



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

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STATEMENT OF THE COUNCIL OF THE LAW ASSOCIATION OF TRINIDAD AND TOBAGO

A Special General Meeting of the Law Association of Trinidad and Tobago (LATT) has been requisitioned by 29 financial members (the June Requisition) for the purposes of: (1) disclosure to the membership of any substantive position taken by its Council and articulated to the Hon. Attorney General on behalf of the LATT regarding the Strategic Services Agency (Amendment) Bill (the SSA Bill), and (2) to move a motion of no confidence in its President and Vice President for failing to consult with the membership of the LATT to obtain its views on the SSA Bill. In accordance with the Legal Profession Act, 1986 (the LPA), that meeting has been duly convened by Council and will be held on 25th July, 2016, at 3:00 pm in the Convocation Hall at the Hall of Justice.

For the information of its membership and indeed the general public, the Council of the LATT here sets out the approach adopted in its consideration of the SSA Bill in fulfillment of its statutory mandate under the LPA.

On the 1st April, 2016 certain newspaper articles were published on the then proposed SSA Bill. As at that date, the Executive had not consulted with the LATT on the Bill. A copy of the Bill was obtained from the Parliament's website, and on 4th April, 2016 the President, Mr. Reginald Armour, S.C. wrote* to the Hon. Attorney General stating that the LATT wished an opportunity to comment on the Bill.

At that time, although the 30th Council of LATT had been elected on the 20th March 2016, it had not yet assumed office because (i) of the need to hold an election for the post of Treasurer, with (ii) the pre-requisite publication in the Gazette having necessarily to be deferred. The 29th Council therefore necessarily continued in office.

In that context, on the 4th April, 2016 the President advised members of the 29th Council by e-mail* of the following matters:

- (a) the dispatch of his letter to the Hon. Attorney General;
- (b) information obtained by him from the Legal Officer of the Clerk to the Parliament to the effect that debate on the Bill had been adjourned from 1st April but was likely to continue next on 16th April in the House of Representatives;
- (c) that he had co-opted Attorney-at-Law Mr. Rishi Dass and Legislative Review Committee member Mr. Ravi Rajcoomar for research and informed input on the Bill; and
- (d) requested input on the Bill from members of Council, bearing in mind the likely deadline of 16th April.

On the 11th April, 2016 Mr. Rishi Dass articulated his concerns on the Bill to the President. By that time, Mr. Ravi Rajcoomar had provided the President with a copy of an extract from the textbook Covert Policing Law & Practice by Simon McKay as well as local case law materials, and in a telephone conversation with the President had indicated that he had no concerns over the Bill.

The 29th Council, at its meeting on 12th April, 2016 received and considered the report of the President. Council recommended that the President should write further to the Hon.

Attorney General stating the concerns discussed by the 29th Council on the Bill and report accordingly to the 30th Council.

That very afternoon, the President received a telephone call from the Hon. Attorney General who apologised for not having earlier responded to the President's letter of the 4th April. The Hon Attorney General, in that conversation, requested that the President and an Executive delegation of the Council meet with him to discuss the LATT's concerns. On 13th April, 2016 the President and Vice President met with the Hon. Attorney General and had a lengthy discussion on the Bill.

At that meeting the following concerns were expressed to the Hon. Attorney General on behalf of the Council:

- (1) The parent Act, the 1995 Strategic Services Agency Act, appeared to have paid insufficient regard to insulating the Agency from Executive manipulation of the type warned against by Lord Diplock in Endell Thomas v. A.G.; and
- (2) The Bill now being introduced did not cure the cause of Council's concern, whilst widening the ambit of the Agency's remit to "serious crime" with an enhanced definition of that term.

On 14th April, 2016 the President reported by e-mail* to members of the 29th Council on the meeting held with the Hon. Attorney General.

On 3rd May, 2016 the 30th Council was Gazetted and members commenced their term of office.

On 10th May, 2016 at the first meeting of the 30th Council, the President reported* on the initiatives taken by the 29th Council, including the meeting with the Hon. Attorney

General at which the LATT's concerns on the Bill were articulated. At that meeting of Council a recommendation was made to write to the Hon. Attorney General, placing on record the Association's comments which had been communicated to the Hon. Attorney General at the 13th April meeting, and to reiterate that the LATT was then giving further consideration to the Bill. The Hon. Attorney General was sent that letter* dated 10th May, 2016 by e-mail of the same date.

The Council having received a letter from Mr. Robin Montano dated 9th May, 2016 in which he expressed concerns about the Bill and complained about the Council's failure to actively take a position on the Bill, also took a decision at that meeting to reply to Mr. Montano's letter and ask him for his comments and recommendations on the Bill. That letter was sent to him on 12th May, 2016. On 13th May, 2016 Mr. Montano responded to the Association's letter.

The LATT receives correspondence from its membership about their concerns, including those on proposed legislation and other matters within its remit. In discharge of its statutory mandate, the Council operates a system of committees, manned by volunteers drawn from its membership. In the normal course, members of the Association with specific areas of expertise are co-opted from time to time to assist the Council; this practice was last applied in the case of the Anti Gang and Anti Bail Bills and, the President wrote to the Hon. Attorney General expressing Council's concerns by letter of the 17th June, 2016*. Where appropriate, the Council also consults with the Association's members in General Meeting, but otherwise its statutory mandate is exercised on behalf of the Association in accordance with rule 25(1) of Part A of the First Schedule to the Legal Profession Act, 1986.

Having regard to all of the above, the members of the 30th Council confirm that the President and Vice President acted with the full authority of Council when they articulated to the Hon. Attorney General the considered and informed views and concerns of the LATT on the SSA Bill and express their confidence in Mr. Reginald Armour, S.C., as President and in Mr. Gerry Brooks, as Vice President of the Association.

Since being served with the Members' requisition on 30th June, 2016, Council advises as follows: (a) The requisitioning number has been reduced from 30 to 29, with one signatory being an un-financial person; (b) Council has also received correspondence* from 10 of those members who requisitioned the Special General meeting, by which they have indicated that by their signatures on the June Requisition they did not intend and/or have withdrawn from the motion for a vote of No Confidence in the President and Vice President.

Dated the 19th day of July, 2016.

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Elena Araujo

Secretary