement of the search and the failure to provide a Spanish translation for the native Spanish-speaking crew.
112. The evidence regarding the issuance of the warrant came primarily from the Fourth Defendant, Justice of the Peace Joan Gower de Chabert. She deposed that she signed the warrant at her home after examining an information sheet presented by PC Gerard

Crichlow. In cross-examination, she confirmed that this information sheet (Exhibit J.G.D.C. 1) was the sole document she relied upon to establish reasonable cause.

113. Regarding the execution, the evidence shows the warrant was executed on Captain Jesus Ignacio Lecue Russo on 3rd September 2020. Woman Police Constable Daniela Daniel, the designated scribe, admitted in cross-examination that the warrant was in English and was not translated into Spanish for the crew. She further admitted that no copy of the warrant was provided to the Captain upon the initial boarding. Inspector Jason Ramlal testified that the search was conducted based on intelligence regarding narcotics trafficking. He admitted that while he "executed" the warrant by reading it to the Captain and others, no physical copy was handed over at that time.
114. The Claimants argue that the warrant was illegal on its face as it cited the wrong legislative authority for a maritime search. They assert that the resulting search was oppressive and disorganized, involving repeated daily entries over a period of approximately 11 weeks without a warrant authorizing multiple entries. They further argue that because the warrant did not specify personal electronic devices, the seizure of those items was also unlawful.
115. The Defendants argue that the search of a vessel under the Dangerous Drugs Act actually does not require a warrant at all pursuant to Section 23(1) of the Act. They contend that the misstatement of the specific subsection (citing 23(2) instead of 23(1)) does not invalidate the exercise of a lawful power to search. They further argue that the search was carried out reasonably based on credible intelligence and was supervised by the Court during subsequent injunctive proceedings.
116. A critical factor in determining this issue is the current status of the parties. The search warrant was obtained specifically for the property of the vessel's owner and was directly named against Captain Jesus Ignacio Lecue Russo. However, it is an important factor that both the owners of the "Star Balboa" and the Captain himself withdrew from these proceedings and are no longer parties to the case. The threshold question therefore is whether these Claimants possess the requisite standing to mount this challenge.
117. As this Court indicated in **Wasim Mohammed v AG** TT 2025 HC 87, a search warrant is, in its essence, an instrument authorizing State intrusion upon property. This ensures that such entry is lawful, thereby preventing state overreach or abuse and safeguarding the sanctity of a person's property. The right primarily engaged is therefore the proprietary or possessory interest in the premises searched.
118. This Court finds that the Claimants' reliance on Canadian authorities such as **Hunter v Southam Inc.** [1984] 2 R.C.S. 145), **R v Pugliese** (1992) 71 CCC (3d) 295 **R v Edwards**

[1996] 1 S.C.R. 128 is misplaced in the present context. The Claimants rely on these Canadian authorities to argue that standing to challenge a search is a personal right rooted in an individual's reasonable expectation of privacy, rather than a right tied strictly to property ownership. While the Court acknowledges these principles, the argument does not carry the Claimants further in this matter for two primary reasons.

119. First, the Claimants' specific complaints and requested declarations regarding the warrant (Reliefs 1 and 2) focus on the statutory validity of the warrant itself—specifically whether Section 23(2) of the Dangerous Drugs Act empowers a search of the "res" (the vessel). These declarations do not seek to vindicate a personal right to privacy but rather to invalidate the state's authority to enter the employer's property. Second, while the crew members argue that their cabins constituted their personal living space, it remains an inescapable fact that they were employees on a vessel owned by their employer, Eagle Fleet Management S.A. The cabin was provided pursuant to a contract of employment, and the Claimants have provided no evidence of exclusive control or a possessory interest in the ship that would grant them the "sufficient interest" required to challenge the underlying legal authority of a warrant that did not name them. Consequently, the "expectation of privacy" argument, while relevant to the *manner* of the search, does not provide standing to challenge the procedural validity of the warrant for the vessel itself. This argument of the Claimants does not overcome the fundamental procedural hurdle that the only parties with a direct legal interest in the validity of the warrant for the "res", the vessel's owners and the Captain, are no longer part of this litigation.
120. The Claimants further contend, relying on **AG v Dumas** [2017] UKPC 12) that the Court should not abdicate its function of constitutional adjudication and should permit them to challenge the warrant as a matter of public interest. However, this Court finds the reliance on **Dumas** to be misplaced. **Dumas** involved a broad public law challenge regarding the constitutionality of an appointment to a public body, which is a matter of overarching constitutional importance to all citizens. In contrast, the validity of a specific search warrant for a private maritime vessel is a private matter concerning the rights of the property owner and the person specifically named in the warrant, in this case, the Captain. Unlike the constitutionality of legislation or the legality of a high-level public appointment, the administrative validity of this warrant is a fact-specific inquiry that became academic the moment the primary parties with an interest in the property (the owners and the Captain) withdrew from the case.
121. Importantly, the alleged constitutional violations advanced by the Claimants—specifically their detention, treatment (including COVID-19 infection), and the seizure of personal property, do not depend on the invalidity of the vessel's search warrant. These stand as

independent complaints capable of full adjudication through their individual claims for personal constitutional breaches and serves as more reason why there is no sufficient interest in the validity of the warrant.

- a. The unlawful detention of the crew for 11 weeks is assessed based on the reasonableness of the restraint on their physical liberty, regardless of whether the initial entry onto the boat was authorized.
 - b. The "cruel and unusual treatment" regarding the COVID-19 infection is a separate breach of their right to security of the person and medical care, which is independent of the warrant's statutory source.
 - c. The unlawful seizure of electronics is treated as a separate breach because those items were not named in the initial warrant, and the state's subsequent actions regarding that property must be justified on their own merits.
122. Because these personal rights can be fully vindicated through the other issues before the Court, the challenge to the vessel's warrant serves no practical purpose for these remaining Claimants.
123. Consequently, this Court accepts, that the Claimants (the crew members) who were employees and on the vessel, pursuant to a contract of employment and do not have exclusive control over the ship do not have sufficient interest in the validity of the search warrant as it relates to the entry and search of the vessel itself. It was not their property being searched, and they have provided no evidence of a possessory right to the ship that would grant them standing to challenge the warrant's validity. While the Claimants have raised serious legal arguments regarding the scope of Section 23(2) of the Dangerous Drugs Act, the claim for relief regarding the warrant's validity has become academic as relates to the entry and search of the vessel for drugs. Since the primary parties with an interest in the res (the vessel) are no longer before the Court, the validity of the warrant, insofar as it authorised entry upon and search of the vessel, becomes, in practical terms, academic.
124. Accordingly, this Court declines to determine the validity of the warrant as it relates to the search of the vessel, since the primary parties interested in the vessel have withdrawn and the remaining Claimants lack sufficient interest in that issue and the point is academic in the present proceedings.

Whether the search was executed in a manner which infringed the Claimants' constitutional rights setting out the pleadings and the evidence and arguments.

125. The Claimants plead that the execution of the search was arbitrary, disproportionate, and unlawful. They allege that the Defendants failed to provide a copy of the search warrant at the commencement of the operation and that the document was never translated into Spanish, despite the crew being native Spanish speakers with limited English proficiency. Furthermore, the Claimants contend that they were never cautioned or advised of their legal rights, including the right to counsel, prior to being subjected to interrogations. They also assert that the search was conducted in an oppressive and disorganized manner, involving repeated daily entries over eleven weeks without a warrant authorizing multiple entries. Specific complaints include the unlawful seizure of personal electronic devices and the forceful extraction of passwords, which they argue violated their rights to privacy and the enjoyment of property. Finally, they plead that the investigating authorities failed to adhere to COVID-19 health and safety protocols, which they characterize as "cruel and unusual treatment".
126. The evidence from the Claimants portrays a hostile and intimidating environment on board the vessel. Oscar Hodgson deposed that a Coast Guard officer pointed an assault rifle at him when he attempted to lower the ship's ladder to facilitate the arrival of their legal team. Ernesto Ramos described being guarded by officers with rifles "bigger than a baseball bat" and being mandated to repeatedly clear paths and repack areas for search parties. Christian Farias testified that his cabin was searched "top to bottom" and left in total disarray, while Edgar Corrales highlighted the distress caused by the reckless searching of fuel and ballast tanks, which raised fears of an explosion. The crew also provided evidence that they were confined to their quarters under armed guard and were not free to leave the vessel even when active searching was not taking place. Regarding health protocols, witnesses stated that while Coast Guard officers initially wore N95 masks, the raiding parties on September 3 did not, ultimately leading to fourteen crew members contracting COVID-19.
127. The Defendants' witnesses provided a different account but made significant admissions during cross-examination. Inspector Jason Ramlal denied any abuse or violation of human rights, asserting that the search was systematic and necessary due to the vessel's size. However, he admitted that no copy of the warrant was provided to the Captain on the first day and that the warrant was never translated into Spanish. WPC Daniela Daniel, the official scribe, admitted that her contemporaneous notes contained no record of the crew being cautioned or informed of their rights between the 3rd and 12th September. Sergeant Randall McGuirk accepted that the crew were not free to leave the vessel and

were kept under armed guard to "preserve the integrity of the search," eventually agreeing that their liberty was restrained. He also admitted that the first time legal representation was discussed with the Captain was the afternoon of the second day.

128. The Claimants argue that the totality of the circumstances, the lack of procedural fairness, the repetitive and indefinite nature of the search, and the oppressive conduct of the officers, rendered the entire exercise unconstitutional. They rely on the principle that a search warrant, unless it expressly states otherwise, authorizes only a single entry, making the repeated daily entries over two months a trespass and an abuse of power. They further argue that the seizure of personal devices was unlawful as they were not specified in the warrant, and that the State's failure to provide medical treatment to the COVID-positive crew amounted to a breach of their right to protection from inhumane treatment.
129. The Defendants argue that the search was a legitimate and necessary police function based on credible intelligence of international narcotics trafficking. They contend that the complexity and size of the vessel made it impossible to search in a single day and that the continuous presence of officers was required to secure a "crime scene". They assert that the Claimants were "supervised" rather than detained, given that the vessel was their place of residence and they were already in isolation. Finally, the Defendants argue that the crew members lack standing to seek relief for the search of the vessel itself, as they are not the legal owners of the property and only the Captain was named on the warrant.
130. As indicated previously the owners of the vessel and the Captain, who was the only party directly named in the search warrant, are no longer parties to this litigation. As the remaining Claimants are crew members without a possessory or ownership interest in the vessel itself, they do not have sufficient interest to challenge the procedural validity of the warrant, such as whether it was properly "backed," read aloud, or if a physical inventory of the ship's gear was provided to the Master.
131. Accordingly, this Court will not determine the issues relating specifically to the vessel or the administrative validity of the warrant as it applied to the Master and owners, as those claims have become academic in their absence. The remaining Claimants' standing is limited to the personal and individual constitutional infringements they allegedly suffered as occupants of the vessel. The Court notes that while the search of the "res" (the ship) is outside the scope of the remaining crew's claim, the manner of their treatment during that search remains relevant. Therefore, the distinct issues regarding the unlawful seizure and detention of the Claimants' personal property, the failure to adhere to COVID-19 health protocols resulting in their infection, and the failure of state

agents to inform them of their fundamental rights will be addressed specifically in the subsequent sections of this judgment dedicated to those individualized complaints.

Whether the Claimants were detained between 3rd September 2020, to 17th November 2020 in contravention of their constitutional rights

Detention

132. The Claimants plead that they were subjected to an unconstitutional "constructive arrest" or *de facto* detention from 3rd September to 18th November 2020. They contend that this detention was arbitrary, unnecessary, and disproportionate, violating their fundamental rights to liberty and freedom of movement under Sections 4(a) and 4(g) of the Constitution. Specifically, they allege they were never formally charged or informed of the reasons for their detention, which contravened their right to the protection of the law and the right to be informed promptly of the reasons for any arrest. Furthermore, the Claimants plead that their rights were infringed when they were subjected to in-custody interrogations without being advised of their right to legal counsel or permitted to communicate with their families.
133. The evidence from the crew describes the vessel as a "prison at sea". Multiple Claimants deposed that from the first night of the search, they were mustered into confined areas and subsequently ordered to remain in their cabins with the doors open while being patrolled by officers armed with high-powered rifles. Oscar Hodgson testified that a Coast Guard officer pointed an assault rifle at him when he attempted to facilitate his lawyers' arrival. Christian Farias stated that crew members were only allowed to leave their cabins for meals, and even then, their movements were strictly controlled.
134. Critical admissions were made by the Defendants' witnesses during cross-examination. Inspector Jason Ramlal admitted that under his own definition of detention, being unable to move freely and leave, the crew were indeed detained, as they were not free to leave the boat at any time they wanted. Woman Police Constable Daniela Daniel accepted that her contemporaneous notes showed no record of the crew being cautioned or informed of their rights during the initial ten days of the search. Sergeant Randall McGuirk accepted that the Claimants' liberty was restrained and they were kept under "supervision" 24/7 to ensure the investigation was not compromised.
135. Furthermore, the evidence shows the crew was kept incommunicado for several weeks following the seizure of their mobile phones and laptops. While the state eventually argued the crew was in quarantine, the Claimants' evidence indicates that fourteen crew members contracted COVID-19 only after state agents boarded the vessel without adhering to biosafety protocols.

136. The Claimants argue that the totality of the circumstances, the 24-hour armed guard, the restriction of movement to cabins, the seizure of communication devices, and the explicit threats of violence if they attempted to move the ship, constituted a clear deprivation of liberty. They assert that the detention was unlawful from the outset because the state lacked reasonable grounds for suspicion and failed to provide any procedural safeguards.
137. The Defendants argue that the crew was never "detained" or "arrested" in the legal sense but were merely "supervised" to preserve a crime scene during a complex maritime search. They contend that because the crew already lived on the vessel, their presence there was normal. The Defendants further argue that any restriction on disembarking was justified by COVID-19 quarantine requirements and the fact that the vessel itself was under a court-ordered arrest for a separate civil debt.
138. The central issue is whether the Claimants were detained, and if so, whether that detention was lawful. Consistent with the authorities *R v Suberu* (2009) SCC 33 and *R v Grant* [1993] 3 S.C.R. 223 detention occurs when a person is delayed or accosted during an investigation in a manner that involves a significant deprivation of liberty. The legal test is therefore whether there was a significant deprivation of liberty, assessed objectively, having regard to the totality of the circumstances.
139. On the evidence, the following facts are decisive to this Court: (i) The Claimants were not free to leave the vessel; (ii) They were under continuous armed guard; (iii) Their movements were restricted and controlled; (iv) Their communication devices were seized; (v) They remained in this state for approximately eleven weeks. These features go well beyond mere "supervision" as contended by the Defendants. They amount to complete State control over the Claimants' liberty.
140. The Court therefore finds that the Claimants were subjected to de facto detention for eleven weeks.
141. The next question is whether that detention was lawful?
142. The law recognises that limited restraint may be justified during the execution of a search. As noted by this Court in *Wasim Mohammed v The Attorney General of Trinidad and Tobago* (*supra*) the lawfulness of detention during the execution of a search warrant is governed by the principle that while a person's freedom of movement is generally inviolable, the state may exercise a power to restrict it where it is unequivocally given by law or necessary to ensure a safe and effective search. In *Connor and others v Chief Constable of Merseyside Police* [2006] EWCA Civ 1549, the Court of Appeal in the United Kingdom affirmed that a power to detain can be implied when it is necessary to ensure that an express power, such as a firearms search, is carried out safely and without

interference. Similarly, the court in **Director of Public Prosecutions v Meaden** [2003] EWHC 3005 (Admin) ruled that it is entirely reasonable for officers to restrict the movement of occupants (for example, to a "sterile room") to prevent them from disposing of evidence or compromising the integrity of the search.

143. However, for such a detention to remain lawful, it must be necessary, strictly reasonable and proportionate in its manner and duration. The court in **Connor (supra)** emphasized that the detention of the claimants in a police car for less than an hour was justified because it was of "relatively short duration," occurred in "not particularly unpleasant conditions," and was essential for the protection of both the officers and the occupants while the house was being secured. Under the principles discussed in **Clark v Chief Constable of Merseyside Police** [2023] EWHC 2565, the burden is on the police to justify the detention, and any decision to continue a restraint must not be "Wednesbury unreasonable" or irrational. The State bears the burden of justifying the detention for its entire duration.
144. The State has failed to provide any rational basis for its continuation over eleven weeks. After the initial search of the cabins on 3rd September yielded no drugs, there was no reasonable cause to continue restraining the individual crew members for a further two months. In this case, even if the initial restraint on 3rd September 2020 was justified, the 11-week detention of the Claimants was unreasonable and unconstitutional because it far exceeded the "temporary restraint" envisioned by the authorities in **Connor (supra)** or **Meaden (supra)**. Unlike the "short period" in **Connor (supra)**, these Claimants were held under 24-hour armed guard for nearly three months, with their movements restricted to their cabins or a dining hall, often described as a "prison at sea". The detention became unreasonable as it was maintained through protracted periods where no active searching occurred, such as during the 14-day COVID-19 quarantine or during assessments for fuel removal was plainly disproportionate. Furthermore, there is no evidence that the Claimants were individually suspected of criminal conduct, ongoing detention was necessary to preserve evidence, or that less intrusive measures were considered.
145. The Court also holds that the detention was rendered oppressive by the seizure of all communication devices, leaving the crew incommunicado and in a state of extreme uncertainty, which contrast sharply with the "jovial" and non-threatening conditions described in **Connor (supra)**. Since no narcotics were ever found and the crew were never cautioned or informed of their rights, no access to counsel was provided at the critical stage, the state failed to provide any rational or legal justification for the extreme length of this *de facto* arrest.

146. The absence of fundamental safeguards further aggravates the breach. **Thornhill v AG** (1981) AC 61 and **AG v Whiteman** [1991] 2 AC 240 affirm that the right to retain and instruct counsel without delay arises immediately upon a person being "detained" or "taken into custody." The crew was never cautioned, never informed of the reasons for their detention, and were denied access to counsel during the critical initial interrogations. The search warrant named only the Captain yet the entire crew was treated as detainees without individual warrants or cause.
147. The Court therefore concludes that the Claimants' detention was arbitrary, excessive, and unconstitutional, in breach of their rights to liberty and the protection of the law.

Cruel and inhumane treatment

148. Section 5(2)(b) of the Constitution of Trinidad and Tobago expressly prohibits the imposition or authorisation of "cruel and unusual treatment or punishment". It provides:
- "5(1) Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared.
- (2) Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not-
- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorise the imposition of cruel and unusual treatment or punishment;"
149. In interpreting this provision, the courts have established a high threshold for what constitutes such a breach. Mosai J (as he then was) explored the case law in **Denny Baptiste v Cipriani Baptiste** TT 1998 HC 173. He relied on **Collymore v Attorney General** [1967] 12 WIR 5, where Wooding C.J. defined "cruel" treatment as that which is "not merely severe or harsh but as inhumane and inflictive of human suffering." Furthermore, he relied on the dicta of Sharma J.A. in **Civil nos. 177 and 178 of 1998, Thomas & Hillaire v. Cipriani Baptiste et al.** who noted that the determination of "cruel and unusual" is highly subjective, requiring a balance between the state's interest in security and the avoidance of dehumanising treatment. A critical principle established in **Estelle v Gamble** [1976] 97 Supreme Court Reporter 285 and applied locally by Justice Moosai, is that "deliberate indifference to serious medical needs" of persons in state custody constitutes the "unnecessary and wanton infliction of pain". The failure of the state to provide

medical treatment to detained persons has been specifically identified as a violation of the right not to be subjected to inhumane or degrading treatment.

150. The evidence from the Claimants provides a consistent account of a wholesale failure by state agents to adhere to biosafety protocols during the global pandemic. Multiple witnesses deposed that while the Coast Guard had previously worn N95 masks, the approximately 50 officers who boarded the vessel on 3rd September 2020 did so with "little adherence to any COVID-19 protocols". Witnesses observed officers overcrowding in confined spaces, using the vessel's toilets, and failing to sanitize hands or equipment. By 17th September, the crew began exhibiting severe flu-like symptoms, including high fevers, chills, and the loss of smell and taste. Ultimately, 14 out of the 17 crew members, who had been COVID-free and in isolation for two months prior, tested positive for the virus.
151. The Claimants' evidence further highlights a lack of state-provided medical care following their infection. They testified that they requested assistance but received none from the state, being forced to rely on a few onboard supplies of Panadol and Ibuprofen. Most significantly, the crew provides evidence that the state initially prevented supplies, including medication and food, from reaching them. It was only through the private intervention of their legal team that a doctor (Dr. Ryan Abraham) was brought on board to conduct tests and provide essential treatment. The crew described feeling "expendable" and believing the authorities had "no care as to whether we lived or died" while they suffered through the illness under armed guard.
152. The Claimants argue that the totality of their treatment, exposing them to a lethal virus through reckless disregard for health protocols and subsequently withholding medical assistance, reaches the constitutional threshold of cruel and unusual treatment. They assert that they were "effectively detained under armed guard" and that the state's failure to provide the basic necessities of life for several weeks while they were ill constituted a gross violation of their human dignity.
153. The Defendants argue that the search was a legitimate police function and that no search was ever conducted on the crew members' persons. They contend there is no medical expert evidence to definitively prove that state agents caused the infection, suggesting the source of the virus remains unknown. The state maintains that directives were issued to ensure compliance with protocols (Exhibit JR2) and that once the infection was discovered, security was removed to facilitate a "quarantine". They reject the claim of "deliberate indifference," pointing to the fact that the Captain was eventually hospitalized and that supplies were ultimately allowed on board.

154. While the state attempts to characterize the situation as a routine quarantine, the evidence establishes A failure to adhere to basic health protocols; Confinement of infected and uninfected persons together; Delay and obstruction in access to medical care; Continued coercive control during illness. The Claimants were subjected to 11 weeks of *de facto* detention in a high-stress environment resulting in the Claimant contracting Covid 19.
155. The high bar for "cruel and unusual treatment" is met not merely by the infection itself, but the State's response that is determinative. Keeping uninfected crew members confined with those who were positive, threatening hostile boarding with assault rifles when they were ill, and initially obstructing the delivery of private medical supplies reflects an "uncaring and careless... abandonment" of the Claimants' inherent dignity. This Court finds that the deliberate indifference shown to the crew's serious medical needs during their detention constituted inhumane treatment that inflicted unnecessary human suffering, thereby crossing the constitutional threshold and constitutes inhuman and degrading treatment violating their rights under Section 5(2)(b) of the Constitution.

The Right to Health

156. Although the right to health was not formally pleaded in these proceedings, the facts revealed a troubling reality. The factual matrix of this case is particularly troubling due to the specific vulnerability of the Claimants at the time of boarding. The evidence establishes that the crew of the "Star Balboa" had been in a form of total isolation for approximately two months prior to the police operation on 3rd September 2020 and were "COVID-free". By boarding a clean vessel with approximately 50 officers who showed little adherence to any COVID-19 protocols, overcrowding confined spaces, failing to wear masks, and ignoring sanitization, the State effectively introduced a lethal pathogen into a controlled environment. This transformation of the vessel from a place of work and residence into a "prison at sea" infected with a life-threatening virus constitutes a grave violation of the State's custodial duties.
157. The Constitution is not a sterile instrument. It is a living charter of human dignity, equality, and freedom. Its purpose is not merely to restrain excesses of State power, but to ensure that all exercises of that power are consistent with the fundamental value of the human person. Where the State assumes custody over individuals, it does not suspend its constitutional obligations; it intensifies them.
158. The suggestion that the absence of an express textual guarantee forecloses consideration of the right to health cannot be sustained. Within the constitutional traditions of the Commonwealth Caribbean, there has been an emerging recognition that rights must be

read holistically, and that the protection of life and the person cannot be severed from the conditions necessary for their meaningful enjoyment . Rights are not discrete silos. They form an integrated framework grounded in dignity.

159. The right to health is one such indispensable component of that framework. It inheres in the guarantees of life, security of the person, and protection from inhuman or degrading treatment. To deny its relevance is to accept that the State may lawfully detain individuals in conditions that expose them to serious and preventable harm. That proposition is incompatible with any constitutional order founded on respect for human dignity. This right carries both negative and positive obligations. The State must refrain from conduct that places individuals at risk of avoidable harm. But it must also take reasonable, proactive measures to protect those who, by reason of detention, are wholly dependent upon it. In such circumstances, the State bears a heightened duty of care. That duty is not aspirational. It is immediate and concrete.
160. International law reinforces this conclusion. It is now well accepted that international human rights norms may inform constitutional interpretation, particularly in areas where domestic law is underdeveloped . The recognition of the right to the highest attainable standard of health in international instruments underscores the minimum obligations that States owe to all persons within their jurisdiction, and with particular force to those in detention.
161. The preamble to the Constitution, though not directly enforceable, is not devoid of legal significance. It expresses the foundational aspirations of the constitutional order—human dignity, social justice, and the creation of conditions in which all may flourish. These are not empty ideals. They are interpretive commitments that must inform the content and scope of constitutional rights.
162. Against this backdrop, the Court is compelled to state that the conditions described in this case are irreconcilable with the values that the Constitution proclaims. The Court notes the testimony of specific Claimants, such as Edgar Corrales, who experienced intense symptoms including significant difficulty in breathing. While suffering through these respiratory crises under armed guard, the Claimants were left in a state of extreme fear and uncertainty, believing the authorities had "no care as to whether we lived or died". The State's liability is not limited to its initial negligence but is cemented by its positive acts of interference after the outbreak occurred. It is a matter of evidence that when 14 of the 17 crew members tested positive, the State provided no adequate medical treatment, leaving them with only basic onboard supplies like Panadol. Most distressingly, the evidence shows that state agents in Coast Guard interceptors actively obstructed the delivery of private medical supplies and food arranged by the Claimants'

attorneys. This required high-level legal intervention before the ailing crew could receive essential treatment from a private physician. Such conduct represents a total abandonment of the State's obligation to protect the lives and health of those within its total control and constitutes, at the very least, a serious breach of the State's obligations to respect, protect, and fulfil the rights implicit in the constitutional order.

163. While the right to health is not explicitly enumerated in the Constitution, it is the indispensable vessel through which the right to life, the security of the person, and the protection from inhumane treatment are given meaning. In this case, the State's conduct, ranging from the reckless introduction of a virus into a vulnerable, isolated population to the subsequent armed obstruction of essential medical aid, represents a profound failure of the State's custodial obligations. The right to health, though not yet fully articulated within our jurisprudence, is neither novel nor alien.
164. While the Court makes its formal finding of liability under the established head of cruel and unusual treatment per Section 5(2)(b), it does so by recognizing that the denial of the right to health was the primary mechanism of that constitutional injury. The Constitution does not permit the State to detain individuals in a vacuum of care; it demands a State that acts with reason, humanity, and an active respect for the inherent dignity of every person subject to its power.

Whether the seizure and detention of the Claimants' property was unlawful and/or in contravention of their constitutional rights

165. The Claimants seek several judicial declarations regarding the seizure of their personal electronic and communication devices, including cellular phones, laptops, and tablets. They contend that the initial seizure on 3rd September 2020 was unconstitutional, unlawful, and arbitrary because the search warrant used to board the vessel did not specify these items as articles permitted to be searched. Furthermore, they plead that the failure to provide an inventory of the items seized or a copy of any secondary warrant authorizing the seizure violated their fundamental rights to the enjoyment of property and protection of the law under Section 4(a) and 4(b) of the Constitution. The Claimants also allege a breach of their right to privacy under Section 4(c), asserting that they were coerced into providing personal passwords to allow state agents to interrogate their private data.
166. The evidence establishes that close to 40 items of personal property, including laptops and 21 cellular phones, were seized by the police on the first night of the operation. Multiple Claimants deposed that they were ordered to provide their passwords and were never advised of a right to refuse or to have an attorney present during this process. The

impact of the seizure was significant; the crew testified that they were rendered incommunicado, unable to contact their families for weeks, or manage their financial commitments, such as paying rent and utility bills at home. One Claimant, Christian Farias, provided evidence that his cell phone was returned with a broken screen.

167. Critical admissions were made by the Defendants' witnesses during cross-examination. Inspector Jason Ramlal admitted that no inventory of the seized devices was provided to the crew at the time of seizure. Inspector Francisca Rawlins confirmed she obtained 17 separate warrants on 4th September 2020 to search the devices, but she failed to exhibit the "Complaint Upon Oath" in her affidavit, leaving the legal basis for the suspicion unstated. While a letter from the Cyber Crime Unit suggested the data interrogation would take two weeks, Inspector Rawlins admitted the devices were held for over two months, only being returned on 17th November 2020.
168. The Claimants argue that the seizure was a "fishing exercise" conducted without reasonable grounds for believing the devices contained evidence of a crime. They contend that because the initial warrant (issued under Section 23(2) of the Dangerous Drugs Act) was limited to a "dwelling house" and did not mention electronic devices, the police had no authority to seize them. They further argue that the State bypassed specific statutory protections; for instance, they assert that searches for digital data should have been conducted under Sections 32 and 33 of the Proceeds of Crime Act or the Interception of Communications Act, which require a High Court Judge to interpose a judicial decision to protect citizen privacy. They rely on the authority of ***Ghani v Jones*** [1969] 3All E.R. 1700 which was approved by the Privy Council in ***Jaroo v The Attorney General of Trinidad and Tobago*** [2002] UKPC 5, arguing that police cannot keep property for longer than is reasonably necessary to complete an investigation.
169. The Defendants argue that the seizure was a lawful exercise of police powers under Section 23(1) of the Dangerous Drugs Act, which they contend permits the warrantless seizure of any "device or apparatus" used for the illegal use of drugs. They assert that ASP Ramlal had reasonable grounds to believe the devices contained evidence of a transnational narcotics conspiracy based on intelligence received. To justify the continued detention and data interrogation, the Defendants point to the 17 warrants obtained on 4th September under Section 5(1) of the Administration of Justice (Indictable Proceedings) Act. Finally, they argue that the Claimants were not truly incommunicado because, within 24 hours, they were provided with WiFi and two mobile phones by their legal team to contact their families.
170. This Court is of the belief that the initial seizure of the Claimants' personal items on 3rd September 2020 was not supported by clear legal authority at the time it occurred. The

search warrant executed that day was issued under Section 23(2) of the Dangerous Drugs Act for the purpose of searching for cocaine and did not specify electronic devices or data storage media as articles to be seized. The subsequent procurement of warrants on the following day 4th September by Woman Inspector Francisca Rawlins, specifically to search the electronic devices, underscores that the initial seizure was premature and unlawful. Furthermore, the search of the digital data on these devices was carried out without the necessary judicial authorisation required by specific legislation such as the **Proceeds of Crime Act** (Sections 32 and 33) or the **Interception of Communications Act**, which are designed to interpose the protection of a High Court Judge between the citizen's right to privacy and the power of the state.

171. Even if the initial seizure had been justified, the protracted detention of the Claimants' property for eleven weeks was wholly disproportionate, unreasonable and unconstitutional. Inspector Rawlins admitted in cross-examination that a letter from the Cyber Crime and Social Media Unit indicated that the data interrogation would take a maximum of two weeks. Consequently, any retention of the devices beyond that two-week period was unlawful, yet the items were not returned until 17th November 2020. This prolonged deprivation was compounded by the fact that the state failed to provide an inventory of the items at the time of seizure and coerced the crew into providing passwords without advising them of their right to remain silent or to have an attorney present. Such conduct amounts to a "fishing exercise" that disregarded the procedural safeguards intended to protect the enjoyment of property and private life.
172. The circumstances surrounding the seizure were further aggravated by the hostile and indifferent manner in which state agents treated the Claimants. By stripping the crew of all communication devices, the state rendered them incommunicado for weeks, preventing them from contacting their families during emergencies or managing essential financial obligations like rent and utility payments. The fact that the Claimants' legal team had to intervene by providing two mobile phones and Wi-Fi for the seventeen crew members underscores that the state had effectively deprived them of their property without any regard for their peculiar circumstances as Spanish-speaking foreigners in a state of uncertainty. This total control over the crew's ability to communicate, coupled with the return of property in a damaged state, constitutes a clear infringement of their fundamental rights to the enjoyment of property, privacy, and the protection of the law under Sections 4(a), 4(b), and 4(c) of the Constitution.

Measure of Damages

173. In assessing the appropriate measure of damages for the established breaches of the Claimants' fundamental rights, this Court is guided by the principles reaffirmed in

CV2018-00447 Oswald Alleyne as cited by this Court in **CV2024-00804 Daawuud Mohammed v Attorney General**. The primary purpose of such an award is to uphold and vindicate the constitutional rights that were infringed and to provide effective redress. Redress typically comprises two components: compensatory damages for the *in persona* loss or damage suffered (assessed on ordinary settled legal principles) and vindictory damages to reflect the extra dimension of the wrong. This Court must ensure that any award is no more than necessary to recognize the value of the rights violated. Furthermore, as emphasized by this Court in **Daawuud Mohammed**, care must be taken to avoid double compensation, by ensuring that compensatory awards, which often include uplifts for aggravating factors, do not overlap unnecessarily with vindictory sums.

Damages for Unlawful Detention and Breach of the Right to Liberty

174. The principal heads of damage for unlawful detention include compensation for the injury to liberty (loss of time) and compensation for the injury to feelings, which encompasses indignity, mental suffering, humiliation, and loss of reputation. In determining the appropriate quantum for the **77 days (11 weeks)** of *de facto* detention suffered by the Claimants, this Court has regard to the following authorities to establish a proportionate benchmark:
- a. **CV2015-02893 Keon Quow v The Attorney General of Trinidad and Tobago** (2nd March 2018): The claimant was wrongfully detained for 35 days. The court awarded general damages in the sum of **\$200,000.00**, inclusive of aggravated damages.
 - b. **Robert Naidike v The Attorney General of Trinidad and Tobago** TT 2013 CA 2 (5th February 2013) the Court of Appeal awarded \$200,000 for 36 days rejecting a mere "per diem" calculation in favour of an overall sum representing the long period of wrongful restraint.
 - c. **Uric Merrick v AG Civ. Appeal No. 146 of 2009** (5th February 2013) the Court of Appeal increased an award to \$200,000 for 36 days, rejecting a mere "per diem" calculation in favour of an overall sum representing the long period of wrongful restraint.
 - d. **Scott v Attorney General** TT 2012 HC 174 (16th May 2012) false imprisonment of 37 days due to mistaken identity, where the claimant had been detained under a warrant that applied to someone else. The Court awarded general damages for wrongful arrest and false imprisonment in the sum of \$150,000.00 with no uplift for aggravation.

- e. ***Persad v Jaimungal and Attorney General*** TT 2011 HC 333 (15th November 2011)
The Claimant was, wrongfully and without reasonable cause, arrested by the first defendant and he remained in custody, without reasonable cause, for approximately 76 days. He was awarded General damages for unlawful arrest, false imprisonment and malicious prosecution inclusive of an uplift for aggravated damages in sum of \$110,000.00.
 - f. ***Dyer v Attorney General*** TT 2011 HC 325 (10th November 2011) The claimant was unlawfully imprisoned for a period of 180 days, General damages was awarded in the sum of \$250,000.00 (inclusive of aggravated damages).
 - g. ***Gabriel v Attorney General of Trinidad and Tobago*** TT 2008 HC 131 (4th June 2008) He was acquitted but not before he had spent 84 days in prison, 8 days prior to his appearance before a Magistrate, and 76 days thereafter after having been granted \$100,000.00 in bail, due to his inability to satisfy the conditions of bail. He was awarded \$125,000.00
 - h. ***Ted Alexis v. The AG of T&T & Ors HCA No S-1555 of 2000*** (17th March, 2008) where cocaine was planted on a plaintiff and he was imprisoned for 2½ months and was awarded \$100,000.00 for unlawful arrest, false imprisonment and malicious prosecution, inclusive of aggravated damages and \$25,000.00 as exemplary damages to mark the Court's disapproval of the officer's conduct.
 - i. ***Abraham v. The Attorney General*** TT 1999 HC 20 (26th February 1999) The case involved an assessment of damages pursuant to a consent order where it was declared that the arrest and detention of the applicant was unconstitutional and illegal. The applicant was imprisoned for 70 days and was award \$125,000.00 in damages.
 - j. ***Ronnie Abraham v. Attorney General of Trinidad and Tobago*** HCA No. 801 of 1997 (6th February 1999) the applicant was wrongly arrested on a warrant and detained for 70 days. His arrest and detention were declared unconstitutional. He suffered great inconvenience and distress because of the deplorable prison conditions he had to endure as well as the fact that his detention spanned over the Christmas and New Years seasons. He was awarded \$125,000.00.
175. Older cases must be viewed through the lens of modern economic realities and inflation. In the present case, the Claimants were subjected to approximately 11 weeks (77 days) of *de facto* detention. This period far exceeds most local benchmarks for non-indictable investigative detention. The Claimants suggest a range of \$600,000 to \$800,000 per

person for their unconstitutional detention, given the exceptional duration and the "prison at sea" conditions.

176. Applying these authorities to the present case, the 77-day detention far exceeds the duration in *Merrick* or *Quow*. While *Dyer v AG* awarded \$250,000.00 for 180 days, the intensity of the "prison at sea" environmental and the extreme uncertainty face by these foreign awards extreme uncertainty faced by these foreign nationals warrant a higher award than seen in standard prison remand cases.
177. The Court consider \$275,000.00 per person is reasonable and proportionate to compensate for the 77 days of detention, inclusive of an uplift for the significant aggravating circumstances and inflation.

Damages for Unlawful Seizure and Detention of Property

178. The unlawful seizure and protracted 11-week detention of the Claimants' personal communication devices constituted a separate breach of their **right to the enjoyment of property and privacy**. Comparable awards include: *Leila Deonarine v The Chief Immigration Officer* TT 2021 HC 223: \$20,000.00 for the unlawful seizure of a passport. *Marq Maurice v AG* TT 2025 HC 163: \$80,000.00 for the seizure and continued detention of a passport.
179. The Claimants' property detention was aggravated by the fact that they were rendered incommunicado during a global pandemic. For instance, Edgar Corrales was unable to support his wife through a traumatic medical emergency due to the lack of communication. The Claimants suggest an award in the range of \$100,000 to \$150,000 per person for this deprivation.
180. The Court considers that \$25,000.00 for seizure including uplift for aggravation is reasonable for the electronics which were returned to the Claimants.

Cruel and Inhumane Treatment and punishment

181. The Court finds that the Claimants' suffering reached the high threshold of "cruel and unusual treatment" under Section 5(2)(b) of the Constitution. As established in *Collymore v AG*, "cruel" treatment is that which is "inhumane and inflictive of human suffering". The evidence in this matter reveals a degree of "deliberate indifference to serious medical needs" which, according to *Estelle v Gamble*, constitutes the unnecessary and wanton infliction of pain.
182. The wholesale failure of state agents to follow COVID-19 protocols, overcrowding confined spaces, failing to wear masks, and ignoring sanitization while boarding a "clean"

vessel, directly led to 14 of the 17 crew members contracting a potentially lethal virus. This was not a routine risk; the Claimants had been in total isolation for two months prior to the police boarding.

183. Perhaps most egregious was the state's conduct after the infection was discovered. Despite the crew being ill with high fevers and respiratory distress, the state provided no medical treatment, leaving them with only Panadol and Ibuprofen. The evidence establishes that state agents in Coast Guard interceptors actually obstructed the delivery of private medical supplies and food arranged by the Claimants' attorneys, requiring high-level legal intervention before the crew could receive aid.
184. This "uncaring and careless... abandonment" of the Claimants' inherent dignity and personhood (as discussed in **Dillon**) renders the violation extremely egregious. Keeping uninfected crew members confined with those who were positive, while maintaining an armed guard and denying medical access, constitutes a gross violation of human rights. The Court considers that these elements of inhumane and degrading treatment are so inextricably linked to the manner of the detention that they have been heavily factored into the aggravated uplift of the compensatory award.

Vindictory Damages

185. Finally, this Court considers whether an additional award for vindictory damages is necessary. As established in **Oswald Alleyne v AG** CV2018-00447 per Kokaram J (as he then was), such an award is justified based on the fact that what has been infringed is a constitutional right, which adds an extra dimension to the wrong. The award represents what is needed to reflect the sense of public outrage at the wrongdoing, emphasize the importance of the right, the gravity of the breach, and to deter further similar breaches. In **Attorney General of Trinidad and Tobago v Akili Charles** [2022] UKPC 49, the Privy Council upheld a vindictory award of \$150,000.00 was granted to reflect the palpable injustice resulting from arbitrary state action.
186. Vindictory damages are appropriate in this matter to mark the Court's disapproval of the disorganized, heavy-handed, and protracted operation that ignored the Claimants' status as Spanish-speaking foreigners with individual rights. While the state characterizes the situation as mere "supervision," the evidence of armed guards, the pointing of weapons at crew members, and the hostile atmosphere on board reveals an "uncaring and careless... abandonment" of the Claimants' inherent dignity. In line with **Attorney General of Trinidad and Tobago v. JM (A minor by his kin and next friend NM)** [2022] UKPC 54, this Court will award a distinct sum for vindication as the compensatory and

aggravated damages are deemed inadequate to fully achieve the purpose of this constitutional motion.

187. In awarding these damages, the Court has had particular regard to several factors concerning the actions of the Defendants that would not be fully captured in the other awards. State agents failed to advise the Claimants of their right to counsel during initial interrogations and never provided a Spanish translation of the warrant, effectively stripping them of their procedural protections at the start of the detention.
188. Indifference to COVID-19 Infection: The state showed a wholesale failure to follow biosafety protocols, resulting in 14 of the 17 crew members contracting the virus. Once infected, the state showed a "deliberate indifference" to their medical needs, failing to provide treatment and even preventing the delivery of private medical supplies through armed obstruction.
189. Rendering Foreign Nationals Incommunicado: By seizing all electronic devices for 11 weeks and forcing the crew to surrender passwords, the state rendered these foreigners incommunicado during a global crisis, preventing them from contacting families or managing their affairs abroad.
190. Threats Against Legal Representation: The Court finds the threats of arrest and armed obstruction directed at the Claimants' legal team when they attempted to facilitate access to counsel to be an egregious feature of this case.
191. Protracted and Arbitrary Detention: Maintaining a *de facto* arrest for nearly three months—long after initial searches of the crew's cabins yielded no evidence, constitutes an arbitrary and disproportionate exercise of state power.
192. Accordingly, I will award **\$150,000.00** in vindictory damages to each Claimant to acknowledge the cumulative violation of their rights and to serve as a necessary deterrent.

Costs

193. In determining the appropriate order for costs, the Court is guided by the well-established principle that costs must be reasonable and proportionate to the matters in issue. The Claimants seek certification that the matter was fit for the engagement of Senior and Junior Counsel together with an instructing attorney.
194. In exercising its discretion, the Court has regard to the factors identified in ***Seepersad v Persad and Capital Insurance Ltd*** [2004] UKPC 19, including: (i) the nature and complexity of the case; (ii) its importance to the parties; (iii) the wider public importance

of the issues raised; and (iv) whether the engagement of multiple counsel was reasonably justified in light of the responsibility and demands of the litigation.

195. This was an extensive constitutional motion involving thirteen Claimants, all foreign nationals, arising out of an unusual and factually dense matrix. The case concerned a prolonged period of approximately eleven weeks during which the Claimants were subjected to State control aboard a large maritime vessel, coupled with a multi-agency search operation of considerable scale and duration.
196. The legal issues were equally complex. The Court was required to engage in a careful analysis of intersecting constitutional protections, particularly liberty, property, and protection of the law, alongside statutory powers exercised under the Dangerous Drugs Act and related legislation. The matter also necessitated consideration of comparative Commonwealth jurisprudence addressing the limits of police powers, detention during search operations, and the constitutional implications of prolonged investigative conduct.
197. The proceedings were of the highest importance to the Claimants, involving alleged infringements of fundamental rights, including liberty, dignity, and access to legal representation. Beyond the private interests engaged, the case raised issues of clear public importance, particularly concerning the limits of State power in the conduct of complex criminal investigations, the treatment of foreign nationals in State custody, and the obligations of the State in circumstances engaging public health considerations during a global pandemic.
198. The Court's findings, including those relating to the State's failure to adhere to basic safeguards and its treatment of the Claimants during the COVID-19 outbreak, underscore the broader constitutional significance of the issues litigated.
199. Having regard to the foregoing, the Court is satisfied that the engagement of both Senior and Junior Counsel was entirely reasonable.
200. The case demanded a high level of advocacy and strategic oversight appropriately provided by Senior Counsel, particularly given the novel constitutional dimensions and the evidential challenges arising from contested factual accounts. At the same time, the scale of the litigation, encompassing multiple Claimants, numerous affidavits, extensive documentary and photographic evidence, and cross-examination of several witnesses, necessitated substantial preparatory and analytical work properly undertaken by Junior Counsel.

201. This is not a case where the issues were routine or closely aligned with settled authority. Rather, the litigation presented a distinctive and complex factual and legal landscape. In those circumstances, it would have been unrealistic and unreasonable to expect that the matter could have been effectively conducted by a single counsel.
202. Accordingly, the Court finds that the Claimants are entitled to their costs, and that the matter is properly certified as fit for the engagement of one Senior Counsel and one Junior Counsel.

Disposal

203. Accordingly, the Court makes the following orders:

- [1] A declaration that the Claimants were unlawfully detained in breach of Sections 4(a) and 4(b) of the Constitution.
- [2] A declaration that the manner of execution of the search infringed the Claimants' right to the protection of the law.
- [3] A declaration that the seizure and detention of the Claimants' personal property was unlawful and unconstitutional.
- [4] A declaration that the Claimants were subjected to inhuman and degrading treatment contrary to Section 5(2)(b).
- [5] Damages including for aggravation is awarded to each Claimant as follows:
 - i. \$275,000.00 for unlawful detention;
 - ii. \$25,000.00 for unlawful seizure of property; and
 - iii. \$150,000.00 in vindictory damages.
- [6] The Defendant shall pay statutory interest on the aforementioned sums at a rate of 5% per annum, from the date of judgment until full payment is made.
- [7] The Defendants shall pay the Claimants' costs, such costs to be assessed on a basis appropriate for Senior and Junior Counsel, in default of agreement, by a Master of the High Court.
- [8] There be a stay of execution of 42 days.

/s/ Westmin James
Westmin R.A. James
Judge