



The Government of the Republic of Trinidad and Tobago
Ministry of the Attorney General and Legal Affairs

CORPORATE COMMUNICATIONS DEPARTMENT

MEDIA RELEASE

The Honourable Faris Al-Rawi, MP, Attorney General and Minister of Legal Affairs responds to Senator Gerald Ramdeen’s comments during the Debate of the Miscellaneous Provisions (Trial by Judge Alone) Bill, 2017

During the debate of “*The Miscellaneous Provisions (Trial by Judge Alone) Bill, 2017*” in the Senate on Tuesday March 15, 2017, Senator Gerald Ramdeen, wilfully misrepresented to the Parliament, by referring to an unreported High Court case, that the proposed amendment to section 4(A)(6) of the *Offences against the Person Act, Chap. 11:08* was in conflict with the judgment in the case.

The purport of the Bill is to introduce the right of an accused person to **elect** a trial by a judge alone instead of a trial by a judge and jury. This mode of trial exists in several civilized jurisdictions around the world and is seen as a more efficient system than trial by jury. The Bill does **not** abolish jury trials but instead offers an alternative to jury trials to an accused person. This is the substance of the legislation that this Government has brought to the Parliament as one of many reform proposals to address the maladies of the criminal justice system, as it is recognized that in the fight against crime, the justice system must work efficiently, in order to ensure that those who commit crimes are tried and sentenced in a timely manner. The substance of the Bill is therefore contained in those sections which introduce the right of trial by jury and the conditions which must be met in order to elect this mode of trial.

In an exaggerated attempt to demean the Office of the Attorney General and the Ministry of Legal Affairs, and particularly, the work of the Chief Parliamentary Council’s Department and the Law Revision Commission, Senator Ramdeen mounted a vicious attack on matters within the Bill which are considered “consequential amendments”. These consequential amendments seek to

merely include the word “Judge” wherever a reference to the word ‘Jury’ is used in the written and published laws of Trinidad and Tobago in order to provide for situations where a trial is held by a Judge and jury or as now being proposed, by a Judge without a jury.

One such **consequential** amendment as identified by the Chief Parliamentary Council’s department, the department charged with legislative drafting, was identified at Section 4A (6) of the *Offences Against the Person Act, Chap. 11:08*.

In the **unreported** case of *Gilbert Evelyn v The Attorney General, CV 2007-04514*, which was pointed out by Senator Ramdeen, who would no doubt be well familiar with the case as he represented the said claimant in *The State v Evelyn, Gilbert H.C.60/1995 (which is also unreported)*, the Court ruled that the **words** “*until the President’s pleasure is known*” should be substituted by the words “*until the Court’s pleasure is known*”. **The remainder of the section, which relates to the verdict of a jury was not affected by this case and the proposed Bill which seeks to amend Section 4A(6) to include the verdict of a Judge, is similarly not affected by this case.** The judgment effectively changes the word “**President’s**” to “**Court’s**”.

The Government’s proposed amendments to the s4A(6) of the Offences Against the Person Act **did not deal with any part of the language of s4A(6) of the Offences Against the Person Act which was modified by the judgment relied upon by Ramdeen!**

Despite this, Senator Ramdeen sought to mislead the Parliament by alleging that the **entirety** of the proposed Section 4A(6) was unconstitutional. Senator Ramdeen unsympathetically attacked the work of the Chief Parliamentary Council’s Department who drafted the legislation based on the written laws as is currently published by the Law Revision Commission.

It is unfortunate that judgments, as those pointed out by Senator Ramdeen, which seek to amend the written laws of Trinidad and Tobago, are not immediately included in such laws. The process as it currently exists requires written laws to be read in light of such judgments until such time as the written law is revised by the Law Revision Department. It is not difficult to conceive that in the absence of the laws being revised, the Chief Parliamentary Council's department have no definitive way of ascertaining that such a judgment has been delivered and consequently impacts a published law, as occurred in this instance.

A report from the Law Revision Department on the issue raised by Senator Ramdeen was requested and is now released for public consumption in its entirety. This report clearly demonstrates the failure of the Law Revision Department and obviously exculpates the Chief Parliamentary Counsel from the attacks of Senator Ramdeen. The Chief Parliamentary Counsel is obliged to work with the published laws of the Republic of Trinidad and Tobago.

Under the UNC government, Senator Ramdeen was a very favored attorney who received multi-million dollar legal briefs. He was obviously well aware of the judgment in the said case. He operated in close proximity with the UNC and had a moral and ethical responsibility to the nation in view of his recently stated passion on this issue, to advise the UNC Government and its Attorney General Anand Ramlogan SC and its Minister of Legal Affairs Prakash Ramadhar, that these amendments to the law should have been made when the laws were updated and published in 2012 and 2014 as the case was determined in 2009.

The unwarranted attacks on the work of the Chief Parliamentary Council's department by Senator Ramdeen are nothing more than a feeble attempt to detract from the substance of the proposed legislation and the Opposition will be well-advised to exercise caution when utilising the services of such legal professionals.

This is a storm in a teacup!

END

DATED: March 16th 2017