



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

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**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. On April 1st 2020, Dr. the Honourable Keith Rowley MP, Prime Minister of the Republic of Trinidad and Tobago announced that the Government after consultation through the Attorney General with the major stakeholders in the Criminal Justice System including the Chief Justice, the Commissioner of Prisons, the Commissioner of Police, the Director of Public Prosecutions, the Chief Public Defender and the Children's Authority of Trinidad and Tobago, would consider the risk posed to society by the 2019 Novel Coronavirus (2019-nCoV) (the 'COVID-19 virus') in the context of non-violent low risk prisoners (i) who have been granted bail but who have not been able to access bail (ii) who have been sentenced and have appealed conviction and who are entitled to apply for bail; and (iii) who were sentenced and who have not appealed but are near end of sentence.

2. The primary consideration for the proposed reduction in the prison population is to protect essential service officers and providers in the Prisons and Criminal Justice systems and the lives of all persons in general, by reducing overcrowding and minimising the spread of the COVID-19 virus as a declared dangerous infectious disease, essentially because any person infected by the COVID-19 virus (prisoner or not) would require medical treatment and increase the demand for globally scarce medical resources. Flattening the curve of infections in Trinidad and Tobago and preserving the capacity to manage critical medical care is key to protecting Trinidad and Tobago.

3. Consequent upon this pronouncement by the Honourable Prime Minister, the Attorney General of Trinidad and Tobago charged with the responsibility for the administration of legal affairs in Trinidad and Tobago is pleased to report that following upon further consultation with the Chief Justice, the Commissioner of Prisons, the Commissioner of Police, the Director of Public Prosecutions, the Chief Public Defender and the Children's Authority of Trinidad and Tobago and after receiving advice from Senior Counsel:

i. The Attorney General commenced proceedings 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 Application for Administrative Relief accompanied by a Certificate of Urgency (the 'Claim') which was filed electronically in accordance with the Practice Direction on "Filing By Electronic Means" issued by the Honourable Chief Justice Mr. Justice Ivor Archie O.R.T.T (the 'Chief Justice') on April 02nd 2020.

ii. In this application the Attorney General is seeking:

a. An order that the Commissioner of Prisons do produce for the inspection and deliver up to the duly authorized representatives of the Attorney General and the Registrar of the Supreme Court, and additionally in the case of children to the Children's Authority, the following documents:

i. A verified and certified list containing the names of persons who have been convicted of summary offences and who:

1. Have been sentenced to a term of imprisonment for a period not exceeding one (1) year; or
2. Are currently serving a term of imprisonment which will expire within one (1) year; and
3. Remain incarcerated on the date of the filing of this application ('Category 1').

- ii. A verified and certified list containing the names of persons who have been convicted summarily of indictable offences excluding the offences listed in the Schedule and who:
 - 1. Have been sentenced to a term of imprisonment for a period not exceeding one (1) year; or
 - 2. Are currently serving a term of imprisonment which will expire within one (1) year; and
 - 3. Remain incarcerated on the date of the filing of this application ('Category 2').

- iii. A verified and certified list containing the names of persons who have been convicted of indictable offences excluding the offences listed in the Schedule and who:
 - 1. Have been sentenced to a term of imprisonment for a period not exceeding (one) 1 year; or
 - 2. Are currently serving a term of imprisonment which will expire within one (1) year; and
 - 3. Remain incarcerated on the date of the filing of this application ('Category 3').

- iv. A verified and certified list containing the names of children who:
 - 1. Have been convicted of summary and indictable offences excluding the offences listed in the Schedule; and
 - 2. Who remain incarcerated on the date of the filing of this application ('Category 4').

- v. A verified and certified list of the names of persons who have been charged with summary offences who have been granted bail but who have been unable to access bail thereof set by the relevant Judicial Officer including such persons who have been convicted and were granted bail pending appeal ('Category 5').

- vi. A verified and certified list of the names of children who have been charged with summary and indictable offences and who have been granted bail but who have been unable to access bail thereof set by the relevant Judicial Officer including such children who have been convicted and were granted bail pending appeal ('Category 6').

- b. In this application, the Attorney General is also seeking the production of all such other files, records and/or other documents as may be necessary to allow for Judicial, Prison, Children's

Authority and Presidential scrutiny by which process and with the consideration and input of the several Defendants as well as the Director of Public Prosecutions and the Chief Public Defender:

- i. The Court may pursuant to the Bail Act and Section 69 of the Children's Act (as Amended) in its sole and absolute discretion consider bail applications for persons including children;
 - ii. The Commissioner of Prisons may pursuant to rule 285 and rule 285A of the Prisons Rules exercise the power to remit sentences in respect of prisoners including children.
 - iii. The Children's Authority may pursuant regulation 7(1) of the Child Rehabilitation Centres Regulations 2017 make an application for the discharge of any child.
 - iv. The President of the Republic of Trinidad and Tobago may undertake a review of the sentences imposed on persons and children and grant conditional or unconditional pardon, remission and/or commutation of sentences as the President may be minded to grant under and by virtue of section 87 and section 89 of the Constitution.
- c. The Schedule of charges or offences which will NOT be entertained for consideration for release from prison are:
- 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.

d. As the exercise under consideration involves Judicial discretion and Presidential discretion ANY other charge or offence not listed in the Schedule 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.

e. The legal team lead by Mr Fyard Hosein SC, on behalf of the Attorney General consists of Mr Ravi Rajcoomar, Ms Tenille Ramkissoon, Mr Jerome Rajcoomar and Mr Aadam Hosein, instructed by Ms Kadine Matthew and Mr Ryan Grant from the Chief State Solicitor's Department. The matter is docketed to the Honourable Madame Justice Lisa Ramsumair-Hinds.

f. By Court Order dated April 04th 2020, the matter was deemed fit for urgent hearing and in compliance with the Practice Direction on "Conduct of Hearings by Electronic Means" issued by the Chief Justice dated March 26th 2020, Madam Justice Ramsumair-Hinds scheduled an electronic hearing for the morning of Sunday, April 05th 2020 at 10:00 a.m.

g. Consequently, the parties complied by the Court's Order and attended court via electronic means before the Honourable Madam Justice Ramsumair-Hinds, who granted the reliefs requested by the Attorney General. In addition, the Honourable Madam Justice Ramsumair-Hinds, 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 Honourable Judge adjourned the matter to Wednesday 08th April 2020 at 3:00pm via Electronic Hearing and granted leave to apply.

4. In light of the foregoing, the Attorney General takes the opportunity to assure the population that the Government will continue 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 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.

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