

Ministerial Statement by the Attorney General and
Minister of Legal Affairs, Senator The Honourable
Reginald T. A. Armour S.C. in respect of the matter of CV-
2022/04567 Brent Thomas and Specialist Shooters
Training Centre Ltd v. The Attorney General & The
Director of Public Prosecutions and, the judgement
delivered by Mr. Justice Devindra Rampersad on the 25
April 2023.

Madame Speaker,

I have been authorized by the Cabinet to make the following statement.

This statement is with respect to the matter of CV-2022/04567 Brent Thomas and Specialist Shooters Training Centre Ltd v. The Attorney General & The Director of Public Prosecutions and, the judgement delivered by Mr. Justice Devindra Rampersad on the 25 April 2023.

Mr Deputy Speaker.

May I say at the outset that I am **constrained** to be limited in what I say in this statement **at this time** for the reasons which will be made clear as I proceed.

I nevertheless make this Statement because I recognize and acknowledge the legitimate concerns which arise out of that matter, exacerbated by the judgement delivered on the 25 April 2023. Let me add immediately, that nothing that I say here in this statement falls outside of our permitted hierarchical judicial structure, tiered to include within the hierarchy of our Supreme Court that, Judges at first instance may make errors in the discharge of their judicial functions and, the Court of Appeal exists to correct those errors.

Firstly, Mr. Deputy Speaker, Permit me to say at the outset that this matter raises considerations of National Security which necessarily circumscribes the detail which I can permit myself to outline today.

Secondly, this matter concerns Police Operational systems and processes in which the Executive has no role, which Police Operational systems the Executive is constitutionally required to and does respect. We know that the Commissioner of Police has ordered an investigation. That investigation must be allowed to take its course and, we all look forward to its outcome.

In this regard, it is important to reiterate and to emphasise that which has already been said by the Honourable Prime

Minister, Dr. Keith Christopher Rowley, that the Executive has played **no role** in the events and the facts giving rise to the judgement and commented on by the Judge.

As Attorney General however I am able to speak to this matter as I do here today by reason of my constitutional office as Attorney General.

In that capacity I am one of the named Defendants in this matter, as prescribed by the Constitution, answerable for and in the promotion of the constitutional protection of the rights of our citizens, due process and, the protection of the law. **To that extent**, my knowledge of what I speak to today is informed by (a) the instructions given by the Police to the Legal Team of Attorneys representing the Office of Attorney General as a Defendant in this matter and, (b) in certain limited respects other matters which have since come into the public domain and to which I also speak.

It bears emphasis that, recognizing that the matters to which the judgment speaks are of a police operational nature, the Trinidad and Tobago Police Service under the leadership of its Commissioner, **must be allowed its full operational remit within the law to pursue its investigations and, necessarily, to bring its investigations**

and any resulting charges to conclusion, in accordance with due process.

Thirdly, Mr. Deputy Speaker, as you will appreciate, my Office has filed an appeal against the judgment given in this matter, **and will today** be filing an application before the Court of Appeal to hear this appeal **urgently in priority over all other appeals.**

Mr. Deputy Speaker.

For the record I will not speak to the details of the appeal which has been filed except to say that, **so urgent** is the need for a **definitive final appellate adjudication** in this matter, that I have already given instructions to London Solicitors to retain English Counsel **from the outset** so that that Counsel may become **immediately and fully apprised of this matter**, working **with** our Team of local Attorneys, so as to become fully up to speed, ensuring that howsoever this appeal is determined by the Court of Appeal, we are ready immediately to protect the State of Trinidad and Tobago by urgent access to our final court of appeal, the Judicial Committee of the Privy Council.

Fourthly. I immediately make the point that there is an aspect of this matter which on advice and in my judgement **has not been appealed**, which was **conceded** by Lead

Counsel representing the Attorney General in this matter, to which I immediately turn.

Mr. Deputy Speaker. In his judgement, the Judge found that Mr. Thomas was “**abducted**” in Barbados by the TTPS and returned unlawfully to Trinidad and Tobago.

In this regard it is important that this House be apprised of the following **indisputable facts** which form part of the record of this matter and which, consistent with law, demonstrate the egregious incorrect findings of fact made by the Judge and the equally egregious errors of law which led the Judge to among other things to conclude that Mr. Thomas was “**abducted**” from Barbados.

One. The State of Trinidad and Tobago **conceded** before the Judge that the return of Mr. Thomas from Barbados to Trinidad and Tobago was unlawful, having been effected outside of the extradition process provided for by the Extradition (Commonwealth and Foreign Territories) Act, Ch. 12:04 of the laws of Trinidad and Tobago. See in this regard paragraph 223 of the judgement. The **Central Authority Unit** of the Office of the Attorney General and Ministry of Legal Affairs of Trinidad and Tobago, responsible for extradition matters **was not consulted for**

advice. That aspect of the matter, as conceded, is **NOT** being appealed by the Attorney General.

Two. With reference to the use of the word abducted, which the Attorney General of Barbados has spoken to in the Parliament in that country. There can be no criminal offence of abduction, involving criminal intent, unless such criminal intent was shown, **beyond reasonable doubt** to have been present in the minds of the officers of the Trinidad and Tobago Police Service.

The evidence was to the contrary.

In that regard permit me now to refer to the **undisputed evidence** of the **Director of Public Prosecutions** who swore an affidavit on oath in the proceedings before the Judge on the 6th of January 2023. I quote now, **verbatim** from the following passages of the undisputed, uncontradicted affidavit evidence of the Director of Public Prosecutions which was before the Judge.

Paragraph 15

“In this matter, I can confirm that officers from the TTPS have sought legal advice from the ODPP on 2 October 2022 and 4 October 2022... Further ASP [blank] has at paragraph 77 of his affidavit disclosed that advice was

sought from the ODPP concerning charges and Mr. Thomas' returning to Trinidad and Tobago on the 5 October 2022."

Paragraph 16

"Officers of the Professional Standards Bureau of the TTPS sought legal advice in relation to some of the contemplated charges and arrest warrants. On both occasions I was out of the jurisdiction. As a result, Mr. George Busby, in his capacity as then Acting Director of Public Prosecutions met with officers of the TTPS."

Paragraph 17

"Further after each meeting, Mr. Busby contacted me relaying in summary the information which was presented to him and informing me of the advice which he intended to give."

Paragraph 18

"Further in relation to the issue of charges, Mr. Busby informed me, and I verily believe that he was unable to render an opinion on the basis that he did not have sufficient information presented to him in the meeting on 2 October 2022 to so do. It is important to note the fact that Mr. Busby did not have sufficient information from his conversation with the officers to advise on charges does

not mean that there was not sufficient cause and/or evidence to support charges. It was within the discretion of the TTPS who had all the information and who had conduct of the investigation to decide that they had sufficient information and evidence within their possession to charge.”[Emphasis that of the DPP]

Paragraph 19

“Further it should be noted that once myself or anyone acting on the main authority in the all DPP gives legal advice, it is solely at the discretion of the TTPS as to whether they will act on that advice and if so the manner in which they will do so.”

Paragraph 20

“Mr. Busby was able to advise on the issue of the arrest warrants. Mr. Busby informed me, and I very believe that the advice given in respect of the arrest warrant did not touch on the issue of how those arrest warrants ought to be effected or executed. Further, I am informed by Mr. Busby and very believe that his advice, in this regard, was for the TTPS to communicate the existence of those arrest warrants to the Barbados authorities, so as to have Mr. Thomas arrested. No advice was given as to how the rest was to be done in Barbados or how, if arrested, Mr. Thomas was to be returned to this jurisdiction”

Mr Deputy Speaker.

At this stage I say no more on this. **No doubt**, this affidavit of the Director of Public Prosecutions will be considered by the Commissioner of Police as she concludes her investigation into the actions of members of the Trinidad and Tobago Police Service.

Mr Deputy Speaker.

Subject only to the outstanding report of our Commissioner of Police, I entirely accept and endorse the remarks of the Attorney General of Barbados, the Honourable Dale Marshall KC, MP, in the Ministerial Statement which he made yesterday to the Parliament of Barbados.

I offer to the Government and the Royal Barbados Police Force my apologies for the slur which has been cast on the actions of the Royal Barbados Police Service who, consistent with the law and their oaths of office, were assisting the Trinidad and Tobago Police Service to the best of their ability in the investigation of alleged crimes, in seeking to bring an alleged fugitive to justice.

In this regard, the statement of the Honourable Attorney General of Barbados delivered yesterday on undisputed facts is instructive as to the role of our Regional Agencies.

With your leave, Mr. Deputy Speaker, permit me to quote from and to adopt that statement in these terms:

I have earlier mentioned that there was involvement in the operation by two regional bodies which have both submitted reports. Their reports reveal that on October 5th, 2022 the Regional Security System (RSS), headquartered in Barbados, received a request from the CARICOM Implementing Agency for Crime and Security to transport four (4) Trinidadian police officers from Trinidad to Barbados that evening. The aircraft departed Trinidad at 3:21 pm on October 5th and arrived in Barbados at 4:11 pm. A further request was made to transport the same four (4) police officers AG Ministerial Statement re Brent Thomas copy 3 3 of 5 and a Trinidadian national back to Trinidad that same evening. The RSS aircraft departed Grantley Adams International Airport at 5:08 pm and arrived at Piarco International Airport at 6:01 p.m. where the police officers and the Trinidadian

national disembarked the aircraft and it returned to Bridgetown. That Trinidadian national was Mr. Thomas. The coordination of the travel to Barbados of the Trinidad and Tobago Police Service and their return with Mr. Thomas was coordinated fully by CARICOM IMPACS. Barbados has an Extradition Act, Chapter 189 of the Laws of Barbados, which applies to a large number of criminal offences, including the firearm and other offences for which the warrants of arrest for Mr. Thomas were issued. I can confirm that no request was made for the extradition of Mr. Thomas. The Trinidad and Tobago High Court has characterized what transpired in Barbados on October 5th last year in relation to Mr. Thomas as an “abduction”. That is unfortunate language. From the reports that I have received, I am satisfied that the actions of the Barbados Police Service have fallen short of applicable legal norms, such as acting under an extradition request. I, however, cannot associate myself with the

description of the actions of the Barbados Police officers as an abduction or as has been elsewhere been described as a kidnapping.

Mr. Deputy Speaker.

Permit me to say a few final things:

Not only do I endorse the remarks of the Honourable Attorney General, Barbados in this matter. I go on record to acknowledge that before this matter emerged I have been having discussions with Attorney General the Hon. Dale Marshall KC on important issues of our Criminal Justice System since we sat together at the recently concluded Regional Symposium in Port of Spain, which was hosted through the vision and efforts of the Honourable Prime Minister Dr. Keith Rowley.

One of the matters under discussion since then and ongoing, is the implementation the **Caricom Arrest Warrant Treaty**. Unrelated to this matter and following on the Next Steps from that Symposium, I have already twice met with Heads of Departments of the Attorney General's office in Trinidad and Tobago and commissioned the

urgent legal work necessary to have Trinidad and Tobago ratify that Caricom Arrest Warrant Treaty consistent with the intention as espoused by Attorney General Marshall KC of Barbados, that all of CARICOM needs to bring this Treaty into full operation.

Indeed Madame Speaker, following on that Symposium I have already exchanged a draft Agenda with my CARICOM Attorney General colleagues for discussions following that Symposium.

Mr. Deputy Speaker.

The work of the CARICOM Implementation Agency for Crime and Security (CARICOM IMPACS) – an Agency for which Trinidad and Tobago provides financial subscription – and, the Regional Security System (RSS) is equally of great import as part of our regional facilities to enable and facilitate support for each other. All of our CARICOM members, Trinidad and Tobago included, who have access to these CARICOM facilities avail themselves of their service for myriad purposes. It would be very wrong not to acknowledge that work and support which those Agencies bring to our efforts.

This country is engaged in a very serious battle to get the upper hand on crime, to which all of CARICOM is committed. We, in Trinidad and Tobago -and within our Caricom family- recognize that the task is one which calls for mature reflection, a commitment to purpose and an embrace of rational discussion and collaboration within the framework of all applicable laws, recognizing the support which the Executive must necessarily give to law-enforcement agencies and efforts within the region.

If it turns out that on the advice which they received from the Deputy Director of Public Prosecutions, that members of the Trinidad and Tobago, Police Service misunderstood that advice and mis-stepped, that will be for the Commissioner of Police to determine according to law and, the law will take its course. Trinidad and Tobago will attend to any and all of its consequential liability such as may legitimately arise, but what should be made **abundantly clear** is that all available lawful measures must be employed to continue with unhindered law-enforcement action against the criminal element and, these measures must proceed without let or hindrance, and without hesitation. In this matter, the TTPS will continue to be supported, even as the State acknowledges and respects the rights of all citizens.

I say no more at this stage.

Thank you.

Reginald T. A. Armour SC
Attorney General and Minister of Legal Affairs
End: 10 May 2023