



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

MEDIA RELEASE

Statement on Public Commentary on ongoing proceedings in the Hadeed case

The Law Association of Trinidad and Tobago (LATT) is concerned about recent public commentary, including on social media, which has included personal attacks on members of the Court of Appeal in relation to its recent ruling in the Hadeed case. While robust public discussion of judicial decisions is entirely legitimate in a democratic society, criticism should remain respectful and not descend into unfounded allegations that impugn the integrity or independence of the Judiciary.

It is important to recognise that the Court of Appeal's recent decision was made in the context of an interlocutory application. Such proceedings do not necessarily determine the ultimate legality of the detention or the constitutionality of the Emergency Powers regime. Those substantive questions remain capable of judicial determination in the proceedings before the Court.

The Supreme Court, which comprises the High Court and the Court of Appeal, is charged with the weighty responsibility of resolving disputes between parties. Those disputes sometimes involve the liberty of the subject, and it is to the Supreme Court that we all look to ensure that justice is done.

The very fact that these issues are presently before the courts demonstrates that the constitutional safeguards established by the Constitution remain operational during a State of Emergency. Questions concerning the legality of detention and the scope of emergency powers are matters which our courts are constitutionally entrusted to determine.

These issues arise within the broader constitutional framework governing the current State of Emergency. The Constitution expressly permits emergency measures in prescribed circumstances, while preserving judicial oversight to determine whether those measures remain lawful, proportionate and reasonably justifiable. These are precisely the kinds of constitutional questions that our independent courts exist to resolve.

In every dispute, there is a likelihood that one of the parties will be disappointed with the outcome. It is normal and expected that members of the public will express their views on, and disappointment with, decisions of the Court. In a democracy, this is a right of all, and indeed, criticism is healthy and desirable. The Court recognizes that right: "*Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men.*" It is the Supreme Court that safeguards the right of the public to criticize the decisions that it makes.

The Court's role is to determine disputes on the evidence and legal submissions placed before it, and to do so without fear or favour. Members of the public are encouraged to engage with the outcome of judicial decisions; however, commentary which attacks the integrity of the Court, or which is made without regard to the legal and evidential basis for a decision, risks undermining public confidence in the administration of justice.

The Association recognises that decisions of the courts, particularly those affecting personal liberty and constitutional rights, will inevitably attract close public scrutiny. Members of the public are entitled to question and critically analyse judicial decisions in a respectful and informed manner. Such engagement strengthens, rather than weakens, public confidence in the administration of justice. Equally, where decisions are made on interlocutory applications or by reference to established procedural principles, the publication of reasoned judgments assists the public in understanding both the limits of the decision and the legal basis upon which it was reached. In that way, justice is not only done but is seen to be done.

The Association has every confidence in the independence and impartiality of the Judiciary and in the judicial process established by the Constitution. The Association notes that written reasons for the Court's decision have not yet been delivered. Those reasons will

explain the legal principles applied by the Court and will assist practitioners, litigants and members of the public in understanding the basis of the decision.

The LATT urges its members to advise their clients (members of the public) that in exercising their right to comment on and/or criticise the decision, to do so respectfully, and to refrain from attacking the integrity of the Court or making statements which undermine public confidence in the administration of justice.

Dated 20th day of July 2026

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