

Carmona appoints Koylass to JLSC... Victory for the people, says Anand

PORT OF SPAIN
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IN THE face of a legal challenge, President Anthony Carmona yesterday appointed Ernest Hendren Koylass SC to the Judicial and Legal Service Commission (JLSC).

The announcement came days after the President received a pre-action protocol letter from former attorney general Anand Ramlogan, challenging the constitutionality of the composition of the JLSC.

The JLSC now comprises Chief Justice Ivor Archie (chairman) and members Roger Hamel-Smith (retired), Maureen Manchouck, Humphrey Stollmeyer (retired) and Koylass.

Commenting on Koylass' appointment, Ramlogan yesterday stated he was very pleased "His Excellency President Carmona has seen the wisdom and merit in the pre-action protocol letter I sent to his office last week".

Ramlogan said this appointment was "a knee-jerk reaction to the threat of litigation and does not in any way address the fundamental systemic issues that plague the administration of justice".

The former AG said

he had given notice to the President and the Attorney General that he intended to launch a constitutional motion against the State to challenge the composition and jurisdiction of the JLSC, on the ground it did not comply with the requirements in Section 110 of the Constitution.

Glaring omission

"I indicated that the JLSC was not properly constituted with four members as the Constitution clearly requires a minimum of five members. There was no member from the Bar, that is to say, a senior respected attorney-at-law who was no longer in active practice and, hence, an important consideration was ignored. This (the appointment of Koylass) is a victory for the people, the Constitution and democracy," he said.

Ramlogan however stated he remained concerned this glaring omission could have occurred. "For how long was the JLSC allowed to operate in violation of the Constitution, which is the supreme law of the land? Why was it allowed to function without its full membership as envisaged by the Constitution? Is this belated appointment an



NEWEST MEMBER: President Anthony Carmona looks on as attorney Ernest Hendren Koylass SC, left, signs the register after he was sworn in as a member of the Judicial and Legal Service Commission (JLSC) yesterday, at the Office of the President, St Ann's. —Photo courtesy the Office of the President

KOYLASS BIO

ERNEST KOYLASS SC, who was called to the Bar in 1980, attended Hugh Wooding Law School and later went on to the University of London where he gained his Master of Laws degree in 1980.

He is currently the principal of his law firm, Ernest H Koylass & Co.

He has served as president of the Southern Lawyers' Assembly and senior member of the Law Association of Trinidad and Tobago.

In 1999, he served as a temporary judge of the High Court of Trinidad and Tobago and got silk in 2006.

Koylass' areas of practice are diverse and include private/civil law.

acknowledgment that an error had been made all along? If so, shouldn't there be a full explanation and public apology from someone? Could the embarrassment and serious erosion of public trust and confidence in the JLSC have been avoided?" he asked.

Do the right thing

"The urgent need for reform in the process for the appointment of judges and the administration of justice as a whole remains outstanding. The obvious need for greater transparency, fairness and accountability to the public who are the ultimate customers of the administration

of justice demands a full and frank discussion about the problems that have led to the present unsatisfactory state of affairs," Ramlogan said.

Turning the President's famous words against him, Ramlogan concluded: "I therefore call upon His Excellency to do the right thing 'because it is the right thing to do' and invoke the powers that he does have under the Constitution, in the public interest, to ensure that there is an enquiry into the serious allegations that are swirling in the public psyche so that justice can not only be done but can be seen to be done. Nothing less will do, and the dark cloud of sus-

Part-heard court matters still in limbo... My hands are tied, Ag Chief tells prisoners

PORT OF SPAIN
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THE Judiciary is yet to arrive at a solution on how it will proceed with several matters that were previously being heard by former chief magistrate Marcia Ayers-Caesar before she left the magistracy to be appointed as a High Court judge.

She has since resigned as a judge.

Acting Chief Magistrate Maria Busby Earle-Caddle yesterday repeatedly said to a number of prisoners that her "hands are tied" as she informed some of them who had part-heard enquiries before Ayers-Caesar that she was still awaiting instructions on how to proceed with the matters.

She is currently presiding at the Eighth Port of Spain Court where Ayers-Caesar previously sat and, in total, had to adjourn close to ten matters.

Three accused, who are jointly charged with murder, grew agitated when they were informed by the magistrate their matters had to again be adjourned.

When their matter was called, one of the accused, Akido Mayers, requested that the magistrate proceed with the enquiry, given that he and his two co-accused

had been awaiting the completion of the matter for the past six years.

"I cannot do that, sir. I or no other magistrate can continue with a matter that was previously being heard by another magistrate. My hands are tied," said Earle-Caddle.

Mayers questioned if his matter had to be restarted, who was going to pay all the legal fees already incurred by him during the enquiry. "Who is going to pay for that? Ms Caesar just pick up and leave just so," he said.

"Well, I am not in charge of Ms Ayers-Caesar, sir," the magistrate responded.

"Allyuh need to sort out allyuh issues. It's six years now we in prison, and we just suffering here because we innocent," Mayers said, before he and his two co-accused were taken away by police officers.

Other part-heard matters adjourned were that of leader of the Jamaat-al-Muslimeen Yasin Abu Bakr, who is facing a private charge of failing to appear before a Commission of Enquiry into the 1990 coup attempt, and Christopher Selby, who escaped from the Frederick Street prison, along with Allan "Scanny" Martin and Hassan Atwell, in 2015.

All of those matters will next be called on June 1.

Daly, Dumas call for report into Quinlan charges

PORT OF SPAIN

RELEASE the 2013 report of the disciplinary tribunal set up to examine disciplinary

charges against recently appointed High Court Judge Avason Quinlan-Williams.

This is the call from Senior Counsel Martin

Daly and former head of the Public Service Reginald Dumas to the Judicial and Legal Service Commission (JLSC).

In a joint statement yesterday, Daly and Dumas also requested the release of any written reasons or reports related to determination of this matter.

Daly and Dumas said they were "deeply troubled" by a report in the last *Sunday Express*, which compared and contrasted the contents of a recording of what took place at a bail hearing before then magistrate Quinlan-Williams in 2009 and what Quinlan-Williams was reported to have testified at the disciplinary proceedings against her, arising out of her conduct of that bail hearing. "There are also other reported conflicts in the evidence," they said.

In the public's interest

Noting the former magistrate was recently appointed a High Court judge, the two men stated they were absolutely satisfied the public interest required the determination of the disciplinary tribunal be released "so

that the public can be assured of the propriety of the appointment of Mrs Quinlan-Williams to the office of High Court judge".

"We are aware that the Judicial and Legal Service Commission (JLSC) reportedly sent Mrs Quinlan-Williams a letter stating she was "exonerated" nine months after the determination of the charge.

"The release of this tribunal's determination has been previously refused on what appears to be a specious ground, uncaring of the public interest and the repugnancy of closed-door jus-

lice," the statement said.

"Mr Justice Carmona, as he then was, now President of the Republic of Trinidad and Tobago, is said to have been the tribunal dealing with the disciplinary charge and [is said] to have made his determination perilously close to his elevation to president-designate.

"Any further delay in releasing his determination runs the clear risk of bringing his office into an unseemly fray. This would be in addition to increasing the ongoing reputational damage to which recent blunderings of the JLSC

have exposed the Judiciary," the statement said.

Daly and Dumas said they did not need to dwell on the current controversies surrounding recent judicial appointments and why, as a result, very many citizens would not accept an assurance from the JLSC as being the end of any matter.

"In any event, a separate and independent tribunal's determination concerning the charge against Mrs Quinlan-Williams is apparently available," the statement noted.

—Ria Taitt

Today's Weather

Brief predawn showers will give way to predominantly hot, sunny, hazy and breezy conditions. Night-time will be mostly clear.



Seas:	Normal	Sunrise:	5.43 a.m.
Waves:	2 m in open waters, below 1 m in sheltered areas.	Sunset:	6.20 p.m.
Rainfall:	Nil	Port of Spain Tides:	
Cumulative:	59.6 mm	High:	8.36 a.m. 10.06 p.m.
Maximum Temp:	34°c	Low:	2.37 a.m. 3.19 p.m.
Minimum Temp:	24°c	Scarborough Tides:	
		High:	8.36 a.m. 10.05 p.m.
		Low:	2.31 a.m. 3.27 p.m.