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MEMBERSHIP OF THE COMMITTEE

1.1 Standing Order 75(2) and (3) state:

The Speaker shall be a Member and the Chairman of the Committee of Privileges, which shall consist of not less than six and not more than ten Members inclusive of the Chairman.

1.2 The Members¹ of the Committee are:

Mr. Barendra Sinanan—Chairman
Ms. Penelope Beckles—Member
Ms. Gillian Lucky—Member
Mr. John Rahael—Member
Mr. Subhas Panday—Member
Mr. Hedwige Bereaux—Member

1.3 The Clerk of the House, Ms. Jacqui Sampson, served as Secretary to the Committee and Parliamentary Clerk I, Mrs. Jacqueline Stoute, as Assistant Secretary.

TERMS OF REFERENCE

2.1 Standing Order 75(1) states:

There shall be referred to the Committee of Privileges any matter which appear to affect the powers or privileges of the House, and it shall be the duty of the Committee to consider any matter so referred and to report thereon to the House.

INTRODUCTION AND BACKGROUND

Introduction

3.1 On Friday September 17, 2004, Dr. Keith Rowley rose in the House and sought leave of the Speaker to have a matter referred to the Committee of Privileges. That matter related to an incident which it was alleged took place in the Members' Lounge of the Parliament on Wednesday September 15, 2004 which, in his opinion, resulted in a breach of his parliamentary privileges.

3.2 On that said day, Mr. Chandresh Sharma also raised in the House a matter which he believed affected his privileges related to the said alleged incident.

3.3 In both instances, the Speaker ruled that, prima facie, sufficient cases of breach of privilege had been made out which warranted full investigation. He therefore referred the matters to the Committee of Privileges for investigation and report².

¹ Members were appointed to serve on this Committee on 17/9/04. Mrs. Kamla Persad-Bissessar was discharged and Ms. Gillian Lucky was added to the Committee on 01/10/04. Mrs Camille Robinson Regis was discharged and Mr. Hedwige Bereaux was added to the Committee on 19/10/04.

² See File 1 attached

First Report of the

3.4 Both Dr. Rowley and Mr. Sharma were present in the House on Friday September 17, 2004 at the time when these matters were raised and referred to the Committee of Privileges.

3.5 Since the matters before it related to one altercation, the Committee conducted its investigation on both matters concurrently. The first task of the Committee was to establish the specific complaints (Part 4 below). The Committee then spent some time considering the Law and Practice related to Parliamentary Privilege. (Part 5 below).

3.6 In examining the complaints, the Committee summoned 20 witnesses.

Background

3.7 On Wednesday September 15, 2005, the House was all set to commence at 1:30p.m. As is typical on each sitting day, Members began arriving by midday, many of them having business to attend in various offices of the Parliament. By or around 12:50 p.m. Dr. Roodal Moonilal arrived and visited the Members' Lounge. He was soon joined by Dr. Keith Rowley. They greeted each other and participated in the usual pleasant exchanges. Then sharing a sofa, the two Members turned their attention to a game of cricket that was being televised.

3.8 The lounge was at that time located on the ground floor of the north wing of the Red House and was accessed by a corridor with restricted circulation. The use of this Lounge is regulated by the Speaker of the House in accordance with long established arrangements. Only Members of Parliament and their spouses are entitled, as of right, to the use of this Lounge.

3.9 In short time they were joined by Messrs. Stanford Callender and Kelvin Ramnath, who sat together on another sofa. They were being served by Dining Room Attendant, Miss Prabha Singh who was one of the two Attendants assigned to the Members' Dining Room and Lounge for that day.

3.10 Shortly after 1:00p.m. Mr. Chandresh Sharma entered the Members' Lounge and after greeting the Members present, took a seat in a single seater facing Drs. Rowley and Moonilal. A coffee table separated the two chairs which were some 4 feet apart. The group continued enjoying the game of cricket that was being televised and shared light banter. See Area Sketch on page 31.

3.11 A conversation ensued between Dr. Rowley and Mr. Sharma and an altercation followed.

THE COMPLAINTS

4.1 The first Complainant, Dr. Rowley, submitted a letter to the Speaker of the House on Thursday September 16, 2004, outlining his complaints. A copy of that letter is at File I. Dr. Rowley appeared before the Committee on Wednesday October 27, 2004 and made an oral submission on his version of the events which took place in the Members' Lounge on Wednesday September 15, 2004.

4.2 Dr. Rowley alleged that:

- (a) Mr. Sharma verbally abused and insulted him in the precincts of the House by repeatedly accusing him of being racist in the performance of his duties; such action has breached his privileges, insofar as it was dishonourable and affected his ability to go about his business; and
- (b) Members of Parliament misrepresented the facts of the altercation in such a manner so as to bring him into disrepute as a Member of Parliament and have by their public utterances also brought all honourable Members as well as the entire House into odium and ridicule.

4.3 The second Complainant, Mr. Sharma submitted a letter to the Speaker of the House on Friday September 17, 2004. A copy of that letter is at File I. Mr. Sharma also appeared before the Committee on Wednesday October 27, 2004 and made an oral submission on his version of the events which took place in the Members' Lounge on Wednesday September 15, 2004.

4.4 Mr. Sharma alleged that:

- (a) Dr. Rowley hit him in the area of his left chin with the heel of his right hand;
- (b) Dr. Rowley pushed/struck him in the chest tossing him backwards over the chair and against the wall. When he regained his balance Dr. Rowley pushed him in the chest again;
- (c) Dr. Rowley struck him to the face, using his left hand; and
- (d) Dr. Rowley pelted him first with a teacup which hit him on his right hand, then with two remote controls and a cordless phone.

4.5 To constitute a contempt of the House, the behaviours complained of at 4.2 above must be proven to have obstructed or impeded, or have the tendency, directly or indirectly, to obstruct or impede the House or a Member in the performance of its/his functions, including the bringing of dishonour upon the House of which he is a Member.

4.6 With respect to 4.4, if it is proven that the actions or behaviors of any Member directly interfered with or obstructed the House or another Member by way of assaults, disorder and misconduct within the precincts of the House then the House for its own protection must take appropriate action in response.

RELEVANT LAW AND PRACTICE

5.1 Parliament is the supreme law-making body of the land. It is within this institution that issues of national concern are discussed by representatives and Ministers are called to account for their decisions and their expenditure of public money.

5.2 In order to carry out these public duties, Parliament as a whole as well as Members of Parliament individually, need certain rights and immunities. These rights and immunities are known as parliamentary privilege.

Historical Development of Parliamentary Privilege

5.3 Coke³ is often cited for the proposition that Parliament is historically to be regarded as a court ('the High Court of Parliament'), perhaps even a court of record, certainly superior to other courts. Indeed in the medieval period the English Parliament had a judicial role, where Parliament was seen primarily as a court of justice, a court of last resort consisting of the King and the Lords temporal. Accordingly, a 'law of Parliament' administered by Parliament arose out of custom connected with Parliament's institutional character as a court.

5.4 In the 17th century there were many struggles between the King and Parliament, all tended to bring out bold assertions of privilege, and on the other hand determined attempts to limit it. The privilege that was asserted in all these cases of whatever kind was, however, in its origin the result of Parliament's "judicial" character and the marks of this origin have remained upon it to the present day.

5.5 Thus, Members of both Houses of Parliament in the United Kingdom today enjoy certain privileges and powers in order that they may carry out their tasks without undue interference or fear.

5.6 These privileges and powers which collectively belong to each House may be summarised as the freedom of speech during proceedings; the right to regulate its own internal affairs and procedure; to publish papers containing defamatory material; to prosecute contempt; to compel the attendance of persons; to send for papers and records and to commit persons for breach of privilege or contempt.

The Situation in Trinidad and Tobago

The law of parliamentary privileges—Trinidad and Tobago

5.7 We have seen that the prerogatives of the United Kingdom's Parliament stem in part from the successful outcome of its struggle with the Crown and rest also on its traditional judicial status as the High Court of Parliament. As a young Parliament that has never had a judicial role, how then did our Parliament carve out an area of parliamentary law for itself and was this done as part of or distinct from the general law?

5.8 During the era of the Legislative Council, the rights, powers and immunities attached to the colonial Legislature and its Members arose from the common law; i.e. they were given only the authority and power that are necessarily incidental to a Legislature⁴.

5.9 However in 1953 an attempt was made to codify certain Powers and Privileges. Thus the House of Representatives Powers and Privileges Act, Chap 2:02 was enacted. An act to declare and define certain powers, privileges and immunities, this Act was not an exhaustive and definitive code of the Privileges of our Parliament. It merely created special categories of criminal offences for breaches of certain privileges.

3 Law, Liberty and Parliament: selected Essay on the Writings of Sir Edward Coke, Essay 4 of the institutes of the Law of England, Allen D. Boyer, Editor

4 Kielley and Carson (1843): No. 4 Moore, P.C.C. 63, 13 England, Reprint, 225

5.10 At that time neither common law nor statute conferred upon the colonial Legislature the right or power to punish for contempt since such a power is not inherent in legislative functions.

5.11 Trinidad and Tobago's Parliament derived this power by virtue of section 55(3) of the Constitution of the Republic of Trinidad and Tobago which provides that the powers, privileges and immunities of our Parliament shall be such "as may from time to time be defined after the commencement of the 1976 Constitution and until so defined shall be those of the UK House of Commons as at the commencement of the 1976 Constitution"⁵. No such powers, privilege and immunities have since been defined.

5.12 In the United Kingdom, the Courts and the public have rightly recognised that Parliament enjoys a pre-eminent role in adjudicating upon matters affecting the operation of the legislative process. By virtue of section 55(3) of the Constitution, our Parliament enjoys a similar role and therefore has the jurisdiction to determine offences committed by Members and others within the House, as well as offences committed by Members and others outside the House which impact upon the legislative process or negativity affect the House as a whole or the functioning of its Members.

A Discussion on Contempt—Power to Punish

5.13 The rationale of contempt powers is the acknowledged right of both Houses to secure the free working of Parliament as an institution by the exercise of undisputed control over their own internal proceedings. This power is a right that Parliaments jealously safeguard. Thus, the House possesses the power to declare an act to be contempt and to punish such an act, this power being the effective equivalent of the power of the courts to punish contempt of court.

5.14 Therefore, the link between contempt of Parliament and parliamentary privilege is that one of the privileges of the House is the power to punish for contempt. The main contempt of Parliament are misconduct in the presence of the House; disobedience to rules or orders of the House; misconduct by Members or officers; "constructive" contempt (for example, reflecting negatively on the House; premature publication of committee proceedings); and obstructing Members, officers or witnesses when discharging their duties.

5.15 May has this to say in respect of contempt:

"Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence. It is therefore impossible to list every act which might be considered to amount to contempt, the power to punish for such an offence being of its nature discretionary"⁶.

⁵ See section 55(3) of the Constitution of the Republic of Trinidad and Tobago

⁶ Erskine May Parliamentary Practice (twenty-third Edition, 2004), Sir William McKay, KCB, Editor, LexisNexis Butterworths, Chap. 8, Page 128

5.16 Contempt of Parliament also includes:

the deliberate misleading of the House by a Member by way of statements to the House; and
refusing to answer a question as ordered by the House or a Committee, without reasonable excuse.

5.17 Where disorder, misconduct or molestation occurs within the House or its precincts, the effect is direct and obvious. This may be less so with the range of actions which may not occur within the precincts of either House or physically affect its proceedings, but which may be treated by the House as contemptuous on the basis of their direct or indirect tendency. Libels or reflections on the House fall into this category.

5.18 This is why conduct (including the use of words) which amounts, or is intended, or likely to amount to an improper interference with the free exercise by the House or a committee of its authority or functions, or with the free performance by a Member of the Member's duties as a Member, will be considered a contempt of the House.

Procedure in raising a Complaint

5.19 Any claim that a privilege has been infringed upon or a contempt committed should be brought to the attention of the House at the earliest reasonable opportunity in order to receive prompt consideration. A Member can fulfil this requirement by raising the matter immediately when the alleged breach occurs or, if it did not arise during proceedings of the House, by obtaining the leave of the Speaker to raise the matter in accordance with Standing Order 27(2) to (4).

5.20 The Speaker's purpose is to determine only whether there is a prima facie case of privilege; i.e., whether the matter appears to warrant investigation. That decision belongs exclusively to the Speaker.

5.21 If the Speaker finds that there is a prima facie breach of privilege or contempt, he will refer the matter to the Committee of Privileges for investigation and report. The Committee will study the matter and may examine witnesses. A report of the Committee's findings and recommendations, if any, will be presented to the House and a motion to adopt the report will be subsequently moved.

CONDUCT OF THE INQUIRY

Procedural Fairness

6.1 Breach of privilege and contempt are serious matters. A finding of contempt of either House against a Member may have adverse consequences of a high order, particularly when it relates to the Member's personal conduct. In a serious case, a Member faces the possibility of suspension and significant financial loss. Even when a Member is not suspended, the public may react adversely to his conduct as revealed during investigation of a complaint made against him and this may tarnish or destroy his political career. In view of this, the Committee utilized a number of procedures to ensure that procedural fairness was afforded to all.

6.2 The complainants were given the opportunity to be heard in person. Also, the Committee ensured that they were both heard on the same day. The Committee also ensured that both Members were aware of the nature of the complaints referred to the Committee. In addition, the Committee took the time to respond to all queries received from the complainants related to committee procedures⁷.

6.3 Also, both Complainants were given the opportunity to attend with advisors (a term which included but was not limited to legal counsel) and did not exclude their (the Complainants) attendance at meetings at which evidence was given.

Burden of Proof

6.4 The standard of proof used by the Committee was the civil standard of proof 'on the balance of probabilities'. Thus, the Committee was obligated to be satisfied that it was 'more likely than not' that the allegations are true.

Rules of Evidence

6.5 The Committee of Privileges is not bound by the strict rules of evidence observed by courts. However, the Committee acted only on relevant, probative and logical evidence which supported or negated the allegations.

Meetings

6.6 The Committee held 13 meetings,⁸ none of which was open to the public. One reason for this was the need for the Committee to be able to investigate and report to the House as ordered by the House, unhindered by public pressure which could result from the publication of documents or evidence arising during its investigation. However, during the evidence gathering stage, all Members of the House of Representatives were at liberty to attend the Committee's meetings, with the exception of the meeting of Wednesday October 27, 2004. The Chairman regularly reminded Members and others about the rule against premature publication of the Committee's proceedings⁹.

6.7 The evidence of every witness was taken verbatim¹⁰. (See File II). This verbatim record was sent in proof to each witness for verification in accordance with the Standing Order. After evidence gathering, all evidence, oral and written was carefully considered and the Committee assembled a comprehensive Table of Complaints and Evidence. This Table presented a straightforward compilation of each complaint and the relevant observations of the eyewitnesses to the altercation.

Evidence Gathering

6.8 The evidence gathering phase was divided into 2 parts. In the first part, the Committee interviewed those persons who were present in the Members'

7 See File IV Attached.

8. Minutes of Meetings are to be found on pages 33 to 60

9 S.O. 81 of the House of Representatives of the Republic of Trinidad and Tobago

10 S.O. 80(13) of the House of Representatives of the Republic of Trinidad and Tobago

Lounge at the time of the altercation. Those persons were:

Mr. Chandresh Sharma
Dr. Keith Rowley
Dr. Roodal Moonilal
Mr. Stanford Callender
Ms. Prabha Singh
Mr. Kelvin Ramnath.

6.9 The Committee continued its investigation by considering statements made to the Police and the Media as well as the report of the Doctor who examined Mr. Chandresh Sharma at the Port-of-Spain General Hospital on the evening of Wednesday September 15, 2004. In this regard, the Committee considered the following documentary evidence contained in File III:

- (i) Records requested and obtained from the Commissioner of Police;
- (ii) Medical Report on Mr. Sharma dated Wednesday September 15, 2004.

6.10 The Committee also interviewed the following witnesses:

Ms. Joan De Silva Margot (Speaker's Secretary)
Ag. Sergeant Balkissoon Ramrattan
Corporal Nizam Mohammed
Constable Marlon Mitchell
Asst. Superintendent Martin Morrain
Mr. Prior Beharry
Ms. Gail Alexander
Mr. Corey Connelly
Ms. Nalinee Seelal
Ms. Ria Taitt
Mr. Sean Douglas
Dr. Saran Valdez
Mrs. Wilma Spencer
Mr. Fitzgerald Hinds.

CORRESPONDENCE

7.1 The Committee received a number of correspondence related to the matters before the Committee, including a notice from Mr. Chandresh Sharma that he had withdrawn his complaint against Dr. Rowley.¹¹ These are to be found in File IV, together with the responses of the Committee.

THE EVIDENCE

Mr. Chandresh Sharma¹²

(date of examination—Wednesday October 27, 2004)

(accompanied by Attorneys, Carol Cuffy-Dowlat and Lennox Sankersingh)

8.1 Mr. Sharma told the Committee that on Wednesday September 15, 2004 he arrived at the Parliament at or around 1.00 p.m. He first went to the library and then to the Dining Room and Lounge. In the Lounge area was Drs. Rowley and Moonilal as well as Messrs. Callender and Ramnath. He sat in the vacant single-seater chair which was situated against the southern wall of the Lounge. Messrs. Callender and Ramnath sat facing the television and Drs. Moonilal and Rowley were seated directly opposite him. There was a coffee table separating the chairs. They were all looking at a game of cricket. He requested and was served a cup of coffee.

8.2 Soon Dr. Rowley engaged him in conversation and made reference to an article that appeared in the Newsday in which he (Mr. Sharma) commented about the Grenada situation. During the conversation, Dr. Rowley's voice was raised and he was hostile. Dr. Rowley asked him whether he (Mr. Sharma) was calling him a racist. He did not respond to Dr. Rowley's question but made a comment about government's expenditure patterns.

8.3 He told the Committee that Dr. Rowley then walked towards him, looking very annoyed. He (Mr. Sharma) stood up. Dr. Rowley then proceeded to hit him with the heel of his right hand near the area of his left chin, saying "I mad send down your (expletive) teeth". Dr. Rowley then pushed/struck him forcefully in the chest which sent him backwards over the chair and against the wall. He regained his balance. Dr. Rowley told him "Ah fed up of this Indian race talk; ah fed up; this time I'll deal with you," and continued chucking him in the chest. Dr. Rowley then struck him with his left hand on the face. At this point Dr. Moonilal got up and held onto Dr. Rowley saying "Keith, behave yuhself". He (Mr. Sharma) remarked "Keith, look what you reducing yourself to".

8.4 Dr. Moonilal pulled Dr. Rowley to his chair and they all resumed sitting. Both he and Dr. Rowley continued arguing. Dr. Rowley began pelting things at him. He first pelted a teacup which "hit him on his right hand, because he braced". It fell on the edge of the coffee table and broke. Dr. Rowley then pelted him with

¹¹ See File IV Pages 30 to 40

¹² See Verbatim Record of Oral Evidence in File II Pages 1 to 34

the cordless phone and two remote controls which all hit him in the chest area. He said that at no time did he retaliate. Dr. Moonilal then encouraged Dr. Rowley to leave the Members' Lounge and he did. Soon after he (Mr. Sharma) also left the Members' Lounge and made his way to the Chamber for the sitting.

8.5 He denied calling Dr. Rowley a racist. He said that he did not use obscene language. Instead, he admitted being in a very good frame, very friendly, very nice, as he is most times. He stated that Dr. Rowley did not curse him directly but used obscene language in conversation. He indicated that only Members of Parliament were present in the Members' Lounge during the altercation.

8.6 Mr. Sharma was in shock over what had transpired. He also felt numbness. He was hurt, weak and in pain after the incident.

8.7 He attended the sitting of the House which commenced at 1.30 p.m. and participated in the proceeding. It was a short sitting. During the sitting, he did not tell anyone about his discomfort and pain. Soon after the sitting was concluded, the Opposition had a caucus meeting to discuss other matters, during which he reported the matter to his colleagues.

8.8 He testified that it was a little after 3:00 p.m., that he went to the Central Police Station on St. Vincent Street across from the Red House, where he gave a report which was taken down in writing. He stated that prior to going to the Police, he visited the Office of the Speaker, accompanied by Senator Robin Montano, to report the incident to the Speaker but the Speaker was not in office. He indicated that he advised the Speaker's Secretary of the reasons for his visit. He said that he did not attempt to report the incident to the Speaker before then since he did not have any opportunity to do so.

8.9 Mr. Ganga Singh and Mrs. Kamla Persad-Bissessar went with him to the Police Station and accompanied by three Police Officers, they all returned to the Members' Lounge at the Parliament. He said that the Police Officers approached the Clerk of the House. He recalled that the Sergeant-at-Arms met with the Police; that the Police interviewed four (4) members of the Pantry staff who all claimed that they did not see or hear anything; and that the Police took the broken teacup with them.

8.10 He stated that he subsequently went to the Port-of-Spain General Hospital where he was seen by the attending Physician and two other Doctors. The attending Doctor wrote up a medical report in his presence, which he subsequently gave to the Police. At the hospital that afternoon, he was treated for a number of complaints.

8.11 He did not initially have access to a mirror to see whether his face was red but admitted that there was some swelling. He said that at the Hospital the Physician indicated that his face was swollen and that there was soft tissue injury. He also remembered that it was while at the hospital during a visit to the bathroom that he got the opportunity to see his face in a mirror for the first time after the altercation and observed the redness and swelling. He did not see his chest area in the mirror.

Dr. Keith Rowley¹³

(Date of Examination—Wednesday October 27, 2004)

(accompanied by Attorneys, Margaret Rose and Celeste Jules)

8.12 Dr. Keith Rowley testified that on Wednesday September 15, 2004, before making his way to the Chamber, he went to the Members' Dining Room and Lounge at or around 12:50 p.m where he met Dr. Moonilal sitting alone on a sofa facing south. He sat beside him. He requested and was served a cup of tea and some crackers by a tea lady. He and Dr. Moonilal were watching cricket and discussing the scores as the game progressed.

8.13 A few minutes later, Mr. Callender joined them and sat on the eastern side of the room on a sofa facing the television. Soon after, he was followed by Mr. Ramnath who sat next to Mr. Callender on the eastern sofa. While seated in the Members' Lounge on the south-facing couch with his back to the passage way, he felt a very gentle tap on the back of his head. Looking over his shoulder he realized that it was Mr. Sharma who was passing and was saying hello to him. Mr. Sharma joined the group. The conversation was about cricket and it continued for about a minute or two, until some mention was made on the television about the hurricane in Grenada.

8.14 He then asked Mr. Sharma a question concerning comments reported to have been made by Mr. Sharma and published in a local newspaper. Mr. Sharma got very angry and in responding to him said that the PNM is racist. He asked Mr. Sharma if that included him and Mr. Sharma responded loudly "yes, you're a racist; I'm calling you a racist".

8.15 In disbelief he jumped up and so did Mr. Sharma. They moved toward one another and met face to face at the end of the coffee table, which separated them. Again Mr. Sharma repeated "Yes, you are a (expletive) racist".

8.16 They eyeballed each other. He recalled extending an open palm in essence to hold off Mr. Sharma who was pointing his finger at him while reaffirming his stand, "You're a racist". In a split second, Dr. Moonilal leapt out of his seat and said, "Fellas, fellas, allyuh stop this". He denied hitting, pushing, chucking, beating or slapping Mr. Sharma.

8.17 He (Dr. Rowley) remembered saying, "but he calling me a racist; you eh see the man calling me a racist", to which Mr. Sharma replied, "but you are a racist, you know that". He recalled that Dr. Moonilal, who virtually positioned himself almost between himself and Mr. Sharma, held him (Dr. Rowley) and encouraged him to resume sitting. He recalled saying to Mr. Sharma "You keep calling me a racist!" He also recalled turning and seeing a member of staff nearby and hearing Mr. Ramnath say, "Like allyuh fellas getting serious; all de time I thought is joke allyuh was making".

8.18 He returned to his seat and so did Mr. Sharma. He stated that at that time, as far as he was concerned, the issue was over. Then Mr. Sharma said to him from across the table, "Yuh think I wouldn't have buss your so and so head" and again called him a (expletive) racist. On the coffee table lay two remote controls,

13 See Verbatim Record of Oral Evidence in File II Pages 35 to 58

a cordless phone and the tea cup that he had used earlier. He admitted that in response he slid the remote controls and the cordless phones across the table one after the other saying, "Well, ok if you go buss meh head use this". These articles slid across the table and fell on the floor.

8.19 The last thing he recalled sliding across the table was the teacup, which did not fall off the table. He said that Mr. Sharma was so angry that he (Mr. Sharma) slapped the teacup off the table. It flew in the direction of Messrs. Callender and Ramnath and fell to the floor and broke. He could not recall which hand Mr. Sharma used.

8.20 He stated that at that stage, Dr. Moonilal told Mr. Sharma to behave himself and told him "Keith come let's get out of here; let's go outside". Together they left the Lounge. They walked up the stairs together, talking along the way. They did not go immediately into the Chamber but lingered for a while on the upper balcony overlooking Woodford Square, talking about how some people are locked into a mind set and nothing could change them. Soon, they were approached by Mrs. Persad-Bissessar who greeted them. The three of them walked together into the Chamber for the sitting.

8.21 When the House adjourned, Dr. Rowley went to his car and drove home. He spoke to no one about the incident in the tea room. He arrived home about 3:20 p.m. Some time close to 5 o'clock or thereabouts, he recalled receiving two calls at his home from news reporters who told him that it had been reported that he had cuffed down Mr. Sharma. He flatly denied it. He recalled telling the reporters "We had an argument, but nobody struck anybody and if anyone is telling you that, they are trying to mislead you".

8.22 He later saw a news item on the 6:45 p.m. TTT News about a fracas in the Parliament between him and Mr. Sharma. He said that this news item reported that Mr. Sharma was in the hospital having been subjected to a beating by him. He said that he was shocked and appalled. He switched to the 7:00 p.m. TV. 6 News where he saw two of his parliamentary colleagues, who were not in the Members' Lounge at the time of the incident, reporting from the Port of Spain General Hospital about the beating that Mr. Sharma had received at his hand. He said that they purported to speak authoritatively about the grievous medical condition of Mr. Sharma, something to the effect that Mr. Sharma's blood pressure was up, his sugar was dangerously high and the doctor had warded him. He lamented the fact that while describing this assault on Mr. Sharma, one Member took the time to detail his standing in the national community, both as a member of the Cabinet and a senior Parliamentarian.

8.23 He told the Committee that over the following days there were numerous articles in the newspapers about this alleged beating and presented copies of these to the Committee. He referred to reported comments by various sectors of the national community about his alleged physical assault of Mr. Sharma in the parliamentary precincts. He felt that these reports and comments which were all based on a fabricated account of an altercation in the precincts in the Parliament bought him into disrepute and resulted in widespread public ridicule of the Parliament as a whole.

8.24 He admitted to being even further shocked when he heard the statement of Dr. Moonilal at a news conference held two days after at the Office of the Leader of the Opposition.

Dr. Roodal Moonilal¹⁴

(Date of Examination—Tuesday November 2, 2004)

8.25 Dr. Moonilal told the Committee that prior to the sitting of the House on Wednesday September 15, 2004, he visited the Members' Dining Room and Lounge of the Parliament. He sat in the Lounge area in the company of Messrs. Kelvin Ramnath and Stanford Callender and Dr. Keith Rowley. They were looking at television. Dr. Rowley was seated next to him on a sofa on the northern side of the room. At or around 1:00 p.m., Mr. Chandresh Sharma entered the Lounge and sat on an armchair on the southern side of the room.

8.26 An argument soon developed between Mr. Sharma and Dr. Rowley concerning matters of politics and housing wherein Mr. Sharma raised matters of a lack of housing in his constituency. The argument got increasingly intense between Dr. Rowley and Mr. Sharma and he felt that it was not a normal argument that Members would have. He recalled hearing Dr. Rowley say "you calling me a racist?"

8.27 He stated that Dr. Rowley stood up and asked Mr. Sharma if he wanted to hit him and walked over to where Mr. Sharma was seated and violently chucked him on the chest, on more than one occasion. He said that on two or three occasions Dr. Rowley poked Mr. Sharma in the face, once in a very menacing way. Dr. Rowley was extremely charged and heated during the discussion. He recalls that Mr. Sharma was at first hit in the chest while sitting and on the other occasion he was standing.

8.28 He admitted that initially no one tried to intervene to stop Dr. Rowley and that Mr. Sharma did not retaliate physically during the 10 seconds to 15 seconds of the altercation.

8.29 When he realized that it was more than the usual quarrel among Members that sometimes developed he got up and told Dr. Rowley that he should really not be striking or hitting Mr. Sharma. He then held Dr. Rowley by his right arm and successfully encouraged him to take his seat, but the argument continued between Dr. Rowley and Mr. Sharma.

8.30 Dr. Rowley again asked Mr. Sharma if he wanted to hit him and flung two remote control devices, a cordless phone and a teacup, in the direction of Mr. Sharma, telling Mr. Sharma, "Well if you want to hit me, hit me with this". Mr. Sharma remained sitting during this entire assault. The remote control devices and the cordless phone struck Mr. Sharma in the mid area. Mr. Sharma fended off the teacup with his wrist and it fell and broke. He testified that Dr. Rowley violently flung the teacup.

8.31 He said that no Dining Room personnel were present in the vicinity of the Dining Room during the altercation although he admitted to having seen them before.

14 See Verbatim Record of Oral Evidence in File II Pages 59 to 86

8.32 At that point, he felt that Dr. Rowley was extremely agitated and was on the verge of inflicting a very serious and grievous blow to Mr. Sharma. He got up again and firmly encouraged Dr. Rowley to leave the Members' Lounge. Dr. Rowley at first refused but he continued to encourage him and eventually they left together. He asked Dr. Rowley as opposed to Mr. Sharma to leave because he felt that, ideally, the person to escort out of the room was the person who was more prone to animation, more prone to hitting. Also, he believed that if he had encouraged Mr. Sharma to leave, Dr. Rowley would probably have followed him. He was also of the view that it would have been risky to alert the Police at the Red House Police Post which is situated on the ground floor, since he calculated that if he took the time to go and call the Police and left the situation as it was, then it could have been even worse.

8.33 Afterwards, both he and Dr. Rowley stood for a while talking outside of the parliamentary chamber during which he told Dr. Rowley that his behaviour was really unfortunate since he is a Minister of Government. He admitted that he did not tell the Speaker of the House or the Clerk of the House about the incident but did speak to his parliamentary colleagues after the sitting at the caucus, and apprised them on the incident.

8.34 He may have spoken to Newsday Reporters Sean Douglas and Ria Taitt or other reporters after the incident. He told them there was an altercation in the tea room and that he had no further comment to make on the matter. He did however speak about the incident to the Media at a press conference held two days after at the Office of the Leader of the Opposition when he endorsed the statement of Mr. Kelvin Ramnath.

Mr. Stanford Callender¹⁵

(Date of Examination—Tuesday November 2, 2004)

8.35 Mr. Callender told the Committee that on Wednesday September 15, 2004 he arrived at the Parliament building about 12:30 p.m. and prior to the sitting, visited certain offices before going to the Members' Dining Room and Lounge. When he entered the Lounge area, he met Drs. Rowley and Moonilal chatting and looking at cricket. He joined them. He was served a cup of tea.

8.36 Soon Mr. Ramnath entered the Lounge and sat next to him on the sofa facing the television. Then Mr. Sharma entered the room and sat in the single seater on the southern side of the room facing Drs. Rowley and Moonilal.

8.37 Dr. Rowley started a conversation with Mr. Sharma about comments reported to have been made by Mr. Sharma over the hurricane situation in Grenada. During their conversation Mr. Sharma called Dr. Rowley a racist. He recalled hearing Dr. Rowley ask Mr. Sharma "You calling me a racist?"

¹⁵ See Verbatim Record of Oral Evidence in File II Pages 87 to 94

8.38 Both Dr. Rowley and Mr. Sharma stood up and moved towards each other during which Mr. Sharma again called Dr. Rowley a racist. He recalled that Mr. Sharma used obscene language. As they advanced closer to each other, Dr. Rowley extended his hand as if to stop Mr. Sharma. He saw Mr. Sharma pointing at Dr. Rowley. Dr. Moonilal stood up and said: "No gentlemen allyuh cool it". Both Dr. Rowley and Mr. Sharma took their seats but continued arguing.

8.39 He recalled hearing Mr. Sharma say: "Yuh think ah fraid yuh. I will buss yuh head" and Dr. Rowley reply "Yuh want to buss my head? If yuh want to buss my head well use this". Dr. Rowley slid the cordless telephone and remote controls across the table towards Sharma. Then he slid a teacup. Mr. Sharma batted the teacup away. The teacup flew in his direction and fell close to his feet and broke. Both Dr. Rowley and Mr. Sharma got up again and once more Dr. Moonilal intervened. Dr. Moonilal said something to Dr. Rowley and they left the room together.

8.40 A few minutes after, the tea lady who served him earlier returned to the lounge area and rearranged the coffee table and swept up the broken teacup. He recalled that this tea lady was moving about in the area during the altercation.

8.41 He remembered Mr. Ramnath saying "Yuh know all this time I sitting down here I thought is joke allyuh making". Both he and Mr. Ramnath left the Lounge area together.

8.42 He felt that the altercation did not warrant his intervention. He did not witness any chucking, poking or hitting. The altercation might have taken about five minutes or a little more. He spoke to no one about the incident but did give a statement to the Police.

Ms. Prabha Singh¹⁶

(Date of Examination – Tuesday November 2, 2004)

8.43 Ms. Prabha Singh, Dining Room Attendant, told the Committee that she was serving Members in the Members' Lounge on Wednesday September 15, 2004, prior to the start of the Sitting. The Members who were present at first were Dr. Rowley, Dr. Moonilal, Mr. Ramnath, and Mr. Callender. Eventually Mr. Sharma arrived and she served him also. Everybody was speaking cordially.

8.44 She then heard raised voices. She recalled hearing Mr. Sharma telling Dr. Rowley that the PNM is racist and that he is racist. She recalled hearing Dr. Rowley reply "Are you calling me a racist?" and heard Mr. Sharma say "Yes". She then saw Dr. Rowley walk toward Mr. Sharma and Mr. Sharma stood up. They stood facing each other, speaking loudly. She recalled that Dr. Rowley turned and looked at her. She could not recall hearing any obscene language and did not see Dr. Rowley make any physical contact with Mr. Sharma.

8.45 She indicated that she thereafter moved to the coffee station and continued her work, no longer having a visual of the Members in the lounge area. She continued hearing raised voices and indicated that she became uncomfortable.

¹⁶ See Verbatim Record of Oral Evidence in File II Pages 95 to 99

8.46 While at the coffee station she heard a noise. She could not identify it, but heard Dr. Moonilal tell Mr. Sharma to be quiet. She also heard Dr. Moonilal say “Keith, walk away”. With that she left the Dining Room area, passed quickly through the Lounge area, and entered the pantry. Upon entering the pantry, a colleague enquired whether something had broken. She said “no” because she did not hear anything like that.

8.47 Shortly thereafter, she returned to clear the Lounge area and found a broken teacup on the floor. She swept up the broken fragments. She found the remote controls on a sofa and the cordless phone was on the floor close to the television and restored them to their usual places.

Mr. Kelvin Ramnath¹⁷

(Date of Examination—Tuesday November 9, 2004)

8.48 Mr. Kelvin Ramnath recalled being in the Members’ Lounge prior to the sitting of the House on Wednesday September 15, 2004. He was sitting next to Mr. Callender on a sofa facing the television. Drs. Rowley and Moonilal were present, sitting to his right. They were all watching cricket.

8.49 Mr. Sharma joined the group and sat across the table from Drs. Rowley and Moonilal. Immediately upon the arrival of Mr. Sharma, Dr. Rowley started a conversation about the contents of a newspaper article related to the hurricane in Grenada and Mr. Sharma responded. Their conversation continued and soon Dr. Rowley got up, walked across to Mr. Sharma enquiring, “So you calling me a racist?”

8.50 Mr. Sharma also stood up and they continued their heated argument during which Mr. Sharma repeated his statement, “You’re not doing anything for the people in the rural constituencies; you’re not doing anything for the people of Fyzabad”. At that point Mr. Ramnath recalls that “Dr. Rowley’s left hand landed on Chandresh’s face on the right side”.

8.51 He then heard Mr. Sharma say “Keith look what you have allowed yourself to become” and saw some “pushes to the chest”. At that point, Mr. Sharma remarked “If I were not in this tea room” and immediately he got a slap to the left side of his face with Dr. Rowley’s right hand.

8.52 He told the committee that from where he was sitting he had a panoramic view of the entire altercation.

8.53 He testified that Dr. Rowley hit Mr. Sharma three times in all—a combination of pushing and slapping as opposed to cuffing, and that they were both standing during those times. He said that all of this occurred in a very short period of time. He described the force used by Dr., Rowley as mild to moderate. He recalled Dr. Moonilal saying “Keith, what are you doing?”

17 See Verbatim Record of Oral Evidence in File II Pages 100 to 108

8.54 He remembered Dr. Rowley then saying “You want to hit me?”, after which he (Dr. Rowley) threw two television remote controls and a cordless phone at Mr. Sharma. He stated that Dr. Rowley did not pelt the objects but threw them in anger. He believed that Dr. Rowley’s hand struck a teacup which flew in the direction of Mr. Sharma hitting him on his right hand. These objects had all been on the coffee table. Both Mr. Sharma and Dr. Rowley were then sitting.

8.55 Dr. Rowley then left the room. He could not say if it was at the insistence of Dr. Moonilal, who subtly intervened at that point, asking him to cool down. He said that Dr. Rowley was in a terrible state of anger at that time.

8.56 Apart from his verbal comments, he did not intervene during the altercation.

8.57 He could not recall seeing anyone else in the room. He remembered though that prior to the incident; they were being served some biscuits. He did not hear any obscene language.

Ms. Joan De Silva-Margot¹⁸

(Date of Examination—Tuesday November 9, 2004)

8.58 Ms. Joan De Silva Margot, Executive Secretary to the Speaker of the House informed the Committee that at 3:41 p.m. on Wednesday September 15, 2004 Mr. Sharma came to the office of the Speaker accompanied by Senator Robin Montano and requested to see the Speaker. She informed them that the Speaker was not in office at that time. She stated that Senator Robin Montano informed her that an incident occurred in the Members’ Lounge that day and he wanted her to relay this information to the Speaker. He told her that Dr. Rowley had cuffed down Mr. Sharma and that he wanted no cover up. He also told her that he wanted appropriate action to be taken against Dr. Rowley and that a letter will follow together with a statement.

The Police

(Date of Examination—Tuesday November 9, 2004) ¹⁹

8.59 The following Police Officers appeared before the Committee:

Assistant Superintendent of Police Martin Morrain	Criminal Investigations Department
Acting Sergeant Balkissoon Ramrattan	CentralPolice Station
Corporal Nizam Mohammed	CentralPolice Station
Constable Marlone Mitchell	CentralPolice Station

8.60 The oral evidence of the Police is at File II.

¹⁸ See Verbatim Record of Oral Evidence in File II Pages 109 to 111

¹⁹ See Verbatim Record of Oral Evidence in File II Pages 112 to 142

8.61 The Committee heard that on Wednesday September 15, 2004, Ag Sergeant Balkissoon Ramrattan, Corporal Nizam Mohammed and Constable Marlene Mitchell were on duty at the Central Police Station when around 3.30 p.m. Mr. Sharma, Mr. Ganga Singh and Mrs. Kamla Persad-Bissessar arrived at the station. Mr. Sharma made a report concerning an incident that occurred in Parliament earlier. Thereafter, accompanied by Mrs. Persad-Bissessar, Mr. Ganga Singh and Mr. Sharma they left the station for the Parliament building to conduct investigations.

The Station Diary

8.62 The relevant Official Extracts of the Central Police Station Diary of Wednesday September 15, 2004 are contained at pages 2-8 of File III.

8.63 The Committee carefully examined these extracts. The Committee noted that they contained the Police records of what was reported to them on the evening of the alleged incident by Mr. Sharma as well as their observations after their visit to the Members' Lounge. The Committee noted the following, recorded at Entry 70 No. 41 at 3:30 p.m of the Station Diary Entry of Wednesday September 15, 2004:

“Mr. Chandresh Sharma MP for Fyzabad, Kamla Persad-Bissessar MP for Siparia and also in the capacity of Attorney for Mr. Sharma and Ganga Singh MP for Caroni East arrived at the station reported that around 1.10 p.m. on 15/9/04 the former was sitting in the Tea Room at the Parliament in company with . . . Mr. Rowley and Mr. Sharma at the time were both having a conversation about housing arrangements in Trinidad and Grenada when Dr. Rowley became aggrieved and proceeded to pelt a coffee cup at Mr. Sharma. It is also alleged that Mr. Rowley pelted two (2) remote controls and a Panasonic cordless telephone at Mr. Sharma hitting him in his stomach. Mr. Rowley then left the tea room at the Parliament.”²⁰

8.64 Entry 70 No. 42 at 4:30 p.m. of the Station Diary Entry of Wednesday September 15, 2004 recorded the following:

“Ag. Sgt Ramrattan . . . , PC Mitchell and . . . Cpl. Mohammed returned to station off enquires and the latter reported having gone to the tea room and lounge area where Mr. Sharma pointed out to a spot in the area and told us something . . . A statement was requested from Mr. Sharma. Mr. Sharma was also given a medical report form to seek medical attention at the Port of Spain General Hospital. A statement was also requested from Ms. Prabha Singh who said that she would furnish one at a later date.”²¹

8.65 Entry 71 No. 44 at 4:31 p.m. of the Station Diary Entry of Wednesday September 15, 2004 recorded the following:

“reference to entry at page 70 paragraph 41. Mr. Sharma also reported that before he was pelted with the tea cup Mr. Rowley pushed him in his face and chest several times with his hands.”²²

²⁰ File III Pages 2 and 3

²¹ File III, Page 10

²² File III, Page 12

8.66 The Committee sought to obtain from the Police reasons why Entry 71 No. 44 was recorded at 4:30 p.m. one (1) hour after the initial record, having regard to the seriousness of what was reported, i.e., physical assault, and was informed that this was as a consequence of an omission due to human error on the part of the Police.

The Police Statements

8.67 The Committee sent for and received from the Commissioner of Police the written statements given to the Investigating Officer by the Police who recorded the report made by Mr. Sharma and conducted investigations on the day in question.

8.68 Ag. Sgt. Ramrattan's written statement was dated Monday September 20, 2004. In it he states that it was alleged that "Mr. Rowley became annoyed and poked his hand in his face. Mr. Rowley further threw a teacup at Mr. Sharma which he defended by raising his hands . . . Mr. Rowley further threw two TV remotes and a Panasonic cordless telephone at him which struck him in the stomach." ²³

8.69 PC Mitchell's written statement was dated Monday September 20, 2004. In it he states:

" . . . Mr. Rowley became annoyed and poked his hand in his face and chest. Mr. Sharma further reported that Mr. Rowley then threw two TV remotes at him and a cordless phone which struck him in his stomach. It is alleged that Dr. Rowley then threw a teacup at Mr. Sharma which he blocked with his hands . . ." ²⁴

8.70 On Friday September 27, 2004, PC Mitchell corrected his statement with the following additional statement:

" . . . I returned off enquires at 4:30 p.m. on 15/9/04, having read over the report made by Mr. Sharma, I observed that I had left out in human error where it was reported by Mr. Sharma that Mr. Rowley had pushed him in his face and chest several times with his hand." ²⁵

8.71 Cpl. Mohammed's written statement was dated Sunday September 19, 2004. His statement made no reference to a report of physical assault. On Friday September 27, 2004, he submitted a further statement to wit:

"Reference to report and para 41 page 70 dated 15/09/04 having read one the report made by Chandresh Sharma together with Number 16573 PC Mitchell observed that PC Mitchell had omitted where Mr. Sharma reported that Mr. Rowley push him in his face and chest several times with his hand."

23 File III, Page 23

24 File III, Page 24

25 File III, Page 24

Other Statements given to the Police

8.72 The Committee also sent for and received from the Commissioner of Police the written statements of the following:

Mr. Chandra Sharma
Dr. Roodal Moonilal
Mr. Kelvin Ramnath
Dr. Keith Rowley
Ms. Prabha Singh
Mr. Stanford Callender.

All these are included at File III.

The Media

(Date of Examination—Tuesday November 9, 2004)²⁶

8.73 The Committee considered news footage related to the incident and interviewed the following Media personnel:

The Express : Mr. Prior Beharry
The Guardian : Ms. Gail Alexander
Mr. Corey Connelly
The Newsday : Ms. Nalinee Seelal
Ms. Ria Taitt
Mr. Sean Douglas

8.74 The Committee sought to confirm the accuracy of statements reported to have been made to the Media by eyewitnesses or other persons connected with the incident.

8.75 However, the witnesses from the Media did not provide much assistance to the Committee. Ms. Ria Taitt of the Newsday, proved to be a particularly uncooperative witness who refused to answer certain questions of the Committee, claiming that she was not in a position to violate commitments since persons she had spoken to on the evening of Wednesday September 15, 2004 had instructed her that what they said was not for attribution. She maintained that a Journalist was under a duty to protect his/her sources.

²⁶ See Verbatim Record of Oral Evidence in File II Pages 143 to 179

Dr. Saran Valdez²⁷

(Date of Examination—Thursday December 2, 2004)

8.76 Dr. Saran Valdez told the Committee that on the evening of the Wednesday September 15, 2004 she was on duty on the 4:00 p.m. to midnight shift at the Accident and Emergency Department of the Port-of-Spain General Hospital. She was the screening Doctor, which meant that she was the Doctor at the front desk who would oversee the intake of patients.

8.77 At or around 5:15 p.m., Mr. Sharma arrived at the Accident and Emergency Department and presented a history of having allegedly been hit across the face, cuffed to the chest, slapped to the right cheek, and hit with an object on his right hand, four hours earlier. He did not specify what the object was. He complained of pain in the right cheek. So she proceeded to ask other general questions concerning his general medical condition and to examine him.

8.78 On examination she discovered that he had a mild area of redness to the right hand and that his chest area was mildly tender when touched. She took his blood pressure and his pulse and wrote a prescription for medication for the pain.

8.79 She confirmed having seen a little redness on Mr. Sharma's right hand but indicated that the other symptoms that were elicited would have been based on what Mr. Sharma said while being examined.

8.80 When asked whether she personally observed any swelling or redness on Mr. Sharma's face she responded in the negative. She confirmed that she opened his shirt and looked at his chest and did not see any swelling or redness but when she pressed the area he said that he felt pain. She also caused an X-ray to be taken of the chest area to see if there was any bone injury and found that there was none.

8.81 The Committee referred to a medical report, issued by her, which listed "soft tissue injury to the face, chest and right hand" and asked for an explanation. Dr. Valdez explained that the soft tissue injury referred to was a medical description that was based on the history presented and the finding of the redness to the hand.

8.82 She confirmed that Mr. Sharma's blood pressure was hypertensive—153 over 104. She said that that was consistent with a person who is hypertensive. She indicated that Mr. Sharma had informed her that he was hypertensive.

8.83 The Committee again referred to the medical report, specifically to the statement that the injuries were probably inflicted with "a blunt object with mild to moderate force" and asked Dr. Valdez to explain how she arrived at that assessment. She explained that that was purely subjective, again based on the history presented.

27 See Verbatim Record of Oral Evidence in File II Pages 180 to 186

ANALYSIS OF EVIDENCE AND FINDINGS

First Allegation

Mr. Sharma verbally abused and insulted him in the precincts of the House by repeatedly accusing him of being racist in the performance of his duties; such action has breached his privileges, insofar as it was dishonourable and affected his ability to go about his business.

9.1 Mr. Sharma denied calling Dr. Rowley a racist.

9.2 Two witnesses testified to hearing Mr. Sharma call Dr. Rowley a racist. Other witnesses testified that although they did not actually hear Mr. Sharma call Dr. Rowley a racist they heard Dr. Rowley ask Mr. Sharma “Are you calling me a racist?”

9.3 The evidence of Dining Room Attendant Ms. Prabha Singh was heavily relied upon by the Committee in arriving at the conclusion that, on a balance of probabilities, this complaint has been established. Prabha Singh had been serving Members of Parliament in the Parliament’s Dining Room since 1999 and is well known for her professionalism. For a fact, on Wednesday September 15, 2004 Ms. Singh was assigned to the Members’ Dining Room by the Dining Room Supervisor, Mrs. Wilma Spencer. A totally independent witness, Ms. Singh told the Committee that she heard Mr. Sharma call Dr. Rowley a racist.

9.4 This was corroborated by the evidence of Mr. Stanford Callender.

9.5 Mr. Ramnath stated that he did not hear Mr. Sharma call Dr. Rowley a racist but confirmed Dr. Rowley questioned Mr. Sharma “Are you calling me a racist?” Although Dr. Moonilal initially denied hearing the word ‘racist’, during questioning, he admitted to having heard Dr. Rowley saying “you calling me a racist?”.

Finding

9.6 There was sufficient evidence to conclude, on a balance of probabilities, that Mr. Sharma did accuse Dr. Rowley of being racist in the performance of his duties, although one member believed that this was not established.

9.7 The Committee spent quite some time discussing this allegation and the relevant evidence. Two Members of the Committee believed that given the context of the conversation, Mr. Sharma’s response could not be viewed in isolation.

9.8 Other Committee Members believed that for a Member of the House to refer to another Member as “racist” is reprehensible behaviour, and two of these Committee Members reasoned that such an accusation would have impeded or was likely to impede Dr. Rowley in the performance of his duty as a Member of the House and as a Minister.

9.9 However, as stated earlier, to constitute contempt the behaviour in question must obstruct or impede or have the tendency to obstruct or impede the Member in the performance of his functions.²⁸ After careful deliberations, the Committee, with the exception of two Members, determined that no finding of breach of privilege or contempt has been made.

Second Allegation

Members of Parliament misrepresented the facts of the altercation in such a manner so as to bring Dr. Rowley into disrepute as a Member of Parliament and have by their public utterances brought all honourable Members as well as the entire House into odium and ridicule.

9.10 The Committee was convinced that there were wide and varying reports in the Media surrounding this altercation. Recorded News footage was obtained from media organizations. It was observed that Members of Parliament gave early nebulous though damaging reports to the Media.

9.11 The Committee looked at News footage of Wednesday September 15, 2004. On the 7.00 p.m. TV 6 footage, one Member who was interviewed outside of the Port-of-Spain General Hospital said:

“The doctor has examined him, Dr. Valdez, and she has advised that he may have to be admitted because his blood pressure is seriously elevated. So that’s why we came out here now to tell you this, we may have to go back in there . . . If this is the message the government wants to send from one of its senior Ministers, if we are there in the Parliament we are there as part of our duty as representatives of the people, and Chandresh Sharma was there in that capacity. If this is a message of brute force, I want to make it very clear, that we discussed it in the caucus, that we will not allow this kind of brutish behavior to prevent us from doing our duty”.

9.12 Another Member, also recorded on the 7.00 p.m. TV6 footage said:

“It was reported to the caucus, to which I am the Chairman, that an incident took place in the tea room. It appears that Dr. Rowley in a discussion with Chandresh Sharma, assaulted him, pelt him with a teacup which broke, pelt him with a remote control, a television remote control in the tea room, and a cordless telephone, he also, I think, slapped him on his face and so on . . .

First it’s a shocking behavior by any parliamentarian, more so, a former Deputy Political Leader, and certainly a sitting Minister of Parliament, a sitting Minister of Government. Thus, it constitutes a breach of the privileges of Parliament certainly, and it is done within what is generally a relaxed atmosphere in the tea room. So clearly there appears to be anger on the part of the government.”

²⁸ Erskine May, Parliamentary Practice (Twenty-Third Edition, 2004), Sir William McKay, KCB, Editor, LexisNexis, Butterworths, Chap. 8, Page 128

9.13 It is unfortunate that unverified matters were placed in the public domain and made the subject of speculation and great debate even before such an important matter was reported to the Speaker of the House. The Committee finds it regrettable that this alleged incident was not reported to the Speaker right after it had occurred, or during the Sitting of the House or immediately thereafter. Indeed the Speaker was only officially informed of the incident when the Members concerned submitted their letters of September 16th and 17th, by which time it was well within in the public domain through the media. Had this matter been brought to the attention of the Speaker before it was gratuitously aired in the media, the resulting damage to the institution of Parliament could have been avoided. The rest is history and the consequences regrettable. There was widespread negative reflection not only on the Member involved but on all Honourable Members. On the basis of what they were told, the public spent more than the usual “ten” days deriding the House and its Members. Already held in doubtful esteem, the House was subject to unwarranted ridicule and scorn.

Finding

9.14 There is sufficient evidence to conclude that Members of Parliament by their behavior in presenting an ill-founded version of the events of Wednesday September 15, 2004 brought a Member of Parliament into disrepute and have also brought dishonour upon the House of which they are Members.

9.15 In the past, the House of Commons of the United Kingdom treated as contempt various affronts to its dignity, such as insults addressed to the House or Members, and defamations of the House or the Speaker or individual Members. Newspapers, and later broadcasts, were once a focus of Members' complaints²⁹.

9.16 But times have changed. The Commons decision in 1978³⁰ now requires evidence of substantial deliberate interference before a matter is treated as contempt except for a serious defamation of the Speaker or other occupants of the Chair. For this reason only, the Committee decided against a finding of contempt.

Third Allegation

9.17 Mr. Sharma alleged a series of assaults—

Firstly—Dr. Rowley hit Mr. Sharma in the area of his left chin with the “heel of his right hand”

9.18 With respect to the first assault, Mr. Sharma alleged that when Dr. Rowley approached him he stood up and Dr. Rowley proceeded to hit him in the area of his left chin with the heel of his right hand. Mr. Sharma assisted the Committee by demonstrating to the Committee exactly how he was hit.

²⁹ Second Report of the Committee of Privileges, HC (1956–57) 38

³⁰ CJ (197–78) 170

9.19 Dr. Rowley denied assaulting Mr. Sharma.

9.20 Dr. Moonilal stated that Dr. Rowley first chucked Mr. Sharma while he was seated. This contradicted Mr. Sharma's statement that he was first hit while he was standing.

9.21 The only other witness who testified to having seen actual physical contact was Mr. Ramnath who, to the contrary, testified to having seen both men standing exchanging heated remarks when "Dr. Rowley's left hand landed on the right side of Mr. Sharma's face".

9.22 Mr. Stanford Callender did not witness this alleged assault.

9.23 Ms. Prabha Singh stated that she saw Dr. Rowley walk towards Mr. Sharma who stood up. She recalled hearing them talking loudly and saw Dr. Rowley look in her direction. She testified that she did not see Dr. Rowley make any physical contact with Mr. Sharma.

Secondly—Dr. Rowley pushed/struck Mr. Sharma in the chest tossing him backwards over the chair and against the wall. When he regained his balance Dr. Rowley pushed him in the chest again.

9.24 Mr. Sharma told the Committee that Dr. Rowley threatened to send down his (expletive) teeth and proceeded to push/strike him in the chest which sent him backwards over the chair and against the wall. When he regained his balance, Dr. Rowley pushed him once again in his chest. In explaining this attack on his person, Mr. Sharma again demonstrated by acting out what happened. Committee Members were shown the extent to which the force of the push/strike to the chest caused Mr. Sharma to over balance to the point that he fell backwards against his chair. However, no witness corroborated Mr. Sharma's statement about being so assaulted.

9.25 Although Dr. Moonilal said that he witnessed Dr. Rowley chuck Mr. Sharma in his chest on more than one occasion and Mr. Ramnath indicated that he saw some "pushes to the chest", their versions of what transpired differed markedly and were significantly inconsistent with Mr. Sharma's version.

9.26 Mr. Callender did not witness any such physical contact.

9.27 Ms. Singh saw no physical assault of any kind and it is important to mention that from where she stood at the bain-marie, Ms. Singh had a clear line of vision to Dr. Rowley, Mr. Sharma and Dr. Moonilal.

9.28 In addition, no other witness testified to having heard the threat made by Dr. Rowley to send down Mr. Sharma's teeth.

Thirdly—Dr. Rowley struck Mr. Sharma to the face, with his left hand.

9.29 Mr. Sharma also told the Committee that after striking him to the chest, Dr. Rowley then struck him with his left hand to the face.

9.30 Mr. Ramnath's version of this assault also differed significantly from Mr. Sharma's. Mr. Ramnath recalled that after the "pushes to the chest" Mr. Sharma remarked "If I were not in this Tea Room" and immediately received a slap "to the left side of his face from Dr. Rowley's right hand".

9.31 Dr. Moonilal first indicated that he saw Dr. Rowley "poke" Mr. Sharma to the face on two or three occasions and that on one occasion it was done in a menacing way. During questioning by the Committee Members however, he appeared not to be quite certain as to exactly how many "pokes" he saw

9.32 Mr. Callender did not witness this alleged assault

9.33 Ms. Singh testified that she did not witness this assault.

Fourthly—Dr. Rowley pelted him first with a teacup which hit him on his right hand, then with two remote controls and a cordless phone.

9.34 Mr. Sharma further told the Committee that Dr. Rowley pelted him, first with a teacup, then with two remote controls and finally with a cordless telephone.

9.35 During his statements to the Committee detailing this specific assault, Mr. Sharma indicated that after the first series of assault during which he was struck on the chest and face, Dr. Moonilal pulled Dr. Rowley to his seat and they all resumed seating. He said that they both continued arguing and Dr. Rowley pelted him with a teacup which hit him on his right hand, because he braced. He added that Dr. Rowley thereafter pelted him with two remote controls and a cordless phone. He testified that he was certain that he was "pelted".

9.36 Mr. Ramnath indicated that Dr. Rowley challenged Mr. Sharma to hit him and then threw objects at Mr. Sharma. He identified these objects as two remote controls, one cordless telephone and one teacup. He told the Committee that the teacup hit Mr. Sharma on his right hand. He said that Dr. Rowley did not pelt the objects but instead threw them in anger. He was unsure whether Dr. Rowley actually tossed the teacup or slapped it in the direction of Mr. Sharma but was certain that it emanated from Dr. Rowley.

9.37 Dr. Moonilal also confirmed that Dr. Rowley challenged Mr. Sharma to hit him before flinging several items at Mr. Sharma. He identified these as two remote controls, a cordless telephone and a teacup. He stated that, Dr. Rowley "violently flung" the objects at Mr. Sharma, including the teacup, which Mr. Sharma deflected with his wrist. Dr. Moonilal also testified that the other items struck Mr. Sharma in the mid area and fell to his lap.

9.38 Mr. Callender testified that he heard Dr. Rowley challenge Mr. Sharma to hit him. He reported hearing Dr. Rowley say “You want to bus meh head? . . . well use this”. He indicated that these words were followed by Dr. Rowley sliding the remote controls and the cordless phone towards Mr. Sharma along the table that divided the chairs. He stated that the teacup was the last item Dr. Rowley slid in the direction of Mr. Sharma and that this teacup was batted away by Mr. Sharma, and fell to the floor and broke.

9.39 Ms. Singh testified that she moved to the coffee station area and as a result, was no longer able to see the Members in the Lounge area. She therefore would not have been able to witness any alleged pelting, but she confirmed that she heard a noise which she could not identify. She recalled hearing Dr. Moonilal telling Mr. Sharma to be quiet and asking Dr. Rowley to walk away. She immediately left the Dining Room, passed quickly through the Lounge area and upon entering the Pantry Area was asked by another Dining Room Attendant if something had broken, to which she responded no. She admitted however, that upon returning to the Lounge shortly thereafter she discovered a broken teacup lying on the floor.

9.40 The Committee noted with interest the proximity of the Members. Dr. Rowley and Mr. Sharma were separated by a mere 4 ft. The Committee was convinced that any violent pelting/flinging/throwing within such close proximity would certainly have resulted in serious if not grievous bodily harm and would have been observed by all present in the room at the time.

9.41 The Committee carefully considered all the evidence related to this alleged assault. It visited the Members’ lounge area and noted the seating arrangements. It considered the fact that no witness to this alleged assault (including Mr. Sharma) testified to having seen Mr. Sharma make any effort to avoid being hit by these objects as they were pelted/flung/thrown at him and found this to be quite unusual. The Committee is satisfied that it is more likely than not, that Dr. Rowley sent the objects identified in the direction of Mr. Sharma, along the coffee table, while seated. The Committee felt certain that the teacup made contact with Mr. Sharma’s right hand but had to arrive at a conclusion as to the nature of the contact. Based on the evidence, the Committee is of the view that it is quite likely that Mr. Sharma did indeed bat away the teacup in the manner described by the majority of witnesses.

9.42 In its investigation of this allegation—a series of physical assaults—the Committee also carefully considered the evidence of Doctor Valdez. It was noted that the conclusions arrived at by the Doctor in her medical report were for the most part based on the reports made to her by Mr. Sharma, save and except for the redness to the hand. Contrary to the evidence of Mr. Sharma, Dr. Valdez testified that while examining Mr. Sharma, she saw no swelling or redness to his face or chest. With respect to the redness she observed to the hand, the Committee believes that this may possibly have resulted from Mr. Sharma’s contact with the teacup in any of the ways described by the eyewitnesses to the incident. As a consequence, the Committee did not find that the Medical Report supported the claim of physical assault.

9.43 The Committee also took careful note of the fact that Mr. Sharma who testified to having been violently assaulted to such a serious extent that he was in pain, shock and suffered numbness, was able notwithstanding to make his way, in the usual manner, to the parliament chamber and, moreover, to fully participate in the proceedings of the House which followed. Despite the battering, no attempt was made to bring this grave situation to the immediate attention of the Speaker before the sitting or to the attention of the House during the sitting, which in the opinion of the Committee would have been appropriate and procedurally in order. Neither was there an attempt to bring the matter to the Speaker's attention immediately after the conclusion of the sitting.

9.44 The Committee also carefully considered the evidence submitted by the Police. It examined the Police Station Diary and took careful note of what was recorded by the Police as having been reported to them on the day of the incident. However the admission by the Police that they had omitted a portion of the report given to them by Mr. Sharma and then included it in a subsequent entry was of grave concern to the Committee.

Findings

Irreconcilable conflict of Evidence

9.45 The Committee was presented with allegations of a very serious nature; i.e. physical assault of a Member within the precincts of the House. The Committee believed that, more likely than not, Dr. Rowley became indignant at the accusations leveled at him and did indeed confront Mr. Sharma. Indeed one Committee Member believed that Dr. Rowley's response was seemingly challenging and that Mr. Sharma may possibly have easily taken Dr. Rowley's reaction as a threat, while another member found that the allegations made by Mr. Sharma against Dr. Rowley were established.

9.46 Ultimately however, the Committee found that it was not possible to reconcile the conflicting versions of the alleged physical assault as provided by those who testified to having been eyewitnesses of this alleged assault. The Committee also found that the evidence of the non-partisan witnesses³¹ was substantially at variance with the evidence of the alleged victim.

9.47 There was therefore insufficient evidence to conclude that Dr. Rowley committed any of the physical assaults alleged by Mr. Sharma.

31 Ms. Prabha Singh and Dr. Saran Valdez

CONCLUSIONS

Findings

10.1 Based on an examination of all relevant evidence, the Committee arrived at the following findings:

- (a) An altercation between Dr. Keith Rowley and Mr. Chandresh Sharma occurred in the Members' Lounge of the Parliament on Wednesday September 15, 2004. There were four eyewitnesses to this altercation, three Members of the House and one member of the staff of the Parliament. These eyewitness were Messrs. Kelvin Ramnath, Stanford Callender and Dr. Roodal Moonilal as well as Ms. Prabha Singh;
- (b) Dr. Rowley and Mr. Sharma had a conversation during which there was an exchange of words and raised voices. During the altercation, Mr. Sharma called Dr. Rowley a racist;
- (c) Dr. Rowley got indignant and in exasperation, sent objects in the direction of Mr. Sharma, along the table that separated them;
- (d) Other Members of Parliament gave unsubstantiated versions of the incident to the Media which resulted in widespread ridicule of Members generally by the public, the result of which was a lowering of the dignity of the House of Representatives and all honourable Members;
- (e) There was an insufficiency of evidence to support the allegations of a series of physical assaults on Mr. Chandresh Sharma by Dr. Rowley.

10.2 No breach of privilege or contempt has been established.³²

General Comments

Precincts

10.3 Prior to the commencement of its work, one member questioned whether the Members' Dining room and Lounge fell within the definition of parliamentary precincts, drawing reference to Section 2 of the House of Representatives Powers and Privileges Act, Chap.2:02 which defined precincts as 'the room in which the House sits and the galleries adjacent thereto'.

10.4 Historically however, the term Parliamentary Precinct has more often been defined according to its uses than its geography. Consequently, the "Precinct" has often been used to mean premises occupied by the Senate and the House of Representatives, including the Library of Parliament and the offices in which the work of Parliament is conducted, all of which come under the exclusive control and authority of the Speaker of the House.

³² See paragraphs 4.5, 4.6, 9.9 and 9.16 Supra

10.5 Within the Red House, it is the Speaker alone who has the authority to determine the use of space and such matters as the allocation of offices, committee rooms and dining room facilities.

10.6 For most practical purposes then, Parliament is regarded as the only place of its kind and one in which the two Houses through their Presiding Officers have exclusive jurisdiction. This is undeniably one of the privileges, powers and immunities of our Parliament which is itself part of the ordinary law to be found in our 1976 Constitution itself³³. Thus, in Parliament, the Police are subject to the authority of the Speaker and President and their powers are limited by the powers and privileges of the respective Houses. Such limitations are not based on any presumed sanctity attached to the building as such, but on the principle that the Parliament should be able to conduct its business without interference or pressure from any outside source.

Code of Behaviour

10.7 Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring the House or its Members generally into disrepute³⁴.

Sgd
BARENDRA SINANAN
Chairman

Sgd
PENNELOPE BECKLES
Member

Sgd
GILLIAN LUCKY
Member

Sgd
JOHN RAHAEL
Member

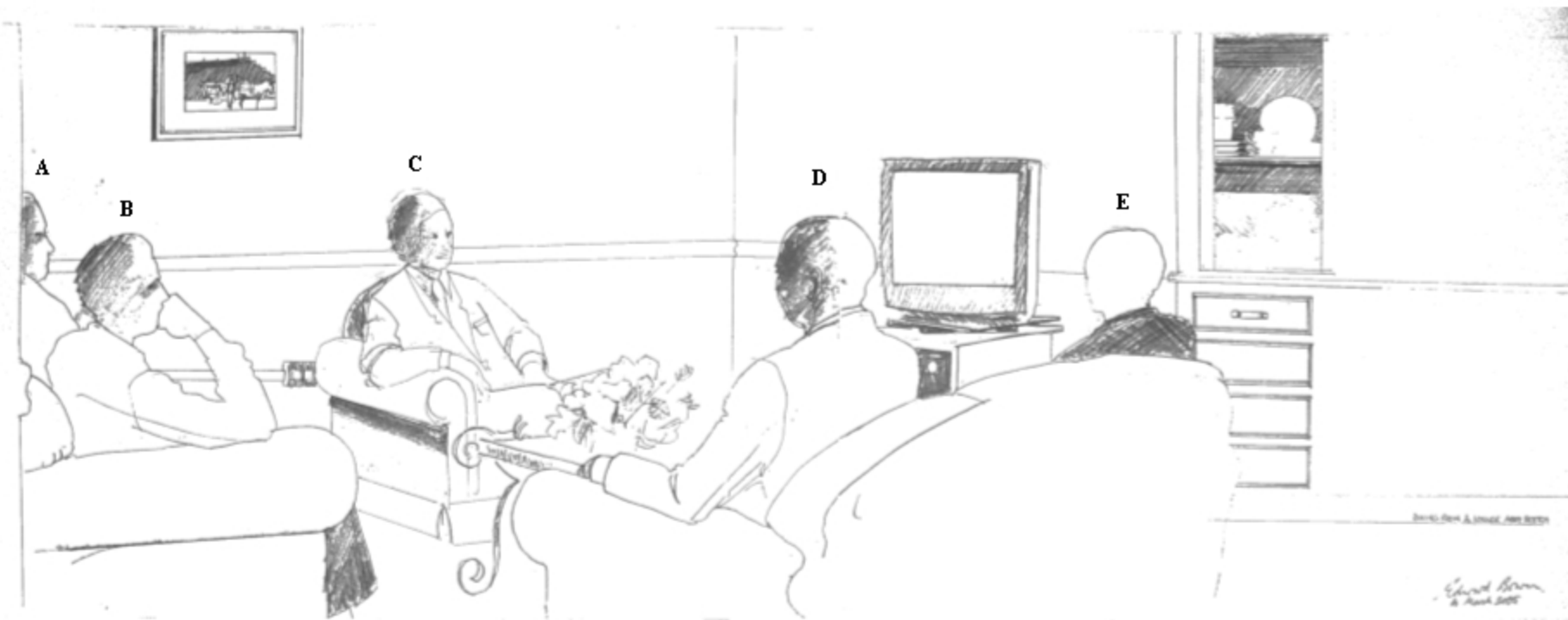
Sgd
SUBHAS PANDAY
Member

Sgd
HEDWIGE BERAUX
Member

March 16, 2005.

³³ SeePart V Supra

³⁴ Erskine May, Parliamentary Practice (Twenty-Third Edition, 2004), Sir William Mckay, KCB, Editor, LexisNexis, Butterworths, Chap. 20 Page 482



A - Mr. Kelvin Ramnath
B - Mr. Stanford Callender
C - Mr. Chandresh Sharma
D - Dr. Keith Rowley
E - Dr. Roodal Moonilal

MINUTES OF THE FIRST MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN
COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE,
PORT OF SPAIN ON FRIDAY OCTOBER 01, 2004

Present

Mr. Barendra Sinanan—Chairman
Mrs. Camille Robinson-Regis—Member
Mrs. Kamla Persad-Bissessar—Member
Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Absent

Ms. Penelope Beckles—Member (Excused)
Mr. John Rahael—Member (Excused)

Introduction

1.1 The Chairman called the Meeting to order at 9:37 a.m. and thanked Members for attending.

Consideration of Matters Referred to the Committee

2.1 Reference was made to the matters referred to the Committee of Privileges, involving-

“allegations by Dr. Keith Rowley and Mr. Chandresh Sharma arising out of an altercation which occurred in the Members’ Lounge of the Parliament on Wednesday September 15, 2004”

2.2 The Committee decided that Mrs. Kamla Persad-Bissessar be substituted by another member of the Opposition for the duration of the deliberations of the Committee on the matters before it.

2.3 After a short discussion, the Committee decided to begin its examination of witnesses at its next meeting, beginning with Mr. Chandresh Sharma followed by Dr. Keith Rowley.

Adjournment

3.1 The meeting was adjourned to Friday October 08, 2004 at 10:00 a.m.

3.2 The adjournment was taken at 9:50 a.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

October 01, 2004

MINUTES OF THE SECOND MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN
COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT
OF SPAIN ON FRIDAY OCTOBER 08, 2004

Present

Mr. Barendra Sinanan—Chairman
Mrs. Camille Robinson-Regis—Member
Ms. Penelope Beckles—Member
Mr. John Rahael—Member
Ms. Gillian Lucky—Member
Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Available were the following witnesses:

Dr. Keith Rowley
Mr. Chandresh Sharma

Introduction

1.1 At 10:10 a.m the Chairman called the Meeting to order and thanked Members for attending.

Confirmation of Minutes

2.1 Mr. Subhas Panday moved that the Minutes of the first meeting held on Friday October 01, 2004 be confirmed. Mrs. Camille Robinson-Regis seconded the motion.

2.2 The Minutes of the first meeting were accordingly confirmed.

Matters Arising from the Minutes

3.1 The Chairman informed the Committee that he had appointed Miss Gillian Lucky to be the substitute for Mrs. Kamla Persad-Bissessar for the duration of the deliberations of the Committee on the matters before it.

Consideration of Matters Referred to the Committee

Examination of Witnesses

4.1 The Chairman explained the procedures to be adhered to during the examination of witnesses.

4.2 The Committee decided that in the interest of fairness it would not permit Mr. Sharma to be present when it hears from Dr. Rowley and vice versa, but that they can be present when other persons appear before the Committee.

4.3 Mr. Panday raised certain procedural points including the question of what constitutes a breach of privilege. After a lengthy discussion, the Committee decided to give Mr. Panday until Friday October 15, 2004 to make written submissions to the Committee outlining the procedural issues of concern to him. It was agreed that such issues would be addressed at the Committee's meeting on Wednesday October 20th, 2004.

Other Business

5.1 Mrs. Regis informed the Committee that she will be absent from the country on official business for a month and requested to be replaced on the Committee during her absence.

5.2 The Chairman advised that there was no precedent for the temporary appointment of Members on Committees due to the absence of Committee Members and recommended that the Member write to him requesting to resign from the Committee, under the circumstances.

Adjournment

6.1 The meeting was adjourned to Wednesday October 20, 2004 at 2:00 p.m.

6.2 The adjournment was taken at 11:00 a.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

October 11, 2004

MINUTES OF THE THIRD MEETING OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN ON FRIDAY OCTOBER 22, 2004

Present

Mr. Barendra Sinanan—Chairman

Mr. Hedwige Bereaux—Member

Ms. Penelope Beckles—Member

Mr. John Rahael—Member

Ms. Gillian Lucky—Member

Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary

Mrs. Jacqueline Stoute—Asst. Secretary

Available were the following witnesses:

Dr. Keith Rowley

Mr. Chandresh Sharma

Introduction

1.1 The Chairman called the Meeting to order at 3:25 p.m. and thanked Members for attending.

Confirmation of Minutes

2.1 The following amendments were made to the Minutes of the Second Meeting:

- (i) Under the list of names present, delete the name 'Mrs. Kamla Persad-Bissessar' and substitute the name "Ms. Gillian Lucky"
- (ii) Delete the words "also present" and substitute the word "Available"
- (iii) Delete paragraph 4.2 and substitute the following:

"4.2. The Committee decided in the interest of fairness it would not permit Mr. Sharma to be present when it hears from Dr. Rowley and vice versa, but that they can be present when other persons appear before the Committee"

2.3 Mr. John Rahael moved that the Minutes of the second meeting held on Friday October 08, 2004 be confirmed. Ms. Gillian Lucky seconded the motion.

2.4 The minutes of the second meeting were accordingly confirmed.

Matters arising from the Minutes

3.1 The Chairman informed the Committee that he had appointed Mr. Hedwige Bereaux to replace Mrs. Camille Robinson-Regis, who had resigned from the Committee, due to pressing official business.

3.2 The Chairman also informed the Committee that Mr. Subhas Panday had submitted his opinion on procedural matters earlier that morning and that attempts were made by the Committee's Secretariat to respond to the points raised by Mr. Panday. He advised Members that both sets of documents had been circulated to them.

3.3 Mr. Panday apologized for the lateness of his submission and he explained that his work was hindered by the Budget Debate which required his attendance.

3.4 A discussion ensued during which the Chairman clarified procedural issues. At the end of the discussion the Committee agreed to proceed with its work. However, both Mr. Panday and Ms. Lucky placed on record their concerns about possible pre-trial publicity

Examination of Witnesses

4.1 The Committee met with Mr. Sharma and Dr. Rowley in that order. (See notes of evidence attached)

4.2 The following was made clear to both witnesses:

(i) There is no provision in the standing orders or any statutory provision for a witness before a committee of the House to be represented by counsel.

(ii) However, there are precedents in the UK and several other jurisdictions for committees to permit witnesses to have counsel or advisers present in an advisory capacity during hearings. Persons permitted to accompany and assist witnesses need not be lawyers—for example, Members appearing before the Committees of Privileges in the United Kingdom have been accompanied by research assistants. The role of such persons is emphatically that of adviser rather than representative. Witnesses have been permitted to converse freely with such advisers, but the advisers have not been permitted, for example, to:

- present evidence in support of a witness or the witness's submission;
- object themselves to procedures or lines of questioning pursued by the committee; or
- ask questions of witnesses.

(iii) The Parliament would not be responsible for paying advisors.

(iv) Advisors cannot be Members of either House.

4.3 The Committee agreed to continue the examination of Mr. Sharma at 4:00 p.m. on Wednesday October 27, 2004, at which time Mr. Sharma will be accompanied by his advisors.

4.4 It was agreed that the Committee's examination of Dr. Rowley would also continue on Wednesday October 27, 2004 at 5:00 p.m.

Adjournment

5.1 The meeting was adjourned to Wednesday October 27, 2004 at 4:00 p.m.

5.2 The adjournment was taken at 5:42 p.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

October 25, 2004

MINUTES OF THE FOURTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN
COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT
OF SPAIN ON WEDNESDAY OCTOBER 27, 2004

Present

Mr. Barendra Sinanan—Chairman
Mr. Hedwige Bereaux—Member
Ms. Penelope Beckles—Member
Mr. John Rahael—Member
Ms. Gillian Lucky—Member
Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Available were the following witnesses:

Dr. Keith Rowley
Mr. Chandresh Sharma

Introduction

1.1 At 4:19 p.m. the Chairman called the Meeting to order and thanked Members for attending.

Confirmation of Minutes

2.1 The Minutes of the Third Meeting were amended as follows:

(v) In paragraph 4.2 (ii), delete the word “evident” and substitute the word “evidence”

2.2 Mr. John Rahael moved that the Minutes of the third meeting held on Friday October 22, 2004 as amended, be confirmed. Ms. Gillian Lucky seconded the motion.

2.3 The Minutes of the second meeting were accordingly confirmed.

Matters Arising from the Minutes

3.1 The Chairman informed Members that Mr. Sharma had faxed a list of questions to the Secretary on October 26, 2004 and that responses were prepared and issued to Mr. Sharma on the said day.

Examination of Witnesses

4.1 The Committee examined the following witnesses :

(i) Mr. Sharma
(ii) Dr. Rowley

4.2 The Committee agreed to continue its deliberations on the matters before it by examining the following witnesses at its next meeting on Tuesday November 02, 2004 beginning at 3:00 p.m.:

- (i) Mr. Kelvin Ramnath
- (ii) Mr. Standford Callender
- (iii) Dr. Roodal Moonilal
- (iv) Ms. Prabha Singh

Adjournment

5.1 The meeting was adjourned to Tuesday November 02, 2004 at 3:00 p.m.

5.2 The adjournment was taken at 8:05 p.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

October 25, 2004

MINUTES OF THE FIFTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN
COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT
OF SPAIN ON TUESDAY NOVEMBER 02, 2004

Present

Mr. Barendra Sinanan—Chairman
Mr. Hedwige Bereaux—Member
Ms. Penelope Beckles—Member
Mr. John Rahael—Member
Ms. Gillian Lucky—Member
Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Available were the following witnesses:

Dr. Roodal Moonilal
Mr. Stanford Callender
Ms. Prabha Singh

Introduction

1.1 The Chairman called the Meeting to order at 3:10 p.m. and thanked Members for attending.

Confirmation of Minutes

2.1 Mr. Penelope Beckles moved that the Minutes of the fourth meeting held on Wednesday October 27, 2004 be confirmed. Ms. Gillian Lucky seconded the motion.

2.2 The Minutes of the fourth meeting were accordingly confirmed.

Matters Arising

3.1 The Chairman informed the Committee that the following persons have been requested to appear before the Committee in accordance with the Committee's decision taken at the last meeting:

Dr. Roodal Moonilal
Mr. Stanford Callender
Mr. Kelvin Ramnath
Ms. Prabha Singh

3.2 The Chairman also informed the Committee that Mr. Ramnath had faxed a letter to the Secretary on the afternoon of Monday November 1 informing her of his inability to attend.

3.3 The Committee was also told that Dr. Rowley had submitted copies of the Media reports referred to by him at the last meeting. (Copies were circulated)

3.4 The Chairman advised Members that the Commissioner of Police had been requested to submit reports/statements before him related to the matter, in keeping with the Committee's decision.

Examination of Witness

4.1 The Committee examined the following witnesses :

- (i) Dr. Roodal Moonilal
- (ii) Mr. Stanford Callender
- (ii) Ms. Prabha Singh

4.2 The Committee agreed to next meet on Friday November 5, 2004 after the adjournment of the House. It was decided that on that day, Mr. Kelvin Ramnath should be requested to appear first before it. Also on that day, the Committee would consider media footage related to a press conference held on Friday September 17, 2004 in connection with the matter before it. Thereafter it would examine the following other witnesses:

- (v) Ms. Joan De Silva Margot (Speaker's Secretary)

Reporters:

- (vi) Mr. Prior Beharry
- (vii) Mr. Gail Alexander
- (viii) Ms. Nalinee Seelal
- (ix) Ms. Ria Taitt
- (x) Mr. Sean Douglas
- (xi) Mr. Corey Connelly

4.3 The Secretary was instructed to send for the related media footage. The Secretary was also instructed to request the Police Officers to whom reports on the alleged incident were made to appear before the Committee at its next subsequent meeting, which was scheduled for Tuesday November 9 at 3:00 p.m..

Adjournment

5.1 The meeting was adjourned to Friday November 05, 2004 at 4:35 p.m.

5.2 The adjournment was taken at 5:37 p.m..

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

November 03, 2004

MINUTES OF THE SIXTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN
COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT OF
SPAIN ON TUESDAY NOVEMBER 09, 2004

Present :

Mr. Barendra Sinanan—Chairman
Mr. Hedwige Bereaux—Member
Ms. Penelope Beckles—Member
Mr. John Rahael—Member
Ms. Gillian Lucky—Member
Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Available were the following witnesses:

Mr. Kelvin Ramnath
Ms. Joan De Silva Margot (Speaker's Secretary
Sergeant Ramrattan —#8039
Corporal Mohammed—#10081
Constable Mitchell—#16573
Ag. Superintendent Morrain

Express::

Mr. Prior Beharry

Guardian::

Ms. Gail Alexander
Mr. Corey Connelly
Ms. Naline Seelal
Ms. Ria Taitt
Mr. Sean Douglas

Introduction

1.1 The Chairman called the Meeting to order at 3:25 p.m. and thanked Members for attending.

Confirmation of Minutes

2.1 Ms. Gillian Lucky moved that the Minutes of the fifth meeting held on Tuesday November 02, 2004 be confirmed. Mr. Hedwige Bereaux seconded the motion.

2.2 The Minutes of the fifth meeting were accordingly confirmed.

Matters Arising

3.1 The Chairman informed the Committee that he was in receipt of two letters from Mr. Sharma which had been circulated to Members, the first of which (dated November 04, 2004) had been responded to by the Committee's Secretary.

3.2 After a short discussion the Committee agreed to make the Notes of Evidence taken on November 02, 2004 available to Mr. Sharma for his perusal. The Secretary was directed to inform Mr. Sharma of the Committee's decision and arrange a suitable area within the Secretariat for use by Mr. Sharma for this purpose.

3.3 The Chairman told the Committee that in response to a request from the Committee, the Commissioner of Police had submitted copies of relevant extracts of the station diary and statements obtained by the investigator assigned to the matter.

Examination of Witness

4.1 The Committee examined the following witnesses:

- (i) Mr. Kelvin Ramnath
- (ii) Ms. Joan De Silva Margot (Speaker's Secretary)
- (iii) Sergeant Ramrattan #8039
- (iv) Corporal Mohammed #10081
- (v) Constable Mitchell #16573
- (vi) Ag. Superintendent Morrain
- (vii) Express: Mr. Prior Beharry
- (viii) Guardian: Ms. Gail Alexander
Mr. Corey Connelly
- (ix) Newsday: Ms. Naline Seelal
Ms. Ria Taitt
Mr. Sean Douglas

4.2 The Committee considered media footage in connection with the matters before it.

4.3 It was agreed that, at this stage, Members of the Committee would consider the notes of evidence in preparation for the deliberative stage of the Committee's work.

Adjournment

5.1 The Committee agreed to next meet on November 24, 2004 when it will proceed to deliberate upon the evidence before it.

5.2 The meeting was adjourned at 3:00 p.m.

5.3 The adjournment was taken at 8:17 p.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

November 18, 2004

MINUTES OF THE SEVENTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN
COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT
OF SPAIN ON WEDNESDAY NOVEMBER 24, 2004

Present

Mr. Barendra Sinanan—Chairman

Ms. Penelope Beckles—Member

Ms. Gillian Lucky—Member

Ms. Jacqui Sampson Jacent—Secretary

Mrs. Jacqueline Stoute—Asst. Secretary

Absent/Excused

Mr. Hedwige Bereaux—Member

Mr. John Rahael—Member

Mr. Subhas Panday—Member

Introduction

1.1 The Chairman called the Meeting to order at 3:40 p.m.

Confirmation of Minutes

2.1 Ms. Penelope Beckles moved that the Minutes of the sixth meeting held on Tuesday November 09, 2004 be confirmed. Ms. Gillian Lucky seconded the motion.

2.2 The Minutes of the sixth meeting were accordingly confirmed.

Matters Arising

3.1 The Committee briefly discussed the evidence that it had obtained so far and agreed to continue its deliberations on the matters before it by calling the following witnesses at its next meeting on Thursday December 02, 2004 beginning at 3:00 p.m.:

(i) Dr. Saran Valdez

(ii) Mr. Fitzgerald Hinds

(iii) Ms. Wilma Spencer

Adjournment

4.1 The Committee agreed to next meet on Thursday December 02, 2004 at 3:00 p.m.

4.2 The adjournment was taken at 4:10 p.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

November 25, 2004

MINUTES OF THE EIGHTH MEETING OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN ON THURSDAY DECEMBER 02, 2004

Present

Mr. Barendra Sinanan—Chairman
Ms. Penelope Beckles—Member
Ms. Gillian Lucky—Member
Mr. Hedwige Bereaux—Member
Mr. John Rahael—Member
Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Absent/Excused

Mr. Subhas Panday—Member

Available were the following witnesses:

Dr. Saran Valdez
Mr. Fitzgerald Hinds
Ms. Wilma Spencer

Introduction

1.1 The Chairman called the Meeting to order at 3:15 p.m.

Confirmation of Minutes

2.1 Ms. Gillian Lucky moved that the Minutes of the seventh meeting held on Wednesday November 24, 2004 be confirmed. The Chairman seconded the motion.

2.2 The Minutes of the seventh meeting were accordingly confirmed.

Examination of Witnesses

3.1 The Committee examined the following witnesses:

(iv) Dr. Saran Valdez
(v) Mr. Fitzgerald Hinds
(vi) Ms. Wilma Spencer

3.2 The Committee made a brief visit to the tea room where the alleged incident occurred.

Adjournment

4.1 The Committee agreed to next meet on Wednesday December 15, 2004 at 3:00 p.m. to make comparisons and draw conclusions on the evidence it had taken.

4.2 The adjournment was taken at 4:45 p.m..

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

December 06, 2004

MINUTES OF THE NINTH MEETING OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN ON WEDNESDAY DECEMBER 15, 2004

Present

Mr. Barendra Sinanan—Chairman
Ms. Penelope Beckles—Member
Mr. John Rahael—Member
Mr. Subhas Panday—Member
Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Absent/Excused

Mr. Hedwige Bereaux—Member
Ms. Gillian Lucky—Member

Introduction

1.1 The Chairman called the Meeting to order at 3:37 p.m..

Confirmation of Minutes

2.1 Ms. Penelope Beckles moved that the Minutes of the eighth meeting held on Thursday December 02, 2004 be confirmed. Mr. John Rahael seconded the motion.

2.2 The Minutes of the eighth meeting were accordingly confirmed.

Consideration of Evidence

3.1 The Committee examined a worksheet on evidence before the Committee. It was agreed that similar worksheets should be prepared for the other witnesses who appeared before the Committee and be circulated in advance of the next meeting.

3.2 The Chairman requested that Members study the worksheets and be prepared to participate in the deliberations of the Committee at its next meeting when the Committee would seek to determine whether or not allegations of breaches of privileges have been supported by the evidence obtained.

Adjournment

4.1 The Committee agreed to next meet on Wednesday January 19, 2005 at 3:00 p.m.

4.2 The adjournment was taken at 4:19 p.m..

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

January 07, 2005

MINUTES OF THE TENTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD IN
COMMITTEE ROOM NO. 4, PARLIAMENT, THE RED HOUSE, PORT
OF SPAIN ON WEDNESDAY JANUARY 19, 2005

Present

Mr. Barendra Sinanan—Chairman
Ms. Penelope Beckles—Member
Mr. John Rahael—Member
Ms. Gillian Lucky—Member
Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Absent/Excused

Mr. Hedwige Bereaux—Member
Mr. Subhas Panday—Member

Introduction

1.1 The Chairman called the Meeting to order at 3:55 p.m.

Confirmation of Minutes

2.1 Mr. John Rahael moved that the Minutes of the ninth meeting held on Wednesday December 15, 2004 be confirmed. Ms. Penelope Beckles seconded.

2.2 The Minutes of the ninth meeting were accordingly confirmed.

Consideration of Evidence

3.1 The Committee examined the amended worksheets on evidence before the Committee.

3.2 The Table of Contents for the Report being prepared by the Chairman was approved (see Appendix).

3.3 Each Member of the Committee gave views on the 'Findings' in relation to the evidence obtained.

3.4 The Secretary was directed to liaise with those members who were absent with a view to obtaining their input on 'Findings' specific to the complaints.

Adjournment

4.1 The Committee was adjourned to a date to be fixed.

4.2 The adjournment was taken at 5:10 P.M.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

February 11, 2005

MINUTES OF THE ELEVENTH MEETING (INFORMAL) OF
THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF
REPRESENTATIVES HELD ON WEDNESDAY FEBRUARY 16, 2005

Present

Mr. Barendra Sinanan—Chairman

Ms. Penelope Beckles—Member

Mr. John Rahaeli—Member

Mr. Hedwige Bereaux—Member

Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary

Mrs. Jacqueline Stoute—Asst. Secretary

Absent/Excused

Ms. Gillian Lucky—Member

Introduction

1.1 The Chairman called the Meeting to order at 3:30 p.m..

Confirmation of Minutes

2.1 Ms. Penelope Beckles moved that the Minutes of the tenth meeting held on Wednesday January 19, 2005 be confirmed. Mr. John Rahael seconded.

2.2 The Minutes of the tenth meeting were accordingly confirmed.

Findings

3.1 The Chairman requested the comments of members who were absent from its meeting held on Wednesday January 19, 2005.

3.2 Mr. Panday opted to reserve his comments and agreed to submit same in writing by Wednesday February 23, 2005.

3.3 Mr. Bereaux gave his comments on the 'Findings' in relation to the evidence obtained.

Correspondence

4.1 Two pieces of correspondence from Mr. Sharma were circulated.

4.2 The Chairman's response to Mr. Sharma letters sent via the Secretary to the Committee was noted and endorsed by the Committee.

Other Business

5.1 The Chairman advised that subsequent to Mr. Panday's comments he will submit his draft report to the Committee.

Adjournment

6.1 The Committee was adjourned to a date to be fixed.

6.2 The adjournment was taken at 4:40 p.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

March 07, 2005

MINUTES OF THE TWELFTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD ON
WEDNESDAY MARCH 09, 2005

Present

Mr. Barendra Sinanan—Chairman

Mr. John Rahael—Member

Mr. Hedwige Bereaux—Member

Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary

Mrs. Jacqueline Stoute—Asst. Secretary

Absent/Excused

Ms. Gillian Lucky—Member

Ms. Pennelope Beckles—Member

Introduction

1.1 The Chairman called the Meeting to order at 4:30 p.m..

Confirmation of Minutes

2.1 Mr. John Rahael moved that the Minutes of the eleventh meeting held on Wednesday February 16, 2005 be confirmed. Mr. Hedwige Bereaux seconded.

2.2 The Minutes of the eleventh meeting were accordingly confirmed.

Matters Arising out of Minutes

3.1 There were no matters arising from the Minutes.

Correspondence

4.1 Correspondence received from Messrs. Chandresh Sharma and Robin Montano were circulated. The Committee agreed on a form of reply.

Draft Report

5.1 The Committee examined the Draft Report which was submitted by the Chairman.

5.2 Members of the Committee commented on the Draft Report.

5.3 Mr. Panday reserved his comments and undertook to communicate his views to the Secretary of the Committee.

5.4 It was agreed that the Committee would seek to finalize its Report at its next meeting.

Adjournment

6.3 The Committee was adjourned to Monday March 14, 2005 at a time to be fixed.

6.4 The adjournment was taken at 5:45 p.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

March 15, 2005

MINUTES OF THE THIRTEENTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES HELD ON
TUESDAY MARCH 15, 2005

Present

Mr. Barendra Sinanan—Chairman
Ms. Penelope Beckles—Member
Mr. Hedwige Bereaux—Member
Ms. Gillian Lucky—Member
Mr. Subhas Panday—Member

Ms. Jacqui Sampson Jacent—Secretary
Mrs. Jacqueline Stoute—Asst. Secretary

Absent/Excused

Mr. John Rahael—Member

Introduction

1.1 The Chairman called the Meeting to order at 4:30 p.m..

Confirmation of Minutes

2.1 Mr. Hedwige Bereaux moved that the Minutes of the twelfth meeting held on Wednesday March 09, 2005 be confirmed. Mr. Subhas Panday seconded

2.2 The Minutes of the twelfth meeting were accordingly confirmed.

Draft Report

3.1 The Committee continued its examination of the Chairman's draft report.

3.2 After lengthy discussions, the Committee agreed on its final report after approving amendments to the draft under the following headings:

(i) First Allegation

Finding

(ii) Second Allegation

Finding

(iii) Third Allegation

Finding

Irreconcilable conflict of Evidence

3.3 The Committee agreed that the final report should be available for signatures no later than Thursday March 17, 2005 and thereafter for submission to the House.

3.4 The Chairman thanked all Members for their contribution to the work of the Committee and their input in the finalization of the Report. He also thanked the Committee's staff for their support.

Adjournment

4.1 The adjournment was taken at 6:40 p.m.

We certify that the above minutes are true and correct.

B. SINANAN
Chairman

J. SAMPSON JACENT
Secretary

March 17, 2005