



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

Response to the Commissioner of Police and to reports of the deaths of persons while in police custody

The Commissioner of Police continues to attack Attorneys-at-Law who are obliged, by virtue of their Code of Ethics, not to refuse their services in capital offences, without good reason, and not to be deterred from accepting proffered employment due to the fear of incurring the disapproval of officials, other Attorneys-at-Law or members of the public. Attorneys-at-Law are required to use all fair and reasonable means to present their clients' defence and to represent their clients honestly, competently and zealously.

Every citizen of Trinidad and Tobago enjoys fundamental freedoms guaranteed by our Constitution, including the right to be represented by an Attorney-at-Law. When the Commissioner of Police attacks this fundamental freedom for persons accused of crimes, he attacks the rights of every citizen of this country.

The repeated attacks on Attorneys-at-Law amount to nothing more than an attempt by the Commissioner of Police to deflect the public's attention from the matters which are his responsibility:

- (1) The receipt of complaints of criminal activity from members of the public;
- (2) The prompt and thorough investigation of such complaints;
- (3) The efficient gathering, management, and storage of evidence;
- (4) The lawful apprehension and detention of suspects; and
- (5) The timely and diligent participation by Police Officers in the Trial of suspects and all such enquiries held prior to the Trial.

The Commissioner of Police has offered the public no assurances as to how the police service will better perform its functions in order to ensure a reduction in criminal activity, the speedy determination of criminal proceedings, and an increased conviction rate. Determining guilt is

a matter for the Courts and, where applicable, juries. Sentencing is a matter for the Courts and not the police.

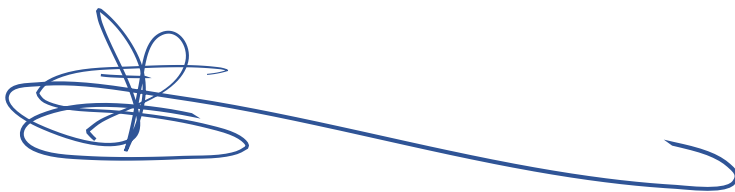
The police service, through its leadership, must accept responsibility for its own contribution to delays in the criminal justice system and the low rate of conviction.

The public is reeling from the recent horrific crimes which have occurred, but this is not an opportunity for the Commissioner of Police to advocate for a campaign of police brutality. The two men who were held by the police on suspicion of having murdered Andrea Bharrat may have been on bail for other charges and may also have had prior convictions but that neither establishes their guilt for Andrea Bharrat's murder nor justifies their death outside of the sanction of a court of law. Neither suspect was charged with any offence relating to Ms. Bharrat's murder. The demise of these two suspects while in police custody means that there can now be no charges laid against them, no trial, and no interrogation or determination of their guilt. The murder of Andrea Bharrat remains unsolved, and solving it may involve confronting and dealing with the fact that the dead suspects may not have been involved at all.

The Commissioner of Police must, apart from launching an immediate investigation into their deaths, assist the Police Complaints Authority in their own investigations to allow for due process. The Commissioner of Police cannot separate citizen from creature for we are all created equal. We are all entitled to the protection of our Constitution and the due process of law.

The Law Association therefore calls upon the Commissioner of Police to protect and not deflect.

10th February 2021

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Shankar Bidaisee

Secretary of the

LAW ASSOCIATION OF TRINIDAD AND TOBAGO