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The Honourable Chief Justice Ivor Archie O.R.T.T.
Hall of Justice
Knox Street
Port-of-Spain

By Hand

Dear Chief Justice,

RE: (1) URGENT REQUEST FOR INFORMATION AND (2) PROPOSED APPLICATION TO SET ASIDE THE ORDERS MADE BY THE COURT OF APPEAL IN THE ELECTION PETITION BROUGHT BY SHEVANAND GOPEESINGH (C.A. NO. 293 OF 2016)

The proposed claimant / applicant

1. We act for Dr. SHEVANAND GOPEESINGH the petitioner in the election petition (CV 2015-03128 & Civil Appeal No S-293 of 2016) which challenged the validity of the election of PNM Candidate Mr. Faris al-Rawi in the general election held on September 7, 2015 for the constituency of San Fernando West.

2. The issues raised in this letter affect and would equally apply to the other five election petitions (there were six in total) and you are therefore asked to treat this letter on the basis that it applies to all election petitions filed in the aftermath of the last general elections. The

six election petitions all challenged the validity of the election of a PNM Candidate. The other five petitions are:

- i. **CA No. S 292 of 2016 / CV 2015-03107 – Vasant Vivekanand Bharath (Petitioner) v Terrence Deyalsingh (Respondent)**
- ii. **CA No. S 077 of 2016 / CV 2015-03123 – Bonifacio Mahabir (Petitioner) v Maxie Cuffie (Respondent)**
- iii. **CA No. S 291 of 2016 / CV 2015-03126 – Wayne Anthony Munroe (Petitioner) v Esmonde Forde (Respondent)**
- iv. **CA No. P 288 of 2016 / CV 2015-03129 – Brent Kevon Sancho (Petitioner) v Glenda Jennings Smith (Respondent)**
- v. **CA No. S 289 of 2016 / CV 2015-03133 – Clifton De Coteau (Petitioner) v Dr. Lovelle Francis (Respondent)**

The context of the petitions:

3. After the general elections in 2015, the six election petitions were filed in the High Court. Leave was granted in five of the matters by the High Court on September 18, 2015 and the respondents appealed against the grant of leave. The appeals were dismissed by a majority on November 30, 2015, with your good self-dissenting.
4. The petition of Bonifacio Mahabir was dismissed on a procedural ground by the High Court on March 24, 2016. Bonifacio Mahabir appealed this decision, but his appeal was dismissed with costs by your good self and Jones JA (Narine JA dissenting) on May 24, 2016.
5. The petition of Dr. Shevanand Gopeesingh was eventually dismissed at the substantive hearing by the High Court on August 19, 2016. Dr. Shevanand Gopeesingh appealed, but his appeal was dismissed by the Court of Appeal on October 19, 2016. The other four election petitions were heard and determined together with Dr Gopeesingh’s case (**see exhibit A**).
6. The election petitions were therefore dismissed at the High Court and Court of Appeal, and the People’s National Movement’s administration (“PNM”) carried on uninterrupted to present.

7. A chronology of events is hereto attached as Schedule A, with further details about the election petitions. The documents referred to in this letter all formed part of an investigation conducted by the Law Association of Trinidad and Tobago (“LATT”) and its final report which was compiled consequent upon the receipt of legal advice that was given.

Summary of the proposed claim and request for information:

8. In summary, due to increased public awareness of certain alleged conduct on the part of your good self, our client has grave concerns arising out of the fact that you sat on his election petition appeal.
9. In particular, allegations have been made against your good self that you recommended to the current Prime Minister, Dr. Keith Rowley, and to the Housing Development Corporation (HDC), a list of named persons to be granted low cost HDC housing.
10. It is further alleged that you asked for assistance in having their applications progressed and/or fast-tracked, and that some of these persons on the list are personal friends of your good self.
11. Recently, the LATT resolved to refer this alleged misconduct, along with other matters, to the Prime Minister to initiate proceedings under section 137 of the Constitution. It appears that the reputable public body, the LATT, considered these allegations to hold sufficient weight to merit reference for impeachment proceedings. This decision was based on a vote by the legal body of Trinidad and Tobago, with a strong majority vote in favour of referring the LATT report to the Prime Minister. In the light of the LATT’s recent report, these allegations and the weight attached to them are now very much in the public domain.
12. In the absence of any public denial or detailed substantive response from yourself, and in light of the recent public report from the LATT, our client has legitimate and genuine concerns as to the appearance of bias on the part of the Court of Appeal which determined the appeal in his election petition. It is noteworthy that had the six petitions succeeded, the sitting government (including the Prime Minister to whom it is said that you made the

requests for housing preference) would have been at risk of removal from power. During the same time as you were deciding these appeals, you were said to have been communicating with or awaiting a (favourable) response from the Prime Minister and /or the HDC in respect of the individuals that you recommended for low cost and fast- tracked housing. This gives rise to a serious basis for questioning whether your good self ought to have sat on those appeals and /or whether, because you did so, the Court was tainted by the appearance of bias.

13. Our client has instructed us to advise and issue proceedings seeking to have the Court of Appeal set aside its judgment in his appeal, on the basis that the Court of Appeal's decision was tainted by the appearance of bias.
14. We have, however, advised that it would be appropriate to first seek from your good self a substantive response to the public allegations that have been made, so as to consider whether this might alleviate his concerns and /or dispel the appearance of bias. Our client therefore seeks the disclosure and /or information described below.

Background / the allegations:

15. At a recent meeting of the LATT held on December 11, 2018 for the purpose of reporting to its membership on the legal opinions provided by two eminent Counsel, Mr. Eamon Courtenay SC and Dr. Francis Alexis QC, it was revealed that your good self, who sat on appeals against the decision of Dean Armorer J. dismissing the election petitions, may have been personally lobbying and actively pursuing the executive arm of the State for houses for certain persons known to you.
16. This lobbying appears to have started during the tenure of the Peoples' Partnership administration (May 26, 2010 to September 7, 2015) and continued during the tenure of the new People's National Movement administration (September 9, 2015 to present), via the Housing Development Corporation (HDC) and the Honourable Prime Minister, Dr. Keith Rowley. This is partially evidenced by confirmation made by the HDC that you did recommend housing in 2013 for two persons, and that these persons did receive housing (**see exhibit B "HDC letter in response"**).

17. In a short 2017 press release, you admitted to making recommendations for housing for ‘some needy and deserving persons’ in 2015 (see **exhibit C “Judiciary Press Release”**). This is a different period to that referred to by the HDC (**exhibit B**), and the press release did not address the allegation that you had approached the Prime Minister for his assistance to progress or fast-track the applications of a list of named persons, nor that you had approached the HDC to the same end (i.e. not just recommended, but sought to progress and advance the cause of the persons on the list).
18. You have never addressed the question of the names on the list, or whether any of them were known to you or personal friends of yours (although you denied that Dillian Johnson was on the list that you gave to the HDC in 2015).
19. It is respectfully suggested that it would not have been appropriate for you or your office to put forward recommendations for individuals to receive low cost housing nor for your good self to approach Prime Minister Rowley to progress or fast-track the applications of such individuals. The influence of a sitting Chief Justice’s recommendations, view and lobbying on the independent operation of the housing scheme is likely to cause unfairness. This conduct alone causes concern but when combined with the further unaddressed allegations, the concerns are magnified.
20. The allegations contained in the report prepared by the LATT, dated December 10, 2018 came to our client’s attention when it was published in the LoopTT news article dated December 11, 2018, entitled “**Law Association votes for impeachment proceedings against CJ**” (see **Exhibit D “Law Association votes for impeachment proceedings against CJ”**) (hyperlinked as <http://www.looptt.com/content/law-association-votes-impeachment-proceedings-against-cj>) which stated:

“The Law Association (LATT) has successfully completed the first leg in its bid to initiate impeachment proceedings against Chief Justice (CJ) Ivor Archie.

The motion before the meeting was: be it resolved that the report of the committee established by the council to inquire into, and report on the allegations of misconduct against the honourable Chief Justice be referred to the honourable Prime Minister for his consideration under section 137 of the Constitution of the Republic of Trinidad and Tobago.

150 members voted in favour of sending the report to Prime Minister Dr Keith Rowley while 32 voted against.”

21. This motion was based on the following allegations against yourself as contained in the **“Executive summary of the final report and its addendum of the Committee established by the Council of the Law Association to enquire into and report on the allegations of misconduct made against the Honourable Chief Justice in a series of articles in the Express Newspapers”** dated December 10, 2018 (see exhibit E). At paragraph 36 it deals with the evidence of Ms. Denyse Renne who is a well-known senior investigative journalist with the reputable Sunday Express newspaper:

“[36] Ms. Renne told us that she had sight of a WhatsApp message from the Chief Justice to the Honourable Prime Minister recommending HDC housing for Dylan Huggins, Carol Williams and Felicia Pierre. She did not obtain a copy of this message. She therefore sent a WhatsApp message to the Prime Minister asking him to confirm or deny that the Chief Justice contacted him asking for his assistance in obtaining HDC housing for Dylan Huggins, Carol Williams and Felicia Pierre among others. The Prime Minister did not reply.”

22. At paragraph 39 and 40 it states:

“[39] Ms. Renne also reports that the Chief Justice recommended HDC housing for 12 persons, including Dillian Johnson. HDC records which she obtained and shared with the Committee records the Chief Justice making recommendations for Calvin Asgarali and Sherwin Rawlins in or prior to 2013. Mr Asgarali was once employed in the judiciary.

[40] Ms. Renne claims to have seen WhatsApp messages from the Chief Justice to a senior HDC manager making the recommendations and asking that the applications be fast tracked. Ms. Renne told the Committee that she contacted the senior HDC manager who confirmed that the Chief Justice had indeed sent WhatsApp messages to him/her and telephoned asking that the applications “be hurried-up”. Ms. Renne also provided us with an internal HDC email message dated 5th August 2015 requesting an update on the names submitted by the Chief Justice.”

23. In a newspaper article published in the Sunday Express on November 19, 2017 entitled “**CJ gets house for felon**” (see **exhibit F**) written by the said Ms. Denyse Renne it was stated that your good self-communicated with a close friend, Dillian Johnson, shortly after you had discussed with judges at a judges' meeting, a change from the State provided security for judges to access security provided by a private company.
24. Reference was made to this article by Bereaux JA in **Civil Appeal No. P 075 of 2018 The Law Association of Trinidad and Tobago v The Honourable the Chief Justice of Trinidad and Tobago Mr. Justice Ivor Archie O.R.T.T.** who summarized its contents of this article at paragraph 14, page 8:
 - i. *Dillian Johnson, the Chief Justice's close friend was among twelve people recommended for Housing Development Corporation (HDC) units by the Chief Justice.*
 - ii. *All twelve were successful in obtaining housing after the Chief Justice personally called and communicated via social media with a senior HDC official to fast track the applications.*
 - iii. *One piece of correspondence between Archie and the senior HDC manager dated 5th August 2015 revealed that Archie requested that homes be given to*

ten individuals. Following the request, the individuals' applications were prioritised and they were allocated homes.

iv. *The Chief Justice contacted the senior manager on at least two occasions by phone asking for status updates on his personal requests.*

v. *While his name appeared on HDC documents as recommending two people, the other ten names were documented as “‘recommended’ by then-housing minister.”*

25. At paragraph 22 page 7 of the LATT report (**exhibit E**), it was noted that the LATT wrote to yourself and the Honourable Prime Minister Dr. Keith Rowley, on this matter to solicit a response. Unfortunately, no response or clarification was forthcoming.

26. The report shows at paragraph 26 that:

“[26]. The Committee was particularly concerned that neither the Chief Justice nor the Prime Minister had responded to the allegation that the Chief Justice recommended three persons for public housing to the Prime Minister.”

27. In **“Media Release: The Honourable Chief Justice Responds”** dated December 15, 2017 (see **exhibit C**), in response to the Sunday Express article on November 19, 2017, you confirmed that you had requested State houses from the HDC for certain persons:

“[II] In 2015 the Honourable Chief Justice did forward the names of some needy and deserving persons to the Trinidad and Tobago Housing Development Corporation (HDC) for such consideration as might be appropriate. At no time has Chief Justice Archie ever recommended Mr. Dillian Johnson for HDC housing. It is patently untrue and appears to be purposeful mischief making for one to suggest otherwise.”

28. It is noteworthy that you did not provide a proper timeline for the critical admission which confirmed that you did in fact recommend persons to the HDC for its consideration. To say that the request was made “in 2015” is inadequate because 2015 was an election year and there was a change in government in September 2015. If it is that the request for housing was made under the former People’s Partnership administration, which did not facilitate same, it may give rise to a justified fear in the informed and fair-minded observer that the Honourable Chief Justice may have a lingering bias against that administration because it did not fast track and grant his request.
29. Conversely, if the requests were made to the new PNM administration, which granted same, this would generate the perception that the Honourable Chief Justice may be biased in favour of that administration and its successful candidates who were respondents to the said election petitions because it facilitated and approved his personal request.
30. As indicated above, your response also failed to address the specific allegations of (a) approaching Prime Minister Rowley for assistance and (b) seeking to have the applications progressed or fast-tracked. It should be noted that there is no allegation that you personally communicated with or lobbied any minister from the People’s Partnership administration regarding your requests for housing.
31. These allegations are central to the question of apparent bias.
32. Our client does not know whether you made full and frank disclosure of this issue to the other members of the Court of Appeal with whom you sat -Mendonca and Jamadar JJA in the appeal of Dr. Gopeesingh and - Narine and Jones JJA in the case of Mahabir.
33. If there was such disclosure and the other appellate judges felt that your request for housing from the government was not an impediment to presiding as President of the Court, then the matter should have been raised with the parties either in chambers or in open court.

34. There was no disclosure about this matter to our client and his legal team at any point in time, and he was therefore deprived of the opportunity to make an application for you to disqualify yourself from sitting on his, and indeed, the other related election petition appeals.

Apparent bias:

35. It is a matter of grave concern to our client that you, the head of the Judiciary, was personally in contact with the Honourable Prime Minister and senior officials from the Housing Development Corporation (HDC), lobbying for subsidized and fast-tracked housing for the benefit of persons said to be known to you.
36. The HDC which replaced the former National Housing Authority (“NHA”), is an agency of the Ministry of Housing and Urban Development and was established by Act No. 24 of 2005. The HDC is a State enterprise that is under the control of the government of the day which is responsible for the appointment of its Board of Directors.
37. The reality of politically appointed Boards beholden to the Government of the day cannot be ignored. In Civil Appeal No. P241 of 2013 between Kenneth Julien and Others v Evolving Technologies and Enterprise Development Company Limited Rajnauth-Lee JA (as she then was), observed:

“[26] It is a matter of great public notoriety that directorships in state enterprises in Trinidad and Tobago are much more a question of political patronage and cronyism, than it is about competence and in which the lines between self-interest and the public interest can become blurred. In those circumstances, it is hardly likely that wrong doing by directors will be ferreted out before a change of government.”

38. Indeed, after the PNM administration’s victory at the general elections held on September 7, 2015, a new HDC Board was appointed, which in turn appointed a new managing Director.

39. It is disconcerting that this may have occurred during the course of the hearing of our client's election petitions before the Court of Appeal.
40. We have been instructed to file an application to the Court of Appeal under its inherent jurisdiction to set aside the judgement dismissing our client's appeal on the ground that the Court of Appeal has an implicit jurisdiction to do what was necessary to achieve its two principal objectives of correcting wrong decisions and ensuring public confidence in the administration of justice (see **Taylor v Lawrence** [2003] Q.B. 528). We are of the view that the Appellate Court may have been compromised due to apparent bias.
41. It is also our intention to file similar applications in the other election petitions however we think it prudent to use this as a forerunner on the understanding that the decision will also affect the other matters.
42. The need to set aside the orders made on the ground of apparent bias is also based on and reinforced by the constitutional right to a fair hearing as stated in the **Constitution of the Republic of Trinidad and Tobago**.
43. Needless to say, apparent bias would have been contrary to due process and the rules of natural justice and hence our client will therefore also seek redress pursuant to section 14 of the constitution to vindicate the breach of his fundamental rights as guaranteed under the Constitution:
- 4 (b) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
 - 4 (b) the right to protection of the law;
 - 5 (2) (e) right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

44. In her Judgment in **CV2011-04918 Nizam Mohammed v The Attorney General of Trinidad and Tobago** (which was cited with approval by the Privy Council in *Sam Maharaj v Prime Minister [2016] UKPC 37*), Jones J (as she then was) held:

“Section 4 (b) of the Constitution confirms the right of the individual to the protection of the law which protection includes the right to natural justice. In somewhat similar vein section 5(2)(e) of the Constitution provides that, subject to certain exceptions, Parliament may not deprive a person of the right to a hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations. It is now accepted that the rights embodied in section 5 of the Constitution particularize in some greater detail what is included in the words “the due process of law” and “the protection of the law” found in section 4 of the Constitution. Insofar as these proceedings are concerned both the Claimant and the Defendant do not dispute that what both sections provide is “constitutional protection to the right to procedural fairness.”” (Emphasis added)

45. The fact that you chose to sit on all the appeals in these election petitions at a time when you were said to have been actively lobbying or seeking favourable treatment from State bodies under control of the Government (either because you were making requests to the Prime Minister or HDC; or because you were awaiting a favourable response in respect of persons already recommended for housing) gives rise to serious grounds for actual and/or apparent bias. A fair-minded and informed observer would conclude that there was a real possibility that the Honourable Chief Justice may have been biased and justice could hardly be said to have been seen to be done.

46. In **Davidson v Scottish Ministers [2004] UKHL 34** Lord Bingham stated:

“It has ...been accepted for many years that justice must not only be done but must also be seen to be done”. This principle is rooted in the need for public confidence in the administration of justice.”

47. The government had a parliamentary majority of 23 seats (the opposition United National Congress won 18 seats) and if the 6 election petitions were successful it would have resulted in 6 by-elections in critical marginal constituencies.
48. If the opposition UNC candidates won these by-elections, Dr. Rowley's PNM administration would have been unseated from power with the UNC winning 24 seats and the PNM having 17 seats. Thus, the government of today and also at the material time of the hearing and determination of the election petitions could very well have been changed. The fair-minded and informed observer could consider (subject to the detail of your dealings with the PNM administration) that this provided a substantial incentive for you and the present administration to act in each other's best interest to the detriment of my client's case.
49. The fact that you dissented on the appeal against the grant of leave highlights the fact that you seemingly took the position that there was no merit in the cases from the onset.
50. Combined with your accepted conduct in recommending some individuals (on your account in 2015; and according to the HDC, further persons in 2013), but continuing failure to give any further information, explanation or detail of the persons referred, and whether you sought to have their application progressed, gives rise, without more, to real concerns about your sitting on our client's appeal.
51. In the case of Bonifacio Mahabir (now deceased), the fair-minded and informed observer might consider it surprising that the panel which had heard and dismissed the appeal against the grant of leave was changed. Madam Justice of Appeal Jones (who had only recently been elevated by the Judicial and Legal Services Commission that you chair) and Justice of Appeal Narine sat with your good self to hear Mr Mahabir's appeal.
52. It is apparent that every proceeding that you were involved in or had a connection with, resulted in dismissal of our client's petition appeals.

53. Our client hereby seeks clarification as to whether you were responsible for the change in the panel and seek disclosure as to the policy, practice and procedure that was used to constitute this panel.
54. Our client further seeks disclosure as to whether you had disclosed to the other members of the panel that you were in contact with and actively lobbying the government via the Prime Minister and the HDC for subsidised and fast-tracked state housing for persons whom you had recommended.
55. To this end, this letter is also being copied to the Honourable Madam Justice of Appeal Jones and Justice of Appeal Narine to seek disclosure from them on this important issue and whether the issue to ascertain your recusal was considered and discussed.
56. To make matters worse, the start of the trial of the election petitions was delayed on the morning of June 29, 2016. Court started at 11:12 am. The reason given for this late start in a matter that was case managed in a stringent and disciplined manner, with time being of the essence, was that the trial judge had been summoned to a sudden, unscheduled meeting with your good self. In apologizing for the late start, the judge stated in open court (whilst pointing her finger upwards) that *“I was with the highest of high, so I didn’t have the ability to re-schedule, I’m sorry”* (see **exhibit G - transcript page 3, lines 3-5**).
57. It is, again, troubling, to say the least, that the trial of the election petitions was interrupted for such an unscheduled meeting. This was an urgent trial of national importance and time was of the essence.
58. Having regard to what has now unfolded, our client is constrained to seek disclosure of the nature and purpose of this meeting and in particular, whether it had anything to do with the election petitions.
59. This letter is also being copied to the Honourable Madam Justice Mira Dean-Armourer so that she can also be given the opportunity to make full and frank disclosure on this sensitive

issue that is now the cause of much disquiet. It is of course, a matter of public record that Justice Dean Armourer had, at the material time, been recently twice bypassed for elevation to the Court of Appeal in favour of relatively junior High Court judges. Promotions to the Court of Appeal are based on the recommendations of the Judicial and Legal Services Commission of which you are the ex officio Chairman.

60. Our client's concern about the risk and appearance of bias is intensified by the inaction and political posture of the government on the calls for your removal. Thus far, the Prime Minister who has the power under s.137 of the constitution to advise the President to appoint a tribunal to remove the Chief Justice from office, has steadfastly failed and refused to take any action or make any decision on the reference from the LATT. This has served to fuel the public's perception of a special link and or relationship between your good self and the present government.
61. This is worsened when one compares the relative ease and expedition with which the then ruling party took action against former Chief Justice Satnarine Sharma which led to the appointment of the tribunal chaired by Lord Mustill under the very said section 137 of the constitution.
62. Your obscure responses and silence on these serious allegations in the face of massive public disquiet and calls for you to clear the air has unfortunately served to reinforce our client's concern about the risk of actual and/or apparent bias. We refer to the judgement of JA Bereaux in **Civil Appeal No. P 075 of 2018 The Law Association of Trinidad and Tobago v The Honourable the Chief Justice of Trinidad and Tobago Mr. Justice Ivor Archie O.R.T.T.** at paragraph 45, page 28:

“A restrained approach to the very serious allegations in this case does not reflect well on the office. Very serious allegations and factual issues remain unanswered which, on the face of it, reflect adversely on the office. The office and the officeholder are not synonymous or coterminous. The office goes on and on. The officeholder does not. But his conduct may tarnish not only his reputation but the

office itself leading to a loss of respect for the office and a loss of confidence in the administration of justice. In my judgment the nature of these allegations cast serious slurs on the office of Chief Justice. They required strong and authoritative responses. Nothing of the kind has been forthcoming. When a response was in fact given it was tepid and inadequate in the extreme. The longer the allegations went undenied the greater the damage to the office and the greater the negative impact on the administration of justice, however much it may have been in the best interests of the office holder to say little or nothing. The non-denials have been rendered all the more telling by the fact that it was being trumpeted repeatedly by the Sunday Express that questions about these issues had been put directly to the Chief Justice, before publication, and he was not responding.”

The details of any information and documents sought and action you are respectfully asked to take:

63. In the circumstances we hereby call upon you for full and frank disclosure, any and all forms of communications which you may have had with the HDC, any government minister and or Prime Minister concerning requests and/or recommendation for housing for individuals; both generally and in particular from September 7, 2015 to present.
64. We also request specific dates and timeline of these communications (and in particular as accepted by the HDC for 2013, and in the Chief Justice’s press release of HDC recommendations in 2015 (**see exhibit C**). If there are e-mails, texts or WhatsApp messages, we request that you disclose the same. If they have not been deleted, we ask that you provide copies of screenshots of same. Further, we request that it be made known whether this recommendation of housing for individuals and communications with the Honourable Prime Minister Dr. Keith Rowley was disclosed to the other members of the panel that presided over the election petition appeals.
65. We further request that you provide the following information (with relevant evidence and supporting documents):

- a. The names of all persons recommended to the HDC for housing by you since 2013 to present;
- b. Confirmation as to whether you knew, personally, any of the persons on those lists – if so in what capacity.
- c. Whether, when making the recommendations for housing, you sought to advance their applications, either generally or by seeking to have them fast-tracked;
- d. Whether you sought assistance from the current Prime Minister or any Minister in the present PNM administration in having the application of any person for housing, advanced or fast-tracked by the HDC;
- e. Whether you sought assistance from HDC or other public official in having the application of any person for housing, advanced or fast-tracked by the HDC and the names and positions of such officials;
- f. Whether you were responsible for or had any personal involvement in the change in the panel that heard and dismissed Mr Mahabir's appeal by a majority and the policy, practice and procedure that was used at the material time with special emphasis on the role of the Chief Justice to constitute this particular panel;
- g. What was the nature and purpose of the meeting with the Honourable Madam Justice Dean- Armourer that caused the late beginning of the Court proceedings on June 29, 2016 (see **exhibit G**) and why was it necessary to have the said meeting during the trial of the election petitions;
- h. Whether you disclosed your communications with the Prime Minister and HDC to the other appellate judges on the panel when our client's substantive appeals were dismissed.

66. If you are not willing to provide the disclosure sought, please explain why not. If you are willing to provide a different form or nature of disclosure then please do so but explain why.
67. As indicated above, it is our client's intention to apply to set aside the Court of Appeal's decision in his election petition. However, you are formally invited to address these points so that our client might consider whether this alleviates his concerns and /or dispel any appearance of bias. Our client therefore seeks the disclosure and /or information described above.
68. TAKE NOTICE that we have been instructed to file an application to set aside the orders made by the Court of Appeal in the said election petitions on the ground of apparent bias. Our client's rights to seek further or alternative relief (including without limitation by way of constitutional motion) are strictly reserved.
69. We look forward to your urgent and prompt response within 28 days from receipt of this letter. Failure to respond will result in the filing of the aforementioned application.

Yours faithfully,

Gerald Ramdeen
Attorney at Law

cc Justices of Appeal Jamadar, Mendonca, Narine and Jones
cc The Honourable Madam Justice Dean-Armourer
cc The Office of the Prime Minister
cc Elena Araujo Instructing Attorney at Law for Faris Al Rawi
cc Alana Bissessar Instructing Attorney at law for the Election & Boundaries Commission
cc The Solicitor General

**Schedule A:
CHRONOLOGY OF EVENTS**

Date	Event	Exhibit / Reference
July 17, 2013	Keys handed over to Calvin Asgarali by HDC and source of recommendation CJ	Exhibit H - HDC spreadsheet screenshot
August 23, 2013	Keys handed over to Sherwin Rawlins by HDC and source of recommendation CJ	Exhibit H - HDC spreadsheet screenshot
August 5, 2015	Alleged WhatsApp and calls from CJ to senior HDC official Email entitled CJ from Siana Fonrose to Lauren-Ann Legall (possibly the 2 senior HDC officials who spoke to Denyse Renne). Email showed list of 7 people recommended by CJ	Exhibit I - LATT interview with meeting with Denyse Renne Exhibit J - HDC email printout
September 07, 2015	General Elections held results 25 Seats PNM and 15 UNC seats, COP 1 seat; with 6 seats under challenge via election petitions	
September 18, 2015	Application for Leave before J. Dean Armorer. Leave granted.	
November 30, 2015	Court of Appeal dismisses (Archie CJ dissenting) appeal against grant of leave	

April 15, 2016	Bonafacio Mahabir's election petition dismissed by Dean Armorer J on the ground that it was not served in time.	
May 13, 2016	Appeal Court dismisses Bonafacio Mahabir's election petition appeal for the constituency of La Horquetta (Narine JA (dissenting), Archie CJ, Jones JA)	
August 19, 2016	Judgement of Dean-Armorer J dismissing remaining five election petitions	
November 12, 2017	Sunday express "CJ and the Convict" and "A favour for friend"...	Exhibit K - Privy Council Appeal No 0063 of 2018 The Hon Chief Justice v the LATT
November 19, 2017	Sunday express "Dillian Johnson was among 12 people recommended for Housing Development Corporation (HDC) units" by the Chief Justice, who had "personally called and communicated via social media with a senior HDC official to fast track the applications".	Exhibit F - Sunday express newspaper article
November 27, 2017	the Guardian newspaper reported that the Attorney General had said that the executive was not getting involved: there is "nothing at this point in time which should occupy the executive's attention in this matter".	Exhibit K - Paragraph 6

November 29, 2017	the Council of the LATT decided “(i) that the allegations made were sufficiently grave to warrant further consideration by the Council as to what appropriate action it should take; and (ii) that a committee be established to ascertain/substantiate the facts upon which the allegations made against the Chief Justice were alleged to be based and to report back to Council for further consideration”	Exhibit K - Paragraph 8
November 30, 2017	President of LATT along with Mr. Elton Prescott SC, met with CJ. CJ asked if anything wrong with securing housing for someone in dire need	Exhibit L - Aide Memoire
December 6, 2017	In a televised interview, the Prime Minister said that the Office of Prime Minister was “constrained by law, by the Constitution, as to what its responsibility is... The Office of Prime Minister cannot ‘willy nilly’ decide that I am unhappy with the Chief Justice today or unhappy with the Judiciary today so I jump in and fix it”.	Exhibit K - Paragraph 6
December 15, 2017	Judiciary press release: CJ responds to LATT and admits to recommending housing for ‘needy persons’	Exhibit C - Judiciary Press release
January 9, 2018	LATT council meeting to discuss progress with committee report. HDC respond to LATT and confirm 2 houses were provided in 2013 recommended by the CJ	Exhibit B
February 16, 2018	HDC CEO Brent Lyons emailed LATT. Ms. Fonrose said if any discussion did occur with CJ it would have	Exhibit M - email response from HDC

	been with Ms. Legall, former manager director of HDC. (Fonrose emailed Ms. Legall a list of 7 recommended people for housing in 5 th August 2015)	
February 27, 2018	CJ filed an application for leave to make a claim for judicial review. J. Kangaloo directed a rolled up hearing on 2 nd March 2018	Exhibit K -Paragraph 14
March 6, 2018	Justice Nadia Kangaloo rules LATT acting illegally, unreasonable and irrationally and contrary to the legal profession act to investigate the CJ	
May 22, 2018	Appeal court rules against J. Kangaloo unanimously. CJ appeal to UKPC	
August 16, 2018	UKPC dismissed CJ appeal	Exhibit K
October 19, 2018	Earmon Courtenay QC submit his legal opinion	
November 7, 2018	Francis Alexis QC submits his legal opinion	
December 11, 2018	LATT special general meeting to vote on forwarding report to Prime Minister	
December 14, 2018	Prime Minister received LATT report. To date no decision has been made.	