



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 13<sup>th</sup> 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. By Press Releases issued on April 5<sup>th</sup> and 11<sup>th</sup>, 2020, the public was informed of the progress being made in respect 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 04<sup>th</sup> 2020 at 4:45 p.m.
2. After the last electronic hearing of this matter on Saturday 11<sup>th</sup> April, 2020, the public was informed of the Court's directions which included directions to the Commissioner of Police and Commissioner of Prisons to provide relevant information as it pertains to 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'**). Thereafter, the matter was adjourned to Monday 13<sup>th</sup> April, 2020 at 2 p.m.
3. All parties attended the hearing scheduled for 2 p.m. today and the Attorney General is pleased to report the following:

- (a) The Commissioners of Prisons and Police were directed to now file with the Court, by Tuesday 14<sup>th</sup> April, 2020, the relevant Lists and information, accompanied by Affidavit evidence, to ensure accurate verification and certification of Lists and information.
  - (b) Upon filing of the said Lists, 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 variation of bail.
  - (c) As it pertains to the Convicted, upon filing of the said Lists, information and/or records, same will be submitted to the Minister of National Security for his urgent consideration under section 87 and section 89 of the Constitution.
  - (d) The Court has recognised the deficiencies in the system as it relates to record keeping and as such, acknowledged that through this Claim, we are now well-placed to remedy such deficiencies.
  - (e) The matter now stands adjourned to Thursday 16<sup>th</sup> April, 2020 at 10 a.m.
  - (f) Thereafter, the Court intends to convene the hearing for the bail applications with alacrity.
4. The Attorney General wishes the public to take note of the historic involvement of the newly created Public Defenders' Department, headed by Ms. Hasine Shaikh, the Chief Public Defender. For decades, many have flirted with the concept of creating a Public Defenders' Department by which competent counsel can be appointed to act for defendants in criminal proceedings where conflicts of scheduling or economic circumstances, prohibit accused persons from retaining counsel of choice. This Government is pleased to have birthed the Public Defenders' Department and to have operationalised it in quick measure as part and parcel of the much needed Criminal Justice reforms in Trinidad and Tobago.
5. The Attorney General also takes this opportunity to inform of the operationalisation of video remand conferencing facilities at the nations Prisons which again have been the subject of much conversation by previous Governments, who failed to take the necessary steps to bring same into reality. The passage of the amendments to the Bail Act, the

Children's Act, the passage of the Miscellaneous Provisions (Supreme Court of Judicature and Children) Act, 2018, the Criminal Division and District Criminal and Traffic Courts Act, 2018, the Family and Children Division Act, 2016 as well as, the Electronic Payments into and out of Court Act, 2018, which have all allowed Trinidad and to Tobago to witness the operationalisation of specialist courts in specialist divisions which are able to engage in virtual court appearances through electronic filing and payment mechanisms. The Honourable Chief Justice has led the charge of operationalising judicial reform and the Attorney General wishes to publicly commend him and the entire judiciary for the innovation and efficiency in their part of the process of reformation.

6. The Attorney General wishes to again 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.

5. 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.

6. 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.

7. The Attorney General again 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**