



REPORT

OF THE

COMMITTEE OF PRIVILEGES OF THE HOUSE
OF REPRESENTATIVES

FOURTH SESSION (2018/2019)

ELEVENTH PARLIAMENT

ALLEGATION OF MISLEADING THE HOUSE

TOGETHER WITH THE MINUTES OF PROCEEDINGS
AND RECORD OF EVIDENCE

Laid before the House of Representatives and Ordered to be printed

HOR Paper No.

Date Laid:

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INTRODUCTION

ESTABLISHMENT OF COMMITTEE OF PRIVILEGES

1. Standing Order 89(1) of the House of Representatives establishes the Committee of Privileges, among others, as a permanent Sessional Select Committee of the House of Representatives.

2. Standing Order 89(2) provides for the appointment of Members to Sessional Select Committees and states that –

“(2) Members of the House appointed to Sessional Select Committees shall be chosen by the Speaker as soon as possible after the beginning of each session.”

3. By virtue of Standing Order 92(2), the Speaker of the House is a Member and the Chairman of the Committee of Privileges.

4. On Friday November 02, 2018¹ the following persons were chosen by the Speaker to also serve on the Committee of Privileges (your Committee), Fourth Session (2018/2019) of the Eleventh Parliament, in accordance with Standing Order 89 (2) of the House of Representatives

Mrs. Camille Robinson-Regis	Member
Mr. Stuart Young	Member
Mr. Fitzgerald Hinds	Member
Mr. Rudranath Indarsingh	Member
Mr. Barry Padarath	Member,

three of the members chosen served on your Committee during the 3rd Session of the 11th Session².

TERMS OF REFERENCE

5. Standing Order 92 (1) provides that *“the Committee of Privileges shall have the duty of considering and reporting on any matter referred to it by the Speaker of the House, in accordance with Standing Order 32 (Privilege Matters) and Standing Order 55 (Order in the House and in*

¹ HOR Debate, Friday 02nd November, 2018 at page 2
<http://www.ttparliament.org/hansards/hh20181102.pdf>

² Mrs. Camille Robinson-Regis, Mr. Fitzgerald Hinds and Mr. Stuart Young were returned to the Committee.

Committee). It shall be the duty of the Committee to consider any matter so referred and to report thereon to the House”.

MATTER RAISED AND REFERRED

6. On Wednesday October 10, 2018, the Leader of the House moved a privilege motion in the House of Representatives alleging that the Member for Oropouche East committed contempt of the House, on the following eligible grounds:

- “i. He willfully and intentionally mislead the House;
- ii. He made injurious allegations against the Member for Diego Martin West when no substantive motion was before the House; and
- iii. He undermined the dignity of the House by abusing the privilege of freedom of speech.” **(The Motion is attached at Appendix I)**

7. On Tuesday October 16, 2018, the Speaker of the House ruled that a *prima facie* case had been made out and referred the matter to your Committee for consideration and report **(The Ruling is attached at Appendix II).**

8. At a sitting of the House of Representatives held on Friday November 30, 2018, Dr. Nyan Gadsby-Dolly, was appointed to serve temporarily on your Committee during consideration of the matter referred as a substitute for Mrs. Camille Robinson-Regis, who recused herself from the matter at the first meeting of your Committee.

SECRETARIAT SUPPORT

9. The following persons provided secretarial support to your Committee:

- Mrs. Jacqui Sampson-Meiguel – Secretary to the Committee
- Ms. Keiba Jacob – Assistant Secretary
- Mr. Brian Lucio – Assistant Secretary
- Ms. Simone Yallery – Legal Officer I
- Ms. Sheranne Samuel – Procedural Clerk Assistant
- Ms. Kimberly Mitchell – Procedural Clerk Assistant

MEETINGS OF THE COMMITTEE

10. Your Committee held three (3) meetings to consider and deliberate on the matter referred. The Minutes of the Meetings are attached at **Appendix III**.

11. At its first meeting, your Committee discussed the following general matters:

- the mandate of your Committee;
- the applicable Standing Orders;
- the procedures to be followed;
- the composition of your committee;
- the issue of bias;
- the scope of the matter referred;
- whether your Committee was required to cease deliberations pending the outcome of an external investigation by a Law Enforcement agency;
- the documentation and material to be used in its deliberations; and
- a proposed work plan.

12. In keeping with previous precedent, Mrs. Camille Robinson-Regis, recused herself from participating in the consideration of the matter referred, insofar as she was the Member who raised the complaint via a Privileges Motion before the House.

13. In accordance with the practice of Committees of Privileges of the House of Representatives, your Committee agreed that as an essential first step, the Member for Oropouche East should be invited to be heard in response to the allegation made against him. There was general consensus with the following procedures and practices of the Committee of Privileges-

- a) your Committee's business would be conducted in a professional and non-partisan manner;
- b) your Committee would follow procedures that could withstand public scrutiny;
- c) the Verbatim Notes of evidence will be part of your Committee's record and be subject to the examination and scrutiny of the public and others, upon presentation of our Report;
- d) that disagreements, if any, would be resolved *in camera* and not in the presence of witnesses;

- e) natural justice would be maintained and as such, the Member whose actions are being considered would be invited to be heard;
- f) the Member would be permitted to be accompanied by two advisors for the matter;
- g) during hearings (when evidence is being taken), the Member would be invited to be in attendance in accordance with established practice, but would not be able to participate; and
- h) the Member would not be permitted to attend the deliberations of your Committee

14. During discussions, two members expressed the view that a Member who had already publicly voiced a position on a matter before a Committee should recuse himself/herself from the Committee's consideration of the said matter. However, your Committee noted that the prevailing rule was that unless a member was directly connected or involved in a matter, it was accepted parliamentary practice that a member may recuse himself/herself only at his/her volition once they believe themselves incapable of discharging their duties in a fair manner.

15. A scheduled meeting on Monday January 7, 2019 to continue consideration of this matter and to allow the Member for Oropouche East an early opportunity to be heard was aborted.

16. On Tuesday February 05, 2019, your Committee met again to consider the matter referred. Once again, the purpose of this meeting was to deal with procedural issues and to allow the Member for Oropouche East an opportunity to be heard. However, the agenda could not be followed due to developments that affected the matter before the Committee.

17. By letter to the Speaker of the House dated January 28, 2019, the Member for Oropouche East raised three (3) points of objection to appearing before your Committee:

- i. that the Committee of Privileges was not appointed or constituted at the time of the referrals;
- ii. that there exists no power to appoint temporary members of the Committee of Privileges, and therefore your Committee is improperly constituted; and
- iii. that a member of a Committee against whom an allegation of bias is raised ought not to serve on a Committee.

18. The Speaker responded to the Member for Oropouche East, by letter from the Clerk of the House dated January 31, 2019.

Constitutional Matter filed and application made for an injunction

19. At or around 8:00 a.m. on February 05, 2019, a bundle of documents was delivered to the Speaker's Office relating to a Constitutional motion filed at the High Court, San Fernando on February 04, 2019 by the Member for Oropouche East. In his claim, the Member for Oropouche East alleges that your Committee as constituted infringes his constitutional rights to a fair hearing. He is also challenging the authority of the House to appoint temporary or substitute members to a Committee. He further applied for an injunction against your Committee continuing hearings into the matters referred to your Committee by the House of Representatives until the determination of his matter before the Court. The application for an injunction was heard on February 05, 2019 at 9:00 a.m. in the High Court, San Fernando. (The Constitutional Motion and Affidavit are attached at **Appendix IV**)

20. Your Committee is advised that no pre-action protocol letter was issued and no Member of your Committee had been named as a party in the proceedings. Additionally, the issues raised in the claim differed materially from what the Member for Oropouche East outlined in his letter to the Speaker of the House of January 28, 2019. Most notably, the allegation of bias was extended to the Chairman of your Committee.

21. Your Committee wishes to inform the House of Representatives that Senior Counsel appeared amicus curiae on behalf of the Speaker of the House at the hearing before the Court on February 5, 2019. The Speaker, through Senior Counsel, gave an undertaking to the Court that hearings into the matter referred by the House of Representatives to your Committee would be adjourned, until the hearing of the application or further order.

22. The court did not grant an injunction to prohibit your Committee from meeting.

23. It was made clear to the Court through Senior Counsel, that your Committee would meet to decide on the course of action it would take but it would not embark on hearings into the

allegations of whether the Claimant committed a contempt until the hearing of the application before the Court or further order.

24. Your Committee acknowledges that the Speaker of the House is the guardian of the privileges, rights and immunities of the House of Representatives. We therefore consider that it was the duty of the Speaker to act in the interest of the House of Representatives as a whole and with regard to the comity of relations that exists between the Legislature and the Judiciary.

Action in Defamation filed by the Member for Diego Martin West

25. Your Committee was also informed subsequent to its second meeting that an action in defamation had been filed by the Member for Diego Martin West against the Member for Oropouche East in the High Court for the words uttered in the House which the Member for Diego Martin West claims were repeated outside of the House. (**Appendix V**)

26. While acknowledging that a contempt is an offence against the House itself and not against an individual member, your Committee was satisfied that the Member for Diego Martin West has decided to pursue a remedy in the High Court against the Member for Oropouche East for the words uttered.

27. Your Committee considered the following issues –

- that there is no guarantee that the rule against premature publication of proceedings will be observed. Consequently, Court proceedings could thereby be prejudiced given the worrying publication of the Committee’s in camera deliberations of January 07, 2019 in the Guardian Newspaper of January 08, 2019; and
- in instances where a member has a remedy in the Courts and has pursued this remedy, it may be beneath the dignity of the House for your Committee to continue its investigations in circumstances in which the matter before the Courts and the matter referred to your Committee involve the very same issue.

Report

28. Your Committee wishes to report that it has endorsed the undertaking given to the Court by the Speaker of the House and Chairman of your Committee.

29. Your Committee also wishes to report its disappointment that upon receipt of the ruling of the Speaker on the matters about which he raised concerns, the Member for Oropouche East did not return to your Committee to outline his further concerns or disagreements, which he was fully entitled to do.

30. It is even more disconcerting to your Committee that the Member did not first refer his objections to the House of Representatives consistent with parliamentary practice and procedure in all jurisdictions. Instead, the Member for Oropouche East misguidedly invited the High Court to consider issues touching and concerning matters related to the House of Representatives, without fully exploring all options available to him consistent with parliamentary practice and procedure. This House of Representatives has guarded jealously since its inception, matters which are central to its inherent jurisdiction to regulate itself and its members, namely:

- The jurisdiction of the Committee of Privileges.
- The composition of a Committee of this House.
- The capacity of this House to appoint substitutes to a Committee in place of Members who have recused themselves.
- The capacity of the Speaker of this House to rule on procedural matters referred to him/her in accordance with the powers conferred on the Speaker of this House by the House of Representatives itself through its Standing Orders.

31. Attached at **Appendix VI** are written statements by two Members explaining the reasons for their dissent from the Report.

RECOMMENDATION

32. In relation to the matter alleging that the Member for Oropouche East committed contempt of the House on the following grounds:

- i. he willfully and intentionally mislead the House;
- ii. he made injurious allegations against the Member for Diego Martin West when no substantive motion was before the House;
- iii. he undermined the dignity of the House by abusing the privilege of freedom of speech,

your Committee recommends that no further action be taken for reasons outlined in paragraphs 25 to 27 above.

33. In making this recommendation, your Committee wishes to underscore that:

- It is not hereby proposing that the House cede its jurisdiction to treat with contempt matters committed in its face to another place;
- that this decision should not be considered a precedent;
- this decision was arrived at due to the unique facts and circumstances of the matter under consideration.

Respectfully submitted,

Sgd.
Mrs. Bridgid Annisette-George
Chairman

Sgd.
Dr. Nyan Gadsby-Dolly
Member

Mr. Rudranath Indarsingh
Member

Sgd.
Mr. Fitzgerald Hinds
Member

Sgd.
Mr. Stuart Young
Member

Mr. Barry Padarath
Member

Motion

COMMITTEE OF PRIVILEGES (MEMBER FOR OROPOUCHE EAST)

The Minister of Planning and Development (Hon. Camille Robinson-Regis): [*Desk thumping*]
Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move a matter directly concerning the privileges of this House. Madam Speaker, during the debate in this House yesterday, October 9th, the Member for Oropouche East made statements in this House which included false and wholly fictitious allegations against a Member of this House.

In making the statements, the Member for Oropouche East presented them to this House as matters of fact and freely and voluntarily took responsibility for them. Madam Speaker, the Member referred to cheque payments made, at or around June 2017 from a company named A&V Drilling Company Limited, to different contractors. He added and I quote:

“Deokiesingh has gone, but you see, Madam Speaker, one day almost I think in a humorous way, the Member for Port of Spain North/St. Ann’s West, my very dear friend from Port of Spain North/ St. Ann’s West...jokingly said to me that he understood I was going to Miami a lot and the Americans he said, or somebody was interested in my travel. So today, I want to explain to him the nature of my travel.”

I continue to quote, Madam Speaker:

“You see, Madam Speaker, I did journey on a few occasions...I had wind of something. And I had information that pointed me to a bank in Florida...

Madam Speaker, this bank has documents at the bank to a beneficiary account number, IBAN, foreign, with a number 114515. No purpose of funds, so it is a transfer document, beneficiary recipients, no purpose of funds, but additional instructions for attention. There are two names here. One is Vidya Deokiesingh...Now, what would this Petrotrin employee be doing with banking business in Florida? What?

The second name I cannot call in the Parliament. I cannot. The second name I cannot call. But you see, Madam Speaker, I cannot call the second name but I asked a week or two ago, I asked the Member for Diego Martin West whether he had any interest in AV Drilling and he wanted to fight me. He said, ‘Come outside on the pavement.’ Today,”—I say—“come inside in the House.”

2.00 p.m.

After he was challenged based on a valid point of order, the Member continued making allegations based on documents in his possession, the source and date of which he refused to reveal. Madam Speaker, again I quote:

“This document, Madam Speaker, suggests that there are some banking transactions and information involving Mr. Vidya Deokiesingh or one Vidya Deokiesingh. There is no Mr. or Mrs. there, but Vidya Deokiesingh and another name of a Member of the House. Would you wish me to call that name?.....Madam Speaker, I really do have a couple more points to make, so I will just indicate, according to your ruling, that the two names I have here, ‘Additional instructions, Attention’, V-I-D-Y-A D-E-O-K-I-E-S-I-N-G-H and the second name, K-E-I-T-H R-O-W-L-E-Y.”

He continued and again I quote, Madam Speaker:

“Madam Speaker, it has also been in the public domain before today. This is not the first time now, before today, it was in the public domain on a site, on a website of a reference in relation to the AV Drilling matter, a reference to one Charlie Diaz...Because it was in the public domain already that there was information being asked, purportedly being asked for, on Charlie Diaz. And information pertaining to the banking business of Charlie Diaz.”

I continue to quote, Madam Speaker:

“It has also been in the public domain so what I am saying now is certainly not fresh, that, in an email from the Internet which was circulated months ago, there was an email from one Justin Soogrim. And Justin Soogrim is sending an email on an email address of Vivian Baksh.”

Madam Speaker: Hon. Member, your time has expired.

Mr. Al-Rawi: Madam Speaker, I seek your leave under Standing Order 122(1), to move for the suspension of Standing Order 23(2).

Madam Speaker: You have got my leave to seek for a suspension of Standing Order 32(5), if that is what you are seeking.

Mr. Al-Rawi: I am guided and I appreciate the clarification. Madam Speaker, in accordance with Standing Order 122(1), I beg to move that Standing Order 32(5) be suspended for the Leader of the House to complete her Motion that will require a further 10 minutes.

Question put and agreed to.

Hon. C. Robinson-Regis: Thank you very kindly, Madam Speaker. And Madam Speaker, I continue to quote:

“This was already in the public domain, so this is not new.

Good morning hon. Prime Minister,

The following is the banking particulars for Mr. Charlie Diaz as requested.

Bank information, C&C International Trading bank account, and all the accounts there. This is old information; this is not new information.”

Madam Speaker, a consideration of the Member’s *Hansard* record will reveal a Member, who by his actions was plainly hesitant. Obviously, unconvinced of the veracity of his statements, but who was determined to mislead this House and cast negative aspersions on another Member and then run. Madam Speaker, that amounts to high contempt of this House. [*Desk thumping*] These statements by the Member have been covered by both the print and electronic media, including social media. They have gone far and wide. As you know, Madam Speaker, the Parliament has several platforms over which it streams and broadcasts its proceedings. So these statements have been widely published. Additionally, they have been the talking point of several radio programmes this morning.

Madam Speaker, the sole purpose of these statements, albeit incongruous and disjointed, was to seek to contrive allegations of a very serious nature against the Member for Diego Martin West. These allegations are all untrue. In making these statements:

1. The Member for Oropouche East wilfully and intentionally misled the House;
2. The Member for Oropouche East made injurious allegations against the Member for Diego Martin West when no substantive Motion was before the House. Madam Speaker, that was intentional;
3. The Member for Oropouche East relied upon undated and patently fictitious documents which the Member, any Member, should have known were deceptive

and false;

4. The Member for Oropouche East undermined the dignity of the House by abusing the privilege of freedom of speech in a most offensive manner.

Madam Speaker, in moving this Motion of Privilege today in this House, I ask you to consider that the Member sought to convince you and this honourable House that he had credible information. After all, in his own words, he journeyed several times to Miami to conduct an investigation because he had wind of something that led him to a bank. This bank had in his words “documents at the bank” inferring that he obtained documents from this bank. The Member chose not to share such documents with this House, but caused two slips of paper to be circulated on UNC Facebook sites and to be otherwise circulated by Opposition activists. And, Madam Speaker, these activists include UNC Councillor Marisa Ramlogan, attorney Darryl Heeralal and economist Patrick Watson. No responsible person could consider the information being circulated to be trustworthy, and today I am providing the Clerk with copies of these documents.

Madam Speaker, when you look at the information you will observe, they are nothing but flimsy pieces of paper. The so-called bank document is unsigned, unstamped, undated, unauthentic, and on its very face appears to be bogus. The other flimsy piece of paper is supposedly an email that the Member claims was found on the Internet, entitled “Banking Coordinates”. The privilege of freedom of speech is regarded as the most important of privileges and, Madam Speaker, I ask you to consider the seriousness of this matter which at first glance there can be no doubt that a serious misleading of the House has occurred.

Moreover, Madam Speaker, this Member has brought this House into odium and ridicule by his reckless behaviour and sinister conduct which, notwithstanding the cloak of parliamentary cover, can be clearly seen to be no more than a wicked ungodly plot by dangerous and devious persons targeted at the Member for Diego Martin West. I therefore move that the statements of the Member for Oropouche East be referred to the Committee of Privileges as a serious matter of high contempt of this House for investigation and report.

I beg to move. [*Desk thumping*]

Madam Speaker: Hon. Members, I shall reserve my decision on whether a prima facie case has been made out and I shall deliver my decision on a later date.

Ruling

COMMITTEE OF PRIVILEGES (MEMBER FOR OROPOUCHE EAST)

Madam Speaker: Hon Members, I now will deliver my ruling, based on a matter of privileges that was raised on the last occasion.

Hon. Members, at a sitting of the House held on Wednesday, October 10 2018, the Member for Arouca/Maloney and Leader of the House sought and was granted leave to raise a matter of privilege in accordance with Standing Order 32. Having reserved my decision at that time, I now rule, pursuant to my duty under Standing Order 32(4), on whether a prima facie case of breach of privilege has been made out, thereby warranting further investigation.

Freedom of speech in Parliament is of fundamental importance. Parliament is intended to be a forum for free and frank debate, and Members should be able to raise issues without having to agonize over the exact form of words used, or providing extensive supporting evidence for any assertion made. Hon. Members, the privilege of freedom of speech enjoyed by you as Members of Parliament is, in fact, the privilege of your constituents. It is not for your personal benefit, but to enable all Members to discharge their functions in the public interest.

As Speaker, it is my duty to jealously guard and defend the freedom of speech and debate. However, the freedom carries with it a responsibility to exercise the right judiciously and prudently. Therefore, the privilege of freedom of speech does not absolve Members from being accountable for statements they make.

As I have repeatedly advised, Members are required to take full ownership and responsibility for things said in this House. Freedom of speech is not an exemption from the duty to research carefully, nor does it discharge Members from being circumspect before exercising the freedom. Pursuant to the Standing Orders, my sole duty is to consider whether the submission made by the Member for Arouca/Maloney suggests a reasonable possibility that a contempt has occurred.

Hon. Members, I have considered the submission and I am of the view that a prima facie

case of contempt has been established and that the matter should be referred to the Committee of Privileges for its investigation. In making this ruling, I do not express a decided opinion on the substantive issue, as the Committee of Privileges will thoroughly consider and investigate the matter raised, and I so rule.

Minutes of Proceedings

**MINUTES OF THE 1ST MEETING
OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF
REPRESENTATIVES
HELD IN THE ARNOLD THOMASOS (EAST) MEETING ROOM, LEVEL 6,
OFFICE OF THE PARLIAMENT, TOWER D, 1A WRIGHTSON ROAD,
PORT OF SPAIN
ON FRIDAY NOVEMBER 30, 2018**

PRESENT

Mrs. Bridgid Annisette-George	Chairman
Mrs. Camille Robinson-Regis	Member
Mr. Stuart Young	Member
Mr. Fitzgerald Hinds	Member
Mr. Rudranath Indarsingh	Member
Mr. Barry Padarath	Member

Secretariat

Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Keiba Jacob	Assistant Secretary
Ms. Angelique Massiah	Legal Officer
Mr. Brian Lucio	Graduate Research Assistant

CALL TO ORDER

1.1 The Chairman called the meeting to order at 10:18 a.m. and welcomed Members present.

CHAIRMAN'S INTRODUCTORY COMMENTS

- 2.1. After brief introductions, the Chairman advised as follows:
- i) The Committee's business would be conducted in a professional and non-partisan manner;
 - j) As a quasi-judicial body, the Committee must follow procedures that can withstand public scrutiny;
 - k) That the Verbatim Notes of evidence will be part of the Committee's record and be subject to the examination and scrutiny of the public and others, upon presentation of the Committee's Report; and
 - l) That all disagreements, if any, would be resolved *in camera* and not in the presence of witnesses.
- 2.2. The Chairman informed Members that in accordance with Appendix III of the Standing Orders of the House of Representatives and consistent with practice:
- a) Natural justice will be maintained and as such, the Member whose actions are being considered will be invited to be heard;
 - b) The Member would be permitted to be accompanied by two advisors for each matter;
 - c) During hearings when evidence is being taken, the Member will be invited to be in attendance in accordance with established practice, but will not be able to participate; and
 - d) The Member shall not be permitted to attend the deliberations of the Committee.
- 2.3. The Chairman reminded Members that Verbatim Notes will be taken while the Committee is receiving evidence and not while the Committee is deliberating in camera. The Chairman further reminded Members that Minutes would be available for all meetings of the Committee and circulated for Members' consideration

MATTERS REFERRED

- 3.1 The Chairman reminded Members that the matters referred to the Committee of Privileges, were as follows -
- 1. An allegation that on Tuesday October 9, 2018, the Member for Oropouche East committed contempt of the House on the following grounds:
 - a. He willfully and intentionally misled the House;
 - b. He made injurious allegations against the Member for Diego Martin West when no substantive motion was before the House; and

- c. He undermined the dignity of the House by abusing the privilege of freedom of speech.
2. An allegation that on Wednesday October 10, 2018, the Member for Oropouche East committed contempt of the House on the following grounds:
 - a. He uttered threatening words to a Member of the House; and
 - b. He brought the House and its proceedings into ridicule and public odium.

DISCUSSION ON THE WAY FORWARD

- 4.1. Preliminary matters involving the work of the Committee were discussed during which -
 - a) Mr. Hinds recused himself from participating in the second matter referred to the Committee insofar as the matter touched and concerned him;
 - b) Mrs. Robinson-Regis recused herself from participating in both matters referred to the Committee having raised the motions of privileges in the House;
 - c) Mr. Padarath expressed the view that a Member who had already publicly stated a position on a matter before the Committee (in this case, during a debate in the House) should also recuse himself from the Committee's consideration of the said matter. Mr. Indarsingh agreed. After a brief discussion, the Chairman explained that unless a member was directly connected or involved in a matter, it was accepted parliamentary practice that a member may recuse himself/herself only at his/her volition once they believe themselves incapable of discharging their duties in a fair, logical and rational manner;
 - d) Mr. Padarath sought guidance as to whether the Committee ought to proceed with its consideration of a matter while a concurrent investigation was being pursued by a law enforcement agency of the State. The Chairman instructed the Secretariat to conduct research on the question raised by Mr. Padarath;
 - e) Mr. Padarath also sought guidance as to whether a matter could be referred to the Committee of Privileges before Members were appointed to the Committee. The Chairman responded in the affirmative and explained that the Committee of Privileges was established pursuant to Standing Order 89 of the House of Representatives at the commencement of each Session of Parliament with the Speaker as Chairman. She added that the full membership is completed at the earliest opportunity after the commencement of the session.

- 4.2 The Chairman referred Members to the documents circulated to them by the Secretariat, namely:
- a) Hansard Report of the contribution made by the Member for Oropouche East on Tuesday October 9, 2018;
 - b) Hansard Report of the Privilege Motion raised by the Member for Arouca Maloney on Wednesday October 10, 2018;
 - c) Hansard Report of the Ruling by the Speaker of the House on Monday October 15, 2018;
 - d) Hansard Extract of the contribution made by the Member for Diego Martin North/East on Wednesday October 10, 2018;
 - e) Hansard Report of the Privilege Motion raised by the Member for Arouca/Maloney on Monday October 15, 2018; and
 - f) Hansard Report of the Ruling by the Speaker of the House on Friday November 2, 2018.
- 4.3. The Chairman instructed the Secretariat to also circulate to Members the learning from May's Parliamentary Practice with respect to Committees of Privileges.
- 4.4. Members agreed that the Committee would generally meet on Tuesdays but may meet on any other day as determined by the Committee.
- 4.5. The Committee agreed that the Secretary to the Committee should write to the Member whose actions were being considered to:
- a) invite him to be heard;
 - b) offer guidance on his right to be allowed two (2) advisors (per matter) to accompany him; and
 - c) advise on any other procedural matters.

CORRESPONDENCE

- 5.1. Members noted the following items of correspondence which were circulated:

- a) a letter to the Secretary of the Committee from the Member for Oropouche East dated November 29, 2018;
- b) the response from the Secretary to the Member for Oropouche East dated November 29, 2018'; and
- c) a letter from Attorney-at-law Mr. Aaron Mahabir to the Secretary dated November 30, 2018.

ADJOURNMENT

6.1. There being no other business, the Chairman thanked Members for attending.

6.2. The meeting was adjourned to Tuesday December 11, 2018 at 2:00 p.m. during which the Member whose actions were being considered would be heard.

6.3. The adjournment was taken at 12:02 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

December 27, 2018

MINUTES OF THE 3RD MEETING
OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF
REPRESENTATIVES
HELD IN THE ANR ROBINSON MEETING ROOM (WEST), LEVEL 9,
OFFICE OF THE PARLIAMENT, TOWER D, 1A WRIGHTSON ROAD,
PORT OF SPAIN

PRESENT

Mrs. Bridgid Annisette-George	Chairman
Dr. Nyan Gadsby-Dolly	Member (<i>substitute for Mrs. Camille Robinson-Regis</i>)
Mr. Anthony Garcia	Member (<i>substitute for Mr. Fitzgerald Hinds</i>)
Mr. Stuart Young	Member
Mr. Rudranath Indarsingh	Member
Mr. Barry Padarath	Member

Secretariat

Mrs. Jacqui Sampson-Meiguel	Secretary
Ms. Keiba Jacob	Assistant Secretary
Ms. Chantal La Roche	Senior Legal Officer
Ms. Simone Yallery	Legal Officer I
Ms. Sheranne Samuel	Procedural Clerk Assistant
Ms. Kimberly Mitchell	Procedural Clerk Assistant

EXCUSED

Mr. Fitzgerald Hinds	Member
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CALL TO ORDER

1.2 The Chairman called the meeting to order at 2:32 p.m. and welcomed Members present.

CONSIDERATION OF MINUTES OF THE SECOND MEETING HELD ON MONDAY JANUARY 07, 2019:

2.1 The Chairman invited Members to consider the Minutes and enquired whether there were any amendments.

2.2 The following amendment was made:

Paragraph 5.1, page 3: The words “Mr. Indarsingh concurred.” were inserted at the end of the paragraph.

2.3 There being no further amendments, the motion for the confirmation of the Minutes was moved by Mr. Young and seconded by Dr. Gadsby-Dolly.

2.4 The Minutes were confirmed.

MATTERS ARISING FROM THE MINUTES

3.1 Paragraphs 8.9 and 8.13, page 5:

The Chairman advised Members of the following:

- a. By letter to the Secretary of the Committee of Privileges dated January 21, 2019, the Member for Oropouche East requested an extension to January 28, 2019 to provide written submissions;
- b. By letter to the Speaker of the House dated January 28 2019, the Member for Oropouche East made written submissions (copy of letter circulated);
- c. By letter dated January 31st, 2019, the Clerk of the House responded to Dr. Moonilal on behalf of the Speaker of the House. The letter was hand-delivered to Dr. Moonilal in the House of Representatives during the sitting of the House held on February 01, 2019 (Copy of letter circulated).

UPDATE ON MATTER REFERRED TO THE COMMITTEE

Matter No. 2 (Threatening Words)

4.1 The Chairman advised that the agenda which was circulated could not be followed due to developments which affected the matter before the Committee. The Chairman outlined the following developments:

- a. The Member for Oropouche East by letter dated January 28, 2019, raised three (3) points of objection to appearing before the Committee. The Chairman outlined the 3 points of objection:
 - i. that the Committee of Privileges was not appointed or constituted at the time of the referrals;
 - ii. that there exists no power to appoint temporary members of the Committee of Privileges, and therefore the Committee is improperly constituted; and
 - iii. that a member of a Committee against whom an allegation of bias is raised ought not to serve on the Committee.

- b. A response to the Member for Oropouche East's letter was hand delivered to him in the Chamber on February 01, 2019. On the same day (February 1, 2019), the Member for Oropouche East wrote to the Speaker of the House of Representatives indicating that he had not received a response.
- c. At 8:00 a.m. this morning (February 05, 2019), documents were delivered to the Speaker's Office relating to a constitutional matter filed at the High Court, San Fernando on February 04, 2019 by the Member for Oropouche East. This matter included an application for an injunction against the Committee of privileges continuing hearings into the matters referred to the Committee by the House of Representatives. The application for an injunction was heard today (February 05, 2019) at 9:00 a.m. in the High Court, San Fernando (The related Affidavit was circulated)
- d. In relation to the matter filed in the High Court, San Fernando yesterday, the Chairman advised the following:
 - No pre-action protocol letter was issued and no Member of the Committee had been named as a party in the proceedings;
 - The issues raised in the claim differed materially from what the Member for Oropouche East outlined in his letter to the Speaker of the House of January 28, 2019. The allegation of bias was now extended to the Chairman;
 - Senior Counsel appeared amicus curiae on behalf of the Speaker at the hearing before the Court this morning (February 5, 2019) and subsequently provided a report on the proceedings;
 - No injunction was granted to prohibit the Committee from meeting;
 - The Speaker, through Senior Counsel, gave an undertaking to the Court that hearings into the matter referred by the House of Representatives to the Committee will be adjourned, until the hearing of the application or further order;
 - The Speaker as guardian of the privileges, rights and immunities of the House of Representatives considered that it was her duty to so act in the interest of the House of Representatives as a whole and having regard to the comity of relations that exists between the Legislature and the Judiciary;
 - Senior Counsel reported that it was made clear to the Court that the Committee would meet to decide on the course of action it will take but it would not hear the allegations of whether the Claimant committed a contempt until the hearing of the application or further order.

4.2 After explaining the sequence of events, the Chairman then requested that the Committee endorse the undertaking given to the Court by her, in her capacity of Speaker of the House.

4.3 Mr. Young, Mr. Garcia and Dr. Gadsby-Dolly agreed that the Committee should endorse the undertaking given to the Court. Mr. Indarsingh requested further time to review the documents to make an informed decision. Mr. Padarath took no view on the matter.

4.4 The Chairman proposed and the Committee agreed to submit a report to the House on this matter outlining all that has transpired to date. There was agreement that the Chairman should cause to be circulated the draft report for approval by round robin.

4.5 Mr. Garcia was excused at 3:01 p.m.

UPDATE ON MATTER REFERRED TO THE COMMITTEE

Matter No. 1 (Misleading the House)

5.1 The Chairman announced that Mr. Hinds was unavailable to attend the meeting.

5.2 The Chairman pointed out that the developments outlined above (par 4.1) in relation to the second matter referred were relevant to the matter related to the allegation of willful misleading of the House.

5.3 The Chairman indicated that there was a further development in relation to this matter and advised the Committee as follows –

- Subsequent to the last meeting of the Committee, it was drawn to her attention by the Secretary of the Committee that an action in defamation had been filed by the Member for Diego Martin West against the Member for Oropouche East in the High Court;
- The Legal Unit of the Parliament was able to obtain a copy of the action so filed from the registry of the High Court. (A copy of the Claim Form in relation to claim #CV2019-00055 Dr. Keith Rowley v Dr. Roodal Moonilal filed and stamped by the High Court on January 08, 2019 was circulated)

5.4 A discussion ensued.

5.5 While acknowledging that a contempt is an offence against the House itself and not against an individual member, the Chairman made the following points:

- From a perusal of the claim filed in the High Court, it is clear that the Member for Diego Martin West has decided to pursue a remedy in the High Court against the Member for Oropouche for the words uttered;
- Should the Committee continue its consideration into the matter referred, there could be an argument that dual remedies are being pursued simultaneously.

5.6 Mr. Young indicated that in his view the Committee should not continue further with the Matter in light of the defamation matter before the Court.

5.7 Mr. Indarsingh acknowledged the right of persons to seek relief via the Courts however he underscored the view that this Matter before the Committee should be seen to its finality.

5.8 The Chairman referred to the publication of the Committee's deliberations of January 07, 2019 in the Guardian Newspaper of January 08, 2019. While registering her concern with this breach, pointed out that in the circumstances there is no guarantee that the rule against premature publication of proceedings will be observed and that Court proceedings would not thereby be prejudiced. Given all the circumstances, the Chairman agreed with Mr. Young that no further action should be taken by the Committee in the matter.

5.9 Mrs. Gatsby-Dolly concurred.

5.10 After further discussions, Mr. Indarsingh and Mr. Padarath agreed that in view of the Court matter, the Committee should take no further action.

5.11 The Committee underscored the following:

- i. that the decision was not a precedent for any future matters.
- ii. the Committee was not recommending that the House cede its jurisdiction to treat with contempt matters to another place.
- iii. the decision was arrived at due to the unique facts and circumstances of the matter under consideration.

5.12 The Chairman proposed and the Committee also agreed to submit a report to the House on this matter with a recommendation that no further action be taken with particulars related to Claim Form No. CV2019-00055 to be appended. There was also agreement that the Chairman should cause to be circulated the draft report for approval by round robin.

OTHER BUSINESS

6.1. The Chairman informed the Committee that correspondence was received from Mr. Padarath and Mr. Indarsingh, dated February 01, 2019 regarding the schedule of meetings and the agenda.

6.2. In response to concerns raised about the scheduling of meetings, the Chairman advised Members that it was the responsibility of the Chairman to schedule meetings in instances when the Committee adjourned to a date to be fixed. She advised that there is no rule or practice that all Members must agree on the date and time for a meeting.

ADJOURNMENT

7.1 There being no other business, the Chairman thanked Members for attending and adjourned the meeting to a date to be fixed.

7.2 The adjournment was taken at 3:22 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

February 06, 2019

Constitutional Motion and Affidavit

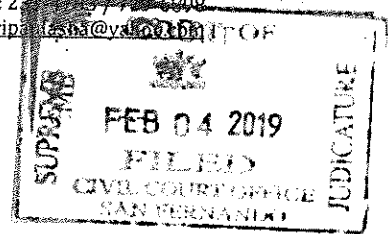
Constitutional Law

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TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE
SUB-REGISTRY SAN FERNANDO

Claim No. CV2019-00

BETWEEN

ROODAL MOONILAL

Claimant

AND

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

Defendant

ORIGINATING MOTION UNDER SECTION 14 OF THE CONSTITUTION

The Claimant **ROODAL MOONILAL** of 162 Seaview Drive, Parkway Avenue Gulf View, San Fernando in the island of Trinidad claims against the Defendant **THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO** with its registered address

at Ministry of the Attorney General, Cabildo Chambers, 23-27 St. Vincent Street, Port of Spain in the island of Trinidad the following:

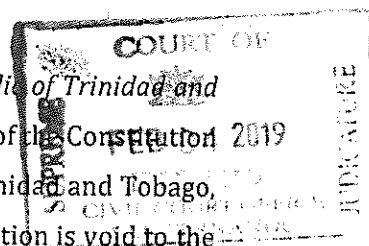
- (i) A declaration that the decision of the Speaker of the House of Representatives and Chairman of the Committee of Privileges, being a servant and or agent of the State of Trinidad and Tobago dated the 30th January 2019 as represented in a letter under the hand of Jacqui Sampson Meiguel, Clerk of the House, to proceed with the hearing of the allegations of whether the Claimant committed a contempt of the House on the 9th October 2018 and the 10th October 2018, with the Committee of Privileges as presently constituted, is in breach the Claimant's fundamental rights guaranteed under Section 4(b), 5(2) e and the right conferred by Section 55 of the Constitution of the Republic of Trinidad and Tobago.
- (ii) An injunction and/or conservatory order restraining the Defendant, its servants and or agents and more particularly the Committee of Privileges of the Parliament of Trinidad and Tobago, from continuing the hearings into the allegations of whether the Claimant committed a contempt of the House on the 9th October 2018 and the 10th October 2018 until the hearing and determination of this matter or until further order.
- (iii) An order that the Defendant pay to the Claimant monetary compensation for the damages suffered by the Claimant as a result of the unlawful actions of the Defendant.
- (iv) An order that the Defendant do pay the Claimants costs of this Claim to be assessed by the Registrar of the Supreme Court in default of agreement.
- (v) Such further or other relief as this Honourable Court may deem fit in the circumstances of the case.

The Grounds upon which these reliefs are sought are as follows:-

Jurisdiction of the High Court

(a) In a modern democratic society founded on the ideology of participatory democracy, such as Trinidad and Tobago, every citizen has a legitimate interest in the upholding of the Constitution and the Rule of Law. In the Democratic Republic of Trinidad and Tobago, which has a written constitution, this constitutional value is embodied and enshrined in the Preamble.¹ This legitimate interest is greater and emboldened in relation to a Member of Parliament who by virtue of his oath has sworn to uphold the Constitution and the law. In addition, a Member of Parliament by virtue of his election speaks on behalf of the constituents whom he was elected to represent. The discharge of his duty to represent his constituents is a fundamental pillar of a democratic society based upon the rule of law.

(b) Section 1 of the Constitution provides that, "*The Republic of Trinidad and Tobago shall be a sovereign democratic State*". Section 2 of the Constitution provides that the Constitution is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency. Therefore, the Rule of Law is an expressly declared and avowed constitutional value that underpins the Republican Constitution of Trinidad and Tobago which is the supreme law.



(c) It is a task of the Judiciary to uphold the supremacy of the Constitution and thereby the Rule of Law². The High Court by virtue of the Constitution is the ultimate guardian of constitutional compliance. In Trinidad and Tobago, the Court is the ultimate interpreter of the Constitution and the Court is assigned the task of determining the reach, breadth and content of the rights conferred by the Constitution. The High Court is vested with the responsibility to determine what powers are conferred on each branch of

¹ Dumas v The Attorney General of Trinidad and Tobago Civil Appeal No. P 218 of 2014 paragraph 103

² The Attorney General of Trinidad and Tobago v Dumas [2017] UKPC 12

government, whether it is limited, and if so, what are the limits and whether any action of that branch transgresses such limits. It is for the Court to uphold the constitutional values and to enforce the constitutional limitations. That is the essence of the Rule of Law³.

(d) Section 14 of the Constitution confers upon the High Court all of the powers to discharge the Court's Constitutional mandate, to enforce the fundamental rights, ensure constitutional compliance and grant the appropriate relief where necessary to uphold the Rule of Law.

(e) A democracy which claims not only to have respect for the fundamental rights of its citizens, but which makes express provisions in its Constitution to entrench and preserve those rights, should never appear to entertain the suggestion that members of Parliament are free to do what they like provided it is done within its walls. The oath taken by its Members demands of them respect for the Constitution.⁴

(f) Section 56(1) of the Constitution provides that subject to the provisions of this Constitution, each House may regulate its own procedures. This does not vest the Parliament with an absolute ouster of the Court's jurisdiction to inquire in matters of Parliament. Section 56(1) gives constitutional recognition to the Privileges of Parliament. *"Privileges is an important part of the law and custom of Parliament, but aspects of the law are still obscure. It has been developed over centuries by the response of Parliament, especially the commons, to changing circumstances and also, since privileges affects those outside Parliament, by decisions of the Courts. Since neither House separately exercises legislative supremacy, neither House can by its own resolution create new privileges. When a matter of privilege is disputed, it is a matter for the courts to decide whether a privilege exists⁵."*

³ State of Rajasthan v Union of India AIR [1977] SC 1361 para 143

⁴ Boodram v The Attorney General, Trinidad and Tobago High Court Action No. 6874 of 1987

⁵ Constitutional and Administrative Law, 14th edn. page 223

Grounds in support of composition of Committee

- (g) The House of Representatives' Standing Orders of the Parliament contain rules for the conduct of the proceedings of the House and for the exercise of powers possessed by the House.⁶ They are not intended to diminish or restrict the rights, privileges and immunities of the House and its Committees collectively or of its members individually.
- (h) The Standing Orders are made pursuant to the express constitutional authority of Section 56 and in accordance with Section 20 of the Constitution of the Republic of Trinidad and Tobago Act:

20. The Standing Orders of the Senate and of the House of Representatives of the last Parliament under the former Constitution as in force immediately before the appointed day shall, except as may be otherwise provided in pursuance of section 56(1) of the Constitution, be the Standing Orders of the Senate and of the House of Representatives established by the Constitution, but shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

- (i) The Standing Orders are therefore expressly subject to the Constitution including the fundamental human rights conferred in Sections 4-5.
- (j) The Standing Orders are the means by which the constitutional powers conferred by Section 56 are discharged. There is a specific right of freedom of speech that is conferred on a Member of Parliament by virtue of Section 55 of the Constitution. The Member of Parliament exercises this right on behalf of his constituents. Where any action that is taken has expressly breached a provision of the Standing Orders or has the potential to breach any Standing Order or has the ability to affect the right conferred upon a Member of Parliament by Section 55 of the Constitution the Court has a

⁶ Standing Order 128 "These Standing Orders shall come into effect at the commencement of the Fifth Session of the Tenth Parliament.

duty to intervene to ensure constitutional compliance and to protect the rights of the Member of Parliament and by extension the right of the constituents that the Member represents.

Committee of Privileges Improperly Constituted

- (k) The Committee of Privileges is established by Standing Order 92 of the Standing Orders of the House of Representatives. The Committee of Privileges cannot act in a manner that is inconsistent with the Standing Orders of the Parliament. The Committee of Privileges is subject to the provisions of the Standing Orders and the Constitution. The proceedings before the Committee of Privileges can affect the right of the Claimant conferred by Section 56 of the Constitution to speak freely in Parliament on behalf of his constituents.
- (l) Under the Constitution and the Standing Orders, the Claimant is entitled to a fair hearing before a Committee of Privileges properly constituted in accordance with the Standing Orders.
- (m) Standing Order 92 provides expressly for the membership of the Committee of Privileges. The recusal of a member from the Committee for a particular matter does not create a vacancy that can be filled by a temporary appointment by the Speaker of the House of Representatives and Chairman of the Committee of Privileges.
- (n) Standing Order 92 of the House of Representatives provides, *"The Committee of Privileges shall consist of six (6) members inclusive of the Chairman."* At present the Committee of Privileges comprises seven (7) members in relation to its composition to determine the first allegation and eight (8) members in relation to its composition to determine the other allegation. The Members that were appointed temporarily have participated in the proceedings of the Committee. This is a clear violation of the Standing Orders and vitiates the entire proceedings where these members have participated.

- (o) The enlargement of the Committee beyond the prescribed maximum of six (6) members is illegal, unconstitutional and ultra vires. Previously, the House of Representatives' Standing Orders 1961 had provided that "*The Committee of Privileges shall consist of not less than six, and not more than ten, Members inclusive of the Chairman.*" There was therefore a deliberate policy change in the present Standing Orders to (a) fix the number of members and (b) limit the number of members and hence there is no discretion or jurisdiction to exceed the prescribed number of members beyond six (6).
- (p) The Standing Orders of the Parliament and by extension the drafters of the Standing Orders contemplated and made provisions for the absence of a Chairman⁷ and a Member⁸. There is also a procedure for amendment to the Standing Orders.⁹ Unless otherwise provided a quorum shall be three (3) members.¹⁰
- (q) Where an Act of Parliament confers an administrative power, (1) there is a presumption that it will be exercised in a manner which is fair in all the circumstances. (2) The standards of fairness are not immutable. They may change with the passage of time, both in general and in their application to decisions of a particular type. (3) The principles of fairness are not to be applied by rote identically in every situation. What fairness demands is dependent on the context of the decision, and this is to be taken into account in all its aspects. (4) An essential feature of the context is the statute which creates the discretion, as regards both its language and the shape of the legal and administrative system within which the decision is taken. (5) Fairness will very often require that a person who may be adversely affected by the decision will have an opportunity to make

⁷ Standing Order 112 (4)

⁸ Standing Order 116

⁹ Standing Order 121

¹⁰ Standing Order 112 (5)

representations on his own behalf either before the decision is taken with a view to producing a favourable result; or after it is taken with a view to procuring its modification; or both. (6) Since the person affected usually cannot make worthwhile representations without knowing what factors may weigh against his interest, fairness will very often require that he was informed of the case which he has to answer¹¹.

- (r) The Committee of Privileges must act fairly and in accordance with the principles of natural justice because it is duty-bound to do so by virtue of the concept of due process, the rule of law, the right to protection of the law, the right to a fair hearing before an independent and impartial tribunal in accordance with the principles of fundamental justice and Section 20 of the Judicial Review Act.
- (s) The constitutional right to the protection of law and the principles of natural justice demand that particular attention must be paid to the need for procedural fairness in any investigation¹². The Court will impose a heightened degree of scrutiny in relation to the exercise of powers that have the potential to affect the rights of a citizen. In the circumstances of this case the actions of the Speaker of the House of Representatives and Chairman of the Committee of Privileges have the potential to affect not only the right of the Claimant but also the right of all of the constituents that he is duty bound to represent. The right to procedural fairness is a right that is protected by Section 4(b) and Section 5(2) (e) of the Constitution¹³ and the Claimant enjoys a right to freedom of political expression under section 4 (e) of the Constitution.
- (t) In **CV2011-04918 Nizam Mohammed v The Attorney General of Trinidad and Tobago** (which was cited with approval by the Privy Council

¹¹ R v The Secretary of State for the Home Department ex parte Doody [1994] 1 AC 531 at 560.

¹² Rees v Crane [1994] 1 LRC 57.

¹³ Sam Maharaj v The Attorney General [2016] UKPC 37, Rees v Crane [1994] 2 AC 173

in *Sam Maharaj v Prime Minister [2016] UKPC 37*, Jones, J (as she then was) held:

“Section 4 (b) of the Constitution confirms the right of the individual to the protection of the law which protection includes the right to natural justice. In somewhat similar vein section 5(2)(e) of the Constitution provides that, subject to certain exceptions, Parliament may not deprive a person of the right to a hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations. It is now accepted that the rights embodied in section 5 of the Constitution particularize in some greater detail what is included in the words “the due process of law” and “the protection of the law” found in section 4 of the Constitution. Insofar as these proceedings are concerned both the Claimant and the Defendant do not dispute that what both sections provide is “constitutional protection to the right to procedural fairness.”” (Emphasis added)

- (u) The manner in which the Speaker of the House of Representatives and Chairman of the Committee of Privileges has exercised the power that derives from the Standing Orders made under the powers conferred by the Constitution amounts to the arbitrary exercise of power and the protection of law guaranteed under Sections 4 (b) and 5(2) (e) of the Constitution protects the Claimant against the exercise of such powers¹⁴.

Grounds in support of automatic disqualification of Members to sit on Committee

- (v) Appendix III of the Standing Orders of the House of Representatives¹⁵, Rule 45, was designed to guarantee the right to natural justice and by extension procedural fairness in proceedings before any Committee. Appendix III provides an automatic disqualification for members in certain circumstances and a right to object to the sitting of a member in a Committee in other circumstances.

¹⁴ *The Maya Leaders Alliance v The Attorney General of Belize [2005] CCJ 15* at paragraph 47.

¹⁵ This is a new section in the Standing Orders that did not exist in the 1961 Standing Orders

(w) Rule 45 provides at page 78,

"A member who has, (whether in the House or outside the House) made an allegation of crime or expressed a concluded view on any conduct or activity of a criminal nature, identifying by name or otherwise a person as being responsible for or associated with that crime, conduct or activity (referred to as apparent bias), may not participate-

(a) in any Select Committee inquiry into that person's responsibility for, or association with that crime, conduct or activity; or

(b) in any other proceedings in a Select Committee that may seriously damage the reputation of that person."

(x) S.49 Summary Offences Act Chapter 11:02

Any person making use of any insulting, annoying or violent language with intent to, or which might tend to, provoke any other person to commit a breach of the peace, and any person who uses any obscene, indecent or profane language to the annoyance of any resident or person in any street or of any person in a place to which the public is admitted or has access, or who fights or otherwise disturbs the peace, is liable to a fine of two hundred dollars or to imprisonment for thirty (30) days.

(y) The Member of Parliament for Laventille West has made an allegation that the Claimant has acted in a manner that contravenes section 49 of the Summary Offences Act.

(z) The Speaker of the House of Representatives and Chairman of the Committee of Privileges has made an allegation that the Claimant has acted in a manner that contravenes section 49 of the Summary Offences Act.

(aa) Both the Member of Parliament for Laventille West and the Speaker of the House of Representatives and Chairman of the Committee of Privileges

are both automatically disqualified from sitting in the Committee of Privileges by virtue of the express provisions of the Standing Orders of the Parliament in relation to any matter concerning the Claimant. The application of this provision is not subject to the discretion of any Member.

- (bb) Alternatively, both the Member of Parliament for Laventille West and the Speaker of the House of Representatives and Chairman of the Committee of Privileges are disqualified on the ground of apparent bias because they have made prejudicial comments that have compromised their ability to appear to be and/or be independent and impartial such that the Claimant can be assured of a fair trial by an independent and impartial tribunal.
- (cc) A fair minded and informed observer will conclude that there is a real possibility of bias.¹⁶ In Davidson v Scottish Ministers [2004] UKHL 34 Lord Bingham stated, *"It has ...been accepted for many years that justice must not only be done but must also be seen to be done. This principle is rooted in the need for public confidence in the administration of justice"*

Grounds in support of Apparent Bias Against the Speaker

- (dd) The Constitution and the Standing Orders of the Parliament guarantee to the Claimant a hearing before a Committee of Privileges that is not infected with bias. This is confirmed by Appendix III¹⁷, the Constitution¹⁸ and the common law¹⁹.
- (ee) The Member of Parliament for Laventille West is presently a complainant and potential witness adverse to the Claimant in an allegation that is presently being investigated by the Committee of Privileges pertaining to

¹⁶ Magill v Porter [2001] UKHL 67

¹⁷ Rule 46

¹⁸ Section 4 (b) and section 5(2) e

¹⁹ Civil Appeal No. 145 of 2009 Baksh. Sadiq Kuei Tung, Brian v Espinet, Ejenny, Her Worship Senior Magistrate; The Director of Public Prosecutions

a statement that was allegedly made during crosstalk that *"Da is why Snake have some lead for you."*

- (ff) In delivering her ruling in accordance with Standing Order 32 on whether a prima facie case was made out the Speaker impermissibly crossed the line by saying *"there is absolutely no place for violent or threatening language in this House. The statement made, when placed in context as presented by the Member for Arouca/Maloney, clearly falls below the esteem and dignity of the Parliament."*
- (gg) In so doing, the Speaker pre-judged the matter and prejudiced the proceedings of the Committee of Privileges of which she is the Chair²⁰. She illegally usurped the role, function and power of the Committee of Privileges by purporting to make a premature finding and/or conclusion in advance of and/or without the benefit of a hearing and is hence disqualified from serving as a member and Chairman of the committee.

Grounds in support of Apparent Bias Against the MP for Laventille West

- (hh) The fair minded and informed observer will find that the Member of Parliament for Laventille West is apparently biased against the Claimant and he is hence disabled from sitting in judgment on the committee.
- (ii) The Speaker, in her capacity as Chairman has indicated that the Committee of Privileges intends to hear both allegations against the Claimant at the same time. The Member of Parliament for Laventille West is the virtual complainant in the second of the two (2) allegations against the Claimant and has voluntarily recused himself from the Committee of Privileges hearing *that* allegation. He however remains a member of the committee for the purpose of hearing the first complaint into statements

²⁰ Standing Order 92 (2)

made by the Claimant in relation to a certain bank account that was allegedly linked to the Prime Minister.

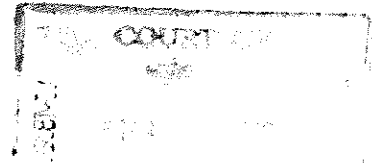
(jj) It is fundamentally unfair and constitutionally improper for the MP for Laventille West to sit in judgment of the Claimant on another complaint whilst the Committee is simultaneously hearing a complaint which alleges that the Claimant threatened his life or made serious threats of harm to him. The risk of actual bias and/or apparent bias is real, and it violates sections 4(b) and 5(2) (e) of the Constitution.

CERTIFICATE AS TO TRUTH

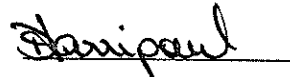
I ROODAL MOONILAL, the Claimant herein do hereby certify that the facts contained in this Fixed Date Claim Form are true and correct based on my information and that I am entitled to the remedies claimed.



ROODAL MOONILAL
Claimant



Dated this 4th day of February, 2019



Dayadai Harripaul
Claimant's Attorney-at-Law

NOTICE TO DEFENDANT:-

The First Hearing of this claim will take place at the High Court of Justice Knox Street, Port-of-Spain on the _____ day of _____ 2019 at the hour of _____ a.m. / p.m. in the forenoon/ afternoon or so soon thereafter as Senior Counsel for the Claimant can be heard before the Honorable Mr. / Madam Justice _____ in courtroom POS _____

AND FURTHER TAKE NOTICE that the Claimant will rely upon the affidavit of the Claimant sworn to and filed herein on the 4th day of February, 2019 and such further or other evidence that this Honorable Court may admit or receive.

If you do not attend at that hearing, judgment may be entered against you in accordance with the Claim.

If you do attend, the judge may

- (a) deal with the claim, or
- (b) give directions for the preparation of the case for a further hearing

An affidavit giving full details of the Claimant's claim should be served on you with this Claim Form. If not and there is no order permitting the claimant not to serve the affidavit you should contact the court office immediately.

You should complete the form of appearance served on you with this Claim Form and deliver or send it to the court office (address below) so that they receive it within EIGHT days of service of this Claim Form on you. The form of appearance may be completed by you or an attorney acting for you.

You should consider obtaining legal advice with regard to this claim. See the notes on the back of this form or on the next page.

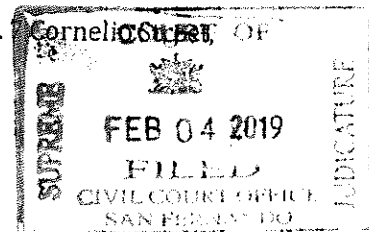
This claim form has no validity if it is not served within [four] months of the date below unless it is accompanied by an order extending that time.

The **Court office** is at the Hall of Justice, Knox Street, Port of Spain telephone number 623-2417, FAX 623-2417. The office is open between 8:00a.m. and 4:00 p.m. Mondays to Fridays except Public Holidays and Court Holidays.

The Claimant's address for service is:

Ms. Dayadai Harripaul,
St. Michael's Law
7 Cornelio Street
Woodbrook
Port-of-Spain.

This Claim is issued by Dayadai Harripaul, Attorney at Law of No. 7 Cornelio Street, Woodbrook in the city of Port-of-Spain for the Claimant.



TO: The Registrar of the Supreme Court
Hall of Justice
Knox Street
Port-of-Spain

AND TO: The Attorney General of Trinidad and Tobago
Ministry of the Attorney General
Cabildo Chambers
23-27 St. Vincent Street
Port-of-Spain.

Constitutional Law

Senior Counsel
Anand Ramlogan SC
(Bar No. RAA1996033)
Freedom House Law Chambers
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TRINIDAD AND TOBAGO

Claim No. CV2019-00

IN THE HIGH COURT OF JUSTICE
SUB-REGISTRY SAN FERNANDO

BETWEEN

ROODAL MOONILAL

AND

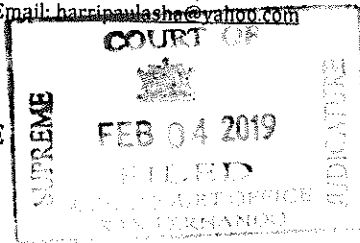
THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

Claimant

Defendant

AFFIDAVIT OF ROODAL MOONILAL

I, Roodal Moonilal, Member of Parliament of 162 Seaview Drive, Parkway Avenue Gulf View, San Fernando, make oath and say as follows:-



1. The facts stated in this my affidavit are true, correct and within my personal knowledge except where otherwise stated to be based on information and belief in which case I believe the same to be true. I make this affidavit in support of my application for relief under section 14 of the Constitution of the Republic of Trinidad and Tobago.
2. The name and address of the parties to this application for relief under the Constitution are: -

A) Name and address:

The name and address of the Claimant is:
Roodal Moonilal
162 Seaview Drive
Parkway Avenue Gulf View
San Fernando.

The Claimant's address for service is:
Dayadai Harripaul
Attorney-at-Law
No. 7 Cornelio Street
Woodbrook
Port-of-Spain.

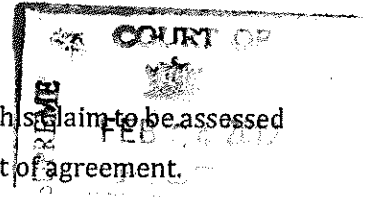
The Defendant to this Application is:-
The Attorney General of Trinidad and Tobago
Cabildo Chambers
23-27 St. Vincent Street
Port-of-Spain.

The Claimant at the hearing of the Application for Interim Relief will seek the permission of the Court to serve a copy of these proceedings on the Speaker of the House of Representatives and Chairman of the Committee of Privileges.

3. The relief that I seek by this application is as follows:
 - (i) A declaration that the decision of the Speaker of the House of Representatives and Chairman of the Committee of Privileges, being a servant and or agent of the State of Trinidad and Tobago dated the 30th January 2019 as represented in a letter under the hand of Jacqui

Sampson Meiguel, Clerk of the House, to proceed with the hearings of the allegations of whether the Claimant committed a contempt of the House on the 9th October 2018 and the 10th October 2018, with the Committee of Privileges as presently constituted, is in breach the Claimant's fundamental rights guaranteed under section 4(b), 5(2) e and the right conferred by section 55 of the Constitution of the Republic of Trinidad and Tobago.

- (ii) An injunction and/or conservatory order restraining the Defendant its servants and or agents and more particularly the Committee of Privileges of the Parliament of Trinidad and Tobago, from continuing the hearings into the allegations of whether the Claimant committed a contempt of the House on the 9th October 2018 and the 10th October 2018 until the hearing and determination of this matter or until further order.
- (iii) An order that the Defendant pay to the Claimant monetary compensation for the damages suffered by the Claimant as a result of the unlawful actions of the Defendant.
- (iv) An order that the do pay the Claimants costs of this claim to be assessed by the Registrar of the Supreme Court in default of agreement.
- (v) Such further or other relief as this Honourable Court may deem fit in the circumstances of the case.



INTERIM RELIEF AGAINST THE DEFENDANT

- (i) An injunction and/or conservatory order restraining the Defendant its servants and or agents and more particularly the Committee of Privileges of the Parliament of Trinidad and Tobago, from continuing the hearings into the allegations of whether the Claimant committed a contempt of the House on the 9th October 2018 and the 10th October

2018 until the hearing and determination of this matter or until further order.

4. The Grounds upon which I seek this relief are:-

Grounds in support of composition of Committee

(a) The House of Representatives Standing Orders of the Parliament contain rules for the conduct of the proceedings of the House and for the exercise of powers possessed by the House.¹ They are not intended to diminish or restrict the rights, privileges and immunities of the House and its Committees collectively or of its members individually.

(b) The Standing Orders are made pursuant to the express constitutional authority of Section 56 and in accordance with Section 20 of the Constitution of the Republic of Trinidad and Tobago Act:

20. The Standing Orders of the Senate and of the House of Representatives of the last Parliament under the former Constitution as in force immediately before the appointed day shall, except as may be otherwise provided in pursuance of section 56(1) of the Constitution, be the Standing Orders of the Senate and of the House of Representatives established by the Constitution, but shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act.

(c) The Standing Orders are therefore expressly subject to the Constitution including the fundamental human rights conferred in sections 4-5.

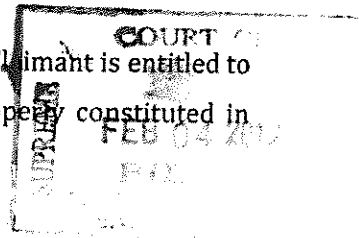
(d) The Standing Orders are the means by which the constitutional powers conferred by Section 56 are discharged. There is a specific right of freedom of speech that is conferred on a Member of Parliament by virtue of Section

¹ Standing Order 128 "These Standing Orders shall come into effect at the commencement of the Fifth Session of the Tenth Parliament.

55 of the Constitution. The Member of Parliament exercises this right on behalf of his constituents. Where any action that is taken has expressly breached a provision of the Standing Orders or has the potential to breach any Standing Order or has the ability to affect the right conferred upon a Member of Parliament by Section 55 of the Constitution the Court has a duty to intervene to ensure constitutional compliance and to protect the rights of the Member of Parliament and by extension the right of the constituents that the Member represents.

Committee of Privileges Improperly Constituted

- (e) The Committee of Privileges is established by Standing Order 92 of the Standing Orders of the House of Representatives. The Committee of Privileges cannot act in a manner that is inconsistent with the Standing Orders of the Parliament. The Committee of Privileges is subject to the provisions of the Standing Orders and the Constitution. The proceedings before the Committee of Privileges can affect the right of the Claimant conferred by Section 56 of the Constitution to speak freely in Parliament on behalf of his constituents.
- (f) Under the Constitution and the Standing Orders, the Claimant is entitled to a fair hearing before a Committee of Privileges properly constituted in accordance with the Standing Orders.
- (g) Standing Order 92 provides expressly for the membership of the Committee of Privileges. The recusal of a member from the Committee for a particular matter does not create a vacancy that can be filled by a temporary appointment by the Speaker of the House of Representatives and Chairman of the Committee of Privileges.
- (h) Standing Order 92 of the House of Representatives provides, *‘The Committee of Privileges shall consist of six members inclusive of the Chairman.’* At present the Committee of Privileges comprises seven (7) members in relation to its composition to determine the first allegation and



eight (8) members in relation to its composition to determine the other allegation. The Members that were appointed temporarily have participated in the proceedings of the Committee. This is a clear violation of the Standing Orders and vitiates the entire proceedings where these members have participated.

- (i) The enlargement of the Committee beyond the prescribed maximum of six members is illegal, unconstitutional and ultra vires. Previously, the House of Representatives Standing Orders 1961 had provided that "***The Committee of Privileges shall consist of not less than six, and not more than ten, Members inclusive of the Chairman.***" There was therefore a deliberate policy change in the present Standing Orders to (a) fix the number of members and (b) limit the number of members and hence there is no discretion or jurisdiction to exceed the prescribed number of members beyond six.
- (j) The Standing Orders of the Parliament and by extension the drafters of the Standing Orders contemplated and made provisions for the absence of a Chairman² and a Member³. There is also a procedure for amendment to the Standing Orders.⁴ Unless otherwise provided a quorum shall be three (3) members.⁵
- (k) Where an Act of Parliament confers an administrative power, (1) there is a presumption that it will be exercised as a manner which is fair in all the circumstances. (2) The standards of fairness are not immutable. They may change with the passage of time, both in general and in their application to decisions of a particular type. (3) The principles of fairness are not to be applied by rote identically in every situation. What fairness demands is dependent on the context of the decision, and this is to be taken into

² Standing Order 112 (4)

³ Standing Order 116

⁴ Standing Order 121

⁵ Standing Order 112 (5)

account in all its aspects. (4) An essential feature of the context is the statute which creates the discretion, as regards both its language and the shape of the legal and administrative system within which the decision is taken. (5) Fairness will very often require that a person who may be adversely affected by the decision will have an opportunity to make representations on his own behalf either before the decision is taken with a view to producing a favourable result; or after it is taken with a view to procuring its modification; or both. (6) Since the person affected usually cannot make worthwhile representations without knowing what factors may weigh against his interest fairness will very often require that he was informed of the case which he has to answer⁶.

(l) The Committee of Privileges must act fairly and in accordance with the principles of natural justice because it is duty-bound to do so by virtue of the concept of due process, the rule of law, the right to protection of the law, the right to a fair hearing before an independent and impartial tribunal in accordance with the principles of fundamental justice and Section 20 of the Judicial Review Act.

(m) The constitutional right to the protection of law and the principles of natural justice demand that particular attention must be paid to the need for procedural fairness in any investigation⁷. The Court will impose a heightened degree of scrutiny in relation to the exercise of powers that have the potential to affect the rights of a citizen. In the circumstances of this case the actions of the Speaker of the House of Representatives and Chairman of the Committee of Privileges have the potential to affect not only the right of the Claimant but also the right of all of the constituents that he is duty bound to represent. The right to procedural fairness is a right that is protected by Section 4(b) and Section 5(2) (e) of the

⁶ R v The Secretary of State for the Home Department ex parte Doody [1994] 1 AC 531 at 560.

⁷ Rees v Crane [1994] 1 LRC 57.

Constitution⁸ and the Claimant enjoys a right to freedom of political expression under section 4 (e) of the Constitution.

(n) In **CV2011-04918 Nizam Mohammed v The Attorney General of Trinidad and Tobago** (which was cited with approval by the Privy Council in *Sam Maharaj v Prime Minister [2016] UKPC 37*), Jones J (as she then was) held:

"Section 4 (b) of the Constitution confirms the right of the individual to the protection of the law which protection includes the right to natural justice. In somewhat similar vein section 5(2)(e) of the Constitution provides that, subject to certain exceptions, Parliament may not deprive a person of the right to a hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations. It is now accepted that the rights embodied in section 5 of the Constitution particularize in some greater detail what is included in the words "the due process of law" and "the protection of the law" found in section 4 of the Constitution. Insofar as these proceedings are concerned both the Claimant and the Defendant do not dispute that what both sections provide is "constitutional protection to the right to procedural fairness."" (Emphasis added)

(o) The manner in which the Speaker of the House of Representatives and Chairman of the Committee of Privileges has exercised the power that derives from the Standing Orders made under the powers conferred by the Constitution amounts to the arbitrary exercise of power and the protection of law guaranteed under Sections 4 (b) and 5(2) (e) of the Constitution protects the Claimant against the exercise of such powers⁹.

Grounds in support of automatic disqualification of Members to sit on Committee

⁸ *Sam Maharaj v The Attorney General [2016] UKPC 37*, *Rees v Crane [1994] 2 AC 173*

⁹ *The Maya Leaders Alliance v The Attorney General of Belize [2005] CCJ 15* at paragraph 47.

(p) Appendix III of the Standing Orders of the House of Representatives¹⁰, Rule 45, was designed to guarantee the right to natural justice and by extension procedural fairness in proceedings before any Committee. Appendix III provides an automatic disqualification for members in certain circumstances and a right to object to the sitting of a member in a Committee in other circumstances.

(q) Rule 45 provides at page 78,

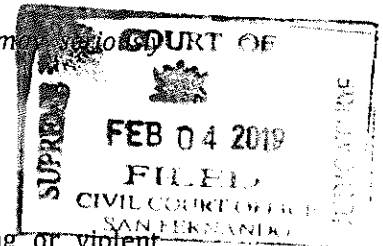
"A member who has, (whether in the House or outside the House) made an allegation of crime or expressed a concluded view on any conduct or activity of a criminal nature, identifying by name or otherwise a person as being responsible for or associated with that crime, conduct or activity (referred to as apparent bias), may not participate—

(a) in any Select Committee inquiry into that person's responsibility for, or association with that crime, conduct or activity; or

(b) in any other proceedings in a Select Committee that may cause or damage the reputation of that person."

(r) S.49 Summary Offences Act

Any person making use of any insulting, annoying or violent language with intent to, or which might tend to, provoke any other person to commit a breach of the peace, and any person who uses any obscene, indecent or profane language to the annoyance of any resident or person in any street or of any person in a place to which the public is admitted or has access, or who fights or otherwise disturbs the peace, is liable to a fine of two hundred dollars or to imprisonment for thirty days.



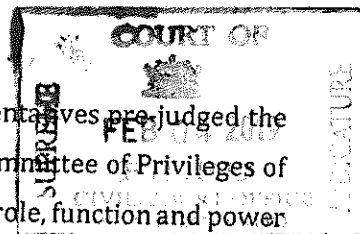
¹⁰ This is a new section in the Standing Orders that did not exist in the 1961 Standing Orders

- (s) The Member of Parliament for Laventille West has made an allegation that the Claimant has acted in a manner that contravenes section 49 of the Summary Offences Act.
- (t) The Speaker of the House of Representatives and Chairman of the Committee of Privileges has made an allegation that the Claimant has acted in a manner that contravenes section 49 of the Summary Offences Act.
- (u) Both the Member of Parliament for Laventille West and the Speaker of the House of Representatives and Chairman of the Committee of Privileges are both automatically disqualified from sitting in the Committee of Privileges by virtue of the express provisions of the Standing Orders of the Parliament in relation to any matter concerning the Claimant. The application of this provision is not subject to the discretion of any Member.
- (v) Alternatively, both the Member of Parliament for Laventille West and the Speaker of the House of Representatives and Chairman of the Committee of Privileges are disqualified on the ground of apparent bias because they have made prejudicial comments that have compromised their ability to appear to be and/or be independent and impartial such that the Claimant can be assured of a fair trial by an independent and impartial tribunal.
- (w) A fair minded and informed observer will conclude that there is a real possibility of bias.¹¹ In **Davidson v Scottish Ministers [2004] UKHL 34** Lord Bingham stated, *"It has ...been accepted for many years that justice must not only be done but must also be seen to be done. This principle is rooted in the need for public confidence in the administration of justice."*

¹¹ Magill v Porter [2001] UKHL 67

Grounds in support of Apparent Bias Against the Speaker

- (x) The Constitution and the Standing Orders of the Parliament guarantee to the Claimant a hearing before a Committee of Privileges that is not infected with bias. This is confirmed by Appendix III¹², the Constitution¹³ and the common law¹⁴.
- (y) The Member of Parliament for Laventille West is presently a complainant and potential witness adverse to the Claimant in an allegation that is presently being investigated by the Committee of Privileges pertaining to a statement that was allegedly made during crosstalk that *"Da is why Snake have some lead for you."*
- (z) In delivering her ruling in accordance with Standing Order 32 on whether a prima facie case was made out the Speaker impermissibly crossed the line by saying *"there is absolutely no place for violent or threatening language in this House. The statement made, when placed in context as presented by the Member for Arouca/Maloney, clearly falls below the esteem and dignity of the Parliament."*
- (aa) In so doing, the Speaker of the House of Representatives pre-judged the matter and prejudiced the proceedings of the Committee of Privileges of which she is the Chair¹⁵. She illegally usurped the role, function and power of the Committee of Privileges by purporting to make a premature finding and/or conclusion in advance of and/or without the benefit of a hearing and is hence disqualified from serving as a member and Chairman of the committee.



Grounds in support of Apparent Bias Against the MP for Laventille West

¹² Rule 46

¹³ Section 4 (b) and section 5(2) e

¹⁴ Civil Appeal No. 145 of 2009 Baksh, Sadiq Kuei Tung, Brian v Espinet, Ejenny. Her Worship Senior Magistrate; The Director of Public Prosecutions

¹⁵ Standing Order 92 (2)

- (bb) The fair minded and informed observer will find that the Member of Parliament for Laventille West is apparently biased against the Claimant and she is hence disabled from sitting in judgment on the committee.
- (cc) The Speaker, in her capacity as Chairman has indicated that the Committee of Privileges intends to hear both allegations against the Claimant at the same time. The Member of Parliament for Laventille West is the virtual complainant in the second of the two allegations against the Claimant and has voluntarily recused himself from the Committee of Privileges hearing *that* allegation. He however remains a member of the committee for the purpose of hearing the first complaint into statements made by the Claimant in relation to a certain bank account that was allegedly linked to the Prime Minister.
- (dd) It is fundamentally unfair and constitutionally improper for the MP for Laventille West to sit in judgment of the Claimant on another complaint whilst the Committee is simultaneously hearing a complaint which alleges that the Claimant threatened his life or made serious threats of harm to him. The risk of actual bias and/or apparent bias is real, and it violates sections 4(b) and 5(2) (e) of the Constitution.

Grounds in support of the Jurisdiction of the High Court to hear this matter.

- (ee) The Preamble of the Constitution of the Republic of Trinidad and Tobago states, whereas the People of Trinidad and Tobago—
- a. have affirmed that the Nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, *faith in fundamental human rights and freedoms*, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;

- c. *have asserted their belief in a democratic society* in which all persons may, to the extent of their capacity, play some part in the institutions of the national life and thus develop and maintain due respect for lawfully constituted authority;
- d. *recognize that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law.*
- (ff) By virtue of Section 11(1) of the Interpretation Act Chapter 3:01, the Preamble is to be construed as a part of the Constitution and an aid to explaining its meanings and purposes.
- (gg) In a modern democratic society founded on the ideology of participatory democracy, such as Trinidad and Tobago, every citizen has a legitimate interest in the upholding of the Constitution and the Rule of Law. In the Democratic Republic of Trinidad and Tobago, which has a written Constitution, this constitutional value is embodied and enshrined in the Preamble.¹⁶ This legitimate interest is greater and emboldened in relation to a Member of Parliament who by virtue of his oath has sworn to uphold the Constitution and the law. In addition, a Member of Parliament by virtue of his election speaks on behalf of the constituents whom he was elected to represent. The discharge of his duty to represent his constituents is a fundamental pillar of a democratic society based upon the rule of law.
- (hh) Section 1 of the Constitution provides that, "*The Republic of Trinidad and Tobago shall be a sovereign democratic State*". Section 2 of the Constitution provides that the Constitution is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency. Therefore, the Rule of Law is an expressly

¹⁶ *Dumas v The Attorney General of Trinidad and Tobago* Civil Appeal No. P 218 of 2014 paragraph 103

declared and avowed constitutional value that underpins the Republican Constitution of Trinidad and Tobago which is the supreme law.

- (ii) It is a task of the Judiciary to uphold the supremacy of the Constitution and thereby the Rule of Law¹⁷. The High Court by virtue of the Constitution is the ultimate guardian of constitutional compliance. In Trinidad and Tobago, the Court is the ultimate interpreter of the Constitution and to the court is assigned the task of determining the reach, breadth and content of the rights conferred by the Constitution. The High Court is vested with the responsibility to determine what powers are conferred on each branch of government, whether it is limited, and if so, what are the limits and whether any action of that branch transgresses such limits. It is for the Court to uphold the constitutional values and to enforce the constitutional limitations. That is the essence of the Rule of Law¹⁸.
- (jj) Section 14 of the Constitution confers upon the High Court all of the powers to discharge the Court's Constitutional mandate, to enforce the fundamental rights, ensure constitutional compliance and grant the appropriate relief where necessary to uphold the Rule of Law.
- (kk) A democracy which claims not only to have respect for the fundamental rights of its citizens, but which makes express provisions in its Constitution to entrench and preserve those rights, should never appear to entertain the suggestion that members of Parliament are free to do what they like provided it is done within its walls. The oath taken by its members demands of them respect for the Constitution.¹⁹
- (ll) If the Constitution is sacrosanct and that is to be upheld in the eyes of the public, then unconstitutional action that is exposed and corrected, enhances that special status and does not undermine it. If the Constitution

¹⁷ The Attorney General of Trinidad and Tobago v Dumas [2017] UKPC 12

¹⁸ State of Rajasthan v Union of India AIR [1977] SC 1361 para 143

¹⁹ Boodram v The Attorney General, Trinidad and Tobago High Court Action No. 6874 of 1987

is the supreme law, and breaches of its provisions cannot be addressed, revealed and remedied, that would more likely debase it and erode public trust and confidence in the constitutional democracy that Trinidad and Tobago declares itself to be. Can it be that a law that is inconsistent with the Constitution is void (section 2), but an executive action that is inconsistent with the Constitution is unreviewable?²⁰

- (mm) It is well settled that the common law of England which is introduced in the colony does not include the whole of the *lex et consuetude parliamenti*. Members of the legislative assembly do not enjoy all the privileges and the immunity from control by court of justice which are enjoyed by members of the Parliament of the United Kingdom, but only such of those privileges and so much of that immunity as are essential to enable them to carry out their functions under the colonial Constitution.²¹
- (nn) The colonial Constitution has been replaced with the Independence Constitution that declares that it is the supreme law of the State, and that any laws which is inconsistent with it, are considered void to the extent of the inconsistency.²² The Supreme law clause of the Constitution declares that the provisions of the Constitution shall prevail, thus in the modern constitutional supremacy, there can be no necessity that allows Parliament to act in contravention of the constitution, whether in matters of internal procedure and management, or in substantive law making. Therefore while 'Parliament is the policeman of its own procedure,'²³ the courts have a constitutional duty to ensure that this 'policeman' does his policing without breach of the Constitution.²⁴
- (oo) Parliament should conduct its internal affairs in a manner consistent with the provisions of the Constitution recognizing that unlike the United

²⁰ Dumas supra paragraph 115

²¹ Rediffusion (Hong Kong) Ltd. v A.G. of Hong Kong [1970] 1136 at 1154

²² Section 2 of the Constitution

²³ Nicholls Esprit and Others v Speaker of the House of Assembly and Others

²⁴ Brantley and Others v Martin and Others

Kingdom, Trinidad and Tobago is overseen by Constitutional supremacy. The written Constitution of Trinidad and Tobago, like all other written constitutions styled on the Westminster model, has displaced the common law doctrine of general competence and unqualified supremacy of Parliament.²⁵ Parliament's right of control over the internal management of its own affairs is a privilege which history has shown is one which is necessary as being essential to the discharge to its lawful functions.

- (pp) The courts recognize that Parliament has exclusive control over the conduct of its own affairs. The courts will not allow any challenge to be made to what is said or done within the walls of Parliament in performance of its legislative functions.²⁶
- (qq) Section 2 of the Constitution expressly provides that law or conduct inconsistent with the constitution is invalid and the obligations imposed by it must be fulfilled. It follows that any citizen adversely affected by any decree, order or action by any official or body, which is not properly authorized by the constitution is entitled to the protection of the Courts. This would invoke the section 4 (b) right of the Claimant.
- (rr) No Parliament, no official and no institution is immune from judicial scrutiny in such circumstances. It is therefore necessary to examine the provisions of the Constitution and the standing orders made thereunder to determine whether there is any constitutional authority which entitles the Privileges Committee to act in the manner that it proposes in relation to the Claimant in the circumstances relied on by the Claimant.²⁷
- (ss) Section 56(1) of the Constitution provides that subject to the provisions of this Constitution, each House may regulate its own procedures. This does not vest the Parliament with an absolute ouster of the Court's jurisdiction

²⁵ *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520

²⁶ *Bahamas Methodist Church v Symmonette* (2005) 59 WIR 1

²⁷ *The Speaker v De Lille* Case No. 297 of 1998, August 26, 1999 per Mahomed CJ at para. 14

to inquire in matters of Parliament. Section 56(1) gives constitutional recognition to the Privileges of Parliament. "Privileges is an important part of the law and custom of Parliament, but aspects of the law are still obscure. It has been developed over centuries by the response of Parliament, especially the commons, to changing circumstances and also, since privileges affects those outside Parliament, by decisions of the Courts. Since neither House separately exercises legislative supremacy, neither House can by its own resolution create new privileges. *When a matter of privilege is disputed, 'it is a matter for the courts to decide whether a privilege exists'*"²⁸.

- (tt) The Courts are entitled to enquire into the existence and extent of any privilege claimed by the House of Assembly. Moreover, the Courts will intervene where Parliament, or the Speaker, has exceeded its powers, or has claimed for itself powers that it did not have, or has acted in a manner clearly inconsistent with constitutional provisions.²⁹

- (uu) It is a well-established constitutional principle firmly rooted in the soil of the doctrine of separation of powers that the court has no jurisdiction to judicially review the working or operations of the National Assembly except for the purpose of determining whether the National Assembly has acted unconstitutionally or contrary to law. Thus, the National Assembly can conduct its affairs or business free from judicial intervention or interference so long as its conduct does not run counter to any provision of the constitution or the law of the land. A motion to judicially review the conduct of the National Assembly must therefore be premised on a claim of unconstitutional or illegal conduct on the part of the National Assembly. If such a claim is apparent on the motion paper, then the court is moved to judicially review the conduct of the National Assembly for unconstitutionality or illegality. The jurisdiction of the court is invoked and

²⁸ Constitutional and Administrative Law, 14th edn. page 223

²⁹ Hughes v Rogers Civil Suits Nos. 99 and 101 of 1999

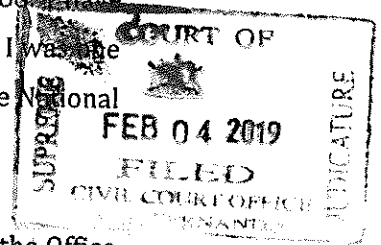
the submission that the court has no jurisdiction to review the operations or conduct of the National Assembly cannot successfully be made³⁰.

5. I am a citizen of The Republic of Trinidad and Tobago. I have many years of parliamentary experience. I have served as a Member of Parliament since 2001. I am the current Member of Parliament for the constituency of Oropouche East presiding over 28,179 constituents.
6. During my pursuit of academia I have acquired four tertiary level degrees. I possess a Bachelor of Science Degree with Honours in Government from the University of the West Indies, St. Augustine, as well as a Bachelor of Laws from the University of London. Additionally, I hold a Master of Arts Degree in Labour and Development, graduating Magna Cum Laude which I attained during the period 1991-1992. I also hold a Doctor of Philosophy (PhD) in Development Studies, which I attained during the period 1995-1998. My postgraduate qualifications were earned under a full scholarship from the Governments of the Netherlands and Germany, at the Institute of Social Studies (ISS), The Hague, Holland.
7. At the Institute of Social Studies (ISS), Holland, I specialized in Industrialization, Labour Relations and Urban Employment and my thesis received the first cum laude distinction in the history of the Ph.D. program at the ISS. I was also the first Caribbean student to head the ISS's Students' Council, and this provided me with unique exposure to European and international developmental models through extensive interface and travel, including contact with political and labour leaders, as well with fellow international graduate level students and academic staff.
8. I was a part-time tutor in politics at UWI during the period 1988-1996. I worked as Head of the Department of Education, Research and Training, All Trinidad Sugar and General Workers Trade Union during the period

³⁰ Attorney General of Guyana v David Granger and Raphael Trotman (Speaker of the National Assembly) CM No. 94 of 2012 per Chang CJ

1989-1995 and was a Teaching and Research Assistant (TRA) at the Institute of Social Studies, Holland during the period 1995-1998.

9. I was also advisor to the All Trinidad Sugar and General Workers Trade Union during the year 1999 and served as Industrial Relations Consultant/Advisor to the North West Regional Health Authority (NWRHA), Port-of-Spain for the years 1999-2000. During this time I also lectured part-time at UWI, St. Augustine. I was also a lecturer at Institute of Social Studies, Holland in the year 2000. I have lectured in the areas of Industrial Relations and Human Resource Management (HRM) at the UWI, St. Augustine and worked as an Industrial Relations consultant in Trinidad and Tobago and the wider Caribbean.
10. I have spent my entire adult life in the field of politics. I joined the All Trinidad Sugar and General Workers Trade Union (ATS/GWTU) which spawned the political movements emanating from Labour, immediately upon graduating from the University of the West Indies in 1988. I have served as the Youth Officer of the United National Congress and I was one of the key speakers at its memorable inaugural convention at the National Stadium in 1989.
12. In 1999, I was appointed as Director, Policy Monitoring Unit, in the Office of the Prime Minister during the term of Prime Minister Basdeo Panday. In the Cabinet of Prime Minister Panday, I was a Minister in the Ministry of Labour, Manpower and Industrial Development and was later appointed Minister of Communications and Information Technology. I have served as Chairman of the seminal Public Accounts Committee during the years 2007-2010 and I have served on numerous Committees of the Parliament of Trinidad and Tobago.
13. I served as a senior Government Minister holding successively, the portfolios of Housing, the Environment, Land and Marine Affairs, and finally Housing and Urban Development during the period 2010-2015



under Prime Minister Persad-Bissessar. During this time I had responsibility and oversaw some of the major developmental projects in Trinidad and Tobago, including but not limited the completion of the San Fernando Teaching Hospital, the construction of the Couva Children's Hospital, the construction of eight police stations throughout the country, the commencement of the construction of the Arima and Point Fortin hospitals and the construction of more than 7000 homes by the Housing Development Corporation. During this period I acted regularly as Minister of Foreign Affairs but was also Leader of the House. During this period, some of the most fundamental reforms since Independence to the Standing Orders of Parliament were introduced.

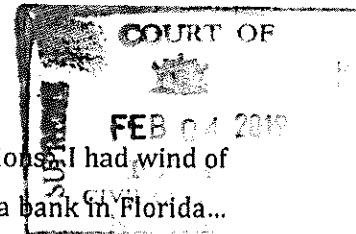
14. On the 9th October 2018, I was present in Parliament participating in the debate on the Appropriation Bill 2018. During my presentation I focused on the allegations of corruption that have been made against the present administration led by the Honourable Prime Minister Dr. Keith Rowley. In contributing to the debate I revealed certain information pertaining to certain foreign bank accounts. When I made these statements I noticed that the Members of the government present in the parliamentary chamber at the time including the Prime Minister became very agitated and began shouting at me. I had to seek the protection of the Speaker of the House of Representatives. I placed this information in the public domain in the discharge of my parliamentary oath to uphold the law and the constitution. Public accountability, transparency and integrity in public life are pillars upon which our democracy is built and where allegations of corruption are made there is a duty upon public officials to answer these allegations.
15. On the 10th October 2018, I was present in Parliament when I heard the Member of Parliament for Arouca/Maloney, the Honourable Camille Robinson-Regis, Minister of Planning and Development move a Motion of Privilege against me for statements that I had made one day earlier. I heard the Honourable Member recite the following words:-

Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move a matter directly concerning the privileges of this House. Madam Speaker, during the debate in this House yesterday, October 9th, the Member for Oropouche East made statements in this House which included false and wholly fictitious allegations against a Member of this House. In making the statements, the Member for Oropouche East presented them to this House as matters of fact and freely and voluntarily took responsibility for them. Madam Speaker, the Member referred to cheque payments made, at or around June 2017 from a company named A&V Drilling Company Limited, to different contractors. He added and I quote:

“Deokiesingh has gone, but you see, Madam Speaker, one day almost I think in a humorous way, the Member for Port of Spain North/St. Ann’s West, my very dear friend from Port of Spain North/ St. Ann’s West...jokingly said to me that he understood I was going to Miami a lot and the Americans he said, or somebody was interested in my travel. So today, I want to explain to him the nature of my travel.”

I continue to quote, Madam Speaker:

“You see, Madam Speaker, I did journey on a few occasions. I had wind of something. And I had information that pointed me to a bank in Florida... Madam Speaker, this bank has documents at the bank to a beneficiary account number, IBAN, foreign, with a number 114515. No purpose of funds, so it is a transfer document, beneficiary recipients, no purpose of funds, but additional instructions for attention. There are two names here. One is Vidya Deokiesingh...Now, what would this Petrotrin employee be doing with banking business in Florida? What? The second name I cannot call in the Parliament. I cannot. The second name I cannot call. But you see, Madam Speaker, I cannot call the second name but I asked a week or two ago, I asked the Member for Diego Martin West whether he had any interest in AV Drilling and he wanted to fight me. He said, ‘Come outside on the pavement.’ Today,”—I say—“come inside in the House.”



After he was challenged based on a valid point of order, the Member continued making allegations based on documents in his possession, the source and date of which he refused to reveal. Madam Speaker, again I quote:

"This document, Madam Speaker, suggests that there are some banking transactions and information involving Mr. Vidya Deokiesingh or one Vidya Deokiesingh. There is no Mr. or Mrs. there, but Vidya Deokiesingh and another name of a Member of the House. Would you wish me to call that name?..."

...Madam Speaker, I really do have a couple more points to make, so I will just indicate, according to your ruling, that the two names I have here, 'Additional instructions, Attention', V-I-D-Y-A D-E-O-K-I-E-S-I-N-G-H and the second name, K-E-I-T-H R-O-W-L-E-Y."

He continued and again I quote, Madam Speaker:

"Madam Speaker, it has also been in the public domain before today. This is not the first time now, before today, it was in the public domain on a site, on a website of a reference in relation to the AV Drilling matter, a reference to one Charlie Diaz...Because it was in the public domain already that there was information being asked, purportedly being asked for, on Charlie Diaz. And information pertaining to the banking business of Charlie Diaz."

I continue to quote, Madam Speaker:

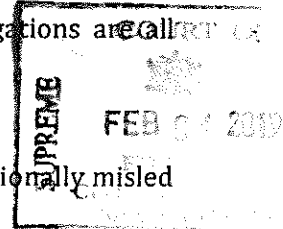
"It has also been in the public domain so what I am saying now is certainly not fresh, that, in an email from the Internet which was circulated months ago, there was an email from one Justin Soogrim. And Justin Soogrim is sending an email on an email address of Vivian Baksh."

Thank you very kindly, Madam Speaker. And Madam Speaker, I continue to quote:

"This was already in the public domain, so this is not new. Good morning hon. Prime Minister, the following is the banking particulars for Mr. Charlie Diaz as requested. Bank information, C&C International Trading bank

account, and all the accounts there. This is old information; this is not new information.”

Madam Speaker, a consideration of the Member’s Hansard record will reveal a Member, who by his actions was plainly hesitant. Obviously, unconvinced of the veracity of his statements, but who was determined to mislead this House and cast negative aspersions on another Member and then run. Madam Speaker, that amounts to high contempt of this House. [Desk thumping] These statements by the Member have been covered by both the print and electronic media, including social media. They have gone far and wide. As you know, Madam Speaker, the Parliament has several platforms over which it streams and broadcasts its proceedings. So these statements have been widely published. Additionally, they have been the talking point of several radio programmes this morning. Madam Speaker, the sole purpose of these statements, albeit incongruous and disjointed, was to seek to contrive allegations of a very serious nature against the Member for Diego Martin West. These allegations are all untrue. In making these statements:



- (i) The Member for Oropouche East willfully and intentionally misled the House;
- (ii) The Member for Oropouche East made injurious allegations against the Member for Diego Martin West when no substantive Motion was before the House. Madam Speaker, that was intentional;
- (iii) The Member for Oropouche East relied upon undated and patently fictitious documents which the Member, any Member, should have known were deceptive and false;
- (iv) The Member for Oropouche East undermined the dignity of the House by abusing the privilege of freedom of speech in a most offensive manner.

Madam Speaker, in moving this Motion of Privilege today in this House, I ask you to consider that the Member sought to convince you and this

Honourable House that he had credible information. After all, in his own words, he journeyed several times to Miami to conduct an investigation because he had wind of something that led him to a bank. This bank had in his words "documents at the bank" inferring that he obtained documents from this bank. The Member chose not to share such documents with this House, but caused two slips of paper to be circulated on UNC Facebook sites and to be otherwise circulated by Opposition activists. And, Madam Speaker, these activists include UNC Councillor Marisa Ramlogan, Attorney at Law Darryl Heeralal and economist Patrick Watson. No responsible person could consider the information being circulated to be trustworthy, and today I am providing the Clerk with copies of these documents. Madam Speaker, when you look at the information you will observe, they are nothing but flimsy pieces of paper. The so-called bank document is unsigned, unstamped, undated, unauthentic, and on its very face appears to be bogus. The other flimsy piece of paper is supposedly an email that the Member claims was found on the Internet, entitled "Banking Coordinates". The privilege of freedom of speech is regarded as the most important of privileges and, Madam Speaker, I ask you to consider the seriousness of this matter which at first glance there can be no doubt that a serious misleading of the House has occurred. Moreover, Madam Speaker, this Member has brought this House into odium and ridicule by his reckless behaviour and sinister conduct which, notwithstanding the cloak of parliamentary cover, can be clearly seen to be no more than a wicked ungodly plot by dangerous and devious persons targeted at the Member for Diego Martin West. I therefore move that the statements of the Member for Oropouche East be referred to the Committee of Privileges as a serious matter of high contempt of this House for investigation and report. I beg to move.

16. I then heard the Speaker reserve her decision on the motion brought against me. From my years of parliamentary experience, I took this matter very seriously as I understood the risk of being brought before the Committee of Privileges. I was concerned that the government was seeking

to use the Standing Orders of the Parliament to silence me and to attempt to find a way to maliciously and spitefully use their majority in the Parliament to remove me from the House.

15. On the said date, I heard the Member of Parliament for Laventille West the Honourable Mr. Fitzgerald Hinds allege that in cross talk I had threatened him. I was surprised and shocked at this allegation by the Honourable Member that I had engaged in criminal conduct. I heard the Honourable Mr. Hinds say across the Parliament "What! I am being threatened".

16. I have been advised by my Attorneys-at-Law and verily believe the same to be true that threatening language is a criminal offence under section 49 of the Summary Offences Act Chap. 11:02. I took this allegation very seriously because in the subsequent days that followed, I read in a newspaper and saw in the electronic media that this matter was being investigated by the Trinidad and Tobago police service.

17. On the 16th October 2018, I was present in Parliament when I heard the Speaker of the House of Representatives deliver her decision with respect to the motion moved on the 10th October 2018 regarding the statements that I made on the 9th October 2018. I heard the Speaker of the House of Representatives in her decision state that she was satisfied that a prima facie case had been made out against me and that this matter would be referred to the Committee of Privileges. I heard the Speaker of the House of Representatives say,

Honourable Members, I now will deliver my ruling, based on a matter of privileges that was raised on the last occasion. Hon. Members, at a sitting of the House held on Wednesday, October 10, 2018, the Member for Arouca/Maloney and Leader of the House sought and was granted leave to raise a matter of privilege in accordance with Standing Order 32. Having reserved my decision at that time, I now rule, pursuant to my duty under Standing Order

32(4), on whether a prima facie case of breach of privilege has been made out, thereby warranting further investigation. Freedom of speech in Parliament is of fundamental importance. Parliament is intended to be a forum for free and frank debate, and Members should be able to raise issues without having to agonize over the exact form of words used, or providing extensive supporting evidence for any assertion made. Hon. Members, the privilege of freedom of speech enjoyed by you as Members of Parliament is, in fact, the privilege of your constituents. It is not for your personal benefit, but to enable all Members to discharge their functions in the public interest. As Speaker, it is my duty to jealously guard and defend the freedom of speech and debate. However, the freedom carries with it a responsibility to exercise the right judiciously and prudently. Therefore, the privilege of freedom of speech does not absolve Members from being accountable for statements they make. As I have repeatedly advised, Members are required to take full ownership and responsibility for things said in this House. Freedom of speech is not an exemption from the duty to research carefully, nor does it discharge Members from being circumspect before exercising the freedom. Pursuant to the Standing Orders, my sole duty is to consider whether the submission made by the Member for Arouca/Maloney suggests a reasonable possibility that a contempt has occurred. Hon. Members, I have considered the submission and I am of the view that a prima facie case of contempt has been established and that the matter should be referred to the Committee of Privileges for its investigation. In making this ruling, I do not express a decided opinion on the substantive issue, as the Committee of Privileges will thoroughly consider and investigate the matter raised, and I so rule.

18. On the said day the Honourable Camille Robinson-Regis moved another Motion of Privilege against me for the allegation that I had threatened the

Member of Parliament for Laventille West. I heard the Honourable Member say,

Madam Speaker, I beg to move a Motion of Privilege. Madam Speaker, in accordance with Standing Order 32, I seek your leave to raise a question of privilege in the House today, the first opportunity available for me to do so. Madam Speaker, on October 10, 2018, earlier in this sitting of the House before the commencement of the Standing Finance Committee and during the reply of the Minister of Finance, the Member for Oropouche East made the following statement directed to the Member for Laventille West, and I quote: "Da is why Snake have some lead for you."

Madam Speaker, this phrase "have some lead for you", Madam Speaker, is considered a grievous threat to life and limb as it is a phrase familiar to persons involved in law enforcement and frequently used by those engaged in nefarious criminal activities. Madam Speaker, unfortunately, the vulnerable youth in our society also know the meaning of this phrase, because it is common in some popular music. Madam Speaker, even more troubling, is the fact that an individual known as "Snake" has been convicted of assault against the Member for Laventille West in the conduct of his parliamentary duties in his constituency.

It is for this reason, Madam Speaker, that immediately after the utterances by the Member for Oropouche East, there was an uproar in this House. All of this was carried live on the Parliament Channel, radio station and live video feeds. Madam Speaker, you will recall that the Member for Laventille West immediately rose in protest and sought to direct your attention to the offence. By his reaction, it was clear that he apprehended a threat to his life [Laughter] from the words of the Member for Oropouche East—

Thank you, Madam Speaker. By his reaction, it was clear that he

apprehended a threat to his life from the words of the Member for Oropouche East and drew this to the immediate attention of the Chair and the House. However, the menacing words of the Member for Oropouche East were not heard by the Chair, but they were in fact heard by several Members in this House and recorded in the Hansard. They have also been covered and repeated in newspapers and on social media.

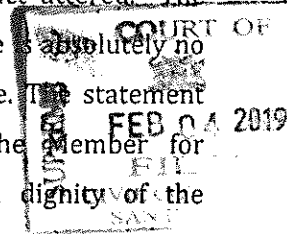
Madam Speaker, as Leader of the House, I will be the first to admit that crosstalk is common in all parliamentary assemblies and has been a feature of our House, but such crosstalk has boundaries. With respect to volume, you, Madam Speaker, call the House to order and regularly remind us not to disrupt the tenor of the debate. However, with respect to content, such crosstalk never falls below the standard expected of all hon. Members in this House until now. Madam Speaker, for a Member of this House to tell another Member during proceedings of this House, in the very face of this House and in the hearing of Members and others that, and I again quote:

“Da is why Snake have some lead for you.”

—amounts to a serious indignity to this House and an apparent threat to a Member. Madam Speaker, Erskine May states that: “It is...impossible to list every act which might be considered...a contempt”—of this House. However, any act which has the tendency to directly or indirectly obstruct or impede the House or any of its Members or officers in the performance of their functions or can produce this result by bringing the House into ridicule, may constitute a contempt. Further, Madam Speaker, any act of disorderly or indecent conduct within the precincts of this House can be treated as a contempt, particularly if it is beneath the dignity of this House and brings the House into public odium. Madam Speaker, the conduct of the Member for Oropouche East in this

regard, one, amounts to a threat to the life of another Member of this House, whether direct or indirect. Madam Speaker, it is a serious indignity to this House and brings it into public odium. Madam Speaker, this House has a duty to protect itself, and it is against this background that I raise this matter as one concerning a matter of privileges and ask for it to be sent to the Committee of Privileges for consideration and report. I beg to move.

19. On the 2nd November 2018, I was present in Parliament when the Speaker of the House of Representatives deliver her ruling on the matter involving the allegation that I committed a contempt of the House in relation to the statements that I allegedly made in relation to the Member of Parliament for Laventille West. In delivering her ruling I heard the Speaker of the House of Representatives say, in relation to the threat I allegedly made towards the Honourable Member of Parliament for Laventille West, that "The words attributed to the Member for Oropouche East in the matter raised by the Member for Arouca/Maloney were in fact uttered." The Speaker of the House of Representatives also said "there is absolutely no place for violent or threatening language in this House. The statement made, when placed in context as presented by the member for Arouca/Maloney, clearly falls below the esteem and dignity of the Parliament."



20. I was very shaken when I heard these comments from the Speaker of the House of Representatives because it was a statement that alleged that I had committed a criminal act against the Member of Parliament for Laventille West.
21. I have been advised by my Attorneys-at-Law and verily believe the same to be true that the alleged statement may constitute a criminal offence under section 49 of the Summary Offences Act Chap. 11:02.

22. On the 30th day of November 2018 Member of the Committee of Privileges, Fitzgerald Hinds MP recused himself as a member of the Committee of Privileges that was called upon to determine whether the Claimant had committed contempt of the House by statements allegedly made on the 10th October 2018. On the said 30th November 2018 Member of the Committee of Privileges, Robinson Regis MP recused herself as a member of the Committee of Privileges called upon to determine whether the Claimant had committed contempt of the House by statements allegedly made on the 9th and 10th of October 2018.

23. On the 30th November 2018 the Speaker announced,

Consequent upon the recusal of Mr. Fitzgerald Hinds from the Committee of Privileges in relation to the matter involving a statement made by the Member for Oropouche East on October 09, 2018, I hereby appoint Mr. Anthony Garcia to be a member of the Committee of Privileges temporarily in place of Mr. Fitzgerald Hinds, during its consideration of this matter. Further, hon. Members, consequent on the recusal of Mrs. Camille Robinson-Regis from the Committee of Privileges in relation to two matters currently before the Committee of Privileges, I hereby appoint Dr. Nyan Gadsby-Dolly to be a member of the Committee of Privileges temporarily in place of Mrs. Camille Robinson-Regis during its consideration of the matters currently before it.

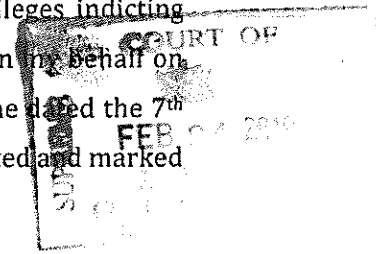
Correspondence between the parties

24. By letters dated the 30th November 2018 my Attorney-at-Law wrote to the Secretary to the Committee of Privileges and brought to the attention of the Committee my concerns regarding the lawfulness of the Committee, as then constituted, hearing these matters. I personally delivered this correspondence to the Secretary to the Committee. I am informed by my Attorney-at-Law, Mr. Aaron Mahabir and verily believe the same to be true that to date he has not received any response to this correspondence. True

copies of the letters dated the 30th November 2018 are now produced, shown to me, hereto exhibited and marked "RM 1".

25. On the 7th January 2019 I attended before the Committee of Privileges with my advisors pursuant to an invitation to attend issued by the Committee. I was shocked when I attended before the Committee as I had observed that Dr. Nyan Gadsby-Dolly and Mr. Anthony Garcia were in attendance. I could not understand how this was possible as it was my understanding from reading the Standing Orders governing proceedings of the House of Representatives that Mr. Fitzgerald Hinds had recused himself from the matter where he was the complainant and Mrs. Camille Robinson-Regis had recused herself from both matters before the Committee but both members remained members of the Committee.

26. On the said 7th January 2019 I wrote a letter to the Speaker of the House of Representatives and Chairman of the Committee of Privileges indicting that I had not received a response to the letters written on my behalf on the 30th November 2018. A true copy of my letter dated the 7th January 2019 is now produced, shown to me, hereto exhibited and marked "RM 2".



27. At the hearing on the 7th January 2019 I made inquiries of the Speaker of the House and Chairman of the Committee of Privileges as to the procedure that will be adopted by the Committee with respect to the order that the two matters will be heard and I was informed by the Speaker that both matters would be heard by the Committee at the same time.

28. At this hearing of the Committee I informed the Chairman that I had certain preliminary objections to the Committee hearing these matters and I gave an undertaking to put these objections in writing for the consideration of the Committee. By letter dated the 28th January 2019 I put in writing my objections to the Committee, as presently constituted, hearing these two

matters against me. A true copy of my letter dated the 28th January 2019 is now produced, shown to me, hereto exhibited and marked "RM 3".

29. By letter dated the 31st January 2019 the Speaker responded to my letter dated the 28th January 2019. A true copy of the letter 31st January 2019 is now produced, shown to me, hereto exhibited and marked "RM 4".

30. I am very concerned that I am not being afforded a fair hearing before the Committee of Privileges as presently constituted. I am guaranteed a fair hearing under the Constitution and the Standing Orders made under the Constitution and I am fearful that the manner in which the business of the Committee of Privileges is being conducted is not affording me a fair hearing and is in breach of my fundamental rights. I cannot understand how Mr. Hinds could sit in one matter as a witness and complainant and at the same time be a judge in another matter that concerns me. Mr. Hinds has made public statements against me about the matter that is before the Committee. A true copy of an article from the Trinidad Express that reports on the statements of Mr. Hinds is now produced, shown to me, hereto exhibited and marked "RM 5".

31. I am very mindful of the adversarial political culture that is present in our country. I have been a vocal advocate against the government and a champion for the cause of my 29,000 constituents. I have exposed the corruption of this present administration on every occasion possible in the best interest of my constituents and the people of Trinidad and Tobago. I am fearful that the government is using these allegations and this hearing before the committee of Privileges to seek to prevent me from exercising my right to freedom of speech in the Parliament. My fear has been heightened by the manner in which the proceedings are being conducted in flagrant disregard of the Standing Orders, the Constitution and the law.

32. My constituents have voiced their concerns and fears to me since these actions of the government that have formed the basis of the proceedings

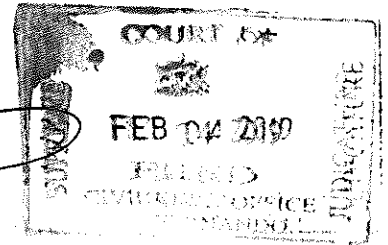
before the Committee of Privileges that they are fearful that the government is seeking to silence me and get me out of the Parliament. I am concerned that these actions not only amount to a breach of my constitutional rights but also have the potential to affect my representation of my constituents.

33. I do not wish to subject myself to an unlawful process that will inevitably lead to an unlawful result. I wish to defend myself before a Committee of Privileges that is properly constituted as provided for in law. I do not wish to subject myself to a Committee of Privileges that is infected by bias that is manipulated to arrive at a preordained result. I am fearful that if these proceedings continue adverse findings will be made by the persons who comprise this improperly constituted Committee and a report will be submitted to the House that is designed to achieve an unavoidable result. I do not wish to subject myself to these unlawful and illegal proceedings.

34. In the premises I pray that this Court will be pleased to grant me the reliefs sought herein.

Sworn to at Gordon Street)
in the City of San Fernando)
this 4th day of February, 2019)

Rahul Patel



Before me,

D. Desh Desai

COMMISSIONER OF AFFIDAVITS

**VIDESH MAHABIR
COMMISSIONER OF AFFIDAVITS**

Claim Form CV 2019-0005

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THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 2019-00055

Between

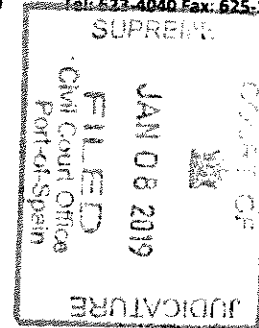
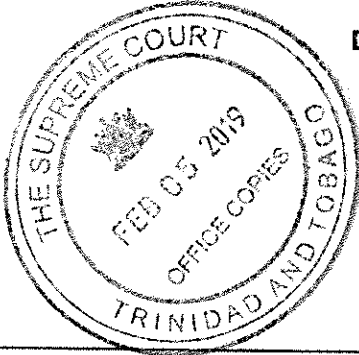
DR. KEITH CHRISTOPHER ROWLEY

Claimant

AND

DR. ROODAL MOONILAL

Defendant



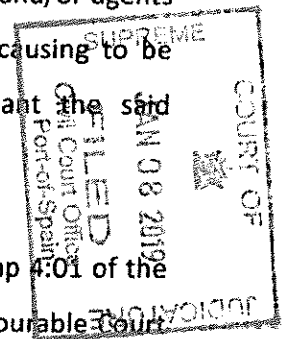
CLAIM FORM

The Claimant **DR. KEITH CHRISTOPHER ROWLEY** the Prime Minister of the Republic of Trinidad and Tobago of La Fantasie Road, St. Ann's, in the island of Trinidad claims against the Defendant **DR. ROODAL MOONILAL**, Member of Parliament for Oropouche East, of Constituency Office, Debe Junction, Debe, as follows:

1. Damages including aggravated damages for:
 - a. Slander in respect of the words spoken and published by the Defendant to Mr. Fazeer Mohammed with reference to the Claimant in the course of a live telephone interview on or about October 10th, 2018;
 - b. Slander in respect of the words spoken and published by the Defendant to the national press including reporters from TV6, CNC3 and TTT with reference to the Claimant in the course of a press conference outside of Parliament on or about October 10th, 2018;

- c. Slander in respect of the words spoken and published by the Defendant to the hosts of the Morning Drive on Power 102FM with reference to the Claimant in the course of a telephone interview on or about October 11th, 2018;
- d. Slander in respect of the words spoken and published by the Defendant to the public with reference to the Claimant at the UNC Monday Night Forum on or about October 15th, 2018.
- e. Libel contained in the following publications:
 - i. Facebook post on "Roodal Moonilal" on October 9th, 2018 at 9:48 pm which republished the words stated in Parliament on October 9th, 2018 as set out in paragraph 9 above.
 - ii. Online recording of Morning Edition Programme on TV6 on October 10th, 2018 as set out in paragraph 10 above.
 - iii. Online recording of press conference outside Parliament on October 10th, 2018 as set out in paragraph 12 above;
 - iv. Facebook post on "Roodal Moonilal" on October 10th, 2018 at 6:49 pm which republished the statement made by the Defendant in Press Conference October 10th, 2018 recorded by CNC3 as set out in paragraph 15 above;
 - v. Online recording of Morning Drive Show on Power 102 FM on October 11th, 2018 as set out in paragraph 16 above;
 - vi. Facebook post on "UNC- United National Congress" on October 15th, 2018 which republished the statement made by the Defendant in the UNC Monday Night Forum as set out in paragraph 18 above;
 - vii. The articles set out in paragraph 19 above written by Anna Ramdass, Gail Alexander and Ria Taitt and published in the Guardian and the Express.
- f. Republication by the Defendant as above of the words spoken and published by him with reference to the Claimant in the Parliament of Trinidad and Tobago on October 9th, 2018.

2. A letter from the Defendant to the Claimant in terms and in a form to be agreed with the Claimant, which can then be circulated at the Claimant's discretion to include a retraction of the allegations, a personal apology from the Defendant, and an acknowledgement that it has been agreed that a substantial sum in damages will be paid to the Claimant.
3. An injunction to restrain the Defendant, whether by himself, his servants and/or agents from further speaking, writing, printing, broadcasting or circulating or causing to be written, printed or circulated or otherwise publishing of the Claimant the said defamatory words or any similar words defamatory of the Claimant.
4. Interest on damages pursuant to the Supreme Court of Judicature Act Chap 4:01 of the Laws of Trinidad and Tobago for such period and at such rate as this Honourable Court thinks fit.
5. Costs certified fit for the Attorneys in this matter.
6. Such further and/or other relief and/or consequential orders and/or directions as this Honourable Court may deem just and/or appropriate.



STATEMENT OF CASE

1. The Claimant Dr. Keith Christopher Rowley of La Fantasie Road, St. Ann's, Trinidad is the Prime Minister of the Republic of Trinidad and Tobago and the Political Leader of the People's National Movement ("PNM"). The Claimant has served the nation as Prime Minister since the year 2015. Additionally, the Claimant has served as a Senator in the Senate of the Parliament of the Republic of Trinidad and Tobago from 12th January 1987 to 7th September 1990 and, is and has been since 1991, the Member of Parliament for

Diego Martin West in the island of Trinidad. The Claimant has also held the following Cabinet portfolios in the Government of Trinidad and Tobago: Minister of Agriculture, Lands and Marine Resources [1992-1995], Minister of Planning and Development [2001-2001], Minister of Housing [2003-2007], Minister of Trade and Industry [2007-2008] and Leader of the Opposition from 2010 to 2015. By reason of the foregoing the Claimant is well-known and respected both nationally and internationally as a politician and a leader.

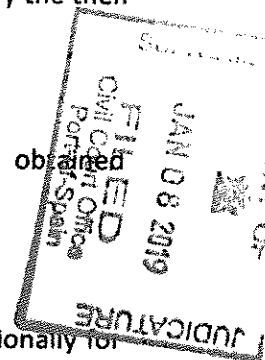
2. Throughout his service as a public official, the Claimant has been a strong anti-corruption advocate and has championed the investigation of several allegations of corruption. The Claimant has throughout his career maintained that integrity in public life is of primary importance.

Particulars

- a. The Piarco Airport Development Project allegations (1997); National Petroleum allegations (1998); Leasing of State Land (Caroni 1975 Ltd) (1998); Innocogen allegations (1999) and Desalcott allegations (2000);
- b. The institution of greater oversight of majority and/or wholly owned state enterprises and in particular the Urban Development Company of Trinidad and Tobago ("the UDECOTT");
- c. The investigation of certain members of the People's Partnership Administration regarding the plot to harm a journalist and payment of money to buy freedom for an unnamed person (2013);
- d. The address given to the new PNM aldermen, chairman and vice-chairman of Tunapuna/Piarco Regional Corporation by the Claimant wherein he indicated that PNM aldermen and councillors who may be tempted to engage in corruption will

not be defended by the party and that appropriate action will be taken to deal with them.

- e. The attendance of the Claimant at an Anti-corruption Summit hosted by the then Prime Minister of Great Britain David Cameron on May 12th 2016.
- f. The mission of the Claimant to recover money that was corruptly obtained amounting to 18,000,000 (eighteen million) taxpayers' dollars.



Accordingly, the Claimant has developed a reputation nationally and internationally for demanding the highest standards of integrity in public life and, for accountability in, and Parliamentary oversight of, the expenditure of public funds by public officials.

- 3. The Defendant is the Member of Parliament for the constituency of Oropouche East, a position which he has held from 2002 to 2007, and since 2010. The Defendant was the head of the Department of Education, Research and Training at the All Trinidad Sugar and General Workers Trade Union from 1989 to 1991, and 1993 to 1995. From 1999 to 2000, the Defendant was Industrial Relations Consultant and Advisor to the North West Regional Health Authority ("the NWRHA"). In 1999, the Defendant held the position of Director, Policy Monitoring Unit in the Office of the Prime Minister. The Defendant was a Government Senator during the sixth (6th) Parliament, wherein he served as Minister in the Ministry of Labour, Manpower Development and Industrial Relations and for a short time as Minister of Communications and Information Technology. Further, the Defendant in the ninth (9th) Republican Parliament (2007-2010) served as Chairman of the Public Accounts Committee. From 2010 to 2015 the Defendant was appointed as Minister of Housing and the Environment. Additionally, the Defendant is an Academic having worked at the University of the West Indies (1999-2000), and as a Lecturer at the Institute of Social Studies, the Netherlands (May-June 2000). The Defendant is a well-known public figure and politician known for being a main spokesman for the United

National Congress, an outspoken critic of political parties and individuals in opposition to him and has been known to include in his repertoire sarcastic and personal attacks on fellow politicians including but not limited to the Claimant.

4. On October 9th, 2018 the House of Representatives of the Parliament of the Republic of Trinidad and Tobago engaged in a debate on the Appropriation (Financial Year 2019) Bill, 2018. The proceedings of the House of Representatives are broadcast by television throughout Trinidad and Tobago on Channel 11, and regionally and internationally on the worldwide web at <http://parlview.ttparliament.org/xrender/> and by FM Radio on the dedicated frequency 105.5FM. Proceedings in Parliament are also covered extensively by both the electronic and print media in Trinidad and Tobago.
5. In the course of his contribution to the said debate on October 9th 2018, the Defendant spoke and published to the members of the House of Representatives under the cover of Parliamentary Privilege the following words defamatory of, and concerning, the Claimant in the way of his office and/ or imputing that the Claimant has been engaged in corrupt acts, with the full knowledge that the said defamatory words would be broadcast to the public at large:

"The Defendant: [...] But another major matter that emerged is this famous or infamous AV Drilling. AV Drilling and that crisis that we faced there is not delinked from the crisis at Petrotrin. Connect the dots; \$100 million, fake oil, suddenly refinery closed—only refinery closing. Then "mind change", entire Petrotrin closing, all workers must go. "AV Drilling matter" is the subject before a DPP and, we believe, the police. Records, documents, witness or workers' statements are all with Petrotrin. It must be with Petrotrin. Cabinets have to move; "dey" closing down, they have to secure. What about mothballing? We heard about mothballing. So when they take the decision on Petrotrin they came to this House, and every time we asked, "dey say dat is Petrotrin business, dat is de board. Dat is not de Government, yuh know. Petrotrin board doing dat." When Petrotrin's board goes to the Industrial Court, the Attorney General "say, 'I want to be in dat too'". All of a sudden is not "de" board. He want to be in "dat" too. He wanted to get locus. But he is a locus in that matter—do not belong there.

So, Madam Speaker, AV Drilling. A company linked to AV Drilling in South Trinidad declares bankruptcy and “close down”—Andrew Jokhan. You all know that Company closed down, AV Drilling in trouble, Prime Minister declared that the principal there is his best friend and so on, and that is fine, no problem. We all have best friends. Petrotrin now, from restructuring into business units, closed down.

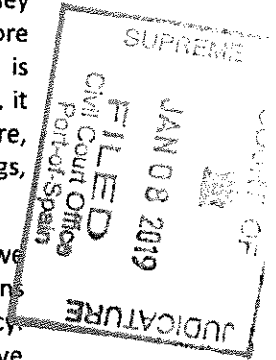
Madam Speaker, when you have severance pay for people at Petrotrin and they are owed what could be some dollars, you think anyone of them is going before a court to speak against Petrotrin in that matter with AV Drilling? Witness is gone, documents—when you are closing down, offices do not stay the same, it is not like people disappear from the office. You move files, you move furniture, you get this out, you get that out. I mean, it is a complete hauling of all things, files have to go, go missing.

And, Madam Speaker, I have always been questioning this matter as to why we will go in that direction with AV Drilling? But, you see, we made the connections between AV Drilling and another company in south that went into bankruptcy. We made the connection between AV Drilling and, you know, two persons have disappeared from the scene over that crisis, that matter, one is actually a former Senator. Everybody forgot that there was a Senator who proudly represented the Government, and then disappeared in the aftermath of the revelation by the Member for Siparia. But somebody else disappeared, and everything I find—the Member for Siparia faced a candidate on two occasions in Siparia. He disappeared too, not on the night of the election defeat, but he disappeared as well from the scene, one by the name of Vidya Deokiesingh. I could call his name, he is not a Member of Parliament. He disappeared from the scene, and nowhere he could be found, this man. He was responsible for all the charts, and doing this, and for putting up the data and so on.

So Madam Speaker, clearly, if you have an investigation, the principals of AV Drilling will be cleared, companies associated with them. You know, I call on the Attorney General, the Member for San Fernando West. As I said, Attorney General, in your absence there is something small about you to admire, and that is this “follow the money” business, and I had never looked at the world like that but I now do it.

So in AV Drilling, linked to company in south, bankruptcy; linked to two people, one in the Senate, gone; employee of Petrotrin disappears. Now, he probably has severance pay to get too. He was an employee of Petrotrin, cannot be found. But you know what is amazing, Madam Speaker? There are also cheques paid to another individual, and I can call the name as well because the person is not in the House or anything. There are strange cheques paid to an individual off an account of AV Drilling. And I will not display, Madam Speaker, so you do not have to worry about that.

But, Madam Speaker, at or around the same time of 22 June, 2017 and 21 June, 2017—so let us get it, 21st June and 22nd June, cheque from AV Drilling made out to one Persad Rohit. Cheque from Jokhan General Contractors the day after.



The first cheque \$1.5 million. Now, this is an individual, eh. This is not an organization or a business, this is a human being; \$1.5 million from AV Drilling.

Next day, same Persad Rohit, \$2.69 million from Jokhan Construction. What is the link between Persad Rohit, AV Drilling, Jokhan and huge amounts of moneys, and we can say here, \$4 million over two days by way of cheques. Deokiesingh has gone, but you see, Madam Speaker, one day, almost I think in a humorous way, the Member for Port of Spain North/St. Ann's West, my very dear friend from Port of Spain North/St. Ann's West—now Minister of something, National Security—he jokingly said to me that he understood I was going to Miami a lot and the Americans he said, or somebody was interested in my travel. So today I want to explain to him the nature of my travel.

You see, Madam Speaker, I did journey on a few occasions because I had wind of something. And I had information that pointed me to a bank in Florida, C&C International Trading, Regions Bank, account number: 0229459435; ABA: 062005690; swift code: UPNBUS44MIA; 8200 North West 36th St., Doral, Florida, 33166—the bank.

Madam Speaker, this bank has documents at the bank to a beneficiary account number, IBAN, foreign, with a number 114515. No purpose of funds, so it is a transfer document beneficiary recipients, no purpose of funds, but additional instructions for attention. There are two names here, one is Vidya Deokiesingh and a bank in Florida. Now, what would this Petrotrin employee be doing with banking business in Florida? What?

The second name I cannot call in the Parliament. I cannot. The second name I cannot call. But you see, Madam Speaker, I cannot call the second name, but I asked a week or two ago, I asked the Member for Diego Martin West whether he had any interest in AV Drilling and he wanted to fight me. [Desk thumping] He said, "Come outside on the pavement". Today, I tell him, come inside in the House. [Desk thumping]

Madam Speaker, Vidya Deokiesingh and another name which I cannot call, is here on a piece of paper before me with a beneficiary account, Formula One Trading. Madam Speaker, all I am asking to Vidya Deokiesingh and another unnamed person is, "What business did you have with Vidya Deokiesingh"?

Mr. Al-Rawi: I am terribly sorry to interrupt.

The Defendant: Is there a Standing Order of relevance?

Mr. Al-Rawi: 48(6).

The Defendant: 48(6).

Mr. Al-Rawi: You see, Madam Speaker, if you would consider it, if you wish me to elucidate what I am referring to, I will be happy to, but I do not want to offend you. May I?

Madam Speaker: You may.

Mr. Al-Rawi: Madam Speaker, my learned friend is going down a road of imputing an improper motive because he has linked squarely, and this is skirting the responsibility of taking ownership for a very serious allegation. It is why we have said on repeated occasions, say what you have to say and own it so that, at least, the other exercise of privilege may be levelled equally because it is extremely dangerous to raise allegations of this kind and not have it clear, but rather have imputation of the type that our Standing Orders offend. So it is either my friend, the hon. Member says what he has to say so that we may exercise full privilege against him or he withdraws the entire argument.

[Crosstalk]

Madam Speaker: Hon. Member for Oropouche East.

The Defendant: Yes, Ma'am.

Madam Speaker: I rule in favour of the objection under the Standing Orders. So it is either you withdraw or you say clearly what you wish to say. Okay.

[Desk thumping]

The Defendant: Madam Speaker, I am directed by you and I receive the good advice from the Attorney General. Attorney General, I will say what I will like to say and I will like to take ownership of it and then expose myself to privilege.
[Desk thumping]

Let me say, because my words will now become something more important, that I have in my position what appears to be banking information regarding a beneficiary account in which it says, "additional instructions, attention". I have said that there are two names there, I called one. I am saying—

Madam Speaker: Your original time is now spent. You are entitled to 10 more minutes.

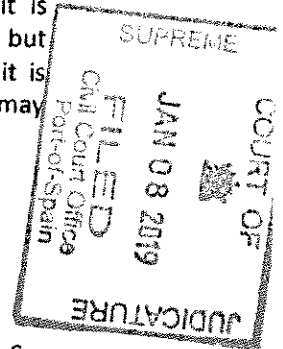
The Defendant: I think I will need a next minute, Ma'am. I think I will take the 10.

Madam Speaker: You have 10 minutes, I gave you some injury time already.

The Defendant: Sure. Madam Speaker: So you have 10 minutes to complete your contribution.

The Defendant: Thank you. So, Madam Speaker, let me just get my train of thought clear that I am asking the Attorney General, indicating I have a document here. This document, Madam Speaker, suggests that there are some banking transactions and information involving Mr. Vidya Deokiesingh or one Vidya Deokiesingh. There is no Mr. or Mrs. there, but Vidya Deokiesingh, and another name of a Member of the House. Would you wish me to call that name?

Mr. Al-Rawi: Madam Speaker, in reference to the Standing Order raised, I would also like the hon. Member to confirm what he said earlier, that he went to Miami and obtained this information himself, because there is a very different



line that the hon. Member is taking right now. This relates to the imputation— [Crosstalk] under 48(6), and it is for your consideration, Madam Speaker, because to exercise—[Crosstalk]

Madam Speaker: Order.

Mr. Al-Rawi: —to exercise these privileges which are the remedy to what a Member may do, then it must be clear that the Member has said so, and I would like him to confirm that he went to a bank in Miami, he obtained this information. [Crosstalk]

Madam Speaker: Member for Naparima, nobody in here is God. Okay? — including you. I am on my legs. Attorney General, I believe that the Hansard would have already taken what the Member said. Okay? And I recall the Member saying that he is taking ownership for what he is about to say, and he has already said certain things that Hansard would have recorded.

The Defendant: Madam Speaker, it cannot be another point of order. But, Madam Speaker, I will never finish.

Hon. Member: You sit down.

Mr. Hinds: Madam Speaker, in respect of the very Standing Order, should not the Member tell us the date of that document at the very least?

Dr. Tewarie: He did already.

Hon. Member: He never did.

The Defendant: Madam Speaker— Madam Speaker: In terms of this, the Member, unless it is Hansard, he is not bound to tell us the date. He has said certain things which is on record, he either proceeds or he withdraws. He has said he is taking ownership. [Desk thumping]

The Defendant: Madam Speaker, I will proceed, and I am proceeding to state, I do not have to restate what I said, the Hansard is there. I would like to say that all that is required is an explanation that this, what I have in my possession, is either true or it is not true. And if it is not true, then it means that there is another story. If it is true, it is a story. I have brought to the House, a document which I cannot exhibit which I have read from as the best I could, and I leave the matter there. I have no interest in going further with that matter.

But what I will say, Madam Speaker, is that we are very concerned— [Interruption] but I read all the banking information already, what else you need? I mean, Madam Speaker, I wish not to call the name of the person.

Mr. Hinds: You are casting aspersions on all Members of the House.

Madam Speaker: Member, my recollection is that we have passed that stage in terms of this. An objection was raised on imputing improper motives, so it is either you withdrew, or you accepted ownership and you will disclose. My recollection is that you opted to proceed and disclose. So I do not need anybody to back up my recollection. So that, I do not know, having regard to the course

that you have adopted which is recorded there, that you could now backpedal. Okay? You said you are exposing yourself, that is my recollection.

The Defendant: Madam Speaker, I really do have a couple more points to make, so I will just indicate, according to your ruling, that the two names I have here, "Additional instructions, Attention", V-I-D-Y-A D-E-O-K-I-E-S-I-N-G-H and the second name, K-E-I-T-H R-O-W-L-E-Y. I have read it, Madam Speaker, if this would be—[Interruption] Madam Speaker, please.

Madam Speaker: Member for Diego Martin North/East, I know you know much better than that. Could you kindly get up and withdraw so that we can proceed.

The Defendant: Apologize.

Mr. Imbert: Madam Speaker, I withdraw.

Madam Speaker: Excuse me. Excuse me.

Mr. Imbert: Sorry.

Madam Speaker: Okay? I have asked you to withdraw.

Mr. Imbert: Madam Speaker, I withdraw the word "liar".

Madam Speaker: Continue.

The Defendant: Madam Speaker, I want to move on really, because I have no interest in this. On a related matter, I am still on the same matter, but on another issue related to the same matter. Madam Speaker, it has also been in the public domain before today. This is not the first time now, before today, it was in the public domain on a site, on a website of a reference in relation to the AV Drilling matter, a reference to one Charlie Diaz. And I want to put that name out as well; Charlie Diaz. Who and what is Charlie Diaz in Florida, associated with A&V Drilling? Because it was in the public domain already that there was information being asked, purportedly being asked for, on Charlie Diaz. And information pertaining to the banking business of Charlie Diaz.

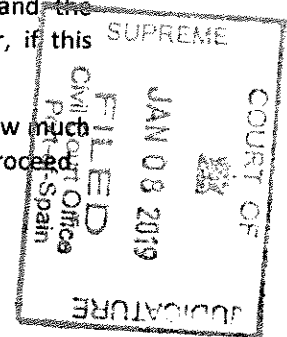
It has also been in the public domain so what I am saying now is certainly not fresh, that, in an email from the Internet which was circulated months ago, there was an email from one Justin Soogrim. And Justin Soogrim is sending an email on an email address of Vivian Baksh. This was already in the public domain, so this is not new.

Good morning hon. Prime Minister,

The following is the banking particulars for Mr. Charlie Diaz as requested.

Bank information, C&C International Trading bank account, and all the accounts there. This is old information; this is not new information.

Mr. Al-Rawi: I rise on Standing Order 48(6). If the hon. Member would please just confirm the source of this information. You cannot just say something because it is there. Again, the routine is, own it, say what it is, so we can be clear to take the action that is required in the event that it is required.



Madam Speaker: Member.

The Defendant: Madam Speaker, I have how many minutes?

Madam Speaker: You have three minutes and 40 seconds. Could you, please reveal the—

The Defendant: Madam Speaker, it is an email, I cannot exhibit, but I can tell you it is an email on a Yahoo account of avdrilling@yahoo.com. The body is much longer and I do not have time to read it.

In closing, I raise two critical matters of governance. I am asking for explanation, and I want to go further to say something. If it is that these documents which were given to me prove to be false, to be fabricated, I want to say that I will be the first person to apologize to all who have said that, if it is proven to be false. [Crosstalk]

Madam Speaker: Members, I want to hear the Member. I really want to hear the Member. Please continue.

The Defendant: Madam Speaker, as I wind up now, let me put on record our very deep concern with files, documents, information pertaining to AV Drilling, the biggest corruption scandal that has hit this Government. [Desk thumping] Let us also, let me also put on record—is there a Standing Order? Madam Speaker, you have to give me the time, eh?

The Claimant: Madam, 48(6), please.

Madam Speaker: Member, again, in terms of imputing improper motives with respect to the concern, I ask you to state that in another way. Withdraw it and state it in another way.

The Defendant: Madam Speaker, I am still, I am speaking about AV Drilling and the fake oil. I am not speaking at this moment about anyone in particular.

Madam Speaker: I know you are not speaking about anyone in particular, but it is said in a particular context, and that is where the imputation is, so I am asking—and this is something that has happened. Either you say what you want to say or find another way to say it, please.

The Defendant: But, Madam Speaker, could I just proceed. You see my time is going.

Madam Speaker: Member, I have asked you to do something, either you do it—

The Defendant: Madam Speaker, I want to say with great respect, I am not understanding you clearly. I am prepared to follow your instructions, but I am not understanding because I was summarizing the issues in my few minutes left. I was not saying anything new. I was just summarizing to ask questions.

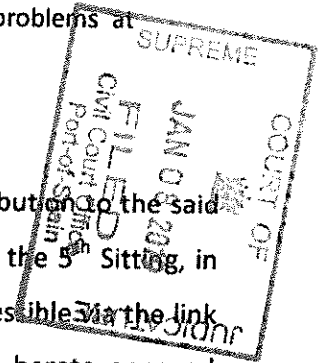
Madam Speaker: And I am saying in terms of the statement with respect to the concern, you have not said where the concern arises from and that is where the imputation in the whole context of what you have said. So either you say

completely who you are concerned about, with the disappearance of those things, or you withdraw it.

The Defendant: Madam Speaker, we are concerned that officials of Petrotrin are involved now in moving, reorganizing, closing down, mothballing, and we are concerned about the safety and security of files, documents— [Desk thumping] Madam Speaker, I only have two minutes left. The problems at Petrotrin—

6. The Claimant will refer and rely on the text of the Defendant's contribution to the said debate as recorded in the unofficial version of the *Hansard* report of the 5th Sitting, in the 4th Session in the 11th Parliament at pages 187 -198, which is accessible via the link <http://www.ttparliament.org/hansards/hh20181009.pdf> and which is hereto annexed and marked "A" to establish the historical fact that the above words were spoken by the Defendant.

7. During this said speech in Parliament, the Defendant in support of his statements mentioned in paragraph 5, relied on two (2) unverified documents. These documents were thereafter released to the press and circulated via the internet and are detailed in newspaper reports as set out below at paragraph 18. The first document was a photograph of an unidentifiable computer screen on which a document was shown. At the top of the document there was the title "Beneficiary/Recipient Information", under which there was the sub heading "Beneficiary/Recipient Name" after which was inserted "FORMULA 1 TRADING". The sub heading "Beneficiary Account Number/IBAN (foreign)/CLABE (Mexico)" was filled out with the number "114515". The sub heading "Purpose of Funds" was left blank and the sub heading "Additional Instructions" was filled out and stated "ATTN VIDYA DEOKIESINGH KEITH ROWLEY". The heading was cut off of the document, rendering the origin unknown, and there was no indication as to who inputted the information and on whose instructions. The other document was again a photograph of an unidentifiable computer screen, showing an undated email. The said email was purportedly sent by one Vivian Baksh to an email address jrowleyrawlinson@gmail.com, but despite the sender (Vivian Baksh), the email was



authored by Justin Soogrim and it carried the footer of one Hanif Baksh, indicating his position as CEO at A & V Oil and Gas Limited and the address and telephone numbers of the Company. The email read as follows:

“Good morning Honourable Prime Minister,

The following is the banking particulars for Mr. Charlie Diaz as requested. BANK INFORMATION C & C INTERNATIONAL TRADING REGIONS BANK ACCOUNT 0229459435; ABA: 062005690; swift code: UPNBUS44MIA; 8200 North West 36th St., Doral, Florida 33166. Please feel free to respond to this email for any further details

Thank you

Justin Soogrim.”

The said documents are hereto attached as a bundle and marked “B”.

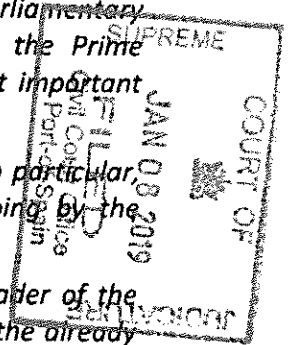
8. This is not the first time the Defendant has made allegations of this nature. On December 15th, 2017, the House of Representatives of the Parliament of the Republic of Trinidad and Tobago engaged in a debate wherein the Defendant attempted to read from the email document referred to at paragraph 7 herein, and subsequently withdrew his contribution. The Defendant’s statements are recorded in the unofficial version of the Hansard report of the 14th Sitting, in the 3rd Session in the 11th Parliament at pages 108 - 112, which is accessible via the link <http://www.ttparliament.org/hansards/hh20171215.pdf> and which is hereto attached and marked “C”.
9. On or around October 9th, 2018 at or around 9:48 p.m., the Defendant shared, published or caused to be published in a post on the Facebook page carrying the name “Roodal Moonilal” (<https://www.facebook.com/RoodalMoonilalTT/>) the following words defamatory of, and concerning the Claimant and thereby repeated, republished, adopted and confirmed or caused to be repeated, republished adopted and confirmed

as true the defamatory words of, and concerning the Claimant, spoken and published by the Defendant in the Parliament on October 9th, 2018 as follows:

"This is the first time in the history of Trinidad and Tobago's parliamentary democracy that the primary Ministers of Government, including the Prime Minister, have declined to participate in a budget debate, the most important and far-reaching in the parliamentary agenda.

This comes amid major allegations levelled by the Opposition and, in particular, documentary evidence by Dr. Moonilal of gross financial wrongdoing by the Prime Minister.

Dr. Rowley, his Attorney General, National Security Minister and Leader of the House have not responded to the allegations of corruption linked to the already damaging Petrotrin Fake Oil issue."



The words were accompanied by images of the Claimant, the Honorable Minister of Planning Mrs. Camille Robinson-Regis, the Honorable Minister of National Security, Mr. Stuart Young and the Honorable Attorney General along with the words *"Moonilal say he has Miami bank documents that link Vidya Deokiesingh and Keith Rowley and the PNM Budget Debate instantly STOPPED. PNM COLLAPSE. NO ONE TO DEFEND. The Minister of National Security, the Attorney General Leader of the House and the Prime Minister himself did not address the people of T&T on the Budget."* The Defendant well knew that this Facebook page operated and/or controlled by him has a wide viewership and that this post would be shared, reposted and rebroadcast by the public over various types of social media and telephone message applications. A true copy of the defamatory Facebook post in question is accessible on Facebook and is hereto attached and marked "D".

10. This Facebook page is in the Defendant's name and consistently publishes news and updates about the Defendant's Constituency, his speaking engagements and politically activity. Furthermore, the said Facebook page carries personal messages from the Defendant in his official capacity as the Member of Parliament for Oropouche East. These personal messages from the Defendant in his official capacity as the Member of Parliament for Oropouche East, which appear to be authored by the Defendant are hereto annexed as a bundle and marked "E".

11. The following day on October 10th 2018, the Defendant was interviewed by telephone by Mr. Fazeer Mohammed on the Morning Edition programme on the Caribbean Communications Network TV6 ("TV6") during which, in the course of an exchange between the Defendant and the Host Fazeer Mohammed, the Defendant stated the following words defamatory of, and concerning the Claimant and thereby repeated, republished, adopted and confirmed as true the defamatory words of, and concerning the Claimant, spoken and published by the Defendant in the Parliament on October 9th, 2018 as follows:

Fazeer Mohammed: In closing Dr. Moonilal you stand by what you presented in the Parliament yesterday in reference to the information that has some reference to the Prime Minister. You stand by that?

The Defendant: I stand by that and as I have said in the Parliament, this is not for the faint hearted I have in my possession certain information not only on the Prime Minister let me make it very clear if someone were to listen to the speech and hear it in its entirety it is not only a public official or the Prime Minister there are several other agencies and entities and citizens involved in a web of transactions to which the Prime Minister may be one. But these things require further you know analysis and so on. It is not solely the Prime Minister although the country will be concerned with that.

12. At the time of the Defendant's statement to Fazeer Mohammed, the Defendant knew that the interview was live and knew further that Mr. Mohammed would, and intended that he should, publish, record and republish the contents of the phone interview on TV6. In addition, the adopted words of the Defendant were calculated to disparage the Claimant as the holder of the office of the Prime Minister at the time of the publication, rendering the Defendant's statements libellous, slanderous and actionable per se. Further and/or in the alternative, the Defendant spoke into the telephone when he delivered his statement, indicating that he knew his statement was being recorded and/or carried live by TV6. The Defendant therefore authorised the republication of his defamatory remarks by TV6 both live and in recorded formats to be viewed during

rebroadcasts or online thereafter. A true copy of the television interview of the Defendant by Fazeer Mohammed on the Morning Edition is hereto attached and marked "F".

13. On or about October 10th, 2018, the Defendant, in the course of a Press Conference attended by various reporters from national media houses including TV6, CNC3 Television ("CNC3") and The Trinidad and Tobago Television Company ("TTT") conducted outside the Parliament, spoke and published to the media the following defamatory words of and concerning the Claimant in the way of his office and/or imputing the commission of corrupt acts by the Claimant in direct reference to the words spoken in Parliament during the debate on the Appropriation (Financial Year 2019) Bill on October 9th 2018 as follows:

"Again, if the Prime Minister wants, he can write a letter to the head of the FIU, give supporting documents, and indicate that he would like the FIU to look into this matter. But to sit on his throne today by himself and in this dazed manner to call on this one to investigate and that one, again he is out of place and he is abusing the parliament as he goes along.

I will say that I have made certain statements it is the Hansard record. I stand by that strongly.

There is a next problem. If the Prime Minister want all these investigations there is no matter of the Privileges committee. You cannot investigate anything at the Privileges Committee, when there are other parties and agencies investigating this matter."

The Defendant thereby repeated, adopted, republished and confirmed as true the defamatory words of and concerning the Claimant, spoken and published by him in the Parliament on October 9th, 2018. Further, the adopted words of the Defendant were calculated to disparage the Claimant as the holder of the office of the Prime Minister at the time of the publication and the Defendant well knew that the said words would be published recorded and republished, rendering the Defendant's statements libellous, slanderous and actionable per se. A true copy of the video recording of the Press

Conference taken by CNC3 and published on October 10th, 2018 is accessible via YouTube at <https://www.youtube.com/watch?v=S3uq4ez0gR4> is hereto attached and marked "G".

14. At the time of the Defendant's statement to the Reporters, the Defendant well knew that the media would, and expected and intended that they should, publish and record the contents of his statements. Further and/or in the alternative, the Defendant saw and spoke into the microphones in front of him when he delivered his statement, indicating that he knew his statement was being recorded and/or carried live by the news networks. By virtue of his office the Defendant would be aware that his statement would be carried in the media and that there would be re-publication of the statement which would increase the damage caused by the defamatory remarks. The Defendant therefore authorised the republication of his defamatory remarks by the print and electronic media.
15. The major News Agencies which recorded the Defendant's statements include, *inter alia*, TV6, CNC3, and TTT which all enjoy and continue to enjoy a wide circulation and viewership via television and on the worldwide web nationally, regionally and internationally. Furthermore, the YouTube video of the recordings by CNC3 has received over 2,600 views online.
16. Further, the Defendant caused his statements recorded by CNC3 to be republished on the Facebook page carrying the name "Roodal Moonilal" (<https://www.facebook.com/RoodalMoonilalTT/>) on October 10th, 2018 at 6:49 pm for replay knowing full well that this Facebook page has a wide viewership and knowing that the said recordings would be shared, reposted and rebroadcast by the public over various types of social media and telephone message applications. A true copy of said Facebook post is accessible on Facebook is hereto attached and marked "H".

17. The morning following the press conference, on October 11th, 2018, the Defendant appeared on the Morning Drive Show on Power 102 FM and participated in a telephone interview, during which the Defendant stated the following words defamatory of, and concerning the Claimant and thereby repeated, republished, adopted and confirmed as true the defamatory words of, and concerning the Claimant, spoken and published by the Defendant in the Parliament on October 9th, 2018 as follows:

"I believe, and I always believed that there is credence to the information before me and this is why I chose to divulge that information in the manner that I did because I believe that there is credence to it. As to whether every single element or line or number or so on is correct or accurate I did not and still do not have the wherewithal to investigate that, I don't have investigative powers or any legal authority to do that. I am happy to note that in another newspaper today a foreign company out of Florida has confirmed that at least the numbers I gave and so on are correct.

The information that I saw before me was much more than ole talk or mauvais langue or anything it appeared to have some credence...there is some degree of accuracy as to whether it is completely accurate or not time will tell."

The Defendant knew well that the Morning Drive Show is broadcast on the radio station Power 102 FM to a wide listenership throughout Trinidad and Tobago and internationally on the internet via <https://news.power102fm.com/>. In addition, the adopted words of the Defendant were calculated to disparage the Claimant as the holder of the office of the Prime Minister at the time of the publication, rendering the Defendant's statements slanderous and actionable per se. At the time of the Defendant's statement on the Morning Drive Show on Power 102 FM, the Defendant knew that the Radio Station would, and intended that they should publish, record and republish by reference the contents of his statements made in Parliament on October 9th, 2018. Further and/or in the alternative, the Defendant spoke into the telephone when he delivered his statement, indicating that he knew his statement was being recorded and/or carried live and/or republished by Power 102 FM. The Defendant therefore authorised the republication of his defamatory remarks by Power 102 FM live.

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Accordingly, the Claimant will also contend that the said words are libellous. A true copy of the Morning Drive Show on Power 102 FM on October 11th, 2018 is hereto attached and marked "I".

18. On October 15th, 2018 at the United National Congress ("the UNC") Monday Night Forum which was broadcast live and recorded by the United National Congress and placed on their Facebook page, the Defendant stated the following words defamatory of, and concerning the Claimant and thereby repeated, republished, adopted and confirmed as true the defamatory words of, and concerning the Claimant, spoken and published by the Defendant in the Parliament on October 9th, 2018:

"But in the days that have gone by, we have seen certain headlines in the newspapers brothers and sisters and tonight I say categorically from reading the newspapers, I am happy that whatever that I may have said in the parliament that may have led to eight elements of truths being exposed in the newspapers, which like you, I have read. You see brothers and sisters, in the newspapers coming out with 48 hours, may I remind you of a train of events. Whenever I was finished talking, the budget debate was in full flight. In fact, I spoke earlier than I would normally spoke, speak. And Keith Rowley had an opportunity after me to respond. He could have responded for 55 minutes. He could have responded the next day. He could have responded the day after. He chose to remain quiet. Seventeen hours later he had a press conference with his lawyer and in that press conference which is in the public domain he has denied certain allegations.

But brothers and sisters in that press conference he did not deny at any time, he did not disclose, that a key individual in this matter would be someone known to him, he did not disclose that. And we brothers and sisters of the national community had to wait for a headline in the newspaper. We had to wait for a headline in the newspaper, a particular headline, that spoke not to Keith Rowley, not to him at all, but spoke to what was called by the Guardian on the 11th I believe is it? The 11th of October- "Family link". We got a headline in the Guardian- "Family link". And it was only then that we discovered, my brothers and sisters, that a name called in that matter was indeed the cousin of Dr. Keith Rowley. The cousin.

Then we waited with bated breath for another headline, so we got them in the newspapers. And the Guardian again carried a headline I believe on the 12th of October "Email error". Now, I don't have time tonight to read everything for you so I will just tell you what that mean, the cousin of Keith Rowley, one Jr Rawlinson Rowley, admitted that he is the man, that he is the real man, that he is cousin of the Prime Minister and he receive an email by mistake, by accident. So, somebody dial his email accidentally. Brothers and sisters, an email is not a telephone number. You know what it is the sit

down and spell out somebody name to send an email? But he has confirmed as a truth, brothers and sisters, one (1) he is the cousin of Dr. Keith Rowley. And Rowley is saying I have no transaction with him, forget him.

The second truth that his email address is correct he has confirmed that. The third truth that the email address being sent to his address is correct, but the sender is also correct one Vivian Baskh. The fourth truth that the email was received, it was received he said by accident, alright, we will accept that. But in the body of the email, which I like you read on the internet, it is alleged that "Hello Good Morning Honourable Prime Minister". So this fellow Rawlinson Rowley he look like he is the Prime Minister too. That is the fourth truth. Brother and Sisters, we had to wait for a Newsday front-page to tell us the fifth truth, brothers and sisters that there exists a company in Miami carrying the name that is in an alleged email. That company exists, that is the sixth truth. The principal of that company the owner carries the name Charlie Diaz, something like that he come forward onetime, he said me I exist. That is the seventh truth, he says I am real, I am doing business with this company AV Drilling for seventeen years, so that is real. He then says that the banking data that he read in the newspapers, he said the banking data is correct. So now we have the eighth truth.

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To this day nothing has been proven to be false, but we have eight elements of truth."

The Defendant knew well that the UNC Monday Night Forum would be streamed live on the UNC Facebook Page located at <https://www.facebook.com/UNCpoliticalparty/> and recorded thereafter for further use and available to a wide audience. In addition, the adopted words of the Defendant were calculated to disparage the Claimant as the holder of the office of the Prime Minister at the time of the publication, rendering the Defendant's statements slanderous and actionable per se. At the time of the Defendant's statement at the UNC Monday Night Forum, the Defendant knew that the electronic and print media was present and he intended that his statements would be recorded and published by reference to the contents of his statements made in Parliament on October 9th, 2018. Further, and/or in the alternative, the Defendant spoke into the microphone when he delivered his statement, indicating that he knew his statement was being recorded and/or carried live. The Defendant therefore authorised the republication of his defamatory remarks. The excerpt can be found on Facebook. As of January 3rd, 2019 the post has been shared 222 times, 338 reactions and has approximately 13,000 views. A true copy of an excerpt of the Monday Night Forum is hereto attached and marked "J".

19. The Defendant knew, ought to have known or intended, his statements would be recorded and published and he thereby authorised the recording and publication of the following newspaper reports which repeated, republished, adopted and confirmed as true the defamatory words of and concerning the Claimant, spoken and published by the Defendant in the Parliament on October 9th, 2018 as follows:

- a. On October 10th, 2018 reporter Ria Taitt published an article entitled **“Moonilal identifies Miami bank account: PM involved”** in the Trinidad Express Newspaper (“the Express”) which set out as follows:

“Identifying a Miami bank account number, Oropouche East MP Dr. Roodal Moonilal went straight to the top, naming Prime Minister Dr. Keith Rowley as a beneficiary, along with Vidya Deokiesingh, (the Petrotrin employee implicated in the \$100 million “fake oil” scandal), to a financial transaction...

Speaking in yesterday’s budget debate in the House of Representatives, Moonilal said National Security Minister Stuart Young told him jokingly some time ago that he understood he was travelling to Miami a lot and the Americans were interested in his travels.

“So today I want to explain to him the nature of my travels,” said Moonilal....”

The article goes on to repeat what was stated to have been said by the Defendant in the Hansard on October 9th, 2018.

- b. On October 11th, 2018 reporter Gail Alexander published an article entitled **“Bacchanal in House over Miami \$ Claim Roodal I won’t be intimidated”** in the Trinidad and Tobago Guardian (“the Guardian”) which stated as follows:

“Moonilal however, has stood ‘strongly’ by his allegations. [...] When Moonilal arrived at Parliament two hours later, he also held a briefing on the pavement. Moonilal said he stood by his statements adding he expected Rowley’s denial”

- c. On October 12th, 2018 reporter Ria Taitt published an article entitled **“Pieces coming together’ on Rowley – A&V Drilling issue... I am vindicated says**

Moonilal in the Express which set out a statement from the Defendant as follows:

"I am vindicated even the day after by knowing that the information I shared is not 100 per cent inaccurate," he told the Express." He said the puzzle was coming together, with social media and media investigations, without any investigation by the formal agencies having begun..."

"He said no one could now say that he brought "completely" false and inaccurate information."...

"At least we can confirm that what was said had elements of truth" ...

"We may not have all the pieces of the puzzle, but certainly a puzzle is unfolding," (Moonilal) he said."

"Moonilal said within 48 hours of his delivery, he is "feeling lighter on my feet" because the pieces are coming together. He said that the country had about "25 per cent of the puzzle"."

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- d. On October 12th, 2018 reporter Gail Alexander published an article entitled **"Pieces of the puzzle coming together-Moonilal"** in the Guardian which set out a statement from the Defendant as follows:

"Moonilal added: "I'm happy that 48 hours later we've now confirmed there is a Charlie Diaz, there's a business confirmed to be linked for 17 years to AV Drilling and the details I gave in my presentation are confirmed to be true."...

"But we now have 25 per cent of the puzzle – we have 75 per cent more to get. As days go by, the pieces are coming together and without investigation. They're just coming together with social media and media investigations."...

"I don't feel elated but I'm feeling lighter that my presentation wasn't a complete or 100 per cent wrong as the pieces are coming together- the email address is correct, the person exists, the banking data is accurate."

- e. On October 13th, 2018 reporter Ria Taitt published an article entitled **"Moonilal 'extremely excited' over possible lawsuit"** in the Express which set out a statement from the Defendant as follows:

"Moonilal said in his wildest dreams when he made his contribution to the budget debate on Tuesday, he never thought the pieces would be coming together "within hours"."

- f. On October 15th, 2018 reporter Ria Taitt published an article entitled **“Pre-Action protocol letter sent over “fake oil” allegations... PM calling for retraction, damages from Moonilal”** in the Express which set out a statement from the Defendant as follows:

“On October 11th, 2018, while appearing on the Morning Drive programme on Power 102FM. Moonilal said he “always believed that there is credence to the information”, though “as to whether every single element or line or number or so on is correct or accurate, I did not and still do not have the wherewithal to investigate that. I don’t have investigative powers or any legal authority to do that...”

“The information that I saw before me was much more than ole talk and mauvais langue or anything, it appeared to have some credence...there is some degree of accuracy; as to whether it is completely accurate or not, time will tell.”

- g. On October 16th 2018, reporter Ria Taitt published an article entitled **“Expecting legal battle with Rowley... Moonilal’s constituents raising money for court”** in the Express which set out a statement from the Defendant as follows:

“Eight Pieces of Truth

Moonilal said he had counted so far eight elements of truth in the media with respect to this matter. “Not one element (of the allegations) has been proven to be false...I am vindicated...if anything is proven to be false, beyond a doubt, as I have said before, I am the first person who will say that I will tender an apology. But nothing has been proven to be false.”

“On the other hand, several issues have been proven to be correct.” he said...

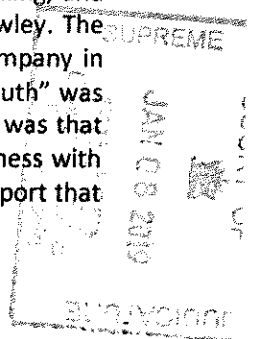
“I am very very happy that I may well have, without intending, cracked a ring of fraud.” ...

- h. On October 17th, 2018 reporter Anna Ramdass published an article entitled **“Citing PNM harassment MP to stay focused on A &V drilling, Petrotrin, ‘scandals’”** in the Express which set out a statement from the Defendant as follows:

“8 elements of truth

At the UNC meeting on Monday, he said his disclosures in Parliament with respect to the Prime Minister Dr. Keith Rowley unearthed “eight elements of truth.”... The “first truth” said Moonilal, was the family link where it was

confirmed that Junior Rawlinson Rowley is the cousin of the Prime Minister. The "second truth" is that the e-mail address belonging to Junior Rawlinson Rowley is correct. He noted a *Guardian* report where Rawlinson Rowley said the e-mail sent to him by Vivian Baksh was sent in error. Moonilal said the "third truth" was that the sender's e-mail is also correct – Vivian Baksh of A&V Drilling, and the "fourth truth" was that the e-mail was received by Rawlinson Rowley. The "fifth truth" he said was a news report which stated there was a company in Miami carrying the same e-mail that was alleged. He said the "sixth truth" was that the Miami company does exist. Moonilal said the "seventh truth" was that the owner of that company, Charles Diaz, said he has been doing business with A&V Drilling for 17 years. He claimed that the "eighth truth" was the report that the banking transaction details were correct."

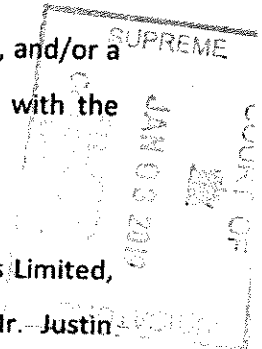


The Defendant well knew that the Trinidad Guardian and the Daily Express enjoy a wide readership throughout Trinidad and Tobago and internationally on the internet via [https:// guardian.co.tt/](https://guardian.co.tt/) and <https://www.trinidadexpress.com//> respectively. True copies of the newspaper reports are hereto attached as a bundle and marked "K".

20. Further and/or in the alternative, the adoption and publication of the Defendant's defamatory words and/or the republication of his defamatory words in Parliament on October 9th, 2018 were the natural and probable and/or reasonably foreseeable result of the following actions taken by the Defendant:
 - a. The post published on Facebook page "Roodal Moonilal" on October 9th, 2018 at 9:48 pm;
 - b. The Defendant's telephone interview with Fazeer Mohammed which was broadcast live on and recorded by the Morning Edition Programme on TV6 on October 10th, 2018;
 - c. The Defendant's press conference outside the Parliament on October 10th, 2018 which was recorded and published by TV6, CNC3, TTT and was reported in the Guardian on October 11th, 2018;

- d. The Defendant's interview with reporters Gail Alexander of the Guardian and Ria Taitt of the Express on October 11th, 2018 which was reported in those two newspapers on October 12th, 2018;
 - e. The Defendant's interview on the Morning Drive Show which was broadcast live on and recorded by Power 102 FM on October 11th, 2018 and which was reported in the Express on October 15th, 2018;
 - f. The Defendant's statements at the United National Congress ("the UNC") Monday Night Forum on October 15th, 2018;
 - g. The Defendant's interview with reporter Ria Taitt of the Express which was reported in that newspaper on or around October 16th, 2018.
21. The words used by the Defendant in paragraph (5) of this claim, and which were repeated subsequently on more than one (1) occasion at paragraphs (9), (11), (13), (16), (17), (18) (19) of this claim, mean and/or are to be understood to mean in their natural and ordinary and/ or inferential meaning and/or by way of innuendo and were plainly intended by the Defendant to mean that:
- a. There are dealings between the Claimant and AV Oil and Gas Limited and/or Jokhan General Contractors and or their affiliates, principals and associates which are criminal and corrupt.
 - b. The Claimant aided and abetted and/or conspired with AV Oil and Gas Limited and or its affiliates, principals and associates or was complicit in a crime and/or corruption in what has become widely known in this jurisdiction as the AV Drilling/Fake Oil scandal.

- c. The Claimant has abused his office as a public official, specifically as the Prime Minister of Trinidad and Tobago, to obtain an improper/corrupt/criminal benefit from AV Drilling and/or Jokhan General Contractors.
- d. The Claimant conducts business with C & C International Regents Bank, and/or a Bank located in the state of Florida of the United States of America with the intention of avoiding detection of his corrupt/criminal activities.
- e. The Claimant has dealings with, *inter alia*, AV Drilling/A&V Oil and Gas Limited, Jokhan General Contractors, Mr Vivian Baksh, Mr Charlie Diaz, Mr. Justin Soogrim, Mr. Hanif Baksh, Mr Rawlinson Rowley, C & C International Trading, and Regions Bank which are all corrupt or criminal.
- f. The Claimant's corrupt or criminal activities are linked to the current financial state of Petrotrin and/or the restructuring of Petrotrin has been engineered and/or undertaken to conceal evidence of the Claimant's criminal and/or corrupt wrongdoing.
- g. The Claimant is a criminal, corrupt and/or guilty of improper conduct as a public official.
22. By reason of the said publication/s and/or republications on October 9th – 16th, 2018 as set out in paragraphs 9 -19 above, the Claimant has been gravely damaged in his character and reputation and has suffered considerable distress and embarrassment.
23. To date, the Defendant has presented no evidence of any investigation carried out by him prior to the publication of the words complained of. In fact, in the articles set out in 19 (c) and (d) above, during interviews given to Gail Alexander of the Guardian and Ria Taitt of the Express, the Defendant noted that he is happy "the pieces of the puzzle" are



now coming together after the defamatory statements were made. The Defendant in this article indicated a reliance, after the fact, on social media investigations into the matter on which his defamatory statements were made. This demonstrates that no investigation was conducted by the Defendant prior to publication despite the fact that the documents which he purportedly relied were devoid of any indication as to the source or its authenticity. Therefore, at the time of the publication of the statements by the Defendant, he knew that his claims were unverified and/or he was unable to verify them which shows that he either knew that the statements were false or was reckless as to whether they were true or not.

24. In support of his claim for aggravated damages, the Claimant will rely on *inter alia* the facts set out in this Statement of Case and the following additional facts:
- a. The Defendant as a well-known politician and attorney, knew or ought reasonably to have known that the defamatory words used by him in Parliament would have attracted the maximum attention of the major news networks and publications locally, regionally and internationally, and be republished by the same.
 - b. The Defendant as a well-known politician and lawyer knew, or ought reasonably to have known, that his words would be given credence and be believed by members of the public.
 - c. The Defendant uttered the statements in a calculated attempt to bring the Claimant's integrity, honesty and honour into disrepute while knowing full well that there was no truth to what was being said by him and/or with reckless disregard of whether the words were true or not.

- d. The Defendant actuated by malice uttered the words to gain political mileage at the expense of the Claimant's reputation.
- e. The Defendant has continued to defame taunt and ridicule the Claimant despite notice of the Claimant's claim by way of pre-action protocol letter dated October 11th, 2018.
- f. The Defendant in support of his statements in Parliament on October 9th, 2018, relied on two (2) unverified documents referred to at paragraph 7 herein which were inadequate to support any *bona fide* allegation indicating that the Defendant's actions were motivated by malice. In fact on December 15th, 2017, the House of Representatives of the Parliament of the Republic of Trinidad and Tobago engaged in a debate wherein the Defendant attempted to read from the email document referred to at paragraph 7 herein, and subsequently withdrew his contribution. The Defendant's statements are recorded in the unofficial version of the Hansard report of the 14th Sitting, in the 3rd Session in the 11th Parliament at pages 108 - 112, which is accessible via the link <http://www.ttparliament.org/hansards/hh20171215.pdf> and which is hereto attached and marked "C"

The Defendant's contribution to the debate in the House of Representatives of the Parliament on December 15th 2017 was reported by the Trinidad and Tobago Newsday Newspaper ("the Newsday"), which was published on December 15th, 2017 in the article "Moonilal withdraws 'fake oil'. The article also set out a statement from the Defendant as follows:

"The person was kind enough to give me several pieces of information. I raised one today and that is a banking piece of information. All I did was to ask the AG to look into it – I cannot confirm whether it's true or not, I'm not a detective or investigator – because we were dealing with money laundering. I was horrified

to know that the (very senior Government minister's) name appeared on a document. Even now, I still am hoping that, that document is not authentic."

A true copy of said newspaper article is accessible via <https://newsday.co.tt/2017/12/15/moonilal-withdraws-fake-oil-allegation/> and hereto attached and marked "L". The Defendant has shown no evidence that steps have been taken to investigate and/or verify these documents since December 15th, 2017 before raising the same in his statements in Parliament on October 9th, 2018.

- g. The Defendant has historically exhibited a pattern of behaviour of desiring to bring the Claimant in to disrepute, as demonstrated by, *inter alia*, the following:
- i. On September 23rd, 2012, the Defendant publicly threatened to expose the Claimant if he did not stop calling for the resignation of Anand Ramlogan. A true copy of report of the incident by the Guardian entitled "Moonilal to Rowley: Shut or be exposed" is accessible via <http://stage2.guardian.co.tt/news/2012-09-24/moonilal-rowley-shut-or-be-exposed> and is hereto attached and marked "M"
 - ii. On March 25th 2015, when the then Member of Parliament for Tobago East Vernella Alleyne Toppin suggested that the Claimant's negative attributes arose out of his being a child of rape, instead of condemning those statements, as did the rest of the population, The Defendant stated as follows as reported in a Newsday article entitled "Moonilal proud of Vernella" and dated March 30th 2015:

"I am very proud of her...she has raised very pertinent questions," Moonilal said. "I think people are trying to kill the messenger and not looking at the important questions being raised. Dr Rowley has

questions to answer. The bigger issue is, why was Dr Rowley not in the House to answer?...

Noting that as House Leader, he was privy to her speech, Moonilal said: "Those persons who are condemning, I beg them to please go and read her speech or watch the tv again. She was speaking in the context of his behaviour and conduct, a conduct that (former prime minister) Patrick Manning and (Opposition MP) Colm Imbert alerted us to." Moonilal, who is also the Housing and Urban Development Minister, added that it took 25 years to learn that Rowley has a son. "We, in 25 years in public life, never knew that," Moonilal said. "In fact quite recently when he was attacking the Prime Minister he said he loves women and that is why he has a wonderful wife and two wonderful daughters. He did not tell us about the wonderful son. I am very proud, like him, of my son. I show pictures all the time. All we are doing is asking questions of him."

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A true copy of said Newsday article is accessible via <https://archives.newsday.co.tt/2015/03/30/moonilal-proud-of-vernella/> and is hereto attached and marked "N"

- iii. In the run up to the General Elections in 2015, a very prominent banner was erected in the Defendant's constituency, without any objection from the Defendant, carrying the words: "Hide your children from Keith Rowley"

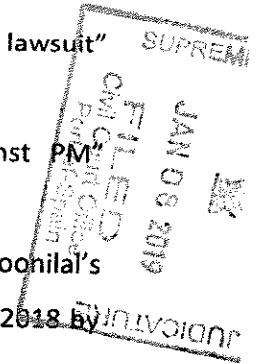
- h. As a result of the Defendant's deliberate and malicious actions as set out above in the Statement of Case, unverified and false allegations of corruption and the commission of a crime on the part of the Claimant were created and remain in the public domain to date. In this regard the Claimant will refer and rely on *inter alia* the following publications, which reported the Claimant's Statements:
 - i. Article entitled "PM: I have no US bank Accounts" published on October 10th 2018 by the Trinidad and Tobago Guardian.
 - ii. Article entitled "Rowley: A monstrous lie" published on October 10th 2018 by the Trinidad and Tobago Guardian.

- iii. Article entitled "Bacchanal in House over Miami \$ Claim" published on October 10th 2018 by the Trinidad and Tobago Guardian.
- iv. Article entitled "Rowley fires back at Moonilal: Fabrications" published on October 11th 2018 by the Daily Express Newspaper.
- v. Article entitled "Bogus Documents-PM" published on October 11th 2018 by the Trinidad and Tobago Guardian.
- vi. Article entitled "PM admits Rawlinson Rowley is his cousin but...I only speak for myself" published on October 12th, 2018 by the Daily Express Newspaper.
- vii. Article entitled "Pre-action protocol letter sent over 'fake oil' allegations...PM calling for retraction, damages from Moonilal" published on October 15th, 2018 by the Daily Express Newspaper.
- viii. Article entitled "'Fake oil' claims heat up House" published on December 29th 2018 by the Daily Express Newspaper.

The Claimant will refer and rely on inter alia the following articles which reported the Defendant's Statements:

- i. Article entitled "Moonilal identifies Miami bank account: PM involved" published on October 10th, 2018 by the Daily Express Newspaper.
- ii. Article entitled "Oropouche MP 'offended' by PM: Farse and out of place" published on October 11th, 2018 by the Express.
- iii. Article entitled "Bacchanal in House over Miami \$ claim, Roodal: I won't be intimidated" published on October 11th, 2018 by the Guardian.
- iv. Article entitled "Pieces of puzzle coming together-Moonilal" published on October 12th, 2018 by the Guardian.
- v. Article entitled "'Pieces coming together' on Rowley-A&V Drilling issue...I am vindicated, says Moonilal" published on October 12th, 2018 by the Express.

- vi. Article entitled "Moonilal 'extremely excited' over possible lawsuit" published on October 13th 2018 by the Express.
- vii. Article entitled "Moonilal starts fund to pay defence against PM" published on October 16th 2018 by the Guardian.
- viii. Article entitled "Expecting legal battle with Rowley... Moonilal's constituents raising money for court" published on October 16th 2018 by the Express.
- ix. Article entitled "Citing PNM Harassment... MP to stay focused on A&V drilling, Petrotrin 'scandals' " published on October 17th 2018 by the Express.
- x. Article entitled "Ready to give': support for Moonilal defence fund" published on October 18th 2018 by the Express.
- xi. Article entitled "What some MPs will be doing on Christmas Day" published on December 24th 2018 by the Guardian.
- xii. Article entitled "'Fake oil' claims heat up House" published on December 29th 2018 by the Express.



True copies of the above-mentioned articles are hereto attached as a bundle and marked "O".

- i. In the premises, the Claimant suffered and continues to suffer severe damage to his character and reputation and in particular his credibility on matters of public interest including the subjects of public accountability and integrity in public life.
25. By way of Pre-Action Protocol letter dated October 11th, 2018 the Claimant's Attorneys at Law sought from the Defendant payment of damages for libel and slander, legal costs, a letter of retraction and apology and an undertaking that the allegations complained of will not be repeated by the Defendant. By letter dated November 9th 2018, the Defendants Attorneys replied to the Pre-Action Protocol letter dated October 11th, 2018

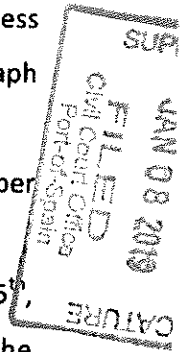
denying liability in defamation and indicating possible defences of qualified privilege and fair comment. Any such Defence is easily defeated for the reasons set out in paragraphs 23 and 24 above. To date, the Defendant has failed and/or refused to apologise to the Claimant.

AND the Claimant claims:

7. Damages including aggravated damages for:

- a. Slander in respect of the words spoken and published by the Defendant to Mr. Fazeer Mohammed with reference to the Claimant in the course of a live telephone interview on or about October 10th, 2018;
- b. Slander in respect of the words spoken and published by the Defendant to the national press including reporters from TV6, CNC3 and TTT with reference to the Claimant in the course of a press conference outside of Parliament on or about October 10th, 2018;
- c. Slander in respect of the words spoken and published by the Defendant to the hosts of the Morning Drive on Power 102FM with reference to the Claimant in the course of a telephone interview on or about October 11th, 2018;
- d. Slander in respect of the words spoken and published by the Defendant to the public with reference to the Claimant at the UNC Monday Night Forum on or about October 15th, 2018.
- e. Libel contained in the following publications:
 - i. Facebook post on "Roodal Moonilal" on October 9th, 2018 at 9:48 pm which republished the words stated in Parliament on October 9th, 2018 as set out in paragraph 9 above.
 - ii. Online recording of Morning Edition Programme on TV6 on October 10th, 2018 as set out in paragraph 10 above.
 - iii. Online recording of press conference outside Parliament on October 10th, 2018 as set out in paragraph 12 above;

- iv. Facebook post on "Roodal Moonilal" on October 10th, 2018 at 6:49 pm which republished the statement made by the Defendant in Press Conference October 10th, 2018 recorded by CNC3 as set out in paragraph 15 above;
- v. Online recording of Morning Drive Show on Power 102 FM on October 11th, 2018 as set out in paragraph 16 above;
- vi. Facebook post on "UNC- United National Congress" on October 15th, 2018 which republished the statement made by the Defendant in the UNC Monday Night Forum as set out in paragraph 18 above;
- vii. The articles set out in paragraph 19 above written by Anna Ramdass, Gail Alexander and Ria Taitt and published in the Guardian and the Express.
- f. Republication by the Defendant as above of the words spoken and published by him with reference to the Claimant in the Parliament of Trinidad and Tobago on October 9th, 2018.
8. A letter from the Defendant to the Claimant in terms and in a form to be agreed with the Claimant, which can then be circulated at the Claimant's discretion to include a retraction of the allegations, a personal apology from the Defendant, and an acknowledgement that it has been agreed that a substantial sum in damages will be paid to the Claimant.
9. An injunction to restrain the Defendant, whether by himself, his servants and/or agents from further speaking, writing, printing, broadcasting or circulating or causing to be written, printed or circulated or otherwise publishing of the Claimant the said defamatory words or any similar words defamatory of the Claimant.
10. Interest on damages pursuant to the Supreme Court of Judicature Act Chap 4:01 of the Laws of Trinidad and Tobago for such period and at such rate as this Honourable Court thinks fit.



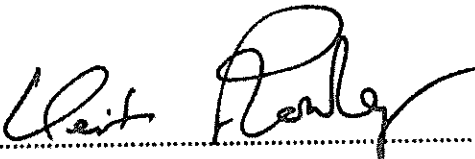
11. Costs certified fit for the Attorneys in this matter.

12. Such further and/or other relief and/or consequential orders and/or directions as this Honourable Court may deem just and/or appropriate.

Certificate of Truth

I, **DR. KEITH CHRISTOPHER ROWLEY**, the Claimant, hereby certify that the contents of this Claim Form and Statement of Case are true and correct to the best of my knowledge, information and belief and that I am entitled to the reliefs claimed herein.

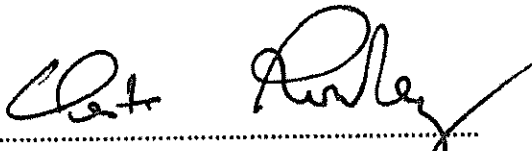
Dated:

Signed: 
.....
DR. KEITH CHRISTOPHER ROWLEY
Claimant

Certificate of Value

I, **DR. KEITH CHRISTOPHER ROWLEY**, the Claimant herein, with due authority certify that the claim herein exceeds or is likely to exceed \$50,000.

Dated:

Signed: 
.....
DR. KEITH CHRISTOPHER ROWLEY
Claimant

NOTICE TO THE DEFENDANT- See the notes served with this Claim Form and Statement of Case

This Claim form must contain or have served with it either a Statement of Case or a copy of a Court Order entitling the Claimant to serve the Claim Form without a Statement of Case.

If you do not complete the form of appearance served on you with this Claim Form and deliver or send it to the Court Office (address below) so that they receive it within EIGHT DAYS of service of this Claim Form on you, the Claimant will be entitled to apply to have judgment entered against you. The form of appearance may be completed by you or an Attorney acting for you.

You should consider obtaining legal advice with regard to this claim.

This Claim Form has no validity if it is not served within four months of the date below unless it is accompanied by an Order extending that time.

The Claimant's Claim Form together with the Statement of Case of even date filed by Ms. Alatashe Girvan of Chancery Chambers, 108 Duke Street, Port of Spain (and whose address for service is the same), Attorney at Law for the Claimant.

The **Civil Court Office** is at the Hall of Justice, Knox Street, Port-of-Spain, telephone number 623-2416, FAX 623-7421. The office is open between 8:00 a.m. and 4:00 p.m. Mondays to Fridays except public holidays and court holidays.

Dated the 28th day of January 2019

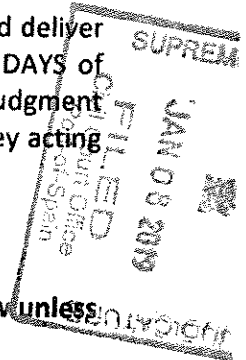
The Claimant's address for service is:

c/o/ Ms. Alatashe Girvan
Chancery Chambers
108 Duke Street
Port of Spain



ALATASHE GIRVAN
Attorney at Law for the Claimant

**TO: THE REGISTRAR
Hall of Justice
Knox Street
PORT-OF-SPAIN.**



**AND TO: Mr. Jared Jagroo
Attorney-at-Law
Freedom Law Chambers
#3 Harris Street
SAN FERNANDO
Attorney-at-Law for the Defendant**

Statements

From: Barry Padarath <barrypadarath@yahoo.com>
Date: Friday, February 22, 2019 at 8:27 AM
To: Keiba Jacob <ssc@ttparliament.org>
Subject: Re: Draft Interim Report Committee of Privileges

Madam Secretary,

Thank you for your correspondence dated February 21st 2019.

After careful perusal of the interim report I wish to register my concerns and my correction to what is contained in the report.

At paragraph 8 of the interim report my colleague MP Indarsingh and I do not accept that there was any power to appoint any temporary members to the Committee as this is not provided for in the Standing Orders of the House of Representatives and would result in the composition of the Committee being in breach of the Standing Orders. This matter was brought to the attention of the Honourable Speaker who failed to address this issue in a satisfactory manner.

With respect to the contents of paragraph 11 of the interim report the concerns of the Member of Parliament for Oropouche East were the subject of a pre-action letter dated the 30th November 2018. This correspondence was brought to the attention of the Committee on the 30th November 2018 and upon being told of this correspondence written to the Committee by Attorney-at-Law acting on behalf of the Member of Parliament for Oropouche East the Speaker indicated to the Committee that she had no intention to respond to “strangers” to the Committee. I did not agree with this approach that was not put to a vote of the Committee.

At paragraph 14 I raised a concern about the duty of the Committee to observe the rules of natural justice as expressly set out in the Standing Orders. The issue I raised concerning a Member who had already publicly voiced a position on a matter before the Committee is a matter that the drafters of the Standing Orders specifically considered and provided for in the Standing Orders and this very relevant fact was omitted from the interim report.

At paragraph 20 of the interim report it is stated that the “Speaker responded to the Member for Oropouche East, by letter from the Clerk of the House dated January 31, 2019”. What is omitted from your report is the fact that the response of the Speaker was not representation of the Committee as the response was not disclosed or discussed with the Committee before it was dispatched to the Member for Oropouche East. This was clearly a breach of settled parliamentary practice and procedure.

With respect to paragraph 22 and the statement that no pre-action letter was written to the Committee this statement is factually incorrect as the Member for Oropouche East wrote to the Committee on two occasions by letter dated the 30th November 2018 and by letter dated the 28th January 2019 both expressing the intention to pursue his remedies in Court if his concerns as raised in these letters were not addressed in an appropriate manner. That this could be misrepresented in the report and any reference omitted is deeply disturbing to the Members.

With respect to the contents of paragraph 24 of the interim report my colleague MP Indarsingh and I are troubled by this attempt to misrepresent what transpired in the Court proceedings. Counsel for the Speaker gave an undertaking to the Court and in those circumstances the application for injunctive relief could not be heard. The said application is still pending before the Court. What is more troubling and of grave concern to us the Members is that the action of the Speaker to retain Senior Counsel and give instructions was carried out without the authorisation/ and or instructions of the Committee.

We are very troubled by the failure of the interim report to address the very serious issue of the Corporate Communications Department of the Parliament issuing a press release containing information with respect to the proceedings of the Committee in clear violation of the Standing Order regarding premature publication. While the interim report “acknowledges that the Speaker of the House is the guardian of the privileges, rights and immunities of the House of Representatives” this most important matter that falls within the jurisdiction of the Speaker was not addressed. This blatant omission is even more inexplicable and alarming when one considers that the issue of premature publication is addressed in the interim report in relation to another issue at paragraph 29 where one of the grounds for the actions of the Committee is stated to be, “that there is no guarantee that the rule against premature publication of proceedings will be observed. Consequently, Court proceedings could thereby be prejudiced given the worrying publication of the Committee’s in camera deliberations of January 07, 2019 in the Guardian Newspaper of January 08, 2019”

With respect to the statement at paragraph 26 of the interim report that acknowledges that the Speaker of the House is the guardian of the privileges, rights and immunities of the House of Representatives it would be useful and proper to also acknowledge that in the discharge of these duties the Speaker must act in accordance with the law and the rights that are guaranteed to each Member of Parliament by the Constitution.

At paragraph 27 of the interim report I wish to indicate that the actions that are recited therein were in breach of the undertaking given to the Court and this is a most serious matter.

Paragraph 29 does not reflect a true representation of what transpired before the Committee and if it does it would be a clear breach of the undertaking given to the court.

With respect to paragraph 30 of the report the I do not wish to give ex post facto approval to a course of action that the Speaker chose to embark upon without the approval of the Committee.

With respect to paragraph 31 and 32 of the interim report my colleague MP Indarsingh and I wish to endorse the right of every citizen to seek recourse to the High Court to seek redress where the rights guaranteed under the Constitution have been or are likely to be breached. This is a right that is conferred on every citizen by the supreme law. The contents of these respective paragraphs seeks to chastise the Member of Parliament for Oropouche East for seeking a remedy from the Court for the breach of his rights. We cannot condone the contents of these paragraphs. The action of the Member for Oropouche East is no different from that of the present Prime Minister a on a previous occasion and the action of the Member for Oropouche East has precedent in the Courts throughout the Commonwealth.

My colleague MP Indarsingh and I strongly object to the recommendations at paragraph 34 of the interim report.

I do hope that the concerns and corrections raised would be considered and reflected through the necessary ammendments to this interim report.

Barry Padarath
MP

From: Rudranath Indarsingh [<mailto:rudranath43@gmail.com>]
Sent: Friday, February 22, 2019 8:55 AM
To: Committee of Privileges (HOR) <ssc@ttparliament.org>
Subject: Re: Draft Interim Report Committee of Privileges

Attn: Ms Keiba Jacob.

I refer to your email correspondence and the above captioned subject matter and after perusal of the said report, I am not in agreement with the contents of same and as such I wish to highlight the following,

Clause 11, that at the first meeting the committee discussed the issue of whether the committee was duly and legally constituted, which has been omitted from the attached report and do not accept there was any power to appoint any temporary members to the committee.

Clause 16, I am not in agreement with the last sentence and it should read “the advice was noted by your Committee”.

Clause 25, I do not agree with the current wording because as a member of the committee I was not consulted in relation to the decision in the said clause and the actions which therein followed.

Clause 29, I am not in agreement because I have not been privy to the court order referred to in said report. In the absence of such I cannot agree to the wording of clause 29.

Clause 30, I am not in agreement with clause 30. I do not wish to give Ex facto approval to a course of action that the Speaker chose to embark upon without the approval of the committee.

Clause 31, I cannot agree to the conclusion stated herein said clause because it places an indictment on all members of the committee. I endorse the right of every citizen to seek recourse to the High Court to seek redress where the rights guaranteed under the constitution have been or are likely to be breached.

I strongly object to the recommendations at paragraphs 30 and 31 of the interim report. I hope my concerns will be addressed and find its way into the final report.

Please be guided accordingly,

Member
Rudranath Indarsingh.