



PARLIAMENT

REPUBLIC OF TRINIDAD AND TOBAGO

THIRD SESSION OF THE TENTH PARLIAMENT (2012/2013)

FIRST REPORT OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF REPRESENTATIVES

Ordered to be printed

TOGETHER WITH THE MINUTES OF PROCEEDINGS

PARL: 14/1/1 Vol. 1

HOR PAPER NO: / 2013

INTRODUCTION

Membership of the Committee-2012/2013 Session

The Committee is comprised of the following nine (9) Members of the House of Representatives:

Mr. Wade Mark	-	Chairman
Dr. Roodal Moonilal	-	Member
Mr. Colm Imbert	-	Member
Ms. Donna Cox	-	Member
Mr. Prakash Ramdhar	-	Member
Mr. Chandresh Sharma	-	Member
Mr. Rodger Samuel	-	Member
Dr. Tim Gopeesingh	-	Member
Mrs. Paula Gopee-Scoon	-	Member

Terms of Reference

2. The Committee was established on August 17, 2012 with the following terms of reference in accordance with Standing Order 75 (1) of the House of Representatives:

"There shall be referred to the Committee of Privileges any matter which appears to affect the power 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."

Secretariat

3. During the session Mrs. Jacqui Sampson-Meiguel, Clerk of the House, served as Secretary of the Committee except when on official leave, during which time Mrs. Nataki Atiba-Dilchan, Clerk of the Senate, served the Committee as its Acting Secretary. Mr. Ralph Deonarine, Procedural Clerk (House of Representatives), served as Assistant Secretary to the Committee. Ms. Annika

Fritz, Senior Legal Officer and Ms. Chantal La Roche, Legal Officer, Office of the Parliament, provided advisory assistance to the Committee.

Meetings

4. Since its appointment, your Committee held seven (7) *in camera* meetings on the following dates:

- i. Monday June 03, 2013;
- ii. Tuesday June 11, 2013;
- iii. Monday June 17, 2013;
- iv. Friday June 21, 2013;
- v. Monday June 24, 2013;
- vi. Wednesday June 26, 2013;
- vii. Friday June 28, 2013.

The attendance record for the above meetings of the Committee is attached at *Appendix I*.

MATTERS REFERRED

5. Since the establishment of the Committee, one (1) matter has been referred to the Committee for consideration and report, in accordance with Standing Order 27. The subject-matter that has been referred is outlined in paragraphs 6 to 11 below.

The Matter involving the Member for Diego Martin West

6. At a sitting of the House of Representatives held on Monday May 20, 2013 the Hon. Keith Rowley, MP, Member for Diego Martin West and Leader of the Opposition moved a Motion of No Confidence in the Prime Minister and the Government of Trinidad and Tobago.

Nature of statements made

7. During his contribution, the Leader of the Opposition alleged that certain e-mail correspondence had taken place involving the Prime Minister, the Attorney General, the Minister of Local Government and one other person and made reference to a package which he claimed came into his possession from a “whistle-blower” six (6) months prior that purported to be a series of e-mail communication between such persons. (See Appendix II)

Matters of privilege raised

8. At a sitting of the House held on Wednesday May 22, 2013, the Hon. Kamla Persad-Bissessar (Prime Minister and Member for Siparia) moved a motion of privilege in accordance with Standing Order 27, alleging that on Monday May 20, 2013, during his contribution on the Motion of No Confidence, the Leader of the Opposition committed contempt of the House on the following two (2) grounds:

- i. He deliberately and willfully misled the House; and
- ii. He recklessly abused the privilege of Freedom of Speech in the House thereby bringing the House into public ridicule and odium.

9. In making her submission to the House, the Prime Minister contended that the Leader of the Opposition “*misled the House when he read into the record information contained in a document, which purported to be copies of e-mail communication*”. The Prime Minister stated that the Leader of the Opposition “*knew or ought reasonably to have known that the document from which he quoted was a mere fabrication or, at the very least, he ought to have known that it was false since it was plainly obvious from the face of the document*”.

10. In accordance with Standing Order 27, the Prime Minister moved that this matter be referred to the Committee of Privileges. (See Appendix III)

11. On Wednesday May 22, 2013 the Speaker ruled that a *prima facie* case had been made out and referred the matter to the Committee of Privileges for consideration and report. (See Appendix IV)

Correspondence

12. The Committee of Privileges received a number of letters from the Leader of the Opposition which were carefully considered by the Committee.

13. The Committee responded to all such letters through its Secretary. Details of such correspondence received and sent by the Committee during its investigations are at *Appendix V*. The Minutes of the Committee are at *Appendix VI*.

CONDUCT OF INQUIRY

Procedural Fairness

14. Breach of privilege and contempt of the House are very serious matters which the House must be vigilant to guard against in order to protect the integrity of the House and to uphold its dignity. The House may impose penalties upon Members who are found to have committed a breach of privilege or contempt. Accordingly, your Committee is always careful to observe the requirements of procedural fairness in relation to any matter referred to it.

15. In this regard, the Committee made every effort to ensure that a full right to be heard and procedural fairness was afforded to the Leader of the Opposition. The Committee ensured that the Member was made fully aware of the nature of the complaints referred to the Committee. The Member was also given the opportunity to be heard in person, and was invited to appear before the Committee.

16. Further, the Member was afforded the opportunity to be accompanied with advisers and he availed himself of this opportunity by attending with legal counsel.

RELEVANT LAW, PRACTICE AND THE ISSUES DISCUSSED

Deliberately Misleading the House

17. It is contempt to deliberately mislead the House or a committee, whether by way of a statement, in evidence or in a petition. It consists of the conveying of information to the House or a committee that is inaccurate in a material particular and which the person conveying the information knew at the time was inaccurate or at least ought to have known was inaccurate.

18. It is well-recognized that there are three elements to be established when it is alleged that a Member is in contempt by reason of a statement that the Member has made:

- ✓ The statement must, in fact, have been misleading;
- ✓ It must be established that the Member making the statement knew at the time the statement was made that it was inaccurate; and
- ✓ In making the statement, the Member must have intended to mislead the House.¹

19. For a misleading of the House to be deliberate, there must be something in the nature of the incorrect statement that indicates an intention to mislead.

Procedural Issues discussed

20. Several procedural issues arose during the proceedings of the Committee, namely:

- ✓ Whether Members of the Committee should recuse themselves from deliberation of the matter as a result of possible bias;
- ✓ The power of the Committee to retain the services of an independent forensic document examiner;
- ✓ Whether it is an essential condition precedent that the Committee establish that a misleading took place, in order to proceed with its work;
- ✓ Whether the Committee could proceed to determine whether statements made are truthful by questioning the maker of the statement;
- ✓ Whether the Committee should await the conclusion of the parallel police investigation into the alleged e-mail communications;
- ✓ Whether it is also an essential condition precedent that the Committee establish that a misleading took place, in order to find that a Member has committed reckless abuse of the privilege of freedom of speech;

¹ Parliamentary Practice in New Zealand, David Mc Gee, 3rd Ed.,

- ✓ The role of the Speaker in determining a *prima facie* case for investigation by the Committee of Privileges.

REPORT

21. Your Committee wishes to report that it finds itself in an unusual place in terms of its proceedings.

22. In his letter to the Committee dated June 25th, 2013, the Leader of the Opposition informed the Committee that he was not prepared to answer any further questions from Members of the Committee on statements made by him in the House. The Committee is of the view that the Member has thereby indicated his unwillingness to further present himself to the Committee of Privileges to assist the Committee in its deliberations.

23. On the sole occasion that the Leader of the Opposition presented himself to the Committee for examination, only three (3) Members were able to question him. No other Member, although prepared to ask questions, was able to do so, time being limited.

24. Several Members therefore remain unclear as to a number of issues related to the matter referred to the Committee and were desirous of seeking clarification from the Leader of the Opposition when he appeared before the Committee. However, having regard to the June 25th letter submitted to the Committee by the Member, it was clear to the Committee that the Leader of the Opposition had already taken the position that he will not subject himself to the Committee to assist the Committee. The Committee also noted that the Leader of the Opposition had a conceptual difficulty in that the Member was not being requested to appear before the Committee to “launch a defence” but merely to “assist” the Committee.

25. In those circumstances and given the adamant views of the Leader of the Opposition, the Committee wishes to report to the House on the status of its work and advise that the matter remains incomplete, for the reasons outlined above.

Respectfully Submitted,

Sgd.

Mr. Wade Mark
Chairman

Sgd.
Dr. Roodal Moonilal
Member

Mr. Colm Imbert
Member

Ms. Donna Cox
Member

Sgd.
Mr. Prakash Ramdhar
Member

Sgd.
Mr. Chandresh Sharma
Member

Sgd.
Mr. Rodger Samuel
Member

Sgd.
Dr. Tim Gopeesingh
Member

Mrs. Paula Gopee-Scoon
Member

June 28th, 2013

APPENDICES

APPENDIX I

ATTENDANCE RECORD

Attendance Record of the Committee of Privileges of the House of Representatives (Tenth Parliament Third Session 2012/2013)							
Member	1st Meeting (03-06- 13)	2nd Meeting (11-06- 13)	3rd Meeting (17-06- 13)	4th Meeting (21-06- 13)	5th Meeting (24-06- 13)	6th Meeting (26-06- 13)	7th Meeting (28-06- 13)
Mr. Wade Mark	Present	Present	Present	Present	Present	Present	Present
Dr. Roodal Moonilal	Present	Present	Present	Present	Present	Present	Present
Mr. Chandresh Sharma	Present	Present	Present	Present	Present	Present	Present
Mr. Rodger Samuel	Present	Present	Present	Present	Present	Present	Present
Dr. Tim Gopeesingh	Present	Present	Present	Present	Excused Absent	Excused Absent	Excused Absent
Mr. Prakash Ramadhar	Present	Present	Present	Present	Present	Present	Present
Mr. Colm Imbert	Present	Present	Present	Excused Absent	Present	Present	Excused Absent
Mrs. Paula Gopee-Scoon	Present	Present	Present	Excused Absent	Present	Present	Excused Absent
Miss Donna Cox	Present	Present	Present	Excused Absent	Excused Absent	Present	Excused Absent

APPENDIX II

Dr. Rowley's contribution on 20th May, 2013

Dr. Keith Rowley (*Diego Martin West*): Thank you, Mr. Speaker. Mr. Speaker, I beg to move the following Motion standing in my name:

Whereas the sanctity of the Parliament and lawfully constituted institutions and other public bodies are fundamental to our democracy and must be protected at all times; and

And whereas by a series of actions, the UNC-led Government of Trinidad and Tobago, under the leadership of the Prime Minister, has attacked and conspired to undermine key institutions of State, namely:

- The Judiciary;
- The Office of the Director of Public Prosecutions;
- The Parliamentary Opposition; and
- The Media;

And whereas other Members of the Cabinet of Trinidad and Tobago, specifically the Attorney General and the Minister of Local Government, have also participated in such attacks against these important institutions of our democracy:

Be it resolved that this House confirms its loss of confidence in the Prime Minister and the Government of Trinidad and Tobago.

Mr. Speaker, in this Motion, when I say “House”, I use it in the broadest possible sense. In the resolution it says:

“Be it resolved that this House...”

And for clarity, Mr. Speaker—I am not talking about the 28 Members on the other side or the 12 on this side today—“House” here means the people of Trinidad and Tobago.

Mr. Speaker: Well “House” for us—[*Laughter*]

Dr. K. Rowley: Mr. Speaker—[*Laughter*] Mr. Speaker, Mr. Speaker, I trust—

Miss Cox: What is the joke?

Mr. Speaker: A practice has developed in this honourable House to speak to the public of Trinidad and Tobago and to speak to audiences outside of this honourable House. When Members rise to speak in this honourable House, it is a conversation and discussion among the Members of this House and you direct your remarks to the Chair. It has nothing to do with the people in terms of our discussions. So I just want Members to know that you direct your remarks to the Chair and the discussions will be taking place among Members of this honourable House. Please be guided accordingly!

Dr. K. Rowley: Mr. Speaker, I am sorry that you interrupted me because I was expressing an opinion which I think I have a right to express. Had I not been interrupted, I was going on to point out that we are not here for our own benefit or of our own birthright. We are here as representatives of the people and that is how we manage and it is on that basis that we are put together as a House as you have described. So I take no objection to your comment, Mr. Speaker, except that it was a bit previous as Jamaicans would say.

Mr. Speaker, since you have put me there, I think I should begin my presentation by quoting a couple of understandings on my part—and I do not ask others to agree with me and I speak to you, Mr. Speaker, so that you will understand my understanding of my role in this House and my understanding of the role of this House in treating with the business of the people outside of this House.

Mr. Speaker, I crave your indulgence at the beginning of this presentation to quote three statements from some very prominent people in the context of freedom of speech, which seems to be very apt at this point today.

I want to quote, Mr. Speaker, from May's in the context of freedom of speech and it says from May's:

Subject to the rules of order in debate, a Member may state whatsoever he thinks in debate however offensive it may be to the feelings or injurious to the character of individuals and he is protected by his privilege from any action for libel as well as any other question of molestation.

It is the personal responsibility of every Member of Parliament to maintain those standards of conduct which the House and the electorate are entitled to expect; to protect the good name of the Parliament and to advance the public interest.

I quote that, Mr. Speaker, to locate where we are at, particularly in the light of our beginning.

I also want to quote from Enoch Powell, a very prominent Northern Island parliamentarian in the UK where he said, in May 1978, he had this to say on the same subject:

It is part of the privilege of the House of Commons and individual Members to say in this place, not only what they would not say outside without the risk of process, but to be able to say that to which grave objection is taken by other honourable Member.

Unless an hon. Member can do that, or if it was possible for his doing of it to be somehow undone, we would have lost our power to serve those who have sent us here.

And, thirdly, Mr. Speaker, I want to quote from one of your colleagues,

the Speaker of the House in Australia, Speaker Snedden who I am sure you are familiar with and he had this to say:

I feel that we do not need to invent any rules whereby a Speaker or anybody else should make the judgment as to whether a Member should be allowed to proceed with his privilege attack on an individual. It would not be within the capacity of a Speaker to make a right judgment, because he would not have the facts. He would not know, therefore, the person raised in the matter must bear the consequences himself, but I would not like to see that privilege limited or diminished in any way.

All of us can think of not one, but many examples where if, had it not been for the freedom of speech and the attack on an individual in Parliament, crime would have gone undetected and unpunished. Some people who were being seriously disadvantaged by rapacious people would not have been protected had it not been for the freedom and absolute privilege that this Chamber has to raise matters and to ventilate them so that inquisitorial efforts can be taken by other people, and so that the matter can be circulated and the qualified privilege of the media will act.

Mr. Speaker, Speaker Snedden went on to say, in the final analysis, however, it is for the Member to resolve whether or not it is in the public interest to raise a matter in the House and his or her own actions would be judged accordingly. That is where I am located today.

Mr. Speaker, the Motion that I raised before this House is not brought here lightly, because I do not take serious business lightly. I have been in this

House for, 20-odd years and during that time I have had to treat with matters of all kinds. And, Mr. Speaker, this Motion today is specific to the particular matters identified in this House: the Government's action to the Judiciary, the Office of the DPP, the parliamentary Opposition and the media.

Mr. Speaker, six months ago, or may I say a year ago, certain developments descended upon Trinidad and Tobago which have caused a certain amount of unease, loss of confidence, discomfort. I refer specifically, Mr. Speaker, to the Government attempting to pass legislation to reduce the backlog of cases in the court. That was over a year ago. I think it came to the House in November 2011.

As a House, Mr. Speaker, we passed legislation and we went home and we existed in relative comfort until during the period December, January, February, March, April, May, June, July and August. There was no real problem in the country with respect to what the Parliament and the Government had done, but something happened in August 2012 when the Government secretly, surreptitiously and unannounced proclaimed a select portion of that legislation that we passed in this House, and since then Trinidad and Tobago has not been the same.

A series of questions have been put to the Government for which today, Mr. Speaker, answers are still not forthcoming. A series of positions have been taken by the Government, a lot of it quizzical, some of it inexplicable, some of it radical, but none of it brought comfort to the population to allow the people of Trinidad and Tobago to come to the conclusion, once and for all, that something is not right about what happened on August 31, 2012.

The Government stood accused and still stands accused of having favoured its friends. The allegation against the Government in this particular matter is that the Government went out of its way knowingly to use its office to favour people who were friendly to the Government. The specific allegation was that the Government of Trinidad and Tobago destroyed the confidence of governance in Trinidad and Tobago, and while this was going on, the population reacted; the population reacted.

Thousands of persons took to the street in this country to express their concern and their disgust at what had happened and, more importantly, the Government's inability to explain what it had done and why it did it. The Government used its entire machinery and its overall control of the State and the private sector machinery to try to defend itself and to explain, but as I speak to you now, Mr. Speaker, nobody in the Government has been able to answer a simple question; why was section 34 extracted surreptitiously, piecemeal, and in the face of all the evidence that it should not have been done, including an assurance to the parliament that we are in today, why was it done? The Government has never been able to answer that, and the Government's effort was to tell us, "Let's move on."

Mr. Speaker, this Motion, today, is to tell the people of Trinidad and Tobago that we cannot move on, and based on what I am going to put on the table today, Mr. Speaker, it would tell the people of Trinidad and Tobago that we should not move on until we get the answers to what we have been asking.

Mr. Speaker, in response to these developments, I lead a group to the President of Trinidad and Tobago; a group representing the Opposition, other

political interest, NGOs and a significant chunk of the labour movement, and in October last year we sought an audience and we told the President in the form of a former complaint—[*Interruption*]

Mr. Roberts: Mr. Speaker, 36(2), I was letting, I thought it was en passant, but this is before the courts; 36(2).

Mr. Speaker: I am listening to the hon. Member very closely. When I believe that he is going too far as it relates to the sub judice rule, I am very familiar with the case. I will advise accordingly.

As I am on my legs, may I advise the name of the President of the Republic ought not to be introduced in debates in this House that can influence the outcome in one way or the other. So I want to caution Members, the name of the President of the Republic consistent with the Standing Orders ought not to be brought into debates in this honourable Chamber, I advise accordingly. Continue hon. Member.

Dr. K. Rowley: Mr. Speaker, I thank you for not being the one to interrupt me, but I am sure you understood where I was and with relation to the Standing Orders. Mr. Speaker, I most certainly have no intention of violating the House's Standing Order. I was saying what I did, and I expect that that is what you understood—and a complaint from me leading a group, Mr. Speaker, to the President, was to lodge an accusation against the Government of Trinidad and Tobago that inferences drawn from developments of information which we had, at the time, based on the situation, was that the Government of Trinidad and Tobago was engaged in criminal conspiracy. That accusation lay at President's House.

Mr. Speaker, sometime after that I received a package, and when I received the package it occurred to me that there were people in this country, somewhere in the country, who must have heard the Government saying how important it is in the interest of furthering transparency and accountability and ferreting out wrongdoing, that the Government promised that we will have legislation sometime in the future to protect whistle-blowers. And, Mr. Speaker, I took it to mean that the package that I received came from a whistle-blower, and the content of the package was a series of emails which someone, in a position to package, thought that this country should have access to, based on what was before us, what was being said to us and what it meant for the people of Trinidad and Tobago.

Mr. Speaker, when I saw the emails my first reaction was to ensure that it was not frivolous and, therefore, I did not take it to my colleagues, I did not take it to the media, I did not publicize it; I wanted to be satisfied that what this whistle-blower had presented to the Office of the Opposition was information that should be taken seriously. Mr. Speaker, and when I was satisfied that that was so I took the information to the Office of the President.

Mr. Speaker, I waited for six months. I waited for six months to see what would happen with the information that I consider to be extremely important, because it points—if it is accepted for what it is, the information in my position at that time which I still have—to grievous wrongdoing on the part of officers who had in fact failed to answer questions to the people of Trinidad and Tobago. So, Mr. Speaker, after six months and the offices of State to the best of my knowledge not treating with the matter in the way I expected, I thought and it is my position that today the people of Trinidad and Tobago should be advised as to what the information is.

Mr. Speaker, and in keeping with the House's Standing Orders and being my view that this is a matter for the Parliament, because it is in the Parliament that

provision is made under the Constitution for a Member like myself having information which is of interest to the people of Trinidad and Tobago, particularly, in the kind of condition that we have been in the last year that I could not raise it on a normal basis, I had to follow the Standing Orders and to be able, Mr. Speaker, with your leave which you so kindly granted, brought it as a substantive Motion so that I could now put on the record for the benefit of you, Mr. Speaker, the information passed to the Opposition by a whistle-blower who wished to know—the people of Trinidad and Tobago to know what happened.

Mr. Speaker, I have extracted from the package, this prepared package—this is the body of emails which I have put in sequential order. And the important thing is that they are not just emails, they are emails, which when corroborated, the known and the unknown paints a very frightening picture, and in the limited time available to me, Mr. Speaker, I want to point out and put on the Parliament record, for today and the future, what it is that caused me to be so concerned and why it is that the people of Trinidad and Tobago should pay attention and to look for the answers that they had not been given so far.

Mr. Speaker, the emails represent some addresses which are known to me, and, of course, in a couple of instances I do not know some of them and there seems to be some kind of problem here and there with one or two of the addresses, but suffice it to say, I would make reference to 31 emails in my presentation. Thirty-one of them, and the vast majority of them are emails from the following addresses, which again would be known to a wide cross-section of this country, and as I go I will indicate where the information is coming from and where it is going, so we press on.

Mr. Speaker, the body of the emails I will refer to today in this instance, is the body of the emails covering 17 days in September 2012; that period when the Government of Trinidad and Tobago was called upon to answer for its conduct in

treating with the matter that we talked about a little earlier on, which my colleague so previously jumped up to talk about subjudice.

There is an email from September 02, at ten o'clock in the night, and the subject is "Update". So obviously there was something happening and somebody was updating somebody else. It goes from anan@gmail.com to kmlapb1@gmail.com and the subject is "Update". It is a two-liner:

My lady, please relax. Everything is in place. Nothing to worry about. We will soon chat.

Innocent.

Mr. Speaker, at two o'clock in the morning a reply comes; another email, this time from the kamlapb1 to anan@gmail, September 03, two o'clock in the morning:

I am worried AG. I do not want this to blow up in our faces. It has to be done seamlessly.

Mr. Speaker, reply comes at 2.15 in the morning:

How are things going with this? Do you need to brief me on anything? Did you make contact yet? Will he be on board? I don't want surprises.

Next email. This is from again, anand to kmlapb1:

Nothing will be traced back to you. We are always united. *[Laughter]*

Bear in mind, Mr. Speaker, this was at a time—*[Laughter]* Yes, they could laugh; as they laugh, just remember Gordon Liddy, his handful of small burglars, Richard Nixon and Watergate. Let them laugh *[Crosstalk]* There is an email from kamlab1@gmail.com to anand@gmail.com. This is at 11.38 on September 06. The subject is "Moneys owed" and the email reads as follows—Mr. Speaker, I take no ownership of this. I take no ownership of this. I put this Motion here today so that this, which was sent to me in my office, from a source which I believe wants the public to have it, I put it here for the benefit of you, Mr. Speaker, and the rest of the public.

So the email says:

Are you sure everything is in place? Did you chat with the DPP and ask him about this? Try and find out.

The email goes on to say:

By the way, she says you are asking for much money.

“I hope when the Prime Minister finish laughing, and she enters the debate, she will tell us who is this person who says that the Attorney General is asking for much money.” [*Laughter*]

The other email that follows the response to that, this came at 12.15. It says: I scoff that it’s too much. We are the ones taking the risk. At the end of this, I want a helipad on my rooftop. [*Laughter*] There is no price for freedom. They know this. I do not know why you engaged her. I am yet to approach him, but will do so.

When the Attorney General enters the debate, I hope he will tell us who is it whose freedom is being bought, where this email coming from anan@gmail.com at 12.15 on September 06, 2012, to kamla@gmail.com refers to “no price for freedom”. Whose freedom was being discussed? Whose freedom was being bought?

Mrs. Gopee-Scoon: This is scandalous! [*Crosstalk*]

Dr. K. Rowley: I go to the response, to that email from the receiver under the same subject of “Moneys owed”—[*Crosstalk*] Mr. Speaker, I consider this serious business; if the Members do not want to hear, I want to speak in silence, please. I crave your protection

Mr. Speaker: Members, I would want to advise that you allow the Leader of the Opposition to speak in silence. As I am on my legs, let me just again put on the record, all letters being read in this House, all emails that are being read in this House, the person who is presenting, in this instance the Member for Diego Martin West, must take ownership and full responsibility for its content. You cannot speak

through anybody else except yourself. So I just want it known, any Member who is reading letters and emails, they will take full responsibilities for and ownership for those emails. It is not coming from anybody else except the Member who is reading them.

Dr. K. Rowley: Mr. Speaker, I thought I made that quite clear when I quoted from eminent authority in the beginning of my presentation. If I may repeat that quotation. I did say earlier on it is the personal responsibility of every Member of the House to maintain their conduct. I did say that, and therefore I understand your admonition.

The email goes down to say:

Tone down the request and focus elsewhere for now.

And the response was:

As you wish, my lady.

What bothers me about this sequence of developments up to this point was that it could mean anything, but then there is an email from anan@gmail on September 08 to Captain Gary Griffith, and the subject is “Help needed”. Just remember what was happening in this country at September 08. The email goes on to tell Captain Griffith:

There is an article from the *Guardian* that a reporter from the *Guardian* called me involving our boys. I need you to get your feelers out there and nip the story. Call the *Sunday Guardian* editor and threaten her with ads if you have to. Just make sure the article does not come out.

That person—what is it that the Attorney General would be worried about this article that should not come out? The email—Mr. Speaker, this is September 08, and the email makes reference to an article that was supposed to come out. Lo and behold, the next day which is September 09, these articles came out in the *Guardian*. The article is:

Piarco Airport cases to be dropped.

And it goes on in a subheadline:

as Preliminary Enquiry scrapped. [*Dr. Rowley displays document*]

So here we have an email coming from an address of anan@gmail.com, to Captain Gary Griffith asking for help to block a story coming out from the *Guardian*, and the story in fact came out.

Interestingly enough, another email the same day at 14:06, says:

Call a meeting. We need to talk urgently.

And, Mr. Speaker, you look at the corroboration: date, time and place, and the next thing I see in the newspaper on the following:

PM calls special meeting to discuss controversial section

And she chaired a special Cabinet meeting at St. Ann's to discuss section 34 problems which was raging at that time.

So the email seems to have—is a harbinger of things come; and it came. Call a special meeting. The meeting came on Monday 10. So an email of Saturday 08 is asking for a special meeting. A special meeting took place on Monday 10. I leave it to you to draw your own conclusion. [*Crosstalk*]

Mr. Speaker, another email, this is now Kamla asking— kamlabplj@gmail.com asking Anand, “what is going on? Did you see the article? I thought you had friends in the *Guardian*. How could this happen?” Because, of course, the previous email, Mr. Speaker, was the Attorney General asking for help from Captain Griffith to stop the story. He was not successful. So somebody is asking him now; how could this happen? Interestingly, the reply comes, “I saw the article. Not to worry. Remember the Opposition supported this. That will be our defense. That is the email at 2.51 p.m. from anand@gmail.com.

You may recall the effort that the Government made, and is still making, to convince the country and the world that whatever happened with section 34, the

Opposition is to be blamed as well, but there is an email here of September 09, where the germ of that idea came out. “Remember the Opposition supported this, that will be our defense.”

Mr. Speaker, but the public was not side tracked. The temperature began to rise and the Government had questions to answer and there were strong calls for the dismissal of the Attorney General and the Minister of Justice. So an email goes out at 10.27 p.m. on the ninth of twelfth, and this goes again from the head of the Government, according to the email, to the Attorney General; “Deal with this mess. Deal with this mess. Did she speak with James? You said that she could be trusted. Does she have a copy?” A copy of what? [*Crosstalk*] What is this copy that she may have, and “she” being the reporter who the AG was so concerned about, according the emails. What is—[*Interruption*]

Dr. Moonilal: Mr. Speaker, please. While the Member is using emails, addresses on and so on, please do not refer to Attorney General and Prime Minister.

Mr. Ramlogan SC: I have no such email.

Dr. Moonilal: Refer to the email address that you have there on your paper. There is no issue of Prime Minister or Attorney General.

Mr. Ramlogan SC: No, exactly. I have no such email address. Ridiculous! [*Crosstalk*]

Dr. K. Rowley: Mr. Speaker, at 10.30 p.m. an email goes out from “Anand”, whoever he is—[*Interruption*]

Dr. Moonilal: That is right. Right. Good.

Dr. K. Rowley: And it says—[*Interruption*]

Mr. Ramlogan SC: Nacaram. [*Laughter*]

Dr. K. Rowley:—“James knows”—this is 10.30 p.m.—“he cannot say anything. I doubt she has a copy. She is bluffing. I will retain him to write a letter refuting what she said.” James there in my investigations, in my understanding of all this is

James Lewis, who was the advisor, the QC advisor, whose advice at the time the Attorney General was telling the country he took that advice and decided not to appeal the matter.

But he went on to say in the email at 10.30; “I sent out a release already. Remember everyone supported this. The PNM will lose out for allowing this to happen. Do not worry.”

So this is in an email coming from A-N-A-N-D, whoever that person is. But interestingly enough, Mr. Speaker, 23 minutes after this email is recorded to have been sent, a release is posted by the Attorney General of Trinidad and Tobago on his website and the release is saying he is taking issue with the article. This is a release that went out 13 minutes—23 minutes after a notification in an email to whoever he is writing to—kmala@bp, whatever it is, saying “Doh worry, I have just sent out a release.” The release is here and it is interesting to look at the content of the release, and you corroborate the release with the email and it says—just to give you a little taste of what the email said—“Attorney General, Anand Ramlogan, yesterday condemned an article in the Sunday *Guardian* newspaper headlined, James Lewis QC upset at preliminary enquire scrapped.”

Then he went on to up a spirited rejection of the article which was uncomfortable to him and the rejection was, “This is false, mischievous, malicious and quiet utterly absurd”. This is the release referred to in the email and it goes on as per the previous emails to point out: “it was passed unanimously in both Houses, and the Senate, where it was supported by both the Opposition and Independents”, as of course, that was the content of an earlier email that I read coming from the same source.

So, Mr. Speaker, I view this as corroboration of an intent in the email and it arriving a few minutes later on the website. Mr. Speaker, the emails go on. It

says—now things did not boil down for the Government, trouble getting worse, so, by 1.00 a.m. on the 10th an email goes from anan@gmail.com, whoever that is, to garygriffith@hotmail.com, whoever that is—[*Laughter*]*—*and it says:

We have a problem. Things are getting heated. We need access to taps in the DPP office.

Hon. Member: “Oyoyoy”.

Dr. K. Rowley: I want to know his next move.

Mr. Speaker, I want to repeat this, because I do not expect them on the other side to do other than what they are doing now. I simply want to repeat it.

We have a problem. Things are getting heated. I need access to taps in the DPP office.

Hon. Member: “Haiaiaiy”.

Dr. K. Rowley: I want to know what his next move is. How soon can you arrange?

And, of course, the captain, whoever he is, captain Gary Griffith replies seven minutes later.

I will call SSA and get B—

Just bear in mind, Mr. Speaker, the head of the SSA is Bisnath Maharaj. This email coming from whoever captain Griffith is, to whoever Anan is—says:

I will call SSA and get B, Dhanpat is out of the country. He would be against this move. You know he leaks.

Now, Mr. Speaker, checks have shown that officer Dhanpat was in fact out of the country at that particular time, and the B in our interpretation is the head of the SSA. Now a response comes to him almost immediately by another

email.

I—which is the Anan, whoever that is—gave instructions to B to send him Germany for two weeks. I want someone to monitor DPP for this week. He made some statements.

Cast your mind back, Mr. Speaker, to what was being said in and around the office of the DPP at this time. Mr. Speaker, lo and behold another email comes out, and this one comes again from whoever the captain is to whoever Anan is, and he says to him and bear in mind there was a request for access to tap into the DPP office. This one says:

Everything is already in place in the DPP office.

Miss Mc Donald: “Hm”.

Dr. K. Rowley: Nothing is out of the ordinary yet.

In other words I have nothing to report yet but things are in place.

Spoke with PM and she is furious.

I do not know who he is referring to. I do not know who PM is, but she might be somebody we know. But the email says:

Spoke with PM and she is furious about the article. What about the reporter tag her as well?

This is the Griffith who is referred to here, whoever that is, asking the Anan if he should tag the reporter.

Guardian said:

She has a copy of the Lewis’ advice and is just toying with you. She does have someone in the US Embassy and is asking questions. Last time we checked she contacted counsellor to the Attorney General, Channing

Phillips—do you think someone there is feeding her?

Next email from the Anan, and it goes like this:

That effin whore don't have F on me. More than likely she called Thomas at the Embassy.

This is, whoever that person is, the Anan, panicking that a *Guardian* reporter might have a source at the Embassy and the Thomas referred to here is Thomas Smitham who is the Chargé d'Affaires at the Embassy in the absence of a US Ambassador. He believes that she is talking to Thomas there, and he instructs the Griffith, whoever that is:

Do a trace on her. Every reporter has skeletons in their closet, and post it to our Facebook people. Find out how the F she quoted from something she has no access to. I want this by this evening and I want to know who is her source?

Mr. Speaker, interestingly enough this is the content of that email, and almost like clockwork this slanderous email that went viral on Denise Wren got into the Internet by the Facebook people—and let me repeat what the email said, you know. The email said:

Do a trace on her. Every reporter has skeletons in their closet and post it to our Facebook people.

Mr. Speaker, soon after a most vicious and slanderous attack on Denise Wren circulated, and, Mr. Speaker, I leave it to you to come to the conclusion as to whether there was any connection between the intent and the instruction of this email, and the arrival on the electronic media soon after. And when that instruction was given the answer from the captain garygriffith@hotmail.com,

whoever that is, to anan@gmail.com and anand@tsstt.net.tt was:

Yes boss, that will take the heat off for a while when things pop up.

Mr. Speaker, another email this time from whoever is kamlabp1@gmail.com. This is now at nine minutes to midnight, because, Mr. Speaker, this is now September 10, they cyar sleep, the country in uproar over the reaction to section 34 and all that went on there. When the rest of us are in our beds, seven minutes to midnight, whoever is kamlabp@gmail.com cyar sleep. An email goes out to whoever is anan@gmail.com, and that subject of that email is Urgent. That is the subject, Urgent, and it says:

The US contacted me and are effin angry. I thought you had a hold on this. This will cause major backlash. They even threatened to blacklist us. Come up with a plan AG.

I assume whoever AG is, is the person the email going to, instructions to come up with a plan. The date of this email is Tuesday, September 10, at seven minutes to midnight. The next day, the 11th all hell break loose for the Government, because the following things happened, and you could understand why it is urgent and why whoever it is cyar sleep, because the following day three things happened: the first was a release from the US Embassy taking serious issue with how the Government of Trinidad and Tobago had handled the extradition matter with Galberansingh and Ferguson.

Also there was an article coming out from the *Guardian* QC on appeal over Ish and Steve extradition, AG ignored legal advice by Denise Wren, the same person who was the subject of this huge slander by the bloggers of their people. And, of course, more importantly, coming out on that same day was a

statement, a multi-page statement from the Director of Public Prosecutions, saying: It took me by surprise.

Mr. Speaker, so here is the email pointing to the state of mind, the state of play and the reaction to trouble that was coming in the morning, and in the morning all this trouble came for the Government, who was working overtime trying to steer the public away from being concerned that something terrible had happened in the Government of Trinidad and Tobago with respect to efforts being made.

Those efforts, resulting in persons who had to face serious criminal charges at home and abroad, actions, of the Government wittingly or unwittingly had resulted in those persons conditions being improved. And at this time I remind you, Mr. Speaker, that the country was demanding answers because a lot of what the Government was saying to us then just did not make any sense.

The main question was, why did you extract section 34 and proclaimed it overnight like that, on its own, knowing that you had given the Parliament an assurance not to do that, knowing that things were not in place? Subsequently, we saw for a fact that things were not in place because the Government itself “deproclaimed” the law to give itself more time for things to be put in place. Up to now, we have no answer from the Government as to what drove the process.

What we had was the Government offering us the head of the Minister of Justice as a palliative, as a placater, saying, we hold him accountable and he was there kicking and screaming and saying, not me. His very first statement was, the Attorney General is the man you should look at. I tell you all this, Mr. Speaker, so you can understand and place in context what these email conversations were saying and the corroboration from the actions that flowed from them.

Mr. Speaker, they were still worried because the problem was not going

away. So the subject “urgent” was there, and of course whoever kamlabp1@gmail.com received from anan@gmail.com and @anand@tstt.com, this time at 9.21 on the night of September 11. This is the night of the day when all those things became public, the DPP’s statement, the US Embassy’s position and the the story in the *Guardian*, and the email goes—and listen to it. It says:

Right now our best bet...

Now, they are looking for a way out. The Government has failed to convince the public, and has failed to put out the raging storm. So the advisor advises, whoever it is:

Right now our best bet will be giving Gaspard a position on the bench.

Let me repeat that, Mr. Speaker:

Right now our best bet will be giving Gaspard a position on the bench and bring in a replacement.

Now, they could laugh, but we in this House may not be in a position to know whether any action or any suggestion or any recommendation of that nature was taken. But it might very well be that there are other people who are not in this House, who when they hear this will be able to say “ah-ha”, somebody did approach me on that. He does not know. But then more importantly, Mr. Speaker, it goes on to say:

We could also feed our media people that Gaspard was part of the consultation at the Hall of Justice this year and he did not have a problem at the meeting. Let us try the judge position first.

So clearly, Mr. Speaker, what the email is pointing to, is an intention to place the DPP in the situation where he would be deemed to be complicit in an action which the Government could not explain. So it says:

We could...

It is not a suggestion you know:

We could also feed our media people...

Because they have media people apparently, whoever it is writing there:

That Gaspard was part of the consultation and he had no problem with it.

Cast your mind back, Mr. Speaker, to the number of times Government's spokespersons seek to blame the Director of Public Prosecutions for an action that was entirely the action of the Cabinet of Trinidad and Tobago. Cast your mind back. It has been a mantra, it has been a mantra, coming out of the Government that the Director of Public Prosecutions—as a matter of fact, the same way it has been a mantra that the Opposition must take blame for it. Now, these emails are pointing to an interpretation that we never had before, that they would not accept—even now they would not accept it.

Interestingly enough, Mr. Speaker, the “kamlabp” whatever it is, @gmail.com who received that advice from the “anand” had this to say:

Have a chat with Archie. Let them offer him the position. Archie is normally cooperative.

So they are not content, Mr. Speaker, whoever that writer is, blaming the Opposition, blaming the DPP, all that was not working.

But clearly they had a problem apparently with the DPP, and that problem could only be solved by him being removed and somebody else—as they say, bring in a replacement. I was not aware that somebody could bring in a replacement without interfering in the judicial process. It is there for record.

Then, Mr. Speaker, the thing not going away at all. The next e-mail says:

Have you dealt with the mess yet? We are getting bad press. Deal with this AG.

This is September 11. cast your mind, Mr. Speaker, cast your mind back to what was happening in the country at the time. And of course, by the next morning another email. “They have jiggere, cyah sleep.” Whoever writing these emails,

whoever they are, whoever a-n-a-n-d is, whoever Captain Griffith is.

How things looking? The media having a field day. PM—whoever that is, probably project manager—is angry. The US also on the case.

Next e-mail. And this e-mail also under the heading “Urgent.” To captaingarygriffith@hotmail.com from whoever anand@gmail.com is. It says:

Something is not right with that bitch. She knows too much. Did you find out her source? I was the only one who had this and she does not know Lewis. She does not know any QC. That I found out from her court colleague. She quoted things and asking questions to lawyers that no one knows. Did you find out anything over how things are at the DPP?

Now, in these emails there is a fixation with wanting to know what the DPP is up to. What is happening over there? And now, Mr. Speaker, the other one:

Will check with DPP and give you a report later. The reporter does have a history. She has a file. It is really touch and go.

In other words, file not really good. “She file eh really good to touch and go.”

She was in Florida at an institution in 2003, attempted suicide. Her family are PNM. Dad was in jail and recently released. Also added some stuff and sent it to facebook, they will take it from there.

So in other words, the touch-and-go file was not enough. All that he was digging up was not enough. That whoever that Captain Griffith is, was not enough, he say, “I will add some stuff.” And of course, since then we have heard the particular reporter making reference to things ascribed to her which were not true. But, now we see in an e-mail that somebody is going to set out to defame and slander her and also added some stuff. And of course, we have the corroboration of the e-mail attacking the reporter in the context of the timing of this e-mail.

Mr. Speaker, the thing still would not go away. We now dated September 19, and an e-mail goes to a new party and this party, the e-mail goes

from the said anand@gmail.com Wednesday 19, 2012 and it goes to, I do not know who this is, it goes to surujrambachan@hotmail.com—whoever that is. The title of that email is “Deal with the Problem.”

So we know that the Government has a massive problem which is not going away.

Hon. Member: Like you.

Mrs. McIntosh: “That’s right.”

Dr. K. Rowley: We have seen so far desperate frantic efforts to deal with it.

Mrs. McIntosh: “We eh goin nowhere.”

Dr. K. Rowley: It not going away. So this e-mail goes to s-u-r-u-j and so on @hotmail.com and the e-mail is as follows:

This bitch is becoming a problem to me. I am told she has copies of documents and possibly cheques. I don’t want to leave anything to chance. I want that dealt with. Find a way. I passed info to FB—that is facebook — and they would “F” her up. That’s not enough.

Do something else to slow her. PM is angry. I assured her that things will be good. I feel like I failed. Just deal with that bitch soon. If she has what I think, then we will all be implicated.

Mr. Speaker, who is this anan@gmail.com? Who is so panicked by a reporter who might have cheques and who might be in a position to implicate all of them? These are the questions I want you to ask yourself, Mr. Speaker, as Government mutterings seek to dismiss this. I ask you to look at the corroborations; ask you to cast your mind back to the state of the situation in the country and the content to what these emails are pointing to.

Mr. Speaker, next email. Same subject—*[Interruption and crosstalk]* Mr. Speaker, I would like to speak undisturbed.

Mr. Speaker: Yes! Members, could you allow the Member to speak in silence.

Continue, hon. Member.

Mr. Speaker: Next one, under the heading, “Deal with the problem”, and this one is going to some anand@gmail.com and anand@tstt.net. It is a reply from the suruj@hotmail.com and so on, and his reply is this. Remember the previous email was a panic station about the described reporter in the way she was described, who may have copies and who is in a position to implicate everybody, and that there was anger at PM—at project manager—and he had given certain assurance that things will be well and then s-u-r-u-j replies asking because he had asked that something be done. This has to be stopped and he asked: “What do you have in mind? That is, what do you have in mind to deal with the reporter?

Does she drive, walk? Do you know her movements? We should meet and discuss.” [*Government Members laugh*]

Mr. Speaker, they could laugh. They could laugh as much as they like. What this email points to is a writer who is interested in the personal movements and whereabouts of a reporter who may have information, who may be detrimental to somebody in the Government as far as I interpret it. If anybody in this country knows how countries have lost their way and they see an email of this nature and they know the fear that exists among some reporters in treating with issues in this country, they will know that this is a harbinger of terrible things.

Mr. Speaker, one does not find this in functioning democracies. This is when the Mafioso meets to discuss people who are in their way and they ask, “What do you have in mind? Does she drive? Does she walk? Do you know her movements?”

We were disturbed as a country a while ago, Mr. Speaker, when a Government Minister went on television—I think it was a press conference he had called—and pointed out to a reporter: “I know where you live and who you live with and who paying your rent.” Remember that, Mr. Speaker? I want you to take

this email in that same context, whoever the writer might be. And then, under the same heading, “Deal with the problem”, anand@gmail.com replies to suruj@hotmail.com and that this is now 10 p.m. on the night of Wednesday, September 19, and it says:

I don’t care what you do.

Hon. Member: Wow!

Dr. K. Rowley: Mr. Speaker, I want to repeat that. Panic stations, a lot at stake, we can all be implicated so says the email, the reporter may have cheques, I want you out of the way, and the writer who wrote that says:

I don’t care what you do Just deal with the problem soon. Gary has the file on her. Whatever is done, let it be done through a third party.

Mr. Speaker, Mr. Speaker, did you hear me?

Whatever is done, let it be done through a third party. This is getting out of hand. PM—whatever that is, whoever that is—is frantic and is begging me for a distraction. I don’t think anything on Hart will provide that.

Hart there is presumed is Calder Hart.

I don’t think anything on Hart will provide this distraction that PM—project manager or people mover—is asking for. I gave her assurance that things will be okay. I also advised her to get rid of Volney—Volney has not gone yet, eh—but she is weighing her options.

This is September 19 and within a matter of which day after, the following day, Volney was no longer the Minister and the Prime Minister since has been trying to convince us that Volney’s head on a platter should put section 34 to bed. According to these emails and the writer of this email, we now know where the original advice came from.

I also advised her to get rid of Volney. But, of course, she is weighing her options, and, of course, the options were executed and we know what

happened after.

Mr. Speaker, under “Deal with the problem”, the situation continues to worsen, and if I may take you back to what is happening in the country then, there was tremendous disturbance in the country in response to what was exercising the Government at the time. On September 29, the Joint Trade Union Movement (JTUM) was calling for the removal of Attorney General, Anand Ramlogan, and Justice Minister, Herbert Volney—the trade union movement in response to the Government’s problems which the Government could not and has not yet properly explained. The Joint Trade Union Movement was calling for the dismissal of two Ministers, one of whom was dismissed the day after this email was registered and, of course, the email to the concerned person were who—at anand@gmail.com coming from suruj@hotmail.com says, in the face of tens of thousands of people in the street, an Opposition threatening not to cooperate with the Government, civil society demanding accountability from the Government, the Law Association making statements that are uncomplimentary of what the Government had done, a series of independent civil bodies and business organization testing the Government of this matter.

The email from s-r-u-j and whatever else in the address, it goes on to say:

She will face opposition if she even contemplates getting rid of you. But don’t worry, we will chat tomorrow and finalize plans for that girl.

Mr. Speaker, that is the body of information that I received and it is corroborated in part, as I have pointed out, and the corroboration should be worrying and troublesome to the people of Trinidad and Tobago.

Dr. Moonilal: Mr. Speaker, I would like to ask the hon. Member—

Mr. Speaker: Yes, but both of you all cannot speak at the same time.

Dr. Moonilal: May I just enquire of the hon. Member, having read those purported emails, whether you are now prepared to circulate those emails to

Members of the House?

Mrs. Persad-Bissessar SC: I want to see it!

Dr. K. Rowley: Mr. Speaker, I have no problem in circulating it to Members, because, as I said, when I received them and I was able to interpret them and corroborated them with the developments in the country, the actions of the Government and otherwise, I saw it fit to treat it seriously, and that is why I have brought this Motion to this House. Because, after six months of this matter being known to me, I thought, Mr. Speaker, it was time that this matter be brought to the attention of the people's house.

Mr. Speaker, I do not expect the Government to embrace this—
[*Interruption*]

Dr. Gopeesingh: Fabricate it.

Dr. K. Rowley: I expect that—I am hearing from down there, I fabricated it—

Hon. Member: Not you, Sir.

Dr. K. Rowley:—or somebody fabricated it. Mr. Speaker, I just want to remind you that President Nixon, who was holding down the highest office in the world as a President, took the same position, said the same things, used the State's machinery, fought the court, in trying to convince the American population that the matter of a burglary at Watergate, [*Crosstalk*] which pointed to wrongdoing at the office of the President, [*Continuous interruption*] they did everything possible—
[*Interruption*]

Miss Mc Donald: Just now, please. Mr. Speaker, Standing Order 40(b) and (c), please.

Dr. Moonilal: I have to respond.

Mr. Speaker: Hon. Members, I sustain that particular point and I ask Members to observe Standing Order 40(b) and (c) respectively. Continue, hon. Leader of the Opposition.

Dr. K. Rowley: Mr. Speaker, I ask you and all those who would pay attention, go back and look at the Watergate situation, look at how the President reacted, look at how his advisors reacted, look at how the machinery of State—at one point, Mr. Speaker, the machinery of President Nixon sought to use the SIA against the FBI in an attempt to prove that the White House was not involved in the Watergate matter.

Fortunately for the American people, they had institutions that were able to persevere, to investigate, to pursue and to hold people accountable. For us here in Trinidad and Tobago, Mr. Speaker, our record is a sorry record. Even though we have institutions, they are either compromised or ineffective, so we are in no position to pursue with dispatch in the way the Americans pursued it with Watergate.

This sitting today in this House, Mr. Speaker, this Parliament, is what is available to the people of Trinidad and Tobago, and maybe one or two agencies outside, one of which is the Integrity Commission, and I dare say, Mr. Speaker, as I checked recently, there is no Integrity Commission in place—

Hon. Member: Hmm!

Dr. K. Rowley:—and has been so for quite some time with the changeover from one to the other of the Presidents. This matter, because of the nature of it, because of the nature, is one that requires urgent attention on the part of the State of Trinidad and Tobago, because the one thing we cannot do and move on is to take the word of the Government of Trinidad and Tobago on this matter. Because if there is one area the Government has distinguished itself—if there is one area this Government has distinguished itself since it has come into office, is its inability to speak the truth to the people of Trinidad and Tobago.

But, this matter, Mr. Speaker, with all that it portends [*Crosstalk*] require urgent attention, because it may very well be that the mandate that the Government

of Trinidad and Tobago received on May 24, with a proper examination and corroboration of these emails, would show that the Government sold its mandate for financial gain and is in the employ of persons who use the Government mandate to protect themselves from the court, both at home and abroad. It points—Mr. Speaker, this package of emails point to high crime in the office of Trinidad and Tobago. [*Crosstalk*]

We could dismiss it if we wish, join them in and giggle and dismiss it. [*Interruption*]

Dr. Moonilal: Mr. Speaker—thank you very much for giving way. It is the intention of the Government to respond on this matter as soon as you are finished. Can you please allow us to look at these emails? [*Crosstalk*] We intend to respond to you immediately after.

Mrs. Persad-Bissessar SC: We intend to respond after you have finished.

Dr. K. Rowley: Why? Mr. Speaker, we will not be—[*Continuous interruption and crosstalk*]

Mr. Speaker: All right, Members please! Hon. Leader, hon. Leader—just, I know that the Leader of the Opposition is coming to a close, to the end of his contribution. Allow him to make his contribution in silence. Continue, hon. Member.

Dr. K. Rowley: Mr. Speaker, I do not have a problem with passing the emails, but I just do not want to pass it and not be able to finish properly. How much time do I have left?

Mr. Speaker: You have exactly two minutes and seven seconds.

Dr. K. Rowley: What it is he said I have?

Miss Cox: Seven seconds.

Mr. Speaker: No, no, no, plus, please.

Dr. K. Rowley: Yes, Mr. Speaker. So, we could do one of two things. We will not be the only country that would have been threatened in this way and take it as a joke or allow the wrongdoers to prevail by telling the rest of the country, “You have nothing to worry about”, because that is what the Government has been saying to us.

I simply want to draw your attention to when the Reshmi Ramnarine matter was raised and it came to the attention of the Opposition that this Prime Minister, known to us, had appointed a telephone operator as head of the security services of this country, the country could not believe it, and when I raised the matter in objection, the Prime Minister’s reaction was to defend the indefensible, to defend her appointment. She went as far as, to accuse me of being racist, not wanting to support her because of her race, of her gender and, of course, of her age.

It took a week of outrage in this country to cause the Prime Minister whose initial reaction was to defend it—we had Government Ministers coming to the House and defending and establishing qualifications which she did not have, getting themselves humiliated and having to come back to the House after and apologize. I put all this on the record for the people of Trinidad and Tobago to understand, do not take this Government at face value. Do not believe anything they tell you.

The contents of those emails point to interest by the Proceeds of Crime Act. It points to possible violation of the FIU statute. It points to public officers who may be guilty or having questions to answer for misbehaviour in public office and that will bring the Integrity Commission into place.

So today, I end on this note. I end that having brought it here, after looking at it and waiting for six months to see what is going happen to it, I call today on the DPP to look at what was said here in this House today and protect the people of Trinidad and Tobago. And I also call on the Integrity Commission to discharge its

responsibility and oversee the conduct of public officers in Trinidad and Tobago. And insofar as there is no Integrity Commission in place, I call on the President to immediately ensure that there is an Integrity Commission in place so that these matters can be properly investigated in short order. I thank you, Mr. Speaker.

APPENDIX III

Motion of Privilege moved on 22nd May, 2013

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you very much hon. Speaker. Thank you for allowing me this opportunity to read this Motion that I bring to this honourable Chamber. In accordance with the provisions of Standing Order 27(2) I seek your leave to raise the following matter as a question of privilege.

The sitting of the House of Representatives held on Monday, May 20, 2013 and repeated in today's debate by the hon. Leader of the Opposition. The hon. Leader of the Opposition stated and I quote:

“I received a package Mr. Speaker, the contents of the package was a series of emails which someone in a position to package, thought that this country should have access to, based on what was before us, what was being said to us and what it meant for the people of Trinidad and Tobago.”

It continues.

“Mr. Speaker, when I saw the emails my first reaction was to ensure that it was not frivolous and, therefore, I did not take it to my colleagues, I did not take it to the media, I did not publicize it; I wanted to be satisfied that what this whistleblower had presented to the Office of the Opposition was information that should be taken seriously. Mr. Speaker, and when I was satisfied that that was so, I took the information to the Office of the President.”

Continuing.

“Mr. Speaker, I waited for six months. I waited for six months to see what would happen with the information that I consider to be extremely

important, because it points...to grievous wrong doing on the part of officers who had, in fact failed to answer questions to the people of Trinidad and Tobago.”

Continuing, Mr. Speaker, of the words of the Leader of the Opposition.

“With a proper examination and corroboration of these emails...which... show that the Government sold its mandate for financial gain and is in the employ of persons who use the Government mandate to protect themselves from the court both at home and abroad. It points—Mr. Speaker, this package of emails points to high crime in the office of Trinidad and Tobago. The contents of those emails point to interest by the Proceeds of Crime Act. It points to possible violation of the FIU statute. It points to public officers who may be guilty or having questions to answer for misbehaviour in public office and that will bring the Integrity Commission into place.” End of quote.

Mr. Speaker, following this statement, the Leader of the Opposition proceeded to read into the records of this honourable House, information contained in a document in his possession, that he claimed represented email communication involving the hon. Prime Minister, the hon. Attorney General and the hon. Minister of Local Government and one other person who is a stranger to this House.

Mr. Speaker, the documents upon which the Leader of the Opposition rely, alleged the existence of a web of communication, that sought to establish activities of serious criminal wrong doing on the part of those involved. At the end of his contribution, the hon. Leader of the Opposition passed a copy of the documents from which he read, via the Chair of the House to the Leader of the House. Examination of the documents revealed that they contained numerous obvious errors, inconsistencies and major discrepancies which suggest that it is a wholly sham document, created for the sole purpose of causing mischief, and to

maliciously lay false accusations against Members of the Government. It plainly suggests, Mr. Speaker, that there was a clear intention to mislead this hon. House.

I, therefore, respectfully submit, that the Leader of the Opposition committed contempt of this House on the following grounds:

- (1) the Member deliberately and willfully misled this House; and
- (2) the member recklessly abused the privilege of freedom of speech in this House, thereby bringing this House into public ridicule and odium.

In respect of the first ground, it is my considered opinion, that the Leader of the Opposition knew that the document from which he quoted was a mere fabrication, or at the least he ought to have known that it was false since this was plainly obvious from the face of the document.

On the second ground, I contend that the Leader of the Opposition recklessly abused the freedom of speech in this House, when he relied on this fictitious, false document. He proceeded to level serious allegations of serious criminal wrongdoing on the part of the hon. Prime Minister and other Ministers during his contribution in this honourable House. This wanton action on the part of the Leader of the Opposition cannot escape the scrutiny of this House, because it has the potential to spread the contagion of this belief to everything said in this honorable House.

In light of the above, I seek your leave to have this matter referred to the Committee of Privileges of this House, for its report and consideration.

I thank you, Mr. Speaker.

APPENDIX IV

Ruling by Speaker on 22nd May, 2013

Mr. Speaker: Hon. Members, it is well established that a Member making a statement during parliamentary proceedings need present no evidence as would be required in a court of law in support of his assertions. This is part of the law of Parliament, a law that we must all protect. The Chair of this House has the duty to defend and will always defend the right to free speech in this honourable House. Indeed, hon. Members, there will be no freedom of speech if everything had to be proven true before it were uttered.

However, hon. Members, I have said repeatedly to this House that the conferring of privileges and immunities on this House and its Members inevitably involves the imposition of corresponding responsibilities. I have also advised that freedom of speech is not an exemption to account to the House itself.

And so, there is before me a submission by the hon. Prime Minister that the hon. Leader of the Opposition has committed contempt of this House, for words uttered in the House on Monday, May 20, 2013 during the debate just ended, and a request that this matter be sent to the responsible committee for its investigation. I have carefully read this submission and will now rule.

Hon. Members, as you are all well aware, it is not my task to hold an enquiry into this matter. All I am required to do is consider whether these submissions of the hon. Prime Minister point to a reasonable possibility that contempt has occurred. I am of the view that a prima facie case of contempt has been made out. I do not express a concluded view on these matters. That is for your Committee of Privileges to do after a full consideration and investigation of this issue.

I so rule.

APPENDIX V

RECORD OF CORRESPONDENCE RECEIVED FROM THE LEADER OF THE OPPOSITION

NO.	DATE OF CORRESPONDENCE	FROM	Date Received	Date of Response
1.	June 7, 2013	Hon. Dr. Keith Rowley, MP/ Leader of the Opposition (Member for Diego Martin West)	June 11, 2013	June 12, 2013
2.	June 13, 2013		June 14, 2013	June 17, 2013
3.	June 21, 2013		June 21, 2013	June 26, 2013
4.	June 25, 2013		June 25, 2013	
5.	June 25, 2013		June 27, 2013	June 28, 2013

COPIES OF EACH LETTER FOLLOW:



Republic of Trinidad and Tobago
THE HONOURABLE DR. KEITH ROWLEY, MP
LEADER OF THE OPPOSITION

CLERK OF THE HOUSE
7.53 AM

7 June 2013

Ms. Nataki Atiba-Dilchan,

Secretary to the Committee of Privileges (Ag.),
Parliament of the Republic of Trinidad and Tobago,
Tower D,
The Port of Spain International Waterfront Centre,
1A Wrightson Road,
PORT OF SPAIN.

Dear Madam,

I refer to your letter dated 3rd June 2013 in which you informed me that the following matters have been referred to the Committee of Privileges at the instance of the Member for Siparia:

- i) That I "deliberately and wilfully misled the House"; and
- ii) That I "recklessly abused the privilege of Freedom of Speech in the House thereby bringing the House into public ridicule and odium."

I would appreciate if you would bring the following matters to the attention of the Committee.

First of all, the decision to refer the above matters to the Committee was taken in my absence, without notice and without giving me an opportunity to be heard, in violation of my constitutional right to be accorded natural justice.

Secondly, common fairness requires that I be provided with particulars of the matters under investigation by the Committee so that I may be able to prepare myself to cross-examine the witnesses called by the Committee in support of the charges and to prepare my defence, including identifying and ensuring the availability of any witnesses I may determine to be necessary to be called on my behalf. Such particulars must include, at a minimum, the identification of the statements I am alleged to have made which are false and which as a result caused the House to be misled, and the matters upon which the Committee relies as evidence of the abuse of privilege alleged against me. I would ask that you provide me with these particulars forthwith.

Thirdly, I note that you have not provided me with any documents or other material upon which the Committee intends to rely. If there are such documents, I would ask that you provide me with same forthwith.

Fourthly, in addition to the above, fairness requires that you provide me with either the written statements of the Committee's proposed witnesses, or a summary of the evidence they intend to give, so that I may be in a position to properly prepare my defence.

Fifthly, as the Committee must know, the matter of the authenticity of the emails which I disclosed to the House has been referred by the Member for Siparia to the Commissioner of Police for investigation and that investigation is at present in train. Reports in the newspapers also indicate that the emails were passed by His Excellency the President to the Integrity Commission for investigation. While I do not propose that the Committee delay the commencement of its investigation while the investigation being carried out by the police and that which may be carried out by the Integrity Commission are pending, it would appear to me to be only fair that the Committee should not conclude its own investigations until it has had the benefit of the results of the investigation being carried out by the Police and the Integrity Commission. It would certainly be embarrassing and would bring the Committee into disrepute if any finding it prematurely makes were to be later contradicted by the findings of the police and the Integrity Commission which, as far as I can tell, have greater investigative powers and facilities than are currently available to the Committee. It would also be contrary to the principles of common fairness if the Committee were to come to a final decision without awaiting the conclusion of these two bodies.

Sixthly, as presently constituted, the Committee is tainted by bias in the following respects:

- i) Dr. Roodal Moonilal is named as a recipient of one or other of the emails. Accordingly, he is likely to be a witness who could assist the Committee or has an interest in an outcome which would not be adverse to him. He is also recorded in Hansard as having said the following:

"So Mr. Speaker, I wanted to tell you this email here is a fabrication the way they cut and paste. My hon. friend opposite, he may know the fabricator and I want to tell him I was happy enough that I have brought for him a helmet, a pair of gloves and a goggles. *[Takes items out of bag]* This is for you as a fabricator."

- ii) During the debate in the House, Dr. Tim Gopeesingh, uttered the following:

"Mr. Speaker, these emails are nothing but flagrant or blatant fabrication designed to create mischief, unease and taint the image of this Government and this Honourable House and country, Mr. Speaker. The sad fact is that the Member for Diego Martin West and Members opposite are playing on the short-lived fascination of this disgusting, cheap and patently false conspiracy theory at the expense of our country's credibility..."

It will backfire on the Member for Diego Martin West, Mr. Speaker, and his image will continue to move precipitously down the gutter, and that is the person who is

aspiring to be Prime Minister today. To bring false and blatant fabrication designed to create mischief and unease in this country...

Imagine coming to this esteemed House, this sacred place of our democracy, where we are entrusted with the duty, the hallowed duty to speak the truth under privilege and not bringing a shred of proof for his scandalous false allegations"...

He offered no proof. The same Member for Diego Martin West, that is his history, habitual. No proof he offered, but makes wild allegations, uttering frivolous, scandalous fabrication time and time again under the cover of parliamentary privilege. That is the pattern of the Member for Diego Martin, frivolous allegations, scandalous allegations, fabrication time and time again....

That is in the DNA, total falsehood, deliberate mischief, shameful utterances from the Member for Diego Martin West from a self-styled leader...

Let us hear it outside, and I bet you he will never take it outside because he knows it is a fabrication — and when you think that decency should prevail here, the same scandalous trumped up, fiction, fairy story and cock and bull stories time and time again by the same Member...

So we know that email addresses can be fabricated, duplicated, hacked into, falsified and anything goes on the Internet. The responsibility thus falls on us, as Members of this Honourable House, to ensure that when we get information, we have evidence that can withstand the test of any probe investigations or inquiry. I dare ask the question. I am certain and positive that his production here, that he brought into this Parliament cannot withstand that inquiry and he will be found wanting. The Member will be found wanting...

Why are you trying to fool this country? Why are you trying to fool the people again and again? What is your motive? "Yuh so hungry for power to show that you are the Leader of the Opposition?" You want to be Prime Minister, but not in that method. Seek a decent way of doing things, not in a surreptitious manner...

Because he knows they are malicious fabrications. They are malicious fabrications and is a recurring malignancy of fabrications that we are experiencing in this House from the Member for Diego Martin West; Mr. Speaker, time and time again; it is becoming malignant like a cancer. A cancer of fabrications on a regular basis coming from the Member for Diego Martin West...

It is a fact that he knew that these emails are false fabrications, malignantly designed "recurringly" to destabilize the country by a desperate irrelevant and mischievous opposition. Yet, he comes here to this House, declaring that he has something so serious; portraying himself as a man who is concerned about democracy.

The Member's story is simply too ridiculous and unbelievable and I urge all right-thinking persons in Trinidad and Tobago to ask him these questions. He must not be allowed to fabricate stories like this. And this country and the population, through you, Mr. Speaker, must call upon him for his irresponsible, callous and unforgivable actions and we must say never again.... must Member of this hallowed House be allowed to make a mockery of our Parliament and all our institutions we hold sacred.

Never must he be able to make mockery of a person's life for the sake of cheap, desperate politicking...

Miss Mc Donald: Then you are saying that he is misleading this House.

Hon. Dr. T. Gopeesingh: Of course he has!

Hon. Sharma: Of course!

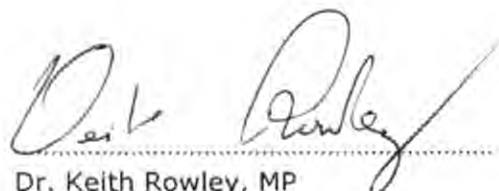
- iii) In the last exchange just quoted, Mr Chandresh Sharma is recorded as agreeing with Dr Gopeesingh that I was misleading the House.

It is quite apparent from the above that Dr. Moonilal has a personal interest in the outcome of these proceedings and is a potential witness. It is also clear that Messrs Moonilal, Gopeesingh and Sharma have already concluded that I fabricated the emails and misled the House and have accordingly irreparably pre-judged the outcome of these proceedings. They are accordingly all unfit to sit in judgment of me.

The Committee of Privileges is bound by the Constitution of the Republic of Trinidad and Tobago which is the supreme law. The Committee is therefore duty bound to observe, implement and protect the fundamental rights and freedoms guaranteed to me thereunder. Should the Committee proceed contrary to the principles I have outlined above, it would be acting outwith the constitution and its proceedings would be subject to sanction by the High Court of Trinidad and Tobago.

In closing, I ask again that you bring these matters to the attention of the Committee so that it may be guided.

Yours Respectfully,



Dr. Keith Rowley, MP
Member for Diego Martin West
Leader of the Opposition



June 12, 2013

Hon. Dr. Keith Rowley, MP
Member for Diego Martin West
Office of the Leader of the Opposition
Chloe Building
#11 Charles Street
PORT OF SPAIN

Dear Dr. Rowley,

Request to appear before the Committee of Privileges

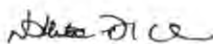
I have been directed by the Committee to invite you to appear before the Committee at its next meeting which is scheduled to take place on **Monday June 17, 2013 at 11:00 a.m.** in the Arnold Thomasos Room (East) Level 6, Tower D, Port of Spain International Waterfront Complex, 1A Wrightson Road, Port of Spain.

Consistent with practice you may be accompanied by a maximum of two advisors who need not be Attorneys at Law. Such Attorneys (or other persons) can advise you during the meeting but will not be permitted to address the Committee or question other witnesses.

The Committee is cognizant of the high level of media interest in this matter, and you are therefore kindly reminded of the provisions of Standing Order 81 of the House of Representatives which state, **"81. The proceedings of and the evidence taken before, any Select Committee, and any documents presented to, and decisions of, such a Committee shall not be published by any Member thereof or by any other person before the Committee has presented its report to the House."**

Thank You.

Respectfully,


Nataki Atiba-Dilchan
Secretary to the Committee (Ag.)



Republic of Trinidad and Tobago
THE HONOURABLE DR. KEITH ROWLEY, MP
LEADER OF THE OPPOSITION

June 13th 2013

Mrs. Nataki Atiba-Dilchan,
Secretary to the Committee of Privileges (Ag.),
Parliament of the Republic of Trinidad and Tobago,
Tower D,
The Port of Spain International Waterfront Centre,
1A Wrightson Road,
PORT OF SPAIN.

3:25 pm
JED

Dear Madam,

RE: REFERRAL TO THE COMMITTEE OF PRIVILEGES

I refer to my letter to you dated June 7th 2013 and to my attendance before the Committee on June 11th 2013 when the Chairman of the Committee informed me that I would receive a written response to my said letter 'shortly'.

I received a letter from you dated June 12th 2013 yesterday afternoon during the sitting of the House of Representatives by which I have been invited to attend before the Committee on Monday June 17th 2013 at 11:00am.

Regrettably I have to date not yet received the Committee's response to my said letter of June 7th 2013. Further I inform that I am unavailable to attend before the Committee on June 17th 2013 as suggested as I am committed to attend a medical appointment which I cannot reschedule.

I ask that you bring these matters to the attention of the Committee.

Yours Respectfully,

Dr. Keith Rowley
Member for Diego Martin West
Leader of the Opposition



June 17, 2013

Hon. Dr. Keith Rowley, MP
Leader of the Opposition
Member for Diego Martin West
Office of the Leader of the Opposition
Chloe Building
#11 Charles Street
PORT OF SPAIN

Dear Hon. Leader of the Opposition,

Re: Matters for the attention of the Committee of Privileges (Third Session 2012-2013)

The matter at caption refers.

I acknowledge receipt of your letter dated June 7, 2013, which was received by this office on June 11, 2013 at 7:53 a.m. As requested, the content of your letter was brought to the attention of the Committee of Privileges at a meeting held on June 11, 2013.

I am to advise that the Committee of Privileges has taken careful account of the concerns raised on the matters of adherence to proper parliamentary procedure and due process.

Please find detailed below the response of the Committee to the key issues that you raised:

Notice and Opportunity to be heard

1. Standing Order 27 provides for the manner in which questions of privilege can be raised in the House. The settled practice has always been (except in the case of an incident occurring during a sitting) that leave is sought by way of a letter from the Member seeking to raise the matter of privilege, so that the request contained in the letter can be considered by the Chair before the sitting.

2. The Member who raised the matter complied with this practice.

3. There is no requirement by Standing Orders or by established practice that a Member must be present in the House when a matter of privilege is raised against him. Certainly should a complaint be raised against a Member of the other House there is no requirement for him to be in attendance to hear the motion. I refer you to the matter of privilege raised by Senator the Hon. Fitzgerald Hinds in the Senate on November 28, 2012 in relation to allegations against the then Minister of National Security and Member of Parliament for Chaguanas West, Jack Austin Warner, MP to the Committee of Privileges of the Senate (2012/2013 Session). The certified Hansard Transcript of the Privilege Motion raised on November 28, 2012 is attached for your perusal.

4. Additionally, neither the Standing Orders nor established parliamentary practice in Trinidad and Tobago make provisions for the Member to respond in the House on allegations of breach of privilege. However, in

the interest of natural justice, an accused Member is given the opportunity to be heard before the Committee of Privileges by invitation to give evidence for the Committee's consideration.

5. Fairness in the process is assured by the particular Member being afforded the full opportunity before the Committee to answer the allegations and to have the benefit of legal advice should the Speaker decide that a prima facie case has been made out.

Evidence of Witnesses

6. As part of the evaluation of the matters referred to a Committee of Privileges by the House, the Committee may gather evidence from a variety of sources. It is entrenched parliamentary practice that the power to summon and examine witnesses is a power granted to the Committee of Privileges by the House.

7. Standing Order 80(11) provides that when it is intended to examine any witnesses, the Committee shall decide if and when to summon those intended witnesses. The manner of examination of witnesses before the Committee of Privileges is conducted in accordance with the procedure agreed to by the members of the Committee. This is not merely in accordance with the Standing Orders but is a settled practice that has developed over time. By decision of the majority of their members, a Committee can, however, deviate from or adapt a practice depending on their needs. In addition, evidence received by the Committee of Privileges is subject to the provisions of Standing Order 81 which prohibits premature publication of such material.

8. The Committee is therefore unable to accede to your request to be provided with either written statements of the Committee's proposed witnesses, or a summary of the evidence the witnesses intend to give, as this is not the established practice of the Committee.

Cross Examination of Witnesses

9. Parliamentary committees are not bound by the rules of evidence in court proceedings. It is well-established parliamentary convention that the power to summon and examine witnesses is a power granted to the Committee of Privileges by the House. In this regard witnesses are selected and questioned only by the members of the Committee. Although the Committee of Privilege operates in a quasi-judicial manner, there is no provision for the cross examination of any witness by the Member who is the subject of investigation by the Committee.

Provision of Documents

10. With respect to your request to be provided with documents and other material upon which the Committee of Privileges intends to rely during its deliberations on this matter, please find attached the following:

- a. Certified Hansard Transcript of the contribution made by the Member for Diego Martín West on Monday May 20, 2013;
- b. Copy of a document passed to the Leader of the House by the Leader of the Opposition on May 20, 2013 after his contribution;
- c. Certified Hansard Transcript of the Privilege Motion raised by the Member for Siparia on Wednesday May 22, 2013;
- d. Certified Hansard Transcript of the Ruling by the Speaker of the House on Wednesday May 22, 2013; and

- e. Certified Hansard Transcript of the contribution made by the Member for Diego Martín West on Wednesday May 22, 2013.

Police Investigation

11. The matter of a concurrent investigation being conducted by the police was considered by the Committee. The Committee, by a majority decision, was of the view that the Committee was independent of any other authority, such as the Police, and as such, it should continue with its work independent of any other investigation.

Recusal of Members of the Committee

12. The matter of recusal has been extensively discussed by the Committee. Several relevant authorities on established parliamentary practices in other Commonwealth jurisdictions on the matter of recusal were reviewed. The Committee noted that recusal on the grounds of conflict of interest, potential bias, or for any other reason must be done voluntarily. I have been directed to advise that no Member of the Committee of Privileges has indicated an intention to recuse himself from the deliberation of the matter referred to the Committee by the House.

Due Process

13. The established procedure has been faithfully followed in the raising and referral of this matter.

14. The Committee's business thus far has been conducted in a professional and non-partisan manner and it will continue to follow procedures that can withstand public scrutiny. As such, witnesses will be given ample opportunity to make their case and all concerns will be addressed during oral hearings. The verbatim records of its meetings will become part of the Committee's report and will be subject to the examination and scrutiny of the public and others.

15. The report of the Committee of Privileges will be comprised of recommendations for appropriate action or inaction, if necessary. It is ultimately a decision of the whole House to endorse any recommendations of the Committee.

The Committee asks that you be guided accordingly.

Thank You.

Respectfully,


Jacquie Sampson-Meiguel
Secretary to the Committee

cc. Chairman



Republic of Trinidad and Tobago
THE HONOURABLE DR. KEITH ROWLEY, MP
LEADER OF THE OPPOSITION



June 21st 2013

Ms. Jacqui Sampson Meiguel

Secretary to the Committee of Privileges
Parliament of the Republic of Trinidad and Tobago
Tower D
International Waterfront Centre
1A Wrightson Road
Port of Spain

Dear Madam,

I refer to your letter dated June 17th 2013 in reply to mine dated June 7th 2013.

Your reply is as astounding as it is extraordinary.

First of all, you have not acknowledged, far less addressed, my request for particulars of the false statements I am alleged to have made to the House and the matters upon which the Committee relies as evidence of the abuse of privilege I am alleged to have committed. Given that by the accompanying letter also dated June 17th 2013, you have informed me that the Committee will reconvene on Monday June 24th 2013 at 10 am, I assume that the Committee has decided to refuse to provide me the particulars to which I am constitutionally entitled. The result is that before the Committee's hearings begin, I will not know precisely what is being investigated. And if at the end of the Committee's case, the Committee's witnesses do not shed any light on the allegations being considered by the Committee, I will be called upon to commence my defence not knowing exactly what it is I must disprove. In the absence of a clear articulation of the matters upon which the Committee is required to pronounce, how will the Committee know whether I have committed a breach of privilege? This state of affairs is all the more remarkable given that there are lawyers who are members of the Committee, and a former trade union official, who have no doubt on countless occasions complained that their client's or member's rights have been infringed precisely because the particulars of the charges being considered against them have not been provided. It is astonishing that the Committee could rationally consider that it is permitted to proceed without complying with this elemental principle of natural justice.

Secondly, the Committee has declared that, for the reasons set out in paragraphs 6 and 7 of your letter, I will not be provided with the statements (or summaries thereof) of the witnesses the Committee intends to call as "this is not the established practice of the Committee". It must be obvious to the members of the Committee that the matters referred to in paragraphs 6 and 7 do not evidence the existence of any such practice. Has the Committee ever been asked to provide witness statements or summaries to the member charged? Has the Committee ever refused such a request? And even if there is such a practice, it must be reconsidered in the cleansing light of the Constitution.

I note that the Committee accepts that it may deviate from its practice. Why has the Committee decided not to deviate in this case? It must be obvious to members of the Committee that in the absence of particulars of the charges and in the absence of any foreknowledge of what witnesses might say, I will simply not be in a position to properly defend myself. Is it possible that the reason that the Committee has refused to give me any inkling of the case that I will be called upon to answer, and to adapt its practice accordingly, is that it is bent upon ensuring that I am hindered as much as possible in answering the charges made against me?

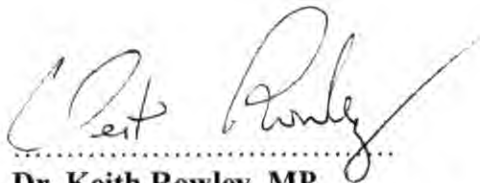
Thirdly, the Committee has decided that I will not be permitted to cross-examine any witness. How can it not be obvious to members of the Committee that this reeks of unfairness? It must be clear that no member of the Committee on the government side, and less so those who have already prejudged the issues, will be astute or interested enough to ensure that all relevant and pertinent questions are put to the witnesses. While members of the Committee who hail from the party I have the honour to lead might be expected to be more diligent in their questioning, they will not have the benefit of my instructions or the particulars of my defence (to the extent I am able to construct same in the absence of particulars) or the advice I may get from my advisors, and will accordingly not be in a position to elicit from the witnesses the information which I might consider relevant to my defence. I am crestfallen to have to make these points to my parliamentary colleagues after 50 years of independence and centuries after the abolition of the Star Chamber.

Fourthly, I note that the Committee intends to "continue with its work independent of any other investigations." With this vague statement, the committee has avoided committing itself to awaiting the completion of the police investigation into the same subject matter before completing its own deliberations. I am disappointed that the Committee is unable to give such a commitment. Let me therefore be clear and inform the Committee that I will not be in a position to commence, far less complete my defence, before the results of the police investigation are known.

Fifthly, I am again disappointed, though not surprised, that Messrs. Moonilal, Gopeesingh and Sharma have decided not to recuse themselves from participation in the Committee's deliberations. Please therefore be advised that I will call upon the Committee at its hearing on June 24th 2013 to proceed in their absence on the ground that, so long as they continue to participate, there will be a real possibility, in the mind of the fair-minded and informed observer, that the Committee could determine these proceedings fairly and impartially.

For all of these reasons, you will no doubt understand why I am unable to agree that "the Committee's business thus far has been conducted in a professional and non-partisan manner."

Your Sincerely,

A handwritten signature in black ink, appearing to read "Keith Rowley", written over a dotted line.

Dr. Keith Rowley, MP
Member for Diego Martin West
Leader of the Opposition



1 23 pm

Republic of Trinidad and Tobago
THE HONOURABLE DR. KEITH ROWLEY, MP
LEADER OF THE OPPOSITION

June 25th 2013

Ms. Jacqui Sampson Meiguel

Secretary to the Committee of Privileges
Parliament of the Republic of Trinidad and Tobago
Tower D
International Waterfront Centre
1A Wrightson Road
Port of Spain

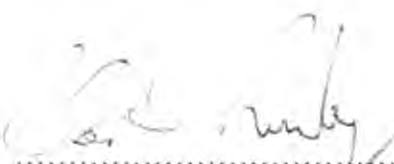
Dear Madam,

In light of developments before the Committee on Monday June 24th 2013, I think it necessary to make my position clear for the record.

I do not intend to and will not commence my defence of the charges being considered by the Committee until the Committee has called all of its witnesses and the police have concluded their investigations. I will accordingly not answer any further questions from members of the Committee on statements made by me in the House.

Otherwise, I reserve my rights, including my right to approach the High Court for relief in relation to the many breaches I have identified in previous correspondence

Your Sincerely,


.....
Dr. Keith Rowley, MP
Member for Diego Martin West
Leader of the Opposition



June 26, 2013

Hon. Dr. Keith Rowley, MP
Leader of the Opposition
Member for Diego Martin West
Office of the Leader of the Opposition
Chloe Building
#11 Charles Street
PORT OF SPAIN

Dear Hon. Leader of the Opposition,

Re: Letters to the Privileges Committee

The matter at caption refers.

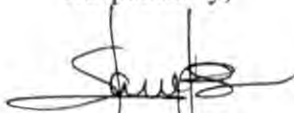
I acknowledge receipt of your letter dated June 21, 2013, which was received by this office on June 21, 2013 at 3:15 p.m. I also acknowledge receipt of your letter of June 25, 2013, which was received by this office on June 25, 2013 at 1:28 p.m.

The contents of your letters have been noted and have been brought to the attention of the Committee.

The Committee asks that you be guided accordingly.

Thank You.

Respectfully,



Jacqui Sampson-Meiguel
Secretary to the Committee

cc. Chairman



Republic of Trinidad and Tobago
THE HONOURABLE DR. KEITH ROWLEY, MP
LEADER OF THE OPPOSITION



June 25th 2013

Ms. Jacqui Sampson Meiguel

Secretary to the Committee of Privileges

Parliament of the Republic of Trinidad and Tobago

Tower D

International Waterfront Centre

1A Wrightson Road

Port of Spain

Dear Madam,

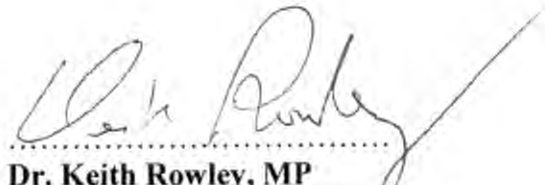
I had intended this morning to refer the Committee to the front pages of both the Daily Express and Trinidad Guardian of today's date, copies of which I attach for ease of reference.

Appearing on both front pages are pictures of the Honourable Prime Minister on the front steps of the Police Administration Building either prior or subsequent to her having participated in an interview as part of an on-going police investigation into the veracity of the emails referred to by me in my contribution in the House on May 20th 2013. It is the content of these emails which were read by me before the House which forms the basis, not yet particularised, for my having been referred to the Privileges Committee. I note therefore that the very Member of the House who has referred me to the Privileges Committee is finding it necessary to participate in the said police investigation, which is obviously not yet complete.

What however, is of grave concern to me, is that the said pictures along with the relevant reports, evidence that Dr. Moonilal, a member of the Privileges Committee, accompanied the Prime Minister to the interview with the Police. Accordingly, if true, by natural inference, Dr. Moonilal, an attorney at law, is representing the very person who is my accuser and who has the greatest interest in disproving the authenticity of the emails. By natural inference as well, Dr. Moonilal would be privy to information obtained from the Prime Minister which neither myself nor any other member of the Privileges Committee would have. This development clearly further demonstrates the unsuitability of Dr. Moonilal remaining a member of the Committee. In short, Dr. Moonilal is a judge in his own cause.

I bring these unsettling matters to the Committee's attention and ask that you confirm by 4pm on June 27th 2013 that Dr. Moonilal will not be allowed to participate in the Committee's proceedings.

Your Sincerely,



.....
Dr. Keith Rowley, MP
Member for Diego Martin West
Leader of the Opposition

Page A4 -



Page A11



52 **Guardian** Trinidad and Tobago

(2356) www.guardian.co.uk The Guardian of Democracy WEDNESDAY, JUNE 28, 2012 108 PAGES

Privacy fears

© Cambridge University Press 2003

Only COLFIRE easidrive
Erases Your Excess!

TOLL FREE 800-565-7373



Daily Express

46

www.trinidadexpress.com

Copyright Trinidad Express Newspapers Ltd

The National Newspaper of Trinidad & Tobago

No. 11,446

10 PAGES

WEDNESDAY, JUNE 28, 2012

\$2



**American sues
Justice Minister
over business deal,
claims she made
offensive remark**

By
Cheryl-Ann Moore

'WHITE TEXAS REJECT'

—Story by Mark Bessant on Page 3—

Emailgate probe



**PM hands over computers
to cops: AG, Suruj refuse**

STANDING FROM Prime Minister Fooka Persaud-Burns (center) with his attorney Keith Khan (left) and Attorney General Suruj Mehta (right) outside the Police Administrative Building in Port of Spain yesterday after the handover of computers to the police. —See stories on Page 3. —Photo: GUYANA GAZETTE

President going to see Pope

—Page 4



ENERGISING T&T



10.00 a.m. (12.00 p.m.)

1 p.m. (3.00 p.m.)

6.30 p.m. (7.00 p.m.)

10.30 a.m. (11.00 a.m.)

1 p.m. (2.00 p.m.)

6.30 p.m. (7.00 p.m.)

11.00 a.m. (12.00 p.m.)

Kamla gives up her laptop and PC

...remains mum on meeting with cops

By Renuka Singh

Story Created: Jun 25, 2013 at 10:06 PM ECT

Story Updated: Jun 26, 2013 at 11:25 AM ECT

Prime Minister Kamla Persad-Bissessar handed over a laptop and desktop computer to police investigators yesterday but remained mum on what transpired during the two-and-a-half-hour-long meeting.

She was accompanied by Housing Minister Dr Roodal Moonilal; her attorney, Israel Khan; and US-based computer expert Jon Berryhill in the meeting with Deputy Commissioner of Police Mervyn Richardson at the Police Headquarters, Sackville Street, Port of Spain.

"We had a very fruitful discussion," Persad-Bissessar said.

"As you know, this matter is an ongoing police investigation and, therefore, it would be inappropriate for me to comment on it."

Khan, who had previously been both vocal about the veracity of the e-mails and critical of the slow pace of investigations, also declined to comment on the matter.

The investigation began on May 22, two days after Opposition Leader Dr Keith Rowley released 31 e-mails purporting to be an exchange among key Government members, during a motion of no confidence in the Prime Minister in Parliament.

The e-mails allegedly implicated Persad-Bissessar, Attorney General Anand Ramlogan and Moonilal in the Section 34 conspiracy and several were also copied to Local Government Minister Suruj Rambachan and Persad-Bissessar's security adviser, Gary Griffith.

Since then, Ramlogan has made several public statements on the e-mail thread and released an opinion from an information technology team who deemed the e-mails to be fake. Khan also flew in Berryhill from California, who had spent several hours looking over the printed documents and also determined that they were fake.

Richardson subsequently referred to those parallel investigations and determinations as "sideshows", saying they did not influence his official investigation.

"The investigation continues," Persad-Bissessar said, but refused to say more.

She repeated, "It would be inappropriate to discuss this matter", to every other question posed by the media.

Griffith, accompanied by his lawyer, Robin Montano, entered the police building just before 10 a.m. yesterday and exited less than an hour later. They too refused to comment on the issue.

"I am dealing with my own issue," Griffith said, in response to questions from the media regarding his presence at the Police Headquarters.

"If I have anything to say, I'll e-mail it," he said as he left.

Ramlogan, in a telephone interview yesterday, said his legal team was responsible for dealing with the police

investigation. He said like the Prime Minister, he, too, was asked to submit the make and type of his electronic devices.

A source close to the investigation said police copied all the information off Persad-Bissessar's electronic devices for only the month of September. The source also said she has agreed to give written permission to the investigators to allow the international service provider Google to access e-mail information for the same month. The source also said legal advisers for both Ramlogan and Rambachan already spoke with investigators on their behalf.

PM delivers devices; AG, Suruj decline

Published:

Wednesday, June 26, 2013

Geisha Kowlessar

Published:

Wednesday, June 26, 2013

Prime Minister Kamla Persad-Bissessar talks with her attorney, Senior Counsel Israel Khan, left, and Housing Minister Dr Roodal Moonilal on the stairway leading to the Police Administration Building after meeting with DCP Mervyn Richardson on the "Emailgate" affair yesterday. PHOTO: KRISTIAN DE SILVA

Prime Minister Kamla Persad-Bissessar talks with her attorney, Senior Counsel Israel Khan, left, and Housing Minister Dr Roodal Moonilal on the stairway leading to the Police Administration Building after meeting with DCP Mervyn Richardson on the "Emailgate" affair yesterday. PHOTO: KRISTIAN DE SILVA

While Prime Minister Kamla Persad-Bissessar handed over her laptop and the central processing unit (CPU) of a computer to the police yesterday as part of the ongoing e-mail probe, two other Cabinet members have opted not to. Attorney General Anand Ramlogan and Minister of Local Government Dr Surujrattan Rambachan, who also went to the Police Administration Building in Port-of-Spain yesterday with their electronic devices, declined to hand them over, saying they feared a breach of their constitutional right to privacy.

Persad-Bissessar remained mum on the investigation after her interview with the investigating officers. The e-mails, which were presented in Parliament on May 20 by Opposition Leader Dr Keith Rowley, alleged efforts to undermine the judiciary, the office of the Director of Public Prosecutions (DPP) and the media. The PM and her colleagues have denied any knowledge of the e-mails and claimed they were fabricated.

Accompanied by her attorney Israel Khan, SC, Housing Minister Roodal Moonilal and US-based forensic expert Jon Berryhill, the Prime Minister arrived at 2.02 pm yesterday. Berryhill, who was hired by Khan, submitted a ten-page report which said there was no proof the e-mails were real.

The blaring sirens of the PM's security detail caused a stir on Edward Street as Persad-Bissessar got out of her car and went inside, after being greeted by Deputy Police Commissioner Mervyn Richardson and several other officers on the front steps. Her adviser, Barry Padarath, carried a cardboard box containing the laptop and CPU, which were later examined by the police. Members of the media were initially told Persad-Bissessar would arrive for 10 am, but then that her visit would be at 2 pm.

After they had waited for nearly two and a half hours in the hot sun, Persad-Bissessar addressed the media for one minute and 26 seconds. Describing the discussion as "fruitful," the Prime Minister

added: "As you know this matter is an ongoing police investigation and therefore it would be inappropriate for me to comment on it at this time. The investigation continues." Asked what items she had brought to be examined, Persad-Bissessar again refused to comment and insisted it would be inappropriate.

Pressed on whether there was anything she could tell the public, Persad-Bissessar said: "Have a great day. I am heading down to Rienzi (Complex). I have an executive meeting and we will begin screening of the candidates for Chaguanas West."

Concerns to be ironed out—lawyers

Ramlogan and Rambachan were accompanied by their attorneys, Pamela Elder, SC, and former High Court judge Larry Lalla. They arrived at the administration building at 10 am and were provided with special parking arrangements. Ramlogan and Rambachan, who walked with their electronic devices, met with Richardson and ten other officers for almost three hours. However, they left with their items.

Elder said the discussion was "frank and meaningful" but said concerns were expressed to the police about certain rights. "We expressed certain concerns of our clients' protection of constitutional rights to privacy," she said. "We also expressed concerns of confidentiality of digital evidence not being compromised by any inadvertence or any alterations which may ultimately affect the conclusion of the investigation.

"In essence, we wanted to be certain that the necessary protocols of methodology were in place for forensic examination of digital material and we left with certain issues still to be addressed." Expressing confidence that the issues would be resolved soon, Elder said Ramlogan and Rambachan were willing to co-operate with the police.



PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port of Spain International Waterfront Centre
1A Wrightson Road, Port of Spain

28th June 2013

The Honourable Dr. Keith Rowley, MP
Leader of the Opposition
11 Charles Street
Port of Spain

Dear Dr. Rowley

I refer to your letter dated June 25 2013 which was received by this office on June 27 2013 at 8:40 a.m.

The contents of your letter were considered by the Committee of Privileges at its meeting held on Friday June 28, 2013. I am instructed to advise you that it is the view of the Committee that the issue raised by you in the letter under reference has no relevance to the matter before the Committee.

You are asked to be guided accordingly.

Respectfully

Jacqui Sampson Meiguel (Mrs.)
Secretary to the Committee of Privileges

APPENDIX VI

Minutes of meetings of the Committee



PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

MINUTES OF THE FIRST MEETING OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF REPRESENTATIVES (THIRD SESSION)

**Arnold Thomasos Committee Room (East), Level 6 Tower D,
Port of Spain International Waterfront Complex
1A Wrightson Road, Port of Spain
Monday June 03, 2013 at 10:43 a.m.**

Present were:

Mr. Wade Mark	-	Chairman
Dr. Roodal Moonilal	-	Member
Mr. Chandresh Sharma	-	Member
Mr. Rodger Samuel	-	Member
Dr. Tim Gopeesingh	-	Member
Mr. Prakash Ramadhar	-	Member
Mr. Colm Imbert	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Miss Donna Cox	-	Member
Mrs. Nataki Atiba-Dilchan	-	Secretary (Ag.)
Mr. Ralph Deonarine	-	Assistant Secretary
Ms. Chantal La Roche	-	Legal Officer

INTRODUCTION

1.1 The Chairman called the meeting to order at 10:43 a.m. noting that a quorum was achieved.

1.2 The Chairman outlined to Members rules relating to the conduct of Members during Committee Meetings, highlighting the need for the Committee's business to be conducted in a professional, fair and non-partisan manner.

1.3 The Chairman also directed Members to the provisions of HOR Standing Order 81 which prohibit publication of the proceedings and evidence taken during the course of the Committee's deliberations, before the Committee has presented its Report to the House.

PROCEDURAL MATTER RAISED

2.1 Miss Cox raised a procedural matter as to whether Dr. Moonilal should recuse himself from the Committee for the duration of this matter. She pointed to the fact that an email address purported to be that of Dr. Moonilal's was among those in a document submitted by the Leader of the Opposition. This document formed part of the evidence of the matter being investigated.

2.2 Dr. Moonilal stated in response to the concern raised by Miss Cox at paragraph 2.1 above that he was not the subject of any allegation made by the Member for Diego Martin West, nor did the Member for Diego Martin West refer to him during his contribution. He stated that the item of an email address placed within an unsubstantiated document was not sufficient grounds to warrant a Member's recusal from the Committee.

2.3 A discussion ensued.

2.4 The Chairman informed Members that such a decision was not for the Chair to determine, nor was it his understanding that a Member could be coerced by either the Committee or its Members into withdrawing since recusal was a voluntary action on the part of a Member.

2.5 The Secretariat was directed to research what pertained in other Commonwealth jurisdictions on the matter of recusal from a Committee. A decision would be pursued consequent on the findings of the research.

CONSIDERATION OF MATTER REFERRED TO THE COMMITTEE

3.1 The Chairman drew reference to the matter referred to the Committee of Privileges, namely-

An allegation that the Member for Diego Martin West committed contempt of the House on the following grounds:

- i. He deliberately and willfully misled the House; and***
- ii. He recklessly abused the privilege of Freedom of Speech in the House thereby bringing the House into public ridicule and odium.***

3.2 The Chairman noted the following documents which had been circulated to Committee Members:

- i. Hansard Report of the contribution made by the Member for Diego Martin West on Monday May 20, 2013;
- ii. Copy of a document passed to the Leader of the House by the Leader of the Opposition on May 20, 2013 after his contribution;
- iii. Hansard Report of the Privilege Motion raised by the Member for Siparia on Wednesday May 22, 2013; and
- iv. Hansard Report of the Ruling by the Speaker of the House on Wednesday May 22, 2013.

3.3 The Chairman advised Members that the purpose of the meeting was to discuss procedural matters on how the Committee intended to proceed to address the matter referred to them.

3.4 The Chairman invited discussion on the way forward.

Preliminary Matters Considered by the Committee

3.5 Mr. Imbert opined that the process of proving the present allegation was threefold, namely:

- i. proving that the document presented was false;
- ii. proving that at the time of making his statements, the Leader of the Opposition knew that the document was false; and
- iii. proving that the Member for Diego Martin West intended to have the House believe the contents of the false document.

On the basis of these, Mr. Imbert asked how the Committee intended to proceed in proving the first ground, in light of an alleged ongoing police examination into the matter.

3.6 Dr. Moonilal responded by stating that the practice of the Committee was to invite persons to give evidence in order to determine the truth. He stated that from his perspective the Member for Diego Martin West should appear before the Committee to give evidence in support of his belief that the document was authentic.

3.7 The Chairman placed for discussion the two options for moving forward (i) either that the Member for Diego Martin West be requested to appear before the Committee or (ii) to await the results of the police investigation into the matter.

3.8 The Committee engaged in extensive discussions.

3.9 Mr. Sharma presented an opinion that the police investigation should be conducted independent of the work of the Committee, rendering the second option an unfavourable one.

3.10 Dr. Gopeesingh agreed with Mr. Sharma and thereafter proposed that the Member for Diego Martin West be asked to appear before the Committee, in the first instance to establish the basis on which the Member believed the document to be true. The Chairman asked Members if this was their view.

3.11 Miss Cox put forward a view that the member ought not to be called before the Committee to prove a contempt, rather that the contempt must be proven by the Committee without summoning the Member.

3.12 Mr. Imbert reiterated his question of the Committee's ability to determine a document's authenticity. He stated that there was learning in many Parliaments related to the authentication of documents. He suggested that it was necessary research how committees in other jurisdictions investigate the authenticity of a document.

3.13 Dr. Gopeesingh put forward a motion that the Committee request the attendance of the Member for Diego Martin West at its next meeting, for the purpose of receiving evidence in support of the Member's belief in the authenticity of the documents.

3.14 The Committee was divided five (5) Members in support of the motion and three (3) Members against the motion. By majority vote, the motion was decided that the Member for Diego Martin West would be invited to appear before the Committee at its next meeting.

Decisions of the Committee on the way forward

3.15 The Committee agreed as follows:

3.15.1 The charge of deliberate misleading would be addressed before the charge of recklessness.

3.15.2 The charge of deliberate misleading would be considered according the following three elements:

- a) the statement must, in fact, have been misleading;**
- b) it must be established that the Member making the statement knew or ought to have known at the time that the statement was made that it was incorrect; and**
- c) in making the statement the Member must have intended to deliberately mislead the House**

3.15.3 The Secretariat would conduct research into the following:

- i. To what extent does the involvement of a Member of a Privileges Committee in a matter referred to such a Committee warrant the Member's recusal from that Committee for the duration of the proceedings on the matter under investigation?**
- ii. What is the learning from other jurisdictions as it relates to the procedures adopted by their Committees in authenticating documents?**

3.15.4 The Member for Diego Martin West would be requested to attend the next meeting of the Committee, in relation to the allegations raised by the Member for Siparia.

3.15.5 The next meeting of the Committee would be carded for Tuesday June 11, 2013 at 10:00 a.m. At that meeting the Committee would proceed to first consider the research findings by the Secretariat and then to receive evidence from the Member for Diego Martin West.

ADJOURNMENT

4.1 The meeting was adjourned to Tuesday June 11, 2013 at 10:00 a.m.

4.2 The adjournment was taken at 12:28 p.m.

We certify that the above minutes are true and correct.

**Wade Mark
Chairman**

**N. Atiba-Dilchan
Secretary (Ag.)**

June 06, 2013



PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

**MINUTES OF THE SECOND MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES
(THIRD SESSION)**

**Arnold Thomasos Committee Room (West), Level 6 Tower D,
Port of Spain International Waterfront Complex
1A Wrightson Road, Port of Spain
Tuesday June 11, 2013 at 10:00 a.m.**

Present were:

Mr. Wade Mark	-	Chairman
Dr. Roodal Moonilal	-	Member
Mr. Chandresh Sharma	-	Member
Mr. Rodger Samuel	-	Member
Dr. Tim Gopeesingh	-	Member
Mr. Prakash Ramadhar	-	Member
Mr. Colm Imbert	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Miss Donna Cox	-	Member
Mrs. Nataki Atiba-Dilchan	-	Secretary (Ag.)
Mr. Ralph Deonarine	-	Assistant Secretary
Ms. Chantal La Roche	-	Legal Officer

INTRODUCTION

1.1 The Chairman called the meeting to order at 10:12 a.m. and thanked Members for their attendance, noting that the meeting was properly constituted.

CONFIRMATION OF MINUTES OF THE FIRST MEETING

2.1 The Chairman proceeded to go through page by page, the Minutes of the First Meeting held on Monday June 03, 2013.

2.2 On a point raised by Mr. Sharma the Committee agreed that the leave of the Chairman was not required to raise a matter and therefore the **first line** should be amended to read, **“Miss Cox raised a procedural matter as to whether Dr. Moonilal should recuse himself from the Committee for the duration of this matter.”**

2.3 Mr. Sharma also noted that at **paragraph 2.2**, the wording ought to reflect that Dr. Moonilal was responding to a matter that was put to him and the first line of this paragraph should be amended to read, **“Dr. Moonilal stated in response to the concern raised by Miss Cox at paragraph 2.1 above that he was not the subject of any allegation made by the Member for Diego Martin West, nor did the Member for Diego Martin West refer to him during his contribution.”**

2.4 There being no further corrections, the Minutes were confirmed on a Motion moved by Mr. Chandresh Sharma and seconded by Dr. Tim Gopeesingh.

MATTERS ARISING

3.1 The Chairman advised that under paragraph 3.15.3 that the research was conducted by the Secretariat and circulated to all Members electronically on June 08, 2013.

3.2 The Chairman also informed Members that under paragraph 2.15.4, by letter dated June 03, 2013 the Member for Diego Martin West was invited to appear before the Committee on Tuesday June 11, 2013 at 11:00 a.m.

3.3 The Chairman reminded Members that the work of the Committee was to be conducted in a professional and non-partisan manner and that as a quasi-judicial body

the Committee must follow procedures that would withstand public scrutiny, since the verbatim records of meetings form part of the Committee's report.

3.4 The Chairman informed Members that while media interest in the matter was high, that the provisions of HOR Standing Order 81 place a constraint on what Members could discuss before the Committee reports to the House.

CONSIDERATION OF MATTER REFERRED TO THE COMMITTEE

3.5 The Chairman drew reference to the research findings and invited Members comments.

3.6 The issue of recusal was discussed by Members at length. (see Verbatim). The Chairman noted that the research showed that neither the Committee nor the Chairman could mandate the recusal of a Member. Recusal was done at the discretion of the Member.

3.7 The Chairman raised the issue of the document that was circulated by the Member for Diego Martin West not being tabled.

3.8 Members held extensive discussions on this matter (see Verbatim).

3.9 The Chairman drew to Members attention a letter submitted by the Member for Diego Martin West received at 7:53 am earlier that morning (June 10, 2013). Mrs. Gopee-Scoon stated that she did not get time to read the letter and asked the Chairman to allow Members time to do so.

3.10 The meeting was suspended five minutes.

3.11 On resumption of the meeting, Members were advised that the Member for Diego Martin West had arrived.

3.12 It was agreed that the Secretary would prepare a draft response to Dr. Rowley's letter which would be circulated to Members for agreement prior to dispatch.

3.13 Mr. Imbert asked that Dr. Gopeesingh and Mr. Sharma recuse themselves on grounds which were raised by the Member for Diego Martin West in his letter.

3.14 Both Mr. Sharma and Dr. Gopeesingh expressed the wish to exercise their right to remain on the Committee.

- 3.15 Mr. Imbert moved a Motion that the Committee consider the engagement of a forensic document examiner, based on the experience of the case shown in the UK research. By a vote of five Members against to three Members in favour of, the motion was defeated.

PRE-HEARING DISCUSSIONS

4.1 The Chairman suggested that Members identify the line of questioning they wish to pursue and also that Members consider an order to be followed in addressing the witness.

4.2 Members thereafter identified the questions which they intended to raise (see Verbatim). Thereafter the witness was called to appear before the Committee.

EXAMINATION OF WITNESS

5.1 The Chairman welcomed the Member for Diego Martin West - Dr. Keith Rowley and his advisors. He informed them that the examination was being held in camera and as such, the work of the Committee was not to be made public until it reports to the House. The Chairman further advised that only the Member for Diego Martin West could address the Committee.

5.2 The Chairman proceeded to read the allegation against the Member and informed the Member for Diego Martin West that his presence was sought to provide clarification with regard to the matters raised in the House of Representatives on Monday May 20, 2013 and Wednesday May 22, 2013.

5.3 The Member for Diego Martin West introduced his advisors, Mr. Michael Quamina, Attorney-at-Law, and Senator Faris Al-Rawi, Attorney-at-Law.

5.4 Dr. Rowley stated that he was confused about the reason for his presence at the meeting and sought further clarification from the Chair. Dr. Rowley also enquired whether the Committee was in receipt of correspondence from him, outlining certain concerns he had with the procedures of the Committee.

5.5 The Chairman acknowledged receipt of the correspondence and advised that it was received that morning. The Chairman also indicated that the Committee did not have the opportunity to fully consider the content but assured a response to his concerns would be forthcoming.

5.6 Dr. Rowley requested that he be provided with a written response to the matters raised in his letter.

5.7 Dr. Rowley was excused from the meeting for Members to consider his position.

FURTHER DELIBERATIONS ON THE MATTER

6.1 The Committee held discussions on the best approach forward.

6.2 On the suggestion of the Chairman it was agreed Dr. Rowley's concerns would be addressed in writing and that he would be put on notice that the Committee would be soon requesting his attendance.

6.3 Dr. Rowley was re-invited to join the meeting and informed of the Committee's decision.

6.4 Members deliberated on the content of the response letter and agreed to the following main points:

- i. There is no requirement by Standing Orders or by established practice that a Member must be present in the House when a matter of privilege is raised against him;

ii. There is no obligation placed on the Committee, either by Standing Orders or by established practice that a Member who is a witness be provided with either written statements of the Committee's proposed witnesses or a summary of the evidence the witnesses intend to give;

iii. That Committees of Parliament are not bound by the rules regarding evidence in court proceedings and such as the cross examination of any witness by a Member who is the subject of a matter of privilege under investigation;

iv. That the Member for Diego Martin West would be provided with those documents which the Committee intends to rely on in its investigation of the matter;

v. That the matter of recusal is under discussion by the Committee, that the practice followed views recusal as entirely voluntary on the part of Members and thus far, no Member of the Committee has stated an intention to recuse himself/herself from the Committee for the duration of proceedings on the matter;

vi. The Committee has not finalized a list of witnesses

6.5 The Committee requested that a draft be prepared for consideration by the next day.

6.6 The Committee agreed to meet next on Monday June 17, 2013 at 10:00 am when the Member for Diego Martin West would be invited to re-appear before the Committee.

ADJOURNMENT

7.1 The meeting was adjourned to Monday June 17, 2013 at 10:00 a.m.

7.2 The adjournment was taken at 12:48 p.m.

We certify that the above minutes are true and correct.

**Wade Mark
Chairman**

**N. Atiba-Dilchan
Secretary (Ag.)**

June 14, 2013



PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

**MINUTES OF THE THIRD MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES
(THIRD SESSION)**

**Arnold Thomasos Committee Room (East), Level 6 Tower D,
Port of Spain International Waterfront Complex
1A Wrightson Road, Port of Spain
Monday June 17, 2013 at 10:33 a.m.**

Present were:

Mr. Wade Mark	-	Chairman
Dr. Roodal Moonilal	-	Member
Mr. Chandresh Sharma	-	Member
Mr. Rodger Samuel	-	Member
Dr. Tim Gopeesingh	-	Member
Mr. Prakash Ramadhar	-	Member
Mr. Colm Imbert	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Miss Donna Cox	-	Member
Mrs. Jacqui Sampson-Meiguel	-	Secretary
Mrs. Nataki Atiba-Dilchan	-	Clerk of the Senate
Mr. Ralph Deonarine	-	Assistant Secretary
Ms. Annika Fritz	-	Senior Legal Officer
Ms. Chantal La Roche	-	Legal Officer

INTRODUCTION

1.1 The meeting was called to order by the Chairman at 10:33 a.m. who welcomed Members.

CONFIRMATION OF MINUTES OF THE SECOND MEETING

2.1 The Chairman proceeded to go through the Minutes of the Second Meeting held on Tuesday June 11, 2013, page by page.

2.2 On page 2, **paragraph 2.2** should be amended to read, “On a point raised by Mr. Sharma, the Committee agreed that the leave of the Chairman was not required to raise a matter and therefore the first line should be amended to read, “**Miss Cox raised a procedural matter as to whether Dr. Moonilal should recuse himself from the Committee for the duration of this matter.**”

2.3 On page 3, **paragraph 3.10**, delete the first sentence.

2.4 There being no further corrections, the Minutes were confirmed on a Motion moved by Mr. Chandresh Sharma and seconded by Mr. Colm Imbert.

MATTERS ARISING

3.1 The Chairman stated, with reference to paragraph 6.5 on page 6 that the draft response had not yet been settled as there was no consensus and as such, the correspondence was not forwarded to the Member for Diego Martin West.

3.2 The Chairman advised that having regard to this lack of consensus, the Secretary was asked to prepare a second draft, taking into consideration all the concerns expressed. The Chairman at this time circulated this second draft for discussion by Members.

3.3 The Chairman once again explained the need for consensus among Members adding that, as Chairman, he will refrain from putting questions to a vote until all options to arrive at consensus have been exhausted including suspending proceedings of the

Committee. He explained that such power resided in the Chairman of the Committee and is grounded in Standing Orders and other established procedures.

3.4 The Committee held discussions on the draft letter prepared. There was agreement on the final form of the wording as reflected in the Appendix. The Chairman instructed the Secretary to dispatch the letter forthwith to Dr. Rowley.

3.5 The Chairman informed Members that another letter was received from Dr. Rowley shortly before the start of the meeting. This letter was read to Members by the Chairman.

3.6 A discussion ensued on the dates for the next meeting of the Committee. Dr. Moonilal proposed that the Committee next meet on Friday June 21 at 10:00am.

3.7 After ascertaining that the House of Representatives will be meeting on the afternoon Friday June 21, Mr. Imbert, Mrs. Gopee-Scoon and Ms. Cox all indicated their inability to attend the meeting that Friday morning, indicating that this was due to the unusually heavy parliamentary work schedule of the last and current week. A discussion ensued.

3.8 During this discussion, the Chairman proposed that, having regard to the circumstances of Messrs. Imbert, Cox and Gopee-Scoon, the Committee not meet on Friday (the 21st) but on the following Monday (the 24th) as well on Wednesday (the 26th). Concerns were expressed by Messrs. Moonilal, Gopeeesingh and Ramadhar on the importance of the work of the Committee of Privileges and the risks associated with delays. The Chairman concurred but stressed the requirements of due diligence and good process. He sought further to assure those Members who were concerned about potential abuse and consequential delays that he will not permit abuse of the process by any Member(s).

3.9 At the end of the discussion, the following was decided:

(a) The Member for Diego Martin West would be written to, in response to his letter of June 17, 2013, identifying the dates and times for his appearance before the Committee;

(b) The Committee would meet on the following dates - Friday June 21, 2013 at 10:00 a.m., Monday June 24, 2013 at 9:30 a.m. and Wednesday June 26, 2013 at 9:30 a.m.;

(c) Given the fact that Messrs. Imbert, Cox and Gopee-Scoon have advised the Chair in advance of their unavailability to attend Friday's meeting, in defense of the Committee's process, the Chair will not permit evidence to be taken at Friday's meeting.

ADJOURNMENT

4.1 The meeting was adjourned to Friday June 21, 2013 at 10:00 a.m.

4.2 The adjournment was taken at 11:50 am

We certify that the above minutes are true and correct.

**Wade Mark
Chairman**

J. Sampson-Meiguel Secretary

June 20, 2013



**MINUTES OF THE FOURTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES
(THIRD SESSION)**

**Arnold Thomasos Committee Room (East), Level 6 Tower D,
Port of Spain International Waterfront Complex
1A Wrightson Road, Port of Spain
Friday June 21, 2013 at 10:14 a.m.**

Present were:

Mr. Wade Mark	-	Chairman
Dr. Roodal Moonilal	-	Member
Mr. Chandresh Sharma	-	Member
Mr. Rodger Samuel	-	Member
Dr. Tim Gopeesingh	-	Member
Mr. Prakash Ramadhar	-	Member

Excused were:

Mr. Colm Imbert	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Miss Donna Cox	-	Member

Also present were:

Mrs. Jacqui Sampson-Meiguel	-	Secretary
Mr. Ralph Deonarine	-	Assistant Secretary
Ms. Annika Fritz	-	Senior Legal Officer
Ms. Chantal La Roche	-	Legal Officer

INTRODUCTION

1.1 The meeting was called to order by the Chairman at 10:14 a.m. and welcomed those present to the Fourth meeting of the Committee.

CONFIRMATION OF MINUTES OF THE THIRD MEETING

2.1 The Chairman proceeded to go through the Minutes of the Third Meeting held on Monday June 17, 2013, page by page and made the following amendments.

2.2 On page 1, at paragraph 1.1 delete the words appearing after the word “Members”.

2.3 On page 2, paragraph 3.3, in the first sentence, delete the word “defeated” and substitute the word “exhausted”.

2.4 On page 3, at paragraph 3.6, delete the word “lengthy”.

2.5 On page 3, at paragraph 3.8, in the last line, delete the words, “Member or group of Members” and substitute the word, “Member(s)”.

2.6 On page 3, at paragraph 3.9, delete the words “a lengthy” and substitute the word “the”.

2.7 The Minutes, subject to the amendments identified, were confirmed on a Motion moved by Mr. Rodger Samuel and seconded by Mr. Chandresh Sharma.

MATTERS ARISING

3.1 The Chairman referred Members to paragraph 3.9 on page 3, and advised that letters dated June 17, 2013 were dispatched on that said date to the Member for Diego Martin West and that the Secretary received confirmation that the letters were personally received by Dr. Rowley. The Chairman also informed Members that an electronic copy of the pieces of correspondence had been circulated to all Committee Members.

CONSIDERATION OF PROCEDURAL ISSUES

4.1 Dr. Moonilal referred to paragraph 3.9 (c) of the Minutes of the Third Meeting and asked whether any precedent exists where a properly constituted Committee could not advance its work due to the absence of a Member or a group of Members. Further, he voiced a concern on whether the decision at paragraph 3.9 (c) would set a precedent that may potentially undermine the work of future parliamentary committees.

4.2 Mr. Sharma agreed with Dr. Moonilal, citing that whilst the work of a parliamentary Committee is to be executed with regard to due process, every effort should be made for the work to proceed without any undue delay.

4-3 Mr. Ramadhar endorsed the views of Dr. Moonilal.

4.4 The Chairman noted the comments made by Mssrs. Moonilal and Sharma. He assured Members that the Chair will not tolerate the undermining of the work of the committee and for that reason, the concern about bad precedent was unwarranted. He reminded members that since the Committee of Privileges can recommend to the House action to be taken against Members, it was essential that it proceeds with due process even while seeking to eliminate unnecessary delay.

4.5 No further issues of procedure were raised.

4.6 The Chairman sought the Committee's guidance as to the duration of the upcoming meeting, so that the Secretariat could make the necessary preparations. Members agreed that the Secretariat should prepare for an all-day meeting.

OTHER BUSINESS

5.1 No matter of Other Business was raised.

ADJOURNMENT

4.3 The meeting was adjourned to Monday June 24, 2013 at 9:30 a.m.

4.4 The adjournment was taken at 10:40 am

We certify that the above minutes are true and correct.

**Wade Mark
Chairman**

J. Sampson-Meiguel Secretary

June 21, 2013



PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

MINUTES OF THE FIFTH MEETING OF THE COMMITTEE OF PRIVILEGES OF THE HOUSE OF REPRESENTATIVES (THIRD SESSION)

**Arnold Thomasos Committee Room (East), Level 6 Tower D,
Port of Spain International Waterfront Complex
1A Wrightson Road, Port of Spain
Monday June 24, 2013 at 9:58 a.m.**

Present were:

Mr. Wade Mark	- Chairman
Dr. Roodal Moonilal	- Member
Mr. Chandresh Sharma	- Member
Mr. Rodger Samuel	- Member
Mr. Prakash Ramadhar	- Member
Mr. Colm Imbert	- Member
Mrs. Paula Gopee-Scoon	- Member

Excused were:

Dr. Tim Gopeesingh	- Member
Miss Donna Cox	- Member

Also present were:

Mrs. Jacqui Sampson-Meiguel	- Secretary
Mr. Ralph Deonarine	- Assistant Secretary
Ms. Annika Fritz	- Senior Legal Officer
Ms. Chantal La Roche	- Legal Officer

Invitees:

Dr. Keith Rowley, MP	- Leader of the Opposition/Member for Diego Martin West <i>Witness</i>
Mr. Stuart Young	- Attorney-at-Law <i>Advisor to Dr. Rowley</i>

INTRODUCTION

- 1.1 The Chairman called the Fifth meeting of the Committee of Privileges (3rd Session, 10th Parliament) to order at 9: 58 a.m.

CONFIRMATION OF MINUTES OF THE FOURTH MEETING

- 2.1 Members examined the Minutes of the Fourth Meeting held on Friday June 21, 2013, page by page.
- 2.2 There were no corrections or omissions. The Minutes were confirmed on a Motion moved by Mr. Prakash Ramadhar and seconded by Dr. Roodal Moonilal.

MATTERS ARISING

- 3.1 The Chairman informed Members that the Secretary received further correspondence from the Member for Diego Martin West on Friday June 21, 2013 which was circulated to the Committee.
- 3.2 Members considered the contents of the letter.
- 3.3 Mr. Imbert again raised the question of “*other witnesses*” and reminded the Chair that that issue was not yet determined. The Chairman responded that the matter would be discussed following the examination of the first witness.
- 3.4 The Chairman informed Members that Dr. Rowley had arrived and sought the Committee’s leave to invite the Member to the meeting.

EXAMINATION OF WITNESS –MEMBER FOR DIEGO MARTIN WEST

- 4.1 The Chairman welcomed Dr. Rowley and his advisor. Introductions were exchanged.
- 4.2 The Chairman informed Mr. Young that only the Member for Diego Martin West was allowed to address the Committee directly and reminded all present of the provisions of Standing Order 81 of the House of Representatives which prohibited the premature disclosure of the Committee’s proceedings.

4.3 The Chairman read the allegations which were referred to the Committee for investigation and report. He sought and obtained the confirmation of Dr. Rowley's that he had received the following documents from the Secretary to the Committee:

- Hansard statement of May 20 made by the Member for Diego Martin West;
- Hansard of the Motion moved by the Member for Siparia on May 22, 2013;
- Hansard of the Chair's ruling on the privilege matter raised by the Member for Siparia on May 22, 2013.

4.4 Dr. Rowley asked that he make a statement on the receipt of the documents prior to the start of the examination. With the consent of the Chairman, Dr. Rowley made a statement (see verbatim notes pages 11-17).

4.5 Following the statement by the Member for Diego Martin West, the Chairman excused Dr. Rowley and his Advisor in order for the Committee to deliberate.

4.6 The Committee held further discussions (see verbatim pages 17-27).

4.7 The Member for Diego Martin West and his Advisor re-joined the Committee. The Chair clarified the particulars of the matter before the Committee for investigation, making reference to the Privilege Motion raised by the member for Siparia, namely:

4.8 Please see verbatim pages 27-61.

4.9 During the evidence taking process Dr. Rowley again sought a ruling from the Chair on particulars of the allegations before the Committee that have been made against him.

4.10 Dr. Rowley and his Advisor were again excused in order for the Committee to deliberate.

4.11 The Chairman informed Members that having regard to the views expressed by the witness, and after hearing the opinions of Members that he would like some time to seek further advice on the matter.

4.12 There being no objection to this proposal, the Chairman asked that the witness be excused for the day.

4.13 There was agreement. The Witness was excused for the day and asked to return on Wednesday June 26th at 10:00AM.

OTHER BUSINESS

5.1 No matter of Other Business was raised.

ADJOURNMENT

6.1 The meeting was adjourned to Wednesday June 26, 2013 at 9:30 a.m.

6.2 The adjournment was taken at 1:17 p.m.

We certify that the above minutes are true and correct.

Wade Mark
Chairman

J. Sampson-Meiguel Secretary

June 25, 2013



PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

**MINUTES OF THE SIXTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES
(THIRD SESSION)**

**Arnold Thomasos Committee Room (West), Level 6 Tower D,
Port of Spain International Waterfront Complex
1A Wrightson Road, Port of Spain
Wednesday June 26, 2013 at 9:58 a.m.**

Present were:

Mr. Wade Mark	-	Chairman
Dr. Roodal Moonilal	-	Member
Mr. Chandresh Sharma	-	Member
Mr. Rodger Samuel	-	Member
Mr. Prakash Ramadhar	-	Member
Mr. Colm Imbert	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Miss Donna Cox	-	Member

Excused was:

Dr. Tim Gopeesingh	-	Member
--------------------	---	--------

Also present were:

Mrs. Jacqui Sampson-Meiguel	-	Secretary
Mr. Ralph Deonarine	-	Assistant Secretary
Ms. Annika Fritz	-	Senior Legal Officer
Ms. Chantal La Roche	-	Legal Officer

INTRODUCTION

1.1 The Chairman called the Sixth meeting of the Committee of Privileges (3rd Session, 10th Parliament) to order at 10:27 a.m.

1.2 The Chairman informed the Committee that Dr. Tim Gopeesingh was out of the country and asked to be excused from the Meeting.

CONFIRMATION OF MINUTES OF THE FIFTH MEETING

2.1 Members examined the Minutes of the Fifth Meeting held on Monday June 24, 2013.

2.2 On page 2, at paragraph 3.1, insert after the word “2013” the words, “at 3:15 p.m.”;

2.3 On pages 2, 3 and 4, paragraphs 4.1 through 4.13, delete the words “the Member for Diego Martin West”, “the Leader of the Opposition” wherever they appear and insert the words “Dr. Rowley”.

2.4 At paragraph 4.7 on page 3, insert after the word “namely:” the following paragraph:

“that [you] read into the records of [the] honourable House, information contained in a document in [your] possession, that [you] claimed represented email communication involving the hon. Prime Minister, the hon. Attorney General and the hon. Minister of Local Government and one other person who is a stranger to this House .”

2.5 There being no further corrections or omissions, the Minutes were confirmed on a Motion moved by Mr. Chandresh Sharma and seconded by Mr. Colm Imbert.

MATTERS ARISING

3.1 The Chairman advised Members that the last two items of correspondence received from Dr. Rowley dated June 21 and 25, 2013 (see Appendix) required a response by the Committee and suggested that the Secretary dispatch an acknowledgement letter to Dr. Rowley stating that the contents of the letters are duly noted and have been brought to the attention of the Committee. Members agreed.

3.2 The Chairman also referred Members to a document entitled, “Advice and Research requested by the Committee of Privileges during its Meeting held on June 24, 2013” (see Appendix) which was prepared by the Secretariat and circulated to Members prior to the start of the Meeting. He congratulated the Secretary and her staff on their effort to satisfying the request of the Committee in such a timely manner. Mrs. Gopee-Scoon expressed similar sentiment.

3.3 The Chairman sought Members opinion on the research in order to be guided on a way forward.

3.4 Members engaged in a general discussion. The following issues formed the basis of the discussions:

- *Whether it is an essential condition precedent that the Committee establish that a misleading took place, in order to proceed with its work – Miss Cox, Mr. Imbert, Mr. Ramadhar.*
- *Where the truthfulness of statements made cannot be established, can the Committee proceed to determine whether the statements made are truthful by questioning Dr. Rowley (without the assistance of an independent examiner). – Miss Cox, Mr. Imbert.*
- *Whether the Committee should await the conclusion of the parallel police investigation (which may have a bearing on the work of the Committee). – Mr. Sharma, Dr. Moonilal, Mr. Imbert.*
- *Whether an independent investigation into the issue that a misleading has occurred is consistent with established practice. – Miss Cox, Mr. Imbert, Dr. Moonilal.*
- *Whether it is also an essential condition precedent that the Committee establish that a misleading took place, in order to find that a Member has committed reckless abuse of the privilege of freedom of speech – Mr. Ramadhar, Mrs. Gopee-Scoon, Dr. Moonilal, Mr. Samuel.*
- *The role of the Speaker in determining that a ‘prima facie’ case is determined for investigation by the Committee of Privileges – Mr. Samuel, Mr. Chairman.*

3.5 The Chairman informed Members that Dr. Rowley was on the Committee’s invitation, present and asked Members whether his presence was still required.

3.6 Members engaged in a discussion and it was decided that Dr. Rowley's presence was not at that time required and agreed that he should be informed of this and accordingly excused.

3.7 Dr. Moonilal presented an opinion that the Committee may be coming to the end of its business, based on the evidence heard received from Dr. Rowley and suggested that the Committee wind up its business and report to the House.

3.8 Mr. Imbert recalled that the issue of 'other witnesses' was yet to be discussed and asked that every person whose email address is identified in the document referred to by Dr. Rowley should be called before the Committee.

3.9 A discussion ensued.

3.10 Having regard to the time, the Chairman suggested that the Committee adjourn and resume its deliberations on another day.

3.11 Members agreed and Dr. Moonilal suggested Friday June 28, 2013 at 9:30 am. Mr. Imbert, Miss Cox and Mrs. Gopee-Scoon all voiced their disagreement stating that their schedules did not allow and requested that the meeting be heard on Monday July 01, 2013 instead. The Chairman pointed out that he had informed Members that the time was limited for the Committee to complete its mandate and that he had put members on notice of the likelihood of a meeting on Friday.

OTHER BUSINESS

4.1 No matter of Other Business was raised.

ADJOURNMENT

5.1 The meeting was adjourned to Friday June 28, 2013 at 9:30 a.m.

5.2 The adjournment was taken at 12:26 pm

We certify that the above minutes are true and correct.

**Wade Mark
Chairman**

J. Sampson-Meiguel Secretary

June 27, 2013

APPENDIX

Advice and Research requested by the Committee of Privileges during its Meeting held on June 24th, 2013

Deliberately Misleading the House

It is contempt to deliberately mislead the House or a committee, or to attempt to do so, whether by way of a statement, in evidence or in a petition. It consists of the conveying of information to the House or a committee that is inaccurate in a material particular and which the person conveying the information knew at the time was inaccurate or at least ought to have known² was inaccurate.

2. There are three elements to be established when it is alleged that a Member is in contempt by reason of a statement that the Member has made:

First: The statement must, in fact, have been misleading;

Second: It must be established that the Member making the statement knew at the time the statement was made that it was inaccurate; and

Third: In making the statement, the Member must have intended to mislead the House.³

3. Additionally, for a misleading of the House to be *deliberate*, there must be something in the nature of the incorrect statement that indicates an *intention to mislead*.

Issue 1: Is it a condition precedent that the Committee establish that a misleading has occurred in order to proceed with its work?

² A research paper dated 2009 on the meaning of the term "ought to have known" is attached for consideration

³ Parliamentary Practice in New Zealand, David Mc Gee, 3rd Ed

4. Eight (8) matters alleging the contempt of deliberately misleading the House by a Member have been referred to the Committees of Privileges of both the House of Representatives and Senate of Trinidad and Tobago. After investigation, only one (1) out of the eight (8) matters was found to be a valid case of contempt/breach of privilege.

House of Representatives

- (1) Matter involving the Member for Siparia concerning statements made during debate on the Integrity in Public Life (Amendment) Bill on April 3, 2009 – **No contempt found.**
- (2) Matter involving the Member for Caroni East concerning statements made during debate on the Emergency Ambulance Services and Emergency Medical Personnel Bill on July 17, 2009 – **Not concluded, due to prorogation.**
- (3) Matter involving the Member for San Fernando East concerning statements made during debate on the Interception of Communications Bill 2010 on November 19, 2010 – **Member found to be in contempt.**
- (4) Matter involving the Member for D’Abadie/O’Meara concerning statements made when responding to a matter raised on the adjournment concerning the government’s involvement in the Nicki Minaj concert on November 26, 2010 – **Not concluded, due to prorogation.**
- (5) Matter involving the Member for Diego Martin West concerning statements made during debate of a private motion on principles in public affairs of April 20, 2011 – **Not concluded, due to prorogation.**
- (6) Matter involving the Member for Diego Martin West concerning statements made during debate of a motion of no confidence in the Prime Minister on May 20, 2013 – *The current matter.*

Senate

- (7) Matter involving then Senator Wade Mark concerning statements made during a personal explanation on his possible infection with the Influenza AH1N1 virus on June 9, 2009 – **No contempt found.**
- (8) Matter involving then Senator Wade Mark concerning statements made during debate on the Commissions of Enquiry (Validation and Immunity from Proceedings) Bill on October 1, 2009. – **No contempt found.**

5. A careful examination of the process employed by the Committee of Privilege in each of the aforementioned matters was undertaken. In 6 of the

8 matters the Committee was able to establish that a misleading had in fact occurred. The exceptions were -

- The case of the matter involving the Member for Caroni East concerning statements made during the debate on the Emergency Ambulance Services and Emergency Medical Personnel Bill on July 17, 2009 on 'ethnic cleansing'. The Committee was provided with information that could have provided the basis for its investigation into whether a misleading had occurred. Prorogation interrupted the work of the Committee. However, the records reveal that the Committee would have likely summoned independent witnesses who were reported to have contradicted the statements made by the Member including certain Doctors as well as the Trinidad and Tobago Medical Board insofar as the Board had issued a public statement refuting the statements made by the Member.
- The current matter.

6. The other matters provide useful information on this issue.

7. In the matter concerning Member for Siparia during debate on the Integrity in Public Life (Amendment) Bill on April 3, 2009 over statements made by the Member regarding the length of time President George Maxwell Richards took to appoint the members of the Integrity Commission, the Office of the President issued two media releases which disproved the allegations made by the Member.

8. In the matter involving the Member for San Fernando East during debate on the Interception of Communications Bill 2010 on November 19, 2010, the Member made statements with respect to the source of funds for the renovation of the private home of the Member for Siparia. The Member Siparia refuted the accusations via a personal explanation and furnished documentary evidence that pointed to a clear misleading by the Member for San Fernando East.

UK Practice

9. The only example in the United Kingdom of a matter in which there was a finding of deliberate misleading of the House by a Member is the John Profumo matter of 1963 in which the Member confessed that he had in fact misled the House.

10. It therefore appears that based on practice, the establishment of a misleading is a condition precedent and an essential step in the Committee's investigation. This is also consistent with the definition and the ingredients that make up the contempt of deliberately misleading of the House.

Issue 2: Is it a condition precedent that the Committee establish that a misleading has occurred in order to find that a Member has committed reckless abuse of the privilege of Freedom of Speech?

11. The term 'reckless' is defined as being 'characterized by the creation of a substantial and unjustifiable risk of harm to others and by a conscious (and sometimes deliberate) disregard for or indifference to that risk; heedless; rash. Reckless conduct is much more than mere negligence: it is a gross deviation from what a reasonable person would do.'⁴

12. A Member of the House who has engaged in abuse of the privilege of freedom of speech must be found to have been "indifferent to the truth" in the making of the statement.

13. It is therefore submitted that the finding of a misleading is also a vital first ingredient for the establishment of contempt on the ground of *reckless* abuse of the privilege of freedom of speech.

Issue 3: In circumstances in which the truthfulness of statements made cannot be established, can the Committee proceed to question a Member to ascertain the truthfulness of statements made?

14. The examination of a Member with the aim of establishing the truthfulness of statements made by him, as a first step of deliberations by the Committee is contrary to established practice. In keeping with the three

⁴ Black's Law Dictionary, Bryan A. Garner, 7th Ed.

limbs of the establishment of the deliberate misleading of the House, the Committee must first determine whether a misleading has in fact occurred.

15. No precedent could be found for the methodology of receiving only the evidence of an accused person to determine the truthfulness of the statement made by such person. This proposed approach raises the following issues:

- ✓ Can this methodology be reconciled with the usual practice of determining the truthfulness of statements made via independent means?
- ✓ Can answers provided by the Member (short of an actual admission of misleading) be sufficient to assist the Committee in establishing the first essential ingredient of deliberate misleading of the House as described above?
- ✓ Can the Committee conclude with certainty and as a matter of fact whether statements are truthful based only upon answers obtained from the Member?

16. A Member may be questioned about why he felt justified in bringing a particular issue to the attention of the House. However, if no misleading has been established, the questions asked must be sensitive to this fact, so as not to give the impression that there is any pre-judgment or assumption that a misleading has occurred.

Issue 4: Should the Committee have embarked upon an independent investigation to establish "independent proof" that a misleading had occurred?

17. An independent investigation of whether a misleading has occurred is consistent with the established process.

18. Therefore, it will be difficult, if not impossible, for the Committee to determine the accuracy of statements made without the aid of some independent assistance from a credible or qualified source. However, an important issue to be considered is whether the Committee has the capacity

or resources (internal or otherwise) to establish the truthfulness of statements made by the Member.

19. Given the above, it appears likely, that in the current matter the issues of time and cost may have led the Committee to decide against the option of utilizing independent assistance.

Issue 5: Should the Committee await the conclusion of the Police investigation of the matter referred?

20. Advice on this issue provided by the Clerk of the Overseas Office of the United Kingdom House of Commons is instructive:

"If there is a parallel police investigation, this would certainly affect the way the Committee conducts its work. The Committee of Standards and Privileges has stated in principle that where a matter might be determined by disciplinary procedures or through the criminal law, criminal law should take precedence. The Commissioner's investigations have been slowed or even suspended to avoid the risk of prejudicing legal proceedings. The potential for prejudice arises because:

- ✓ The Committee has power to compel evidence without a caution in a way which would not be permissible for the police
- ✓ Publicity around the Committee's work could prejudice any trial; and
- ✓ Parliamentary privilege would mean material generated by the Committee or Commissioner could not be used in Court."

21. In light of this advice the Committee must consider the following scenarios:

- ✓ **Scenario 1** - The Committee decides that no breach has been committed by the Member due to an inability to ascertain a misleading of the House and subsequent to this decision the police investigation of submissions by the Member determines that no such e-mail communications occurred; or
- ✓ **Scenario 2** - The Committee decides that the Member has committed the contempt of misleading of the House and subsequent to this decision the police investigation determines that such e-mail

communications in fact occurred, thus negating the Committee's finding.

22. Each scenario represents an untenable risk for the Committee with respect to public confidence in the integrity of the process and decisions of the Committee.

23. Given the above, the decision of the Police investigation has a bearing on the work of the Committee. In the interim, the Committee could consider all its options, including ascertaining from the Police the status of the investigation, duration etc. as well as sending for any expert investigator (Police or otherwise) to assist the committee with ascertaining whether the statements made by the Member were in fact true.

Issue 6: What is the role of the Speaker in determining a 'prima facie' case for investigation by the Committee of Privileges?

24. The duty of the Speaker is to determine whether a matter raised is a *prima facie* case of privilege. In other words, the Speaker must decide whether a matter appears at first glance to merit serious consideration by the Committee of Privileges.

25. A determination of the existence of a *prima facie* case of breach of privilege is just the beginning of the process of an investigation, and the Speaker makes no determination in the matter referred.

*Committee Secretariat
June 26, 2013*



PARLIAMENT
Republic of Trinidad and Tobago

Levels G - 7, Tower D
The Port-of-Spain International Waterfront Centre
1A Wrightson Road, Port-of-Spain

**MINUTES OF THE SEVENTH MEETING OF THE COMMITTEE OF
PRIVILEGES OF THE HOUSE OF REPRESENTATIVES
(THIRD SESSION)**

Arnold Thomasos Committee Room (West), Level 6 Tower D,

Port of Spain International Waterfront Complex

1A Wrightson Road, Port of Spain

Friday June 28, 2013 at 10:26 a.m.

Present were:

Mr. Wade Mark	-	Chairman
Dr. Roodal Moonilal	-	Member
Mr. Chandresh Sharma	-	Member
Mr. Rodger Samuel	-	Member
Mr. Prakash Ramadhar	-	Member

Excused were:

Dr. Tim Gopeesingh	-	Member
Mr. Colm Imbert	-	Member
Mrs. Paula Gopee-Scoon	-	Member
Miss Donna Cox	-	Member

Also present were:

Mrs. Jacqui Sampson-Meiguel	-	Secretary
Mr. Ralph Deonarine	-	Assistant Secretary
Ms. Annika Fritz	-	Senior Legal Officer
Ms. Chantal La Roche	-	Legal Officer

INTRODUCTION

- 1.1 The Seventh meeting of the Committee of Privileges (3rd Session, 10th Parliament) was convened by the Chairman at 10:27 a.m.
- 1.2 The Chairman informed Members that Dr. Tim Gopeesingh remained out of the country and Mr. Imbert, Miss Cox and Mrs. Gopee-Scoon had previously stated their unavailability and could not attend the meeting.

CONFIRMATION OF MINUTES OF THE SIXTH MEETING

- 2.1 Members examined the Minutes of the Sixth Meeting held on Wednesday June 26, 2013.
- 2.3 There Minutes were confirmed on a Motion moved by Dr. Roodal Moonilal and seconded by Mr. Prakash Ramadhar.

MATTERS ARISING

- 3.1 The Chairman advised Members that as agreed, a letter acknowledging Dr. Rowley's previous correspondence to the Committee was dispatched by the Secretary on June 27, 2013 (Appendix I);
- 3.2 The Chairman further advised that a letter dated June 25, 2013 from Dr. Rowley was received by the Secretary on June 27, 2013 at 8:40 am. This letter was circulated electronically to Members on the date received (Appendix II).
- 3.3 Members reviewed the correspondence and agreed that a response should be sent to Dr. Rowley acknowledging receipt and stating that the Committee accordingly notes the contents of his letter.
- 3.4 Dr. Moonilal drew the Committee's attention to an inference made by Dr. Rowley in his letter that "*Dr. Moonilal, an attorney at law, is representing the very person who is my accuser and who has the greatest interest in disproving the authenticity of the emails*" stating that he did not attend the meeting as an attorney-at-law.
- 3.5 The Committee agreed that a response should be penned to Dr. Rowley by the Secretary, acknowledging receipt of his letter dated June 25, 2013 and stating that it was considered by the Members who determined that the contents were not relevant to the matter currently under consideration by the Committee.
- 3.6 Dr. Moonilal also raised a concern about comments appearing in the media reportedly made by Senator Faris Al Rawi, who had appeared alongside Dr. Rowley at an earlier

meeting, as his Advisor, and Senator Fitzgerald Hinds. Dr. Moonilal indicated that these comments cast aspersions on the integrity of the Privileges Committee of the House. Dr. Moonilal proposed that those persons should be written to reminding them of the sanctity of the Committee of Privileges as appointed by the House of Representatives, requesting that they refrain from bringing the integrity of the Committee into question, that as Members of the Senate they ought to know better and that they should conduct themselves accordingly. Members so agreed.

- 3.7 Reference was also made to comments reported in the Media and ascribed to the *People's National Movement (PNM)*. It was agreed that a similar letter be sent to the Chairman of the PNM.

CONSIDERATION OF THE MATTER REFERRED AND REPORT

4.1 Dr. Moonilal stated that the Committee found itself in an unusual place in terms of its proceedings as a result of the position stated by Dr. Rowley in his correspondence to the Committee dated June 25, 2013 that he would not answer any further questions from Members of the Committee on statements made by him in the House and that he will not commence his defence of the charges being considered until the Committee has called all of its witnesses.

4.2 Dr. Moonilal further stated that some Members including himself had several questions which they had intended to pose to Dr. Rowley, however given the position taken by Dr. Rowley that he is not and will not subject himself to the Committee's questioning, such an exercise did not seem likely.

4.3 Dr. Moonilal suggested that given Dr. Rowley's adamant position and the time constraints faced by the Committee, that the Committee submit a report to the House stating that the matter regrettably remained incomplete since several Members of the Committee were denied the opportunity to seek further clarification from Dr. Rowley for reasons stated at paragraphs 4.1 and 4.2 above.

4.4 Messrs' Ramadhar, Sharma and Samuel endorsed Dr. Moonilal's position and the Committee accordingly agreed to submit a Report to the House advising the House on the status of the work of the Committee as outlined by Dr. Moonilal. Mr. Samuel also asked that the report reflect that Dr. Rowley was afforded all of the courtesies associated with an investigation of this sort, and that at all times the Committee observed principles of fairness in accordance with established practice.

4.5 Mr. Sharma asked that the Report also note that whilst the Committee's communication to Dr. Rowley sought his presence for purposes of clarification and assistance, in his reply, Dr. Rowley stated "I do not intend to and will not commence my defence of the charges..." Members agreed.

4.6 The Chairman drew to the Committee's attention the June 25th letter from by Dr. Rowley to the Secretary indicating that he is "not prepared to commence his defence of the charges being considered by the committee until the committee has called all its witnesses and the police have concluded their investigations." There was consensus that the June 25th correspondence from Dr. Rowley should be included in the Report.

4.7 Dr. Moonilal moved that having regard to the imminent report to the House that this meeting be the Committee's final meeting on the matter under consideration. This was agreed.

4.8 As a consequence, the Chairman informed Members that the draft of the Report as agreed, will be circulated as soon as possible for Members comments and a final version for signature by the end of the day.

ABSENCE OF MEMBERS

5.1 Reference was made to the absence of Members of the Committee and the reasons advanced by some Members which included lack of transport, competing jobs, competing work schedules, insufficient remuneration and tiredness. Dr. Moonilal suggested that in the circumstance, the Opposition Chief Whip and the Leader of the House should be alerted to these matters, so that they can be more circumspect in the selection of Members to serve on the Committee of Privileges.

ADJOURNMENT

6.1 There being no further matters for discussion, the Chairman thanked Members for their support to the Committee and adjourned the meeting *sine die*.

6.2 The adjournment was taken at 11:33 am

We certify that the above minutes are true and correct.

Wade Mark

Chairman

J. Sampson-Meiguel Secretary

July 01, 2013