



55

APPLICATION FOR WRIT OF HABEAS CORPUS AD SUBJICIENDUM)
(O.54, r.10)

AND COURT OF THE CAYMAN ISLANDS
GRAND CAYMAN

Ref-Cause # G of 2025

IN THE MATTER OF THE HABEAS CORPUS ACT 1679
IN THE MATTER OF THE HABEAS CORPUS ACT 1816
AND IN THE MATTER OF THE CAYMAN ISLANDS CONSTITUTION ORDER 2009
AND IN THE MATTER OF THE EXTRADITION ACT 2003 (OVERSEAS TERRITORIES)
ORDER 2016
AND IN THE MATTER OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (AS
EXTENDED TO THE CAYMAN ISLANDS ORDER 2009, THE HUMAN RIGHTS ACT
1998)

BETWEEN:

JUAN CARLOS GONZALEZ INFANTE
(D.O.B. 23 June 1961)

PLAINTIFF

-AND-

THE DIRECTOR OF HIS MAJESTY'S PRISON NORTHWARD
DEFENDANT (1)

THE GOVERNOR OF THE CAYMAN ISLANDS
DEFENDANT (2)

THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS
DEFENDANT (3)

MAGISTRATE KIRSTY-ANN GUNN
DEFENDANT (4)

THE GOVERNMENT OF THE UNITED STATES OF AMERICA
DEFENDANT (5)

WRIT OF HABEAS CORPUS AD SUBJICIENDUM
Comprehensive Petition and Supporting Submissions

CHARLES THE THIRD, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our Other Realms and Territories, King, Head of the Commonwealth, Defender of the Faith

TO: The Director of the Prison

WE COMMAND you that you have in the Grand Court [or before the Hon. Chief Justice Ms. Margaret Ramsay-Hale in Chambers] at the Law Courts, George Town, Grand Cayman, on the day and at the time specified in the notice served with this writ, the body of Mr. Juan Carlos Gonzalez Infante being taken and detained under your custody as is said, together with the day and cause of such person being taken and detained, by whatsoever name he may be called therein, that the Court [or the Hon. Chief Justice Ms. Margaret Ramsay-Hale] may then and there examine and determine whether such cause is legal, and have you there then this writ.

PREAMBLE AND GROUNDS OF APPLICATION

1. The Plaintiff, Mr. Juan Carlos Gonzalez Infante, a 64-year-old Venezuelan national and former aircraft pilot, has endured unlawful detention at His Majesty's Prison Northward since his arrest on 4 June 2019. This protracted imprisonment—now exceeding six years—stems from flawed extradition proceedings initiated by the United States Government, facilitated by Cayman Islands authorities, and marred by systemic failures, procedural irregularities, and constitutional violations.
2. The detention is arbitrary and unlawful, contravening fundamental protections under the Cayman Islands Constitution Order 2009 (the "Constitution"), the Habeas Corpus Act 1679, the Extradition Treaty 2003; the Extradition Act 2003 (Overseas Territories) Order 2016 (the "2016 Order"), and Articles 5 and 6 of the European Convention on Human Rights 1950 (ECHR), as extended to the Cayman Islands via the Human Rights Act 1998. Specifically:
 - a. **Violation of Right to Liberty and Speedy Review (Constitution s.5; ECHR Art 5):** The Plaintiff has been deprived of liberty without lawful justification, compounded by inordinate delays in judicial processes, including a one-year-plus inordinate delay in delivering judgment on his extradition appeal.
 - b. **Violation of Right to Fair Hearing Within Reasonable Time (Constitution s.7; ECHR Art 6):** The extradition proceedings, spanning over six years, have been unjustly prolonged, denying procedural fairness and presuming guilt in breach of s.7(2).
 - c. **Abuse of Process:** The United States of America Extradition proceedings rely on a revoked 1972 UK-US Extradition Treaty, 1976 Order rendering the entirety of the process nugatory and an abuse of court Jurisdictional authority.
 - d. **Oppression Due to Health and Passage of Time:** The Plaintiff's deteriorating health, including early-onset dementia, renders extradition oppressive under s.82 and s.91 of the 2016 Order, exacerbated by a 19-year delay from the alleged offenses in 2006-2007.

3. This petition seeks immediate redress: a declaration that the detention is unlawful and incompatible with domestic and international law, including the Cayman Islands Constitution sections 5 and 7; the Plaintiff's unconditional release; and ancillary relief, including costs. Absent swift intervention, the Plaintiff's liberty will continue to be eroded, perpetuating a grave miscarriage of justice.

JURISDICTION

4. This Court's authority to grant habeas corpus is unassailable, rooted in centuries of common law and fortified by statute:
 - (1) The **Habeas Corpus Act 1679**, s.1, mandates speedy relief from unlawful imprisonment, requiring custodians to produce the detainee and certify the cause within strict timelines (e.g., three days generally, extendable for distance). As Lord Scarman affirmed in *Ian Norris v Secretary of State for the Home Department* [2006] EWHC 280 (Admin); *Ex p Khawaja* [1984] AC 74, the writ issues as of right, impervious to policy considerations where detention is unjustified.

Habeas Corpus Act 1679

- [I.] “Sheriff, &c. within Three Days after Service of Habeas Corpus, with the Exception of Treason and Felony, as and under the Regulations herein mentioned, to bring up the Body before the Court to which the Writ is returnable; and certify the true Causes of Imprisonment. Exceptions in respect of Distance.

For the prevention whereof and the more speedy Releife of all persons imprisoned for any such criminall or supposed criminall Matters whensoever any person or persons shall bring any Habeas Corpus directed unto any Sheriffe or Sheriffes Goaler Minister or other Person whatsoever for any person in his or their Custody and the said Writt shall be served upon the said Officer or left at the Goale or Prison with any of the Under Officers Underkeepers or Deputy of the said Officers or Keepers that the said Officer or Officers his or their Under Officers Underkeepers or Deputyes shall within Three dayes after the Service thereof as aforesaid (unlesse the Commitment aforesaid were for Treason . . . F1 plainly and specially expressed in the Warrant of Commitment) [X2upon Payment or Tender of the Charges of bringing the said Prisoner to be ascertained by the Judge or Court that awarded the same and endorsed upon the said Writt not exceeding Twelve penceper Mile] and upon Security given by his owne Bond to pay the Charges of carrying backe the Prisoner if he shall bee remanded by the Court or Judge to which he shall be brought according to the true intent of this present Act and that he will not make any escape by the way make Returne of such Writt [X3or] bring or cause to be brought the Body of the Partie soe committed or restrained unto or before F2... the Judges or Barons of the said Court from whence the said Writt shall issue or unto and before such other person [X4and] persons before whome the said Writt is made returnable according to the Command thereof, and shall [X5likewise then] certifie the true causes of his Detainer or Imprisonment unlesse the Commitment of the said Partie be in any place beyond the distance of Twenty miles from the place or places where such Court or Person is or shall be resideing and if beyond the distance of Twenty miles and not above One hundred miles then within the space of Ten dayes and if beyond the distance of One hundred miles then within the space of Twenty dayes after such (X6) delivery aforesaid and not longer.”

- (2) The **Habeas Corpus Act 1816** extends these protections to non-criminal cases, empowering judges in vacation to issue writs returnable immediately (s.1) and treating disobedience as contempt punishable by apprehension, recognizance, or commitment (s.2). Section 3 permits inquiry into the return's truth via affidavit, enabling bail or discharge; s.4 allows courts to controvert returns; and s.5 ensures writs run into privileged places like the Cayman Islands. Section 6 applies contempt processes to 1679 Act writs, ensuring robust enforcement.
 - (3) The **Grand Court Rules 1995 (Revised)**, incorporating English practices via Practice Direction No. 1/00 (GCR O.1, r.12), gazettes habeas corpus procedures.
 - (4) The **Criminal Procedure Code (2019 Revision)**, s.188, preserves the Grand Court's habeas powers in criminal contexts.
 - (5) The **Cayman Islands Constitution Order 2009**, ss.3 (inhuman treatment prohibition), 5 (arbitrary detention safeguard), 7 (fair hearing within reasonable time), and 23 (incompatibility declarations).
 - (6) The **Extradition Act 2003 (Overseas Territories) Order 2016**, mandating human rights safe guard, in compliance (ss. 79, 81, 82, 87, 91).
 - (7) The **European Convention on Human Rights**, Arts.5(4) (speedy detention review) and 6(1) (timely fair trial), with precedents like *Kudła v Poland* (2000) 35 EHRR 11 deeming 11-month delays violative.
5. Habeas corpus is the paramount remedy for tainted extradition proceedings (*Kruger v Northward Prison Director* [1996] CILR 157; *R (Kashamu) v Governor of Brixton Prison* [2002] QB 887; *Fuller v Attorney General of Belize* [2011] 32 BHRC 394).
 6. While a statutory appeal exists under s.116 of the 2016 Order, indulging in the extraordinary (Inordinate) delay in delivering judgment post-hearing transforms this into an ineffective remedy, which are an affront to the rule of law engaging habeas corpus as the mechanism to enforce ECHR Art.5(4) speedy review obligations (*Gonzalez Infante v Attorney General* [2024] (Cause No. G246/2023), distinguished on changed facts; *Re Canute Nairne* [2013] (Cause Nos. 10 & 18/2013), affirming habeas for unlawful detention periods).
 7. The Plaintiff's custody by *defendant* (1) compels this Court to act, examining the return's validity and controverting falsehoods as justice demands.

PERSONAL DETAILS AND CHRONOLOGY OF EVENTS

6. The Plaintiff, born 23 June 1961, entered the Cayman Islands on 30 May 2019 as a pilot. His arrest on 4 June 2019 for suspected smuggling and money laundering led to remand without bail. Acquittals followed: money laundering (Grand Court, 20 March 2020) and smuggling (Summary Court, 8 September 2020). Yet detention persists on extradition grounds alone, a stark testament to procedural abuse.
7. **Chronology Exposing Systemic Flaws:**
 - (1) **12 November 2019:** US diplomatic note invokes the repealed 1972 UK-US Treaty and the revoked 1976 Order for provisional arrest.
 - (2) **21 November 2019:** Chief Magistrate Foldats issues first provisional warrant; executed 25 November 2019.
 - (3) **29 January 2020:** Warrant expires for US failure to submit formal request within 60 days (2016 Order s.74(11); 2003 Treaty Art.12(4)).
 - (4) **8 April 2020:** Magistrate Foldats vacates warrant due to expiration.
 - (5) **14 April 2020:** Magistrate Gunn issues second ex parte warrant on identical void documents—an abuse compounded by the same flawed treaty reliance.
 - (6) **9 April 2020:** US formal request certified 31 March 2020 (US DOJ) and sealed 16 April 2020 (US State Dept.), erroneously invoked the 1972 Treaty/1976 Order. Governor receives on 16 June 2020; issued a certificate and certified under s.70 of the EA despite invalidity.
 - (7) **15-18 November 2022:** Extradition hearing before Magistrate Gunn; reserved Judgment 27 January 2023 judgment commits Plaintiff to Governor.
 - (8) **23 March 2023:** Governor orders extradition (s.92).
 - (9) **7-15 October 2024:** Appeal heard by Justice Marlene Carter, including amended abuse of process ground (wrong treaty (fundamentally flawed Extradition Request)).
 - (10) **As of 29 October 2025:** No judgment—379 days of silence, entrenching arbitrariness.
8. This sequence of unfortunate events unveils a cascade of errors: invalid treaty invocations, expired warrants revived ex parte, and interminable delays. Post-acquittals, no domestic justification remains. The Plaintiff's dementia diagnosis further underscores the oppression, impairing recall and defense (*India v Ashley* [2014] EWHC 3505 (Admin)). The Grand Court has previously recognized extradition's complexity in legal aid contexts (*Gonzalez Infante v Director of Legal Aid* [2021], allowing appeal for specialist counsel).

LEGAL ARGUMENTS: UNLAWFULNESS OF DETENTION**A. Primary Ground: Statutory Remedy Has Failed – 379-Day Delay Renders s.116 Appeal Ineffective**

9. The protracted proceedings have led to an inordinate delay and, by nature of delay, have brought the justice system into disrepute. s.116 appeal, the statutory pathway for challenging extradition, has been nullified by a 379-day delay in judgment delivery post-hearing (7–15 October 2024 to 29 October 2025). Inordinate delay, Aggregate of 6 years 4 months violates Constitutional safeguards s.5(6) and ECHR Art 5(4), mandating "speedy" judicial redress of detention's lawfulness.

10. Legal Framework and Precedents:

- (1) ECHR Art 5(4) requires proceedings "brought to a speedy conclusion" (*Kudla v Poland* (2000) 35 EHRR 11: 11-month delay in constitutional complaint violative).
- (2) Constitution s.7(1) demands fair hearing "within a reasonable time" (*Boolell v The State* [2006] UKPC 37: undue delay in judgment breaches rights).
- (3) In *Belbin v Regional Court of Lille* [2015] EWHC 149 (Admin), a six-month delay was excessive where it prejudiced rights. Here, 379 days, over 12 months, Inordinate delay, Aggregate of 6 years 4 months, exceeds any reasonable benchmark, especially in a complex but fully argued case.
- (4) *Gomes v Trinidad and Tobago* [2009] UKHL 21: State-attributable delays trigger 'unjust' and 'oppression' bars under s.82. The delay is wholly state-induced (court scheduling, no explanation from Justice Carter, no extension sought).
- (5) *Coe v Governor* [2014] 1 CILR 326: Cayman courts must prioritize ECHR-compliant speedy review.

11. **Ineffectiveness of Statutory Remedy:** The s.116 appeal is no longer a viable remedy; it is in limbo, suspending the Plaintiff's liberty indefinitely. Habeas corpus is thus the only live judicial process to enforce Art.5(4) (*R (Kashamu) v Governor of Brixton Prison* [2002] QB 887: detention unlawful if arbitrary under domestic or Convention law). As in *Re Canute Nairne* [2013], where habeas was granted for extended detention beyond statutory limits, this Court must intervene to end unconstitutional limbo. One year of silence, Inordinate delay, Aggregate of 6 years 4 months is not speedy—it is systemic denial.

B. Alternative Ground: Treaty Invalidity – Proceedings Void Ab Initio

12. Even if the appeal were timely, the extradition is void from the outset due to reliance on the repealed 1972 UK-US Treaty, revoked 1976 Order:
 - (1) The 1972 Treaty (ratified 1976 in Cayman Islands) was revoked by the 2016 Order Article 8 as read by Sch. 5. EA 2003.
 - (2) The 2003 Treaty (effective 26 April 2007 UK/US) was not extended to Cayman Islands until the passing of the Extradition Act 2003 [Overseas Territories] Order 2016, subsequently extended on the 8 February 2023.
 - (3) The Governor's certificate issue under s.70 Extradition Act 2003 (Overseas Territories) Order 2016, and certified, despite US requests (2019 note; 2020 formal) which contained the language of the 1972 Treaty, 1976 Order; rendering them nugatory as per (*Bermingham v Director of the Serious Fraud Office* [2007] 2 WLR 635).
 “The request must be made in the ‘approved way’ (s 70 (3) (b) EA 2003)”
 - (4) Governor's certification of flawed documents is an abuse "outwith the scheme" of the EA 2003 (*R (Tollman) v Governor of Brixton Prison* [2006] EWHC 1236 (Admin)).
13. This foundational taint voids the warrants, committal, and detention, warranting a stay (*R (Kashamu) v Governor of Brixton Prison* [2002] QB 887; *Fuller v Attorney General of Belize* [2011] 32 BHRC 394: abuse in extradition engages Art. 5(4) root-and-branch challenge).

C. Cumulative Oppression as Equitable Support

14. The 379-day delay is particularly oppressive given:
 - 14.1. **Passage of Time:** 19 years from alleged offenses (s.82 bar: *Love v USA* [2018] EWHC 172).
 - 14.2. **Health Deterioration:** Early-onset dementia impairs defense and renders custody inhuman (s.91; *Mackellar v USA* [2020] 2 CILR Note 15).
 - 14.3. **Six-Year Incarceration Without Conviction:** Post-acquittals, detention shocks the conscience (*Kudła v Poland*).
15. **Incompatibility Declaration:** The 2016 Order, as applied, permits indefinite detention—incompatible with ss.5,7 and Arts.5,6 (s.23 remedy).

CLAIMS FOR RELIEF

COUNT ONE:

CONSTITUTIONAL CLAIM declaration procedural delays by government
(Incompatibility s. 23) with ss.5 and 7; demands release.

COUNT TWO:

STATUTORY CLAIM Breaches of Extradition Treaty 2003 and the Extradition Act
2003 (Overseas Territories) Order 2016 and Habeas Acts; compel discharge.

COUNT THREE:

COSTS AND INCIDENTAL RELIEF Award costs and fees upon success.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays:

- (1) Assume jurisdiction;
- (2) Issue a declaration of incompatibility
- (3) Issue a show cause order;
- (4) Grant writ for immediate release;
- (5) Award costs/fees;
- (6) Grant further just relief.

Endorsement

SWORN by the said JUAN CARLOS GONZALEZ INFANTE at H.M. Prison Northward,
Grand Cayman this 4th day of November 2025



D.O.B. 23 June 1961

(Signature of Plaintiff)

BEFORE ME:



HARDING WATLER
Justice of the Peace

ID# HW310595 Justice of the Peace

(Name, Qualification, and Stamp)

Filed this _____ day of November 2025 Grand Court Registry

SEAL

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. G [] OF 2025
(Habeas Corpus – O.54, r.6)

IN THE MATTER OF an Application by **JUAN CARLOS GONZALEZ INFANTE** for a
Writ of *Habeas Corpus ad Subjiciendum*

BETWEEN

JUAN CARLOS GONZALEZ INFANTE (*Plaintiff*)

– and –

THE DIRECTOR OF H.M. PRISON NORTHWARD Defendant

THE GOVERNOR OF THE CAYMAN ISLANDS Defendant

ATTORNEY GENERAL OF THE CAYMAN ISLANDS Defendant

MAGISTRATE KIRSTY-ANN GUNN Defendant

THE GOVERNMENT OF THE UNITED STATES OF AMERICA Defendant

ACKNOWLEDGMENT OF SERVICE

Form for Originating Summons)

If you intend to instruct an Attorney to act for you, give this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, **THIS FORM MAY HAVE TO BE RETURNED.**

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged. THE DIRECTOR OF H.M. PRISON NORTHWARD (acting in official capacity as custodian of the Plaintiff)
2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

☐ yes ☐ no

(The Defendant will file a Return to the Writ under O.54, r.7 and reserves the right to be heard)

Service of the Originating Summons is acknowledged accordingly.

(Signed) _____ [DANIEL GREAVES or AUTHORIZED OFFICER] [Attorney] for Defendant in person / Official Capacity

Address for service: H.M. Prison Northward 24 Sheffield Drive, Bodden Town P.O. Box 1807, Grand Cayman KY1-1109 **Telephone:** (345) 947-3000 **Email:** marlon.hudgson@gov.ky

Notes on address for service Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney. Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

JUAN CARLOS GONZALEZ INFANTE
c/o H.M. Prison Northward
P.O. Box 1807 Grand Cayman
KY1-1109
Email (via prison): marlon.hudgson@gov.ky
Plaintiff in person

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Daniel Grieves] Director,
H.M. Prison Northward 24 Sheffield Drive,
Bodden Town P.O. Box 1807,
Grand Cayman KY1-1109
Defendant in official capacity
Email: Daniel.Greaves@gov.ky

DATED this [date of receipt] _____ day of [month] _____ 2025

FILED on behalf of Defendant (1) Grand Court Registry