



The Government of the Republic of Trinidad and Tobago
Ministry of the Attorney General and Legal Affairs

CORPORATE COMMUNICATIONS DEPARTMENT

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MEDIA RELEASE

For Immediate Release

ATTN: News Editor

Dated: April 11th 2020

CR 2 of 2020; The Attorney General of Trinidad and Tobago v The Registrar of The Supreme Court, The Commissioner of Prisons, The Commissioner of Police and The Children's Authority

1. Further to the Press Release issued on April 05th, 2020 wherein the public was informed of the legal proceedings issued by the Attorney General in the public interest in relation (i) to the matter of sections 87-90 of the Constitution of the Republic of Trinidad and Tobago (ii) the matter of Bail Act Chap 4:60 (iii) the matter of the Prisons Act Chap 13:01 (iv) the matter of the Supreme Court of Judicature Act Chap 4:01 against the **Commissioner of Prisons, the Registrar of the Supreme Court, the Commissioner of Police and the Children's Authority of Trinidad and Tobago** on Saturday, April 04th 2020 at 4:45 p.m., by filing an electronic Application for Administrative Relief accompanied by a Certificate of Urgency (the 'Claim') on April 02nd 2020, the Attorney General is pleased to report the following:

- a. On April 8th, 2020, at the electronic hearing before Madam the Honourable Justice Lisa Ramsumair-Hinds, the Court upon hearing all Parties, varied the previous Order dated April 5th, 2020 and directed that the Commissioner of Prisons must also provide a verified and certified list of those persons currently serving terms of imprisonment in default of payment of maintenance and fines. The Court also ordered the Commissioner of Prisons and the Registrar of the Supreme Court to provide updates in respect of:

- i. a review of prison sentences by the Commissioner of Prisons pursuant to Rules 285 and 285A of the Prisons Rules 1943; and
 - ii. the verification and certification exercises in determination of those persons who may be eligible to variation of bail and/or commuted sentences.
- b. Consequently, the said matter was scheduled for April 11, 2020, at 1p.m. for further action. Upon conclusion of the hearing earlier this afternoon, the following points are essential to note:
- (i) The Court refined the previous orders to ensure that all Parties were on equal footing. This exercise involved the consolidation of several categories of persons, having been sentenced to terms of imprisonment for a period not exceeding one (1) year, and who are eligible for bail, inclusive of women and children (**‘Remandees’**), or convicted and eligible for Presidential pardons, inclusive of women and children (**‘Convicted’**)
 - (ii) To ensure the assistance of all Parties, the Commissioner of Police was ordered to ensure that the criminal records of persons are taken into consideration as it relates to both Remandees and Convicted.
 - (iii) The Commissioner of Prisons, pursuant to the submission of the various Lists of persons to all the Parties herein, was directed to submit the said Lists as it pertains to the Convicted to the Minister of National Security for his urgent consideration under section 87 and section 89 of the Constitution.
 - (iv) The Lists of Remandees was supplied to the Director of Public Prosecutions and the Chief Public Defender for their consideration as it involves the variation of bail.
 - (v) Subsequently, upon receipt of all relevant information and/or records by the Parties named herein, in the case of the eligible Remandees, the Court will convene the Bail Review Court under the newly formed Criminal Division wherein the Director of Public Prosecutions and the Chief Public Defender will be engaged in order to facilitate applications for a variation of bail.

(vi) The matter now stands adjourned to Monday 13th April, 2020 at 2 p.m.

2. The Attorney General wishes to assure the public that those persons with **charges or offences** as listed below, will **NOT** be entertained for consideration for release from prison:

- i. an offence committed by a person over the age of eighteen years under the Anti-Gang Act which is punishable by imprisonment for a term of ten years or more;
- ii. an offence under the Offences Against the Person Act, specifically, murder, treason, piracy or hijacking, and those offences which are punishable by imprisonment for a term of ten years or more, or an offence under section 48 or 54 of that Act;
- iii. an offence under the Dangerous Drugs Act which is punishable by imprisonment for a term of ten years or more;
- iv. an offence under the Kidnapping Act which is punishable by imprisonment for a term or ten years or more;
- v. a sexual offence in which the alleged victim is a child, including a sexual offence under the Sexual Offences Act or the Children Act, or any Act repealing and replacing any of those Acts;
- vi. offence under the Sexual Offences Act which is punishable by imprisonment for a term of ten years or more;
- vii. an offence under the Anti-Terrorism Act which is punishable by imprisonment for a term of ten years or more;
- viii. an offence under the Trafficking in Persons Act which is punishable by imprisonment for a term of ten years or more;
- ix. an offence under the Firearms Act, other than under section 6(1) or (2), which is punishable by imprisonment for a term of ten years or more, or an offence under section 8, 9 or 10 of that Act;
- x. an attempt to commit an offence listed in this Schedule.

3. As the exercise under consideration involves Judicial discretion and Presidential discretion **ANY** other charge or offence not listed above may be **excluded** due to the independent assessment of the violent and/or dangerous nature of the matters involved in any case. Accordingly, the assessment of risk and need for public protection including victim protection will always remain in central focus.

4. In light of the foregoing, the Attorney General takes the opportunity to assure the population that the Government continues to take careful steps and measures designed to mitigate and suppress the rapid spread of the highly contagious COVID-19 disease and to preserve the medical capacity and resources of Trinidad and Tobago.

5. The Attorney General wishes to express the Government's profound gratitude for the continued co-ordination, enterprise and innovation of the measures put into effect by the Honourable Chief

Justice, the Commissioner of Prisons, the Commissioner of Police, the Director of Public Prosecutions, the Chief Public Defender, the Children's Authority and the departments of the Offices of the Attorney General including all officers and divisions involved in managing the COVID-19 crisis.

END