

**SPEAKING NOTES OF**

***THE HONOURABLE KAMLA PERSAD-BISSESSAR, SC, MP***

**POLITICAL LEADER OF THE UNITED NATIONAL CONGRESS**

**LEADER OF THE OPPOSITION**

**UNC VIRTUAL REPORT**

**October 18th 2021**

**[CHECK AGAINST DELIVERY]**

**Theme: The PNM’s War on our democracy**

**Introduction**

Thank you for joining us again for another virtual report.

The theme really is the PNM’s war on citizens and in particular, Rowley’s PNM and their war on democracy.

I want to thank our speakers tonight for their powerful contributions on issues of national importance.

The Opposition will continue to do our duty and hold this government to account. We will continue to defend the constitution and all of the people of Trinidad and Tobago.

For the past two years we have been dealing with the global pandemic. But for the past 6 years, we have been struggling with a virus that is far worse than Covid -the virus of a dictatorship being spread by Keith Rowey and his corrupt government.

Today our country has been plunged into a constitutional abyss by an unholy alliance of three of the most powerful offices in our land: the office of the Attorney General, The office of the Prime Minister and The Office of the President.

Like a virus this matter has even gone so far as to infected the Police Service Commission, and indeed the TTPS.

These high office holders all have serious questions to answer.

On Saturday I saw Keith Rowley insult and degrade MPs and voters by calling them chimps, imps and pimps. It was disgraceful and deplorable. But it wasn’t surprising.

But you see Rowley is lashing out because he has been caught red-handed. Try as he might he can't lie and rant and rave and bully his way out of this mess. Not this time.

**Covid-19 Deaths**

I turn now to another important matter and I will return to the those three office holders and others.

I think we must mark the front page of the Guardian today, with the Covid-19 deaths have crossed 1,600.

Our country has had 1,350 deaths since the middle of May.

On July 1, when there were 850 deaths, i.e. 600 deaths between May 19 and June 30, I called for changes to the failed MOH Propaganda Team of Deyalsingh, Parasram and the others.

At the time, commentators and media in an attempt to attack the UNC condemned my call for changes. Where are these commentators now? Come out and say something to the families of the 750 people who have since died.

1350 deaths in 159 days. This is the combined number of murders for the last 3 years. And yet we have no accountability.

You see in this country anyone, who goes against the popular opinion of the day is condemned and cancelled. Because you want to cancel conversation and opinion we have now reached 1,600 deaths, and that was this morning, I pray to God, none other has occurred within the last several hours.

I again call for changes to be made to the MOH Propaganda Team.

Deyalsingh is a failure.

Parasram is a failure.

Abdool-Richards is a failure.

Hinds is a failure.

There must be a Commission of Enquiry into the 1,600 deaths from covid-19 as well as and the overall covid-19 response.

I called for that before and I call for that again.

In the United Kingdom there is precedent, where the Prime Minister had a Commission of Enquiry and they have filed a report in their Parliament about their management of Covid.

**Failure Faris**

I turn now to speak on some very important matters touching and concerning the Office of the Attorney General.

This Attorney General continues to trample on the Constitution because he does not understand the most fundamental of the sacred principles upon which our Constitution is founded. The principle of the Separation of Powers is central to the structure of our Constitution.

Section 90 of the Constitution establishes the office of the Director of Public Prosecutions (DPP). It is an independent office which provides critical functions as a crucial stakeholder in the criminal justice system.

One of the essential functions of the DPP is to provide advice and guidance to the police service in important criminal cases.

The Sunday Express October 17 published an article entitled "*DPP decides on Chandler this week*". It reports, *among other things* that:

*"The Office of the Attorney General has provided a legal opinion stating that attorney Christian Chandler was not in breach of Covid-19 regulations on the day he was detained by Coast Guard officers..*

*…The advice was given by the Office of the Attorney General to Griffith one week after Chandler and 13 others were detained by officers of the Coast Guard."*

Serious questions must now be asked about the conduct of the Attorney General in relation to this matter. Mr. Chandler is no ordinary citizen – he is the head of the TTPS legal department. The made allegations against him are quite serious.

* How on earth could the AG be advising the police in such a sensitive matter?
* Who made the request to the AG for legal advice? When was this request made and why was it made?
* Why did he not advise the police that he is not competent to render such advice to the TTPS on an ongoing criminal investigation of this magnitude?
* Why did he not direct them to the office of the DPP with an explanation that the DPP is the relevant and competent authority to give such advice.

No matter how many law examinations you failed, certainly the AG should have appreciated that he was unlawfully trespassing on the jurisdiction of the independent office of the Honourable DPP.

* Why did the AG not request an explanation from the police service as to why they were bypassing the office of the DPP and coming to *him (AG)* for advice on such a high-profile and sensitive investigation?
* Who made this request to the AG for this legal advice and why?
* The AG has breached the Separation of Powers by illegally usurping the role and function of the DPP. His reckless and careless actions have set a most dangerous precedent.

I want to remind you this is not the first time the AG has done this. He seems to be a serial offender in this regard. He acts as if he is the DPP's boss and the DPP is his subordinate when nothing could be further from the truth.

The DPP is not subject to his influence, direction or control in any form or fashion.

Everyone remembers how Faris was parading himself all over the media, warning John Public about the hefty fines they would face if they didn't wear masks and did not obey the Covid 19 Regulations. But all of a sudden, he is advising that Chandler did nothing wrong.

This is the latest in a series of transgressions of this type. The AG is a serial offender in this regard.

Recently, it emerged that the AG had secretly negotiated a sweetheart deal with Mr. Vincent Nelson QC whereby he contractually agreed with Mr. Nelson QC:

1. That he will not disclose, thereby hide the statement from the public and the Parliament;
2. That he will not disclose, thereby hide the statement – a contractual document - from any police authorities, prosecuting bodies, tax enforcement agencies, regulatory and disciplinary bodies in foreign jurisdictions;
3. That no civil court proceedings will be brought against Mr. Nelson for any matters in which he previously represented the Government;
4. That he, the AG, will recommend to the DPP that no criminal proceedings be brought against him in relation to the witness statement;
5. That if any person brings a Court Action against Mr. Nelson for any matters arising out of the indemnification or any defamation lawsuits in relation to the witness statement, the Government will fully indemnify Mr. Nelson for any damages awarded, legal costs or other expenses.

This is madness on the part of an AG in any country!

The AG enjoys making very derogatory statements with reference to the MP for San Juan/Barataria Saddam Hosein.

I don't know if he has a special likeness for "*young Saddam*" but I want to tell the AG that the country would prefer someone who is young and knows the law than someone who may be older but does not know the law.

Plea bargaining is the sole preserve of the office of the DPP. The DPP has already publicly stated that he knew nothing about the AG's version of Nelson's plea-bargaining agreement. This disclosure means that the AG was once again "*playing DPP and police*". He wants to operate as judge, jury, witness and executioner without any respect for our independent institutions.

The frightening consequences of this revelation that the AG has been advising the police on sensitive criminal investigations must not be underestimated.

How many other criminal investigations have AG Al-Rawi interfered in by "*playing DPP*" by providing legal advice to the police service?

Today I ask the question:

* what other police investigations has the AG advised the police service on without the knowledge of the DPP?
* In preparing these legal opinions, did the AG consult the DPP?
* Was he also advising on the Camille Robinson Regis matter where she deposited $143,000 in a First Citizens account without declaring the source of funds?
* Is he advising on the recent matter involving Foster Cummings?
* Did he advise on the Darryl Smith investigation?

And of course, whenever his behaviour is called into question, he waves his famous "*sub judice*" flag. I tell you we should rename him the "*sub judice AG*".

He is quick to talk about anything and everything except when he is caught breaching the Constitution when all he can do is chant the *sub judice* mantra.

I wish to announce that I intend to write to the Honourable DPP to ask:

1. If he had given his consent for Faris to advise the police service on this matter – the Chandler matter;
2. Whether his office was consulted in the preparation of the legal opinion from the AG's office which said that Christian Chandler and his crew were not in breach of the law when they were detained by the Coast Guard.

Did that happen without consultation or without informing or consulting the DPP.

I would also be calling for an investigation to determine whether the AG is guilty of misconduct in public office and unlawful interference with an ongoing criminal investigation.

The Prime Minister's recent speech reinforces the need for concern as the PM repeatedly claimed the UNC was attacking Al-Rawi because the AG was going after those involved in white-collar crime.

This is an admission from the PM that the AG is interfering in the independent office of the DPP and their roles and functions, as well as breaching the separation of powers.

It would appear that the Prime Minister himself does not understand the separation of powers that holds our nation together.

Let me make it abundantly clear- The AG has no power to go after anyone for the commission of criminal offences – that is the sole preserve of the DPP and the TTPS.

The PM is trying to defend AL Rawi by saying he is investigating white-collar crime.

What authority does he have to investigate crime?

Is he using and abusing his office and role as the Central Authority to go on a political witch-hunt? These are serious questions which arise.

He is usurping the function of the office of the DPP and the TTPS legal unit by providing legal opinions on criminal charges.

Why is the office of the AG sending opinions to the TTPS about whether a contract worker and legal advisor has breached the public health regulations?

This is yet another example of the complete lack of respect for independent institutions. The PNM are hell bent on becoming a dictatorship and so they have their hands involved in everything

They have interfered with the work of the PolSC. They have interfered with the selection of a COP. They have interfered with Parliamentary oversight with respect to merit lists. They are now interfering directly with police investigations.

This is a dangerous trend towards creating the private army that we were warned about in the Endell Thomas case.

We refuse to stand idly by while Al Rawi manipulates and tramples on our Constitution with impunity because he is protected by his Prime Minister.

No one is above the law, and we are all equal in the eyes of the law.

The AG must be called to account for his actions.

Whilst the police are investigating the matter of his transfer of his Porsche luxury SUV it must now also investigate the AG's role in the Chandler investigation and the Vincent Nelson scandal.

And what has happened to the investigation into gun-toting children?? Where has it gone? It as gone away.

The AG is turning out to be a serious serial offender in terms of trampling the Constitution and usurping the powers of the DPP.

**Dictator Keith**

And this brings me back to the Dictator Prime Minister. As I said earlier, PM, you get ketch! And you are ranting and raving

Yesterday, I asked some questions about the now famous letter he wrote to the PolSC about Gary Griffith.

Rowley claimed that one year ago he wrote to the Police Service Commission, telling them that he had lost confidence in CoP Gary Griffith.

This is a significant revelation. It gives us a motive for the subsequent interference in the PolSC AND THE CONSTITUTIONAL DUTIES OF THE OFFICE OF THE PRESIDENT.

Despite PM’s ‘loss of confidence letter', the PolSC proceeded to generate a merit list which apparently included the same Gary Griffith and, had even appointed him to act temporarily.

It seems apparent, then, that the Prime Minister went above their heads to sabotage the process of appointment.

The President, Prime Minister and Attorney General have even more serious questions to answer right now as a result Rowley’s hot-headed press conference.

* When specifically did the PM advise the PolSC that he (PM) had lost faith in the Commissioner of Police?
* What caused his loss of faith?
* Did he only write the Chairman or all members of the commission?
* Did Attorney General Al-Rawi know of this letter, or was he kept in the dark by his Prime Minister?
* Did the Cabinet agree to undermine the process or was this entirely the Prime Minister’s action?
* What other action against the Commissioner of Police was undertaken?
* How many other interferences have the PM made over the last year since sending the loss of confidence letter?
* Was confidential information about the PolSC being shared between the Office of the President and the Prime Minister?
* Was there collusion by the President, Prime Minister and PolSC chairman to derail the merit list from being sent to parliament or was it just a coincidence that they happened to be at President's House on the 12th of August 2021. Or is it the 11th of August?

I will come back to those days, because just as in the Budget – the maths not mathsing.

When asked by a reporter whether he denies meeting with the President, the PM defiantly retorted that he does not deny it and, furthermore, that he can meet with the President 24 hours a day, 7 days a week, adding he doesn't have to “tell anybody” what they would have spoken about.

This confirms that the Prime Minister sees himself as Supreme Leader and Dictator.

He wrongly believes that he is empowered by the Constitution to do whatever he wants, without having to account to anybody.

**After Weeks of Silence, the President’s Statement raises Further Questions and Shadows over her Office**

It is disrespectful to the Citizens of Trinidad and Tobago, and to the very Constitution that Her Excellency is sworn to uphold that, after weeks of silence, Her Excellency President Paula-Mae Weekes chose to issue a paid, full-page advertisement in the newspapers, rather than facing the media to answer questions.

Her Excellency could have had a broadcast to the nation.

Yet we know that the President is capable of speaking with the media, as she has hastily called a media conference before, on a trivial matter regarding her trip to New York.

If the paid advertisement was done to avoid Her Excellency having to face the music by having to field questions from the media, such a strategy can only bring her office into further disrepute. You are also accountable to the people, Madam.

It is further concerning that the President only decided to break her silence after the Prime Minister’s rant on Saturday, as if to ensure that her message would not clash with his, and that the Prime Minister’s message was to take precedence over the President’s.

To make matters worse, the President’s paid advertisement has only further complicated the matter, created more questions than answers, answers that the country desperately needs, including:

1. Why did the President wait until 17 October to inform the country for the first time that an Order of Merit List was submitted to Her Excellency on 11 August but then withdrawn? Why did the President allow the Republic to descend into chaos between then and now, without providing this key bit of factual information to the citizenry whom she serves?
2. Why does the President refuse to let the citizens know whether the Prime Minister met with her on 11 or 12 August to discuss his concerns about the Order of Merit List? If everything is above board, why is the President running from disclosing the public officials who met at President House especially in light of the public interest?

**“The maths not mathsing”**

By letter dated the 7th day of September, 2021 Her Excellency through Nancy Armeaud, Director of Legal Services at the Office of the President responded to Anand Ramlogan SC as attorney for Ravi Balgobin Maharaj and indicated:

*“I can confirm that Her Excellency the President on* ***August 12th, 2021****, received a letter of even date from the Chairman of the Police Service Commission, Ms Bliss Seepersad. Ms Seepersad thereby submitted in compliance with Legal Notice 183 of 2021, a list of suitably qualified persons as nominees to act in the office of Commissioner of Police.*

*By letter of August 13th, 2021, Her Excellency replied to the Chairman. No notification was sent to Parliament by Her Excellency for the granting of an acting appointment in the Office of Commissioner of Police as no such procedure is mandated or provided for in law.”*

And now I want to share with you something else that shows the maths is not mathsin… we have two affidavits in the public domain, both sworn on the 27th September, 2021.

One from, Corey Harrison, who is the Acting Director of Personnel Administration filed in the matter of Ravi Balgobin Maharaj.

Then we have another affidavit sworn also on the 27th September, by the Acting Deputy Director of Personnel Administration Helen Warner in the matter relating to Anand Ramesar and the Police Service Commission.

Both these are conflicting statements, and we ask which is true?

I quote from paragraph 8 of that Mr. Harrison’s affidavit:

*“A list of nominees was submitted to Her Excellency on the 12th August, 2021. There was a delay by the Commission in carrying out its exercise given the date of issuance of the 2021 Order. It was done in less than two months.”*

I quote now from the affidavit of Ms. Warner, at paragraphs 39 and 40:

*“The Police Service Commission has withheld submission of the merit list after attempting to do so because of certain security concerns that came to its attention.*

*As the Police Service Commission is not itself conducting the investigations (not being equipped to do so) to compile the security reports, the Police Service Commission cannot say exactly when the reports will be available to finalize its merit list; however, the Police Service Commission has a duty to have the security investigation done before finalizing the list.*

*The Police Service Commission will finalize the merit list when the security report is available because not only is it duty bound to act with alacrity, but it is not in the public interest nor good for the morale of the police service that there not be a substantive holder of the office of Police Commissioner.”*

So first we have the letter sent to Mr. Ramlogan, in which the President confirmed that on August 12th, the Office received of even date a letter from Ms Bliss Seepersad. Then we have the two affidavits sworn on the 27th of September, and now we come to the statement by Her Excellency published in the newspapers over the weekend.

In that published statement, Her Excellency said that the Order of Merit List was delivered to her on **August 11th, 2021**. So who is lying? And why? Which one is true?

This conflict in the statements raises more questions than answers:

1. The President made no mention about this significant withdrawal of the Merit List in her response to Mr. Ramlogan in circumstances where she knew that her letter was going to be used as critical evidence in a court of law;
2. How many Merit Lists did she receive? Is it that one was received on August 11th and another on August 12th?
3. In saying that she had replied to Bliss Seepersad simply to indicate that no notification was sent to the Parliament because this was not required by law (which we now know to be completely wrong based on the court ruling), why did she not come clean and simply state “I no longer have any list to issue any notifications to the Parliament because you withdrew the Merit List you gave me’?
4. Why was such critical information being deliberately withheld from the court? Or is it that Her Excellency informed her lawyer, Faris Al-Rawi through whose office she was represented in the matter, but the AG failed to inform the court?
5. As a former judge, the President would know that she had a duty to make full and frank disclosure to the court. This was a serious and deliberate omission on her part that was plainly relevant to the case. This was a material non-disclosure on her part of epic proportions. It is scandalous and disingenuous to say the very least.

To compound matters, Her Excellency would have us believe that she remained silent when the Merit List given to her was withdrawn that she didn’t ask any questions as to why it was being withdrawn and on whose authority?

She didn’t seek to protect the Constitution by demanding answers because the Commission had completed the selection process and the parliament and public interest would be prejudiced. Are we really expected to believe this Nancy story?

1. Did the Prime Minister intervene after the Merit List was provided to Her Excellency?
2. If the President had concerns about Legal Notice 183, what did she do about it?
3. How is it that the President, a former judge, so misinterpreted Legal Notice 183, Paragraph 4, that she did not believe that the President had been given the power to send a Notification forward to Parliament by that law? Who in the PolSC and the Office of the Chief Parliamentary Counsel gave the President this incorrect legal advice?
4. Was the President privy to the matter in the public domain in relation with the Firearm User’s Licenses?
5. Was it the President’s business to bring those matters to the attention of the PolSC?

It is clear that the President is hiding her missteps behind technical English and literary services. However, these have cast further shadows upon Her Excellency’s Office.

This is not the time to impress the country with her use of the Queen’s English. This is a time for transparency and accountability.

The Opposition now even more strongly maintains that Her Excellency has brought the Office of the President into disrepute.

I once again remind Her Excellency that no one is above the law. The Opposition will continue to hold the President accountable for her role in the Constitutional crisis that we now face.

It is in the public interest that the Opposition has set in motion the process to investigate the President’s actions.

Based on the President’s statement on Sunday – raising more questions than answers – it bolsters the need for an investigation.

The motion which I have filed in the Parliament to establish a tribunal to investigate the removal of Her Excellency Paula Mae-Weekes, ORTT, as President of the Republic of Trinidad and Tobago, is required more than ever to determine the facts of the events that led Trinidad and Tobago into this constitutional abyss.

It is my hope that the nation can embark upon this constitutional process, designed to protect the citizens, to protect the law, to uncover the truth, and to hold those in responsibility to account.

In that regard I have today written to Her Excellency the President.

I will just quote some parts:

*I write with grave concern regarding the notifications and consultation letters, sent by your good self, concerning nominees to serve on the Police Service Commission.*

 *It is my respectful view that the Office of the President has lost all moral and ethical grounds to continue to participate in this nomination process, given the recent ruling by the High Court indicating that Your Excellency acted in contravention of the Constitution by not submitting the PolSC merit list to Parliament.*

*I am fortified in my view by the recent statements made by Your Excellency in a paid advertisement appearing in our newspapers on 17th October 2021.*

*In that advertisement, Your Excellency shockingly revealed that a Police Service Commission merit list for Commissioner of Police was sent to you but then withdrawn. At no time over the past month did Your Excellency disclose that a PolSc merit list was withdrawn.*

*Furthermore, Your Excellency appears to acknowledge the fact that a public official was responsible for interfering with this process at the President's House.*

*I respectfully remind Your Excellency that no one in Trinidad and Tobago is above the laws of our land. We all must respect the law.*

 *I call once again for Your Excellency to disclose the identity of this public official and state categorically whether it was indeed Prime Minister Dr. Keith Rowley or not.*

*It is my respectful view that it is in the national interest of Trinidad and Tobago for the Office of the President to adequately answer the many serious questions that are still outstanding.*

*The process of appointing a new Police Service Commission must be paused until this happens. Otherwise, all appointments made in future will appear to carry the taint of political partisanship.*

 *The Opposition refuses to participate in a potentially tainted process of nominations to the Police Service Commission until these critical questions are answered.*

***(See attached Letter to President)***

**Speaker must debate the motion**

It has been brought to my attention that at 4:05 p.m. today, the House Secretariat issued an Order Paper for an Extraordinary sitting on Thursday October 21, 2021 at 10:30 a.m. for the purpose of Section 36 (1) (a) and (b) of the Constitution.

On this Order Paper is placed the motion that the UNC MPs filed in the Parliament.

I saw former House Speaker Barry Sinanan saying the Speaker has discretion to bring the motion to Parliament. I have the greatest respect for Barry Sinanan as a distinguished attorney at law and former House Speaker. However, with the greatest of respect, I believe he has erred in his interpretation of this matter.

Based on our Standing Orders the Speaker has to put forward this matter for debate in the Parliament.

However, it must be noted that**Standing Order 34** of the Parliamentary Standing Orders does not give the Speaker any discretion to dismiss a BILL or MOTION filed by a Member unless it deals with increasing taxes or withdrawing money from the consolidated fund.

Standing Order 34(1) on page 22 states as follows:

*Subject to the provisions of the Constitution and these Standing Orders,****any Member may introduce any Bill or propose any motion for******debate in the House and the same shall be disposed of in accordance****with the Standing Orders.*

So that’s the first standing order. When the question is proposed, as per Standing Order 34 and Section 35 of the Constitution, we have a motion that no way infringes on taxes or withdrawing money from the consolidated fund.

Our Motion was filed in accordance with the Constitution, Sections 35 and 36, so we are in keeping with the Constitution and Standing Orders.

Then we come now to Standing Order 40 which deals with admissibility of motions to the Parliament

Standing Order 40 States :

 **40. ADMISSIBILITY OF MOTIONS**

A motion must clearly indicate the issue to be raised for debate and include only such material as may be necessary to identify the facts or matter to which the motion relates.

The Speaker shall be the sole judge of the admissibility of a motion, which shall satisfy the following conditions.

A motion shall–

(a) raise substantially one definite issue;

(b) not contain ironical, offensive expressions or words that would not be permitted in debate;

(c) not contain the names of persons unless they are strictly necessary to render the motion intelligible;

(d) not raise for debate matters of conduct of persons except in their public capacity;

(e) not revive discussion of a matter which has been discussed in the same session;

(f) not raise for debate a matter which already qualifies to be discussed;

(g) not relate to matters which have been referred to a Committee of the House for consideration and report; and

(h) not exceed two hundred and fifty (250) words in length

We have complied with every singe one of these conditions in the motion we have filed.

Upon review, the Motion filed by the Opposition satisfies each of the criteria stated within Standing Order 40 and must be deemed valid.

Further, Standing Order 48 (8) acknowledges the fact that substantive motions can be brought against the President as it states (page 30):

Standing Order 48“(8) states:

*“The conduct of the President or any other person performing the function of President, Members of the Senate, the House or Judges of the Supreme Court of Judicature or other persons performing judicial functions shall not be raised except upon a substantive motion moved for the purpose”*

Ours is clearly a substantive motion brought pursuant to Sections 35 and 36 of the Constitution.

As a result, the Speaker cannot exercise any discretion to reject the Opposition's motion because as stated in Standing Order 34, it has been filed in accordance with the Constitution and does not contravene the prohibited issues within Standing Order 34.

Importantly, the Opposition’s motion satisfies all of the stated criteria in Standing Order 40 therefore making it thoroughly admissible for Parliamentary debate.

So I disagree with the greatest of respect with Mr. Barry Sinanan. It is not in the discretion of the Speaker to withhold the motion being place for debate in the House of Representatives.

We look forward to that debate because we believe that there must be transparency and accountability and this motion is the only mechanism to hold the President to account to the country.

**UNC will defend the Constitution**

The PNM can try to subvert, undermine and abuse our sacred rights, freedoms and separation of powers but as long as they do there will always be the rising sun there.

They can try to operate in the darkness and shadows for however long but as we have seen - what is in the dark will always come to light.

They know the UNC is on their heels. Rowley knows it, Faris knows it, Stuart knows it, everyone knows it. They are getting desperate.

Just look at the behaviour of the Prime Minister over the weekend. I mean a total embarrassment to the office.

He almost had a meltdown because HE KNOWS WE ARE COMING FOR HIM – politically and legally so.

The UNC will continue to be that shield that stands in front of citizens when faced with a gangster government like this PNM.

We will continue the fight inside the Parliament, outside the Parliament, and wherever citizens are being taken advantage of.

Thank You. God bless.

END.