



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

The matters which have unfolded in the public arena over the past two weeks relating to the Director of Public Prosecutions' (DPP) discontinuation of the criminal proceedings against former Attorney General, Anand Ramlogan SC and former Senator Gerald Ramdeen, warrant analysis and the Council of the Law Association has carefully considered the views presented.

We have refrained from commenting thus far because each day has disclosed even more startling revelations. We are unable at this time to comment on all of the issues, but comment below on those which we feel are the most serious:

High public office holders must operate within and respect the boundaries of their respective offices. There is case law on such issues, which have guided not only Attorneys-at-Law, but citizens for decades.

The Attorney General can lawfully receive information with regard to criminal activities from any source. However, it is our respectful view that the Attorney General should say whether there was any participation, or involvement by the former Attorney General in the actual collection of evidence for the purposes of prosecution.

It is also our view that the signing of an Indemnity Agreement in 2017, was highly unusual and made more worrying because it appears that Mr Vincent Nelson KC continued to be the recipient of financial benefits from the GORTT after it was signed; moreover, the alleged agreement appears to contemplate additional benefits to the proposed witness.

Further, Clause 4 of the Indemnity Agreement which has been circulating in the public domain (assuming it is authentic) contains an undertaking by a political office holder to make recommendations to the DPP about whether criminal proceedings should be commenced against the proposed witness and a purported agreement by the former Attorney General to enter into an agreement whereby he agreed to conceal this information from Parliament, which is our highest court.

If there was such agreement between a political office holder and a potential witness in criminal proceedings, it was simply wrong; criminal investigations and prosecutions should carry no political taint.

The DPP's office is constitutionally protected and independent. It is for this reason that only the DPP under the Criminal Procedure (Plea Discussion and Plea Agreement) Act is authorized to negotiate plea agreements with potential witnesses. Having reviewed the DPP's statement to the Court regarding the discontinuance, we are of the considered view that the DPP acted within his constitutional authority.

We cannot, however, ignore the fact that the absence of the witness from the prosecutorial process appears to have been connected with an Indemnity Agreement which he entered into with the former Attorney General Mr Faris Al Rawi in 2017, and it appears that a purported breach of this Indemnity Agreement led, principally, to the discontinuance of the criminal proceedings.

Another worrying issue is that monies were purportedly paid to different persons acting on behalf of Mr. Nelson KC, or monies are purportedly owed to different persons who are making claims against the State.

These are only some of the serious issues which concerns LATT and the general public and it is absolutely essential that the current Attorney General, in his role as the guardian of the public interest, breaks his silence and issues a full and unambiguous statement on these matters including:-

1. Whether the former Attorney General participated or was involved in the actual collection of evidence for the purposes of prosecution;
2. Whether Mr Vincent Nelson KC continued to be the recipient of legal fees from the GORTT, after he made a statement against interest in a criminal investigation;
3. Whether the fees referred to in the indemnity agreement being circulated in the public domain, which undertook that "no civil proceedings will be commenced ... for repayment

of any fees paid to you, in respect of legal business, in the period 2010 to 2017” related to fees that were procured in a manner that was subject to criminal investigation, and/or the subject of the statement against interest made by Mr Nelson KC;

4. Whether in procuring the Indemnity Agreement the former Attorney General negotiated a plea agreement, which is the exclusive remit of the DPP;
5. Why did the former Attorney General enter into an agreement with a potential witness in a serious criminal matter involving a political opponent which requires the parties to conceal evidence from Parliament?; and
6. A detailed account of all funds paid to Mr Nelson KC and his proxies servants or agents, including his attorneys at Law arising out of the Indemnity Agreement together with appropriate vouching and justification, including legal fees, fines or outstanding fees taxes or liens paid on his behalf.

LATT is not in a position to determine (in the absence of the full response requested) whether there has been corruption, misfeasance in public office or politically motivated prosecution of any public official, politician or attorney, but maintains that the absence of any robust explanation to the public will encourage speculation of wrongdoing or covering up wrongdoing.

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21st October 2022